

in the city and island of Bombay should be obliged to sell pure and undiluted raw toddy at a price not exceeding nine pies for eight drams. In Bombay city where the preventive regulations are more easily enforced these reforms worked satisfactorily, and the Revenue drawn from raw toddy which the strike had stopped represented a considerable item.

This change having been made in Bombay, a similar change was granted to the petitioning coast talukás of Thána and Kolába. Tree-foot booth licenses were ordered to be issued at ten rupees each.

Lord Reay, with the whole experience and knowledge which very full discussions with his colleagues could yield, thus sums up the results of the facilities given in favour of unfermented cheap raw toddy in Thána and Kolába. 'It is sometimes urged,' runs his Minute on Abkári, dated November 1889, 'that illicit distillation is an imaginary peril in districts where toddy trees grow, as long as a sufficient amount of raw toddy is placed at the disposal of the people. With regard to this assertion it will be as well to bear in mind, that, under the system which prevailed in Thána in 1888 and which was specially designed to favour the sale of raw toddy, 175,000 gallons 25° O.P. of illicit spirit are believed to have been passed into consumption according to one estimate and 400,000 gallons 25° O.P. according to another. The increase in quantity of raw toddy made available in Thána in 1888-89 as compared with 1886-87 was estimated at 641,539 gallons and in Kolába at 154,029 gallons. The

increase in the Salsette and Bassein talukás alone amounted on that estimate to 484,684 gallons, while in Panvel and the Alibág Bágáyat of Kolába the increase was estimated to amount to 157,939 gallons, while in the rest of the Kolába District there was a falling off.

‘It is certain that this toddy was not consumed in the raw state, and the contemporaneous fall in the revenue from licit mowra and toddy spirit is only too significant. In 1886–87 in Thána the revenue from licit consumption amounted to Rs. 6,94,540; the estimate for 1888–89 is Rs. 4,94,670; in Kolába the figures are Rs. 3,05,151 and Rs. 2,77,306. Other arguments point to the same result. The price of raw toddy used to be 6 pies per bottle at the tree foot and 8 pies per bottle in the shops. In Umbargáon and Dahánu the prices were 4 pies and 6 pies per bottle. The ordinary price in 1888–89 rose to 9 pies per bottle everywhere. The explanation of this cannot be that with a large increase of the supply of raw toddy, the demand for raw toddy increased to such an extent as to justify this increase of price. There is only one conclusion which can be drawn from these facts: that illicit distillation must have prevailed. It was partly due no doubt to the increase of the rates charged for licit country spirit resulting from enhanced competition for the contracts. But the facts also show the very great difficulties under which the Preventive Establishment labours to put down illicit manufacture of spirit, and the absolute necessity for the careful regulation of the sale of raw toddy.’

The increasing consumption of intoxicating drink in the Bombay Presidency seems greater in figures than it is in fact. Under the old farming system it was impossible to know what amount of liquor was actually consumed. The new and more exact system has only been introduced gradually. Nearly every year has seen a fresh District or part of a District brought under the central distillery system. It is therefore impossible to effectively compare the figures of one year with those of another. The increased excise revenue does not necessarily mean increased consumption, but, to some extent, better regulated and more vigilantly taxed consumption. As the preventive establishment improves in efficiency, the figures will continue to show an apparent increase in consumption by the increase of the revenue. But this increase is partly due to the growing prosperity of the people, partly to a more vigilant system of excise, and partly to a larger consumption of liquor.

The revenue from the excise on country-made liquor forms, as has been said, more than 90 per cent of the total revenue collected by the Bombay Abkári Department. The rest is contributed by licenses for the sale of imported liquor; for the sale of intoxicating drugs, other than opium, and from miscellaneous sources. Intoxicating drugs, other than opium, practically mean hemp (*gánja*) and the preparations made from it, such as *bháng* and *charas*. The greater part of the revenue derived from the sale of these drugs is collected in Sind, where the Muhammadan population, being debarred by their religion from liquor,

use narcotic drugs instead. Of the total contributed under this head in 1889-90 more than one-half came from Sind¹.

The revenue from opium is an imperial head of taxation, and does not come within the purview of a volume on a provincial administration. The large opium revenue collected in Bombay is collected for the Supreme Government of India. The cultivation of the poppy is forbidden throughout the Presidency, and by special treaties and conventions in all the smaller Native States. The Bombay opium revenue, amounting in 1889-90 to over 189 lakhs of rupees, is derived from pass fees at the rate of Rs. 650 per chest on Baroda and Málwá opium brought into Bombay for export to China and other countries. For actual consumption in the Presidency a certain quantity is bought by the Bombay Government in the market, and issued from Government depôts to licensed retail vendors.

Salt became a permanent source of the Bombay excise revenue in 1838, when an excise duty of eight anas per maund took the place of town and transit duties² in the Bombay Presidency. In 1869 it amounted to one rupee 13 anas per maund, levied either as an excise or an import duty. It was raised to two rupees eight anas per maund in 1877 and reduced to two rupees in 1882. The Bombay Salt Department was reorganised in 1872, and by the Salt Act of 1873 the manufacture, storage, and sale of salt was brought

¹ *Bombay Administration Report for 1889-90*, Appendix V. C(3).

² *Ibid.*, 1882-83, p. 242.

under complete Government control. The policy of Mr. Pritchard, as head of the Salt Department, was to close small private works (whose turn-out was less than 5000 maunds of salt a year) owing to the disproportionate expense of their supervision, and to concentrate the manufacture in large works.

The Bombay salt-works are of two kinds. The most important from brine-wells are at Khárághoda and Udu on the Rann of Cutch, where there are respectively 235 and 250 salt-pans, which can turn out over 76 million maunds of salt a year. The other class are sea-salt works—chiefly in Kolába and Thána Districts on the coast. The sea-salt varies much in colour, weight, size, and compactness of grain, while the Cutch salt, which is made in brine-wells, is more uniform. There are also large salt-works at Maurypur-Moach in Sind for the supply of that province. With a view to preventing smuggling, the British Government has bought up the sources of salt in Jodhpur and other Native States.

It was of even more importance for the Bombay salt revenue to get control of the manufacture of salt in the Portuguese sea-coast territories of Goa, Daman and Diu. This was secured by the Portuguese Treaty of 1878, which came into operation on January 15, 1880. By its provisions the manufacture of salt in Portuguese India was handed over to the British Government in return for an annual payment of four lakhs of rupees, and an allowance of fourteen pounds of salt per head

yearly, at a low rate of purchase, for every Portuguese subject within Portuguese boundaries.

During the five years under review (1885-1890), the most important measure affecting the Salt Department was the increase of the duty from 2 rupees to 2 rupees 8 anas a pound, which came into force in January, 1888. This increase was much to be regretted, but the financial exigencies of the Government of India necessitated the step. The revenue from salt is imperial, and rose from 146 lakhs in 1884-85 to nearly 207 lakhs in 1889-90. The careful overhauling of the working staff of every branch of the Provincial administration, rendered necessary by the requirements of the Supreme Government, effected a saving in the expenses of the Bombay Salt Department of Rs. 31,848 a year. The Bombay Salt Act of 1890 contains stringent provisions against illicit manufacture of salt—provisions carefully elaborated by the Bombay Government during the period under review. In addition to excise, opium, and salt, two other smaller sources of revenue require notice—the Customs and the Assessed Taxes.

The Customs duties have, in accordance with the fiscal policy of England, been so greatly reduced and simplified that the function of the Customs establishment is now mainly to protect the excise and to register trade. The Bombay revenue from this source did, however, increase from 19 lakhs of rupees to 31 lakhs during the five years under review, of which increase 4 lakhs was due to fresh taxation. This revenue was almost entirely derived from duties on imports, and chiefly on imported liquors. In 1889-90, out of 31

lakhs raised by customs duties, more than 28 lakhs was derived from imports. Of the 28 lakhs more than 24 was levied on imported liquors (as against about 15 lakhs in 1884-85), and Rs. 61,462 on arms, ammunition, &c. A new import duty imposed during Lord Reay's administration was levied on petroleum and mineral oils. It came into force in February, 1888, and in 1889-90 produced more than 4 lakhs of rupees. The only export duty is on rice, which brought in Rs. 3,25,087 in 1889-90.

Under the heading of Assessed Taxes a considerable increase from 12½ lakhs of rupees in 1884-85 to more than 33½ lakhs in 1889-90 is to be observed. The increase was caused by the supersession of the former License Tax by the new Income Tax in 1886. This measure, it had been expected, would meet with much opposition, like the former Income Tax, but as a matter of fact it was introduced into the Bombay Presidency without any difficulty. Though not a proportionate income tax in the modern sense, it was roughly graduated. Incomes under Rs. 500 were exempt; incomes over Rs. 500 and under Rs. 2000 paid 4 pies in the rupee, and those over Rs. 2000 paid 5 pies in the rupee. Salaries, both official and non-official, earnings of professions, companies and securities were alike subjected to taxation. The tax on official salaries and on Government securities is deducted before payment.

As might have been expected, more than half the total amount realised was collected in the city of Bombay, where the wealth of the Presidency is largely

accumulated. In the Administration Report for 1886-87, the year after the first collection of the tax, some very interesting details as to its incidence and distribution outside Bombay are given¹. In the Mofussil or rural districts it appeared that the average amount levied from each income assessed was 23 rupees, 1 ana, and that only one person was assessed in every 310 of the population. The incidence of the tax on the population at large was 1 ana, 2·27 pies. Looking at the tax-payers alone, the incidence (outside Bombay city) was highest in Aden and Karáchi, and next in commercial districts like Khándesh, Broach, Sholápur, Poona, and Ahmadábád: and lowest in Thar and Pákar, the Panch Maháls, and Ratnágiri. The smallest number of incomes assessed was in Ratnágiri, and next in order in Thána, Kárwár and Sátára, while the largest number was in Ahmadábád and next in Surat. The number of incomes between Rs. 500 and Rs. 750 amounted to a little over 50 per cent of the entire number brought on the roll. The assessments on money-lenders formed nearly 33 per cent of the Mofussil assessments, and the only other occupations largely represented were 'general' merchants, piece-goods and grain merchants and village shopkeepers. Outside Bombay city the salaries taxed were found chiefly in Dhárwár, on account of the railway offices there, in Karáchi, Poona, Aden and Ahmadábád. Under the head 'Companies,' there were few Mofussil assessments except in Karáchi, Ahmadábád and Broach.

¹ P. 174.

In 1889-90 the incidence of the Income Tax on the persons assessed was returned at Rs. 75 in Bombay city, Rs. 47 in Aden, Rs. 26 in the Central Division, Rs. 25 in the Northern Division, Rs. 22 in Sind, and Rs. 21 in the Southern Division. The only falling off from the collection made in 1888-89 is in the Northern Division, and it is said to be caused by the loss experienced by the people of Surat owing to the great fire in that city in April, 1889.

Two other sources of revenue must receive a short mention here. One of these, Stamps, is important to the Treasury, because it returns a larger income than either Customs or Income Tax, while it is cheaply and easily levied. It is also regarded as an index to commercial prosperity, as it gives evidence of the amount of business done. The other, Registration, is of the greatest economic importance, and its contribution to the revenue is merely incidental to its general usefulness.

The Bombay revenue from Stamps rose considerably during the years under review, from 44 lakhs of rupees in 1885-86 to 52 lakhs in 1889-90. Commercial and general stamps, which afford evidence of commercial activity, including inland revenue stamps, foreign bill stamps, share transfer stamps and bills of exchange, afforded a revenue of nearly 24 lakhs of rupees in 1889-90 as against 13 lakhs in 1884-85; while court-fee stamps, including probate, showed a decline from 31 lakhs in 1884-85 to 28 lakhs in 1889-90.

The revenue derived from Registration is of secondary importance, and it is difficult to know in

what chapter to mention it. Yet I should be reluctant to pass over in silence a system which many a European State might envy. By the Bombay Regulation IX of 1827 a register of deeds was established in every district of the Presidency in order to preserve copies not only of title-deeds to property, but also of other important documents. By this Act fees were levied varying from 2 to 5 rupees for the registration of deeds, according to their length, and these fees were the perquisite of the Superintendent of Registers, who was generally the assistant judge. On January 1, 1865, however, a change was made, and a regular Registration Department was formed under the control of a Registrar-General, a title altered to Inspector-General of Registration in 1871. This step was followed by the establishment of an 'ad valorem' fee for registration in addition to the copying fee. Many classes of deeds may be registered under this admirable system, wills, certificates of sale, adoptions, certificates of value, legal documents, translations, &c. The work is carried out by about 26 Head-Registry and 219 Sub-Registry offices, under the supervision of an Inspector-General, a Branch Inspector-General for Sind and five Inspectors. There is also an additional Registrar of Joint-Stock Companies.

Although the collection of revenue is quite a secondary object of the Bombay Registration Department, it is not the less satisfactory to note that owing to the great and rapid increase of work done and consequent fees, and to economical management, it now returns a handsome surplus. Like the stamp

revenue, the increase of registration is a sure sign of commercial prosperity.

During the year 1884-85, the number of deeds registered in the Bombay Presidency amounted to 106,976, the largest number up till then recorded; in 1889-90 the number had risen to 154,326, an increase of nearly 50 per cent. The augmentation of income is still more striking: for whereas the Bombay Registration Department only showed a profit of Rs. 76,620 in 1884-85, rather more than 2 lakhs of rupees were divided between the Imperial and Provincial Treasury as the profits of Registration in 1889-90. This was not entirely due to the increase of work done, as Lord Reay made various reductions in the establishment in 1887, of which the most notable were the amalgamation of the Inspectorship-General of Registration and Stamps with the Inspectorship-General of Prisons, and the abolition of one of the Inspectorships. The increase in the number of Joint-Stock Companies also deserves to be mentioned. In 1885-86 there were 188 companies with a nominal capital of Rs. 11,30,36,430 of which Rs. 8,79,53,222 was paid up, on the Registrar of Joint-Stock Companies' books. In 1889-90 there were 219 companies with a nominal capital of Rs. 13,59,89,930, of which Rs. 10,19,64,356 was paid up.

In this chapter I have endeavoured to give a view of the general taxation of an Indian province (apart from the land-revenue and municipal imposts), and of how it was affected during the period under review from 1885 to 1890. To sum up the most important fiscal

changes carried out during Lord Reay's administration. He was responsible for none of the three great alterations made by the Government of India, the raising of the Salt Tax, the imposition of the Income Tax, or the passing of the Import Duty on Petroleum. I have therefore touched but lightly on these points. But the Abkari policy was a purely provincial question, in which the Supreme Government did not interfere. Lord Reay's Excise policy, like his Forest reforms, was keenly canvassed, and brought his name prominently before the English public. It caused him deep anxiety, but he had the satisfaction of knowing that he had not shrunk from attacking one of the most difficult and delicate problems with which an Indian Governor can be called upon to deal. He found a violent agitation going on against the excise system. He quieted that agitation, keeping steadily in view the guiding principles of raising the maximum of revenue from the minimum of consumption, the discouragement of undue competition, and the limitation of the number of retail liquor shops to the actual needs of the population.

CHAPTER XII.

PROTECTION OF PERSON AND PROPERTY : JUSTICE, POLICE, JAILS.

THE administration of justice throughout the Regulation Districts of the Bombay Presidency is, under the Letters Patent of 1865, entrusted to the Bombay High Court of Judicature, sitting at Bombay. All the districts of the Presidency proper, excluding Sind, are now Regulation Districts, the last Scheduled or Non-regulation District, the Panch Maháls, having been made Regulation in 1885¹, the first of the five years under review. Sind is still a Non-regulation Province, although the law is practically administered in the same way as in the Presidency proper, and the Court of the Judicial Commissioner in Sind takes the place of the High Court at Bombay.

The Bombay High Court of Judicature consists of a Chief Justice and six Puisne Judges. The Chief Justice is appointed in England, and is an English lawyer of repute; the six puisne judges are selected partly from the Covenanted Bombay Civil Service and partly from practising barristers of a certain standing. The Chief Justice throughout Lord Reay's tenure

¹ *Bombay Administration Report for 1885-86*, p. 56.

of office was Sir Charles Sargent, a highly experienced judge, who had been the last Chief Justice of the Ionian Islands during the English occupation, and who, after serving on the Bombay bench for many years, succeeded Sir Michael Westropp as Chief Justice in 1882. One of the noteworthy appointments made to the puisne judgeships during Lord Reay's tenure of office was that of Mr. Kashinath Trimbak Telang, C.I.E., a Hindu advocate of approved learning in jurisprudence and eminent in the practice of the law. Lord Reay had throughout the five years the aid of an accomplished lawyer as a Member of his Council, as both Sir Maxwell Melvill and Sir Raymond West were former judges of the Bombay High Court.

The Bombay High Court has both ordinary and extraordinary civil and criminal jurisdiction, and exercises original and appellate functions¹. It also supervises the administration of justice by the different Civil and Criminal Courts of the Regulation Districts. Ordinary original jurisdiction is exercised in matters, both civil and criminal, which arise within the limits of the town and island of Bombay. In virtue of its extraordinary jurisdiction the High Court may in civil cases remove and itself try any suit brought in any Court under its superintendence, and may in criminal cases exercise jurisdiction over all persons residing within the jurisdiction of any Court subject to the superintendence of the High Court. The most important functions of the Bombay High Court are,

¹ The following paragraphs are condensed from the *Bombay Administration Report for 1882-83*, p. 21 et seq.

however, those which it exercises as a Court of Appeal. In civil matters it entertains appeals (1) from the judgment of one Judge of the High Court, or from the judgment of any Division Bench of the High Court, the members of which are equally divided in opinion and do not amount in number to a majority of the High Court, and (2) from the decisions, except in cases where no appeal lies, of all Civil Courts under its superintendence.

In criminal matters it is, subject to the limitation just mentioned, a Court of Appeal from the decisions of all Sessions Courts. It is also a Court of Reference and Revision in criminal cases, and all capital sentences passed within the limits of its appellate jurisdiction have to come before it for confirmation. It further exercises the functions of an Insolvent Court, and possesses the civil and criminal jurisdiction of an Admiralty and Vice-Admiralty Court in prize causes and other maritime questions arising within its jurisdiction. It has also been invested with testamentary jurisdiction, and has matrimonial jurisdiction over Christians. One of its judges officiates as Judge of the Pársi Matrimonial Court. Matrimonial decrees by District Courts require confirmation by the High Court. In the province of Sind, the Court of the Judicial Commissioner, called the Sind Sadar Court, occupies, in matters of appeal and revision, the position of the High Court; but his decrees in matrimonial cases require confirmation by the High Court of Bombay. The District Judges in Sind have no matrimonial jurisdiction.

Under the superintendence of the Bombay High Court and the Sind Sadar Court, the administration of justice is carried out by the rural or local judges. In civil matters these officers are divided into four grades, District and Assistant-District Judges, and First Class and Second Class Subordinate Judges. A Second Class Subordinate Judge has original jurisdiction in suits of less than Rs. 5000 in amount or value, and a First Class Subordinate Judge in all civil cases, except suits in which Government, or any officer of Government in his official capacity, is defendant. An Assistant District Judge may try such original suits of less than Rs. 10,000 in amount or value as the District Judge refers to him. The officer who presides over the principal Court of original civil jurisdiction in each district is the District Judge. He exercises a general control over all Courts within his charge, and refers to the Assistant Judge such suits as he deems proper. He also arranges for the guardianship of the persons and the management of the property of minors and lunatics, and hears and decides a variety of petitions regarding certificates of heirship, certificates to collect debts due to deceased persons, suits for winding up partnership under the Indian Contract Act, and applications of many kinds. The District Judges of Poona and Surat are in addition Judges of the Pársi Matrimonial Courts in those towns, and the former, as Agent for Sardárs in the Deccan, decides under a Regulation of 1827 cases in which members of the local nobility are interested. In some districts there is employed also an Assistant Judge 'with full

powers,' who has all the jurisdiction of a District Judge in civil judicial matters and nearly all the administrative powers.

The power of appeal in civil causes is carefully regulated. In cases not exceeding Rs. 5000 in value or amount, an appeal lies on both matter of fact and of law to the District Judge from the decrees of a Subordinate or Assistant Judge. From the decision of a District Judge in appeal, a special appeal on points of law only lies to the High Court. An appeal from the decrees of a Subordinate or Assistant Judge in cases exceeding Rs. 5000 in value, and of a District Judge in all original suits, lies to the High Court. From the decisions of the High Court a further appeal lies to Her Majesty in Council, when property in dispute is of the amount or value of Rs. 10,000 or upwards, and such an appeal may also be allowed in other cases of special importance or involving grave questions of law.

Turning to criminal jurisdiction, the highest district tribunals are known as Courts of Session. These are presided over by three grades of officers, the Sessions Judge who is the District Judge in civil matters, the Joint Sessions Judge who is an Assistant Judge 'with full powers,' and the Assistant Sessions Judge who is an ordinary Assistant Judge. The Sessions Judge is empowered to try any offence, and to pass upon any offender any sentence authorized by law, subject in the case of a capital sentence to confirmation by the High Court. The Joint Sessions Judge can only try cases which by general orders of Government he is em-

powered to try, or which are made over to him by the Sessions Judge, but he has equal powers on the bench with the latter. The Assistant Sessions Judge can only try such cases as are referred to him by the Sessions Judge; sentences of imprisonment for more than three years passed by him require confirmation by the Sessions Judge, and in no case can he pass sentences of imprisonment or transportation for more than seven years.

The High Court and the Courts of Session are the superior criminal courts, but ordinary criminal work is disposed of chiefly by the executive district officers, who, in addition to their revenue duties, are invested with magisterial powers. They are divided for this purpose into three grades. Magistrates of the Third Class can inflict imprisonment not exceeding one month and fines not exceeding fifty rupees; Magistrates of the Second Class can inflict imprisonment not exceeding six months and fines not exceeding two hundred rupees; and Magistrates of the First Class can inflict imprisonment not exceeding two years and fines not exceeding one thousand rupees. Magistrates of the First and Second Class may also pass sentences of whipping. In each district the Collector or chief revenue officer, under the title of the Magistrate of the District, has special powers of controlling magistrates of all classes within the limits of his executive charge, and an appeal lies to him from the sentences of any Magistrate of the Second or Third Class within his district. First and Second Class Magistrates may, under the title of Sub-Divisional Magis-

trates, exercise, when so empowered, many of the functions of the Magistrate of the District within the sub-division placed under their charge.

As compared with the administration of justice in some other parts of India, a characteristic feature of the Bombay system is its more complete separation of the persons by whom the executive and the higher judicial functions are exercised. After a preliminary training in revenue and executive work, covenanted civilians elect to remain in the revenue or to enter the judicial branch of the service, and they do not afterwards pass from the one to the other. The grade of Assistant Judge provides a training for the office of District and Sessions Judge¹. This is giving rise to a curious anomaly. The ablest members of the Covenanted Civil Service usually prefer the executive branch, and a difficulty is occasionally found in manning the judicial branch, while the most able and accomplished natives, who delight in legal subtleties, apply themselves to that line. There is therefore a possible danger of appeals lying from learned subordinate judges to comparatively inexperienced covenanted civilians superior to them in the judicial hierarchy.

In addition to these ordinary courts, Small Cause Courts, invested with summary powers for the recovery of small debts and demands, have been established in the city of Bombay and in the six large towns of Ahmadábád, Broach, Karáchi, Nadiád, Poona, and Surat. The Judges of the six Mofussil Small Cause

¹ *Bombay Administration Report for 1882-83*, p. 23.—Standing information.

Courts have jurisdiction in money suits, within these towns, up to Rs. 500 in value, and their decisions are final, save in so far as they are subject in reference to points of law to the High Court, or to the supervision of the High Court in its extraordinary jurisdiction. The Presidency Small Cause Court has cognisance in suits not exceeding Rs. 2000 in value, arising within the island of Bombay. Mention must also be made of the Cantonment Magistrates, exercising jurisdiction in civil matters up to Rs. 200 within their cantonments.

The Bombay Judicial Service, whose grades and functions I have just described, forms a very numerous body. In the City of Bombay, there are the High Court, with its original jurisdiction, the Small Cause Courts and three Presidency Magistrates. In the Regulation Provinces, or the Presidency proper, there are thirteen District Judges, one Joint Judge, and two Assistant Judges 'with full powers.' In their capacity as criminal judges these form the sixteen Sessions and Joint Sessions Judges, and there are also three ordinary Assistant Judges who are Assistant Sessions Judges. For original criminal work there are 18 District Magistrates, 122 Magistrates of the First Class, 192 of the Second Class, and 221 of the Third Class. For the lesser civil work there are the Small Cause Courts, three Cantonment Magistrates with powers of a Small Cause Court Judge, 14 First Class Subordinate Judges, and 86 Second Class Subordinate Judges.

In Sind there are, besides the Sadar Court, four District Judges, including the Deputy Commissioner of Thar and Parkar, who in their criminal capacity

form three Sessions Judges and one Assistant Sessions Judge. For original criminal work there are in Sind five District Magistrates, 24 Magistrates of the First Class, 59 of the Second Class, and 57 of the Third Class. For civil work in Sind there are one Small Cause Court, one Cantonment Magistrate, and 13 Subordinate Judges with seven Mukhtiyárkars, seven Head Munshis, and one Deputy Collector in Thar and Párkar possessing powers to try civil suits.

These judges and magistrates were all stipendiary. There were also during the year 1889-90 in the Presidency proper 84 Special or Honorary Magistrates, but none in Sind, and of these 84 Honorary Magistrates, 48 formed eight Benches of Magistrates. In that year six of the members of High Court were Europeans, and one was a Hindu, Mr. Kashinath Trimbak Telang. Of the Sessions, Joint Sessions, and Assistant Sessions Judges only five were natives. Of the 122 Magistrates of the First Class 79 were Europeans: while of the 413 Second and Third Class Magistrates, all were natives except seven and five Europeans respectively¹.

The law administered by these numerous judicial authorities is that of the Indian codes. Of 180,962 persons brought under trial in 1889-90, 72,566 were convicted. Many of the cases, however, were merely breaches of the Forest Act, the Abkári Act, the Municipal Acts, and other petty offences. For real crime it is necessary to consult the analysis of offences returned as true. These numbered 112,018 in 1889-90,

¹ *Bombay Administration Report for 1889-90*, pp. 49, 50-55.

of which the largest classes were 24,015 of hurt and 11,249 of theft. The offences affecting human life returned as true amounted to 420, and 273 cases of murder were brought to trial during the year. The number of capital sentences affirmed by the High Court of Bombay and the Sadar Court of Sind for the five years ending 1889-90 averaged 28 per annum.

It is interesting to note the geographical distribution of crime, and elaborate returns are issued every year on this subject. Taking the six districts in which the proportion of reported offences to population is lightest, for each of the five years under consideration (1885-1889 inclusive) it is found that the following four are always among them, Ratnágiri, Dhárwár, Bijápur, and Kánara, and it may be mentioned that Sátára, Belgáum, and Sholápur are not far behind. This speaks well for the morality and peaceable character of the inhabitants of the Karnátik, Southern Konkan, and Southern Deccan. In the four best districts the average for the five years is one offence for every 481 of the population in Ratnágiri, for every 437 in Dhárwár, for every 375 in Bijápur, and for every 325 in Kánara. The remarkable immunity from crime of Ratnágiri has given rise to comment, and it is recorded that 'the inhabitants of Ratnágiri, though they have the reputation of not shrinking from litigation and of being zealous in the prosecution of their claims in the Civil Courts, are certainly a most peaceable and law-abiding people.'

Coming to the other end of the scale, it is observed

that among the six districts in which most crime is reported, the same four are always to be found. The average for the five years 1885-89 of offences reported to the number of population is one for every 99 in Poona, for every 105 in Karáchi, for every 118 in Thána, and for every 152 in Haidarábád. It is noteworthy that two of these districts are in Sind. To what Poona owes its unenviable pre-eminence it is difficult to say; but it is remarkable that Thána, which both in Forest and Abkári matters made itself particularly noticeable by its attitude of opposition, should rank among the most criminal districts. Thána has steadily progressed in its ratio of criminality, whereas all the other districts have fluctuated from year to year. Thus Thána stood fourth in 1885 and 1886 with a proportion of one reported offence to every 148 and 146 of its population respectively, third in 1887 with one to every 111, second in 1888 with one to every 101, and at the head of the list of criminal districts in 1889 with one offence to every 84 of the population.

It is not necessary to particularise the details of the work of the Civil Courts in so minute a manner, but the reports show that whereas only 147,875 suits were disposed of in the various Civil Courts in 1884-85, the number had risen to 197,452 in 1889-90. This great increase may fairly be attributed to increased prosperity and commercial activity rather than to increased litigiousness.

The expenditure on the establishments maintained for the administration of civil and criminal justice is

necessarily very large, but, as will be seen, the law-courts pay more than half their expenses from stamps and fees. Thus in 1884-85 the total expenditure of the Civil, Revenue, and Criminal Courts amounted to Rs. 42,19,995, and the receipts to Rs. 22,24,750, while in 1889-90 the expenditure had risen to Rs. 43,28,555 and the receipts to Rs. 29,47,095.

Turning to the judicial history of the period under review, there are only two cases which need special mention. The first was the riot of the Talávias at Broach in 1885. The Talávias are a wandering low-caste, dwelling mainly in the territory of the Gáekwár of Baroda. Several efforts have been made to induce them to settle down, but in vain, and a colony which had been formed for them had to be abandoned. In 1885 a number of these people encamped near Broach, where for some months they behaved in an eccentric though on the whole inoffensive manner.

But on November 22, 1885, about seventy-five of the Talávias, whose fancied grievances against the Government had been stimulated by their priests, entered Broach in search of the Collector of the District. Not finding him they fell upon Mr. Bruce Prescott, the Superintendent of the Bombay, Baroda, and Central India Railway Police, whom they met driving along the road in his dog-cart. They attacked him with sticks and bill-hooks and wounded him so severely that he died in three hours. After threatening the Bank of Bombay at Broach, the Talávias passed on through the town. Outside they met a small body of police, with whom they had a short fight. At the

first volley fired by the police, five of the Talávias were killed and five wounded, and after the second they fled, pursued by the police, who captured many of them. During the fight, three of the policemen were wounded, one so severely that he died from his injuries.

The leader of the Talávias, Lakha Bhagat, was tried with others at the Broach Court of Sessions, when he and two other ringleaders were sentenced to death and fifty-one of the rioters to penal servitude for life. Seventeen of the latter sentences were cancelled by the High Court, but the more serious penalty was confirmed, and the three ringleaders were hanged¹.

The second case deserves notice because out of it arose important questions of judicial procedure which gave rise to much controversy. Mr. Arthur Travers Crawford, C.M.G., of the Bombay Civil Service, Commissioner of the Central Division, having been charged with corruption, and with borrowing money from natives and from his official subordinates, was tried by a special Commission, consisting of Mr. Justice Arthur Wilson, of the Calcutta High Court, Mr. J. W. Quinton, at that time a Member of the Board of Revenue of the North-Western Provinces and since murdered at Manipur, and Mr. R. J. Crosthwaite, then Judicial Commissioner of the Central Provinces. This Commission opened the inquiry at Poona in October, 1888, and held sixty-seven public sittings. In its report it found Mr. Crawford not guilty of the graver charges of

¹ *Bombay Administration Report for 1885-86*, p. 51.

corruption or of borrowing from official subordinates. He had himself pleaded guilty to borrowing money from natives within the Division of which he had administrative charge.

The Bombay Government was bound by the Act¹ under which Mr. Crawford was tried, not merely to review the Report of the Commission, but to pass its own decision on the facts brought to light by that Report. Its unfavourable decision together with the Report of the Commission were submitted to the Secretary of State. Finally, the Secretary of State in his Despatch of March 29, 1889, declared 'that the character and consequences of the pecuniary embarrassment to which Mr. Crawford had brought himself disclose a condition of things altogether lamentable and inconsistent with the possibility of the proper administration of the Division, at the head of which he was placed, or indeed of the due performance of his public duties anywhere.' He therefore ordered the removal of Mr. Crawford's name from the list of the Bombay Civil Servants.

Such cases are fortunately very rare in India, so

¹ Act XXXVII of 1850. Sir Raymond West's Minute on the case begins thus: 'The Commissioners appointed to investigate the charges preferred against Mr. A. T. Crawford, having now presented their Report, the duty devolves on Government under Act XXXVII of 1850, of pronouncing on the proof or failure of proof of malversation. In discharging this duty, Government must obtain all the assistance from the report and the proceedings of the Commissioners which those records can afford, but it is bound, using these valuable aids, to form its own judgment on the innocence or culpability, and the degree of culpability of the accused officer.' The view taken by the Government of Bombay, upon a consideration of the whole statements before it, was more unfavourable to Mr. Crawford than the conclusions arrived at by the Commission in their Report to Government.

rare that the Crawford case stirred public opinion to the depths. In accordance with Indian precedents, and with a view to preventing evidence being kept back through fear, the Bombay Government authorised the offer of a complete indemnity to witnesses who might have given gratifications or money to Mr. Crawford or his supposed agents. Under this indemnity many persons came forward to give evidence. The Bombay Government prepared to fulfil its pledge, while marking its displeasure on those who had offered bribes. But the Secretary of State issued instructions to the Bombay Government that 'the general rule must be that those who have given bribes must be deprived of magisterial and other functions.' The statute of George III under which this decision was arrived at had not previously been applied, as regards this provision, in India. When Her Majesty's Government determined to apply it in this case, a serious dilemma arose. On the one hand, it was impossible that the solemn pledge of indemnity given by the Bombay Government should be disregarded. On the other hand, it was impossible that officers who had obtained their places by corruption should continue to hold their appointments unless they had yielded to undue pressure, which, as shown in Sir Raymond West's minute, had concussed them to make these payments. Apart from the new statutory question thus imported into the case, it was generally recognised that unless a complete guarantee had been given to the witnesses, the enquiry would have been a mere farce. It is absurd to suppose that the victims of an

alleged system of extortion in India would come forward to give evidence, unless they were assured that the fact of their having been coerced into submission to the alleged system of extortion would not be used to their further detriment. It was also recognised that, unless the British Government were to be regarded as willing to wink at an alleged system of corruption on a large scale by a highly placed British officer, an enquiry was absolutely demanded. Under these circumstances, with the English statute on the one side and the actual and acknowledged facts and necessities of such a trial in India on the other, the Governor-General in Council determined to intervene, and to pass a modified Act of Indemnity.

When the Bill was introduced into the Supreme Legislative Council of India on September 19, 1889, Mr. Hutchins, now Sir P. P. Hutchins, K.C.S.I., said : ' This Bill indemnifies all of them [i.e. the incriminated native officials or "Mámlatdárs"] against suits and prosecutions, but will not relieve any who have made corrupt payments without any extreme pressure from the other penalties, which have been incurred under Statute 49 of George III. It was not considered right that the guarantee against official departmental punishment or loss should be maintained. In all cases the rights and liberties of Her Majesty's subjects must not be left at the mercy of judges and magistrates, who have corruptly purchased their offices and powers. The dismissed men, however, should be given a pecuniary compensation for this partial non-fulfilment

of the guarantee. Eight officials have been dismissed and others will shortly be disposed of, who clearly do not fall under the category of persons who have paid money under great pressure. It cannot be imputed to the Bombay Government in removing these men that they are breaking their own guarantee, for their promise has to this extent been over-ruled by the Secretary of State and the Government of India. The whole question has been reduced to a single issue of facts, whether payment can or cannot be regarded as having been extorted. When this issue has been decided, the dismissal follows necessarily in consequence, not by the act of the Government of Bombay, but of the appellate authorities, which enjoined that such a course of action should be pursued.'

The Viceroy on the same occasion spoke with equal clearness: 'Nothing could be more unfortunate than to allow an impression to prevail that such engagements were liable to be lightly set aside, but the desire to support the presidential Government did not constitute a ground for legislating with the express purpose of retaining in office, and in the discharge of judicial and administrative functions requiring the highest integrity, persons who had not only become legally incapable of serving the State, but who had shown themselves guilty of deliberate and voluntary corruption. Government believed that having to choose between a partial cancellation of guarantee and the retention in office of men self-convicted as unworthy of public confidence, the partial cancellation of guarantee was the lesser evil. The indemnity given

by the Bombay Government had promised: first, exemption from punishment for an indictable offence; secondly, protection from private suits or prosecutions; thirdly, retention of office in spite of statutory incapacity in cases even of the most serious offenders. The guarantee would hold good except in regard to the retention of office, and compensation will be given for the loss of this.' The difference of opinion between the Supreme and the Local Government was of a somewhat technical character turning on the definition of undue pressure and 'extreme pressure.' The Bombay Government did not consider that the guilt of deliberate and voluntary corruption had been legally established against the Mámlatdárs.

In the House of Lords, the Secretary of State for India, Lord Cross, explained at some length that the non-confirmation of the complete guarantee did not imply a censure on the Bombay Government. 'I wish to take this opportunity,' he said, 'of publicly stating that Lord Reay deserves much credit for the manner in which he has endeavoured, I hope successfully, to put a stop to bribery and corruption in his province.' And again: 'In conclusion, I must take this opportunity of stating that Lord Reay has certainly done his utmost to give full effect to the pledges which he gave, and has acted all through with the highest sense of honour, and although he was, in my judgment, ill-advised in the particular course which he took, and which I have not been able to sanction, I have every confidence in his administration, and can bear testimony to his continuous and successful efforts to promote the

moral, social, and material prosperity of the people committed to his charge.'

After a consideration of the whole case, however, Lord Reay deemed it his duty to place his resignation in the Viceroy's hands. The Viceroy urged that not only was there no sufficient ground for this step, but that the resignation of the Governor of Bombay would be detrimental, under the circumstances, to the public interests and liable to be misunderstood.' The Secretary of State took the same view, and Lord Reay refrained from pressing the matter further.

During the five years under review, no serious change was made in the judicial administration. It was otherwise with the police. The Police Bill, passed by the Bombay Legislative Council in April, 1890, was one of the important measures of the five years. Equally important questions arose as to the housing, drilling, and organising of the district police.

There are two distinct bodies of police in the Bombay Presidency, the stipendiary police and the village police. The former comprise three separate branches: the District Police, the Bombay City Police, and the Railway Police. Of these the District Police, numbering over 18,000 officers and men, form a semi-military corps, partly armed and drilled, who are enlisted not merely for the preservation of the peace, but also as an organised force in case of disturbances. The village police, on the other hand, are the hereditary servants of the village communities and guardians of the local peace, and are paid by perquisites or by rent-free lands.

The District Police are managed or commanded by a Superintendent of Police in each district, who has complete executive control over his force, under the general direction of the Magistrate of the District. Each Superintendent has one or more Assistant-Superintendents, and probationers under him. Both Superintendents and Assistant-Superintendents are invested with magisterial powers to conduct proceedings preliminary to trial. The police sub-division of a district is identical with the *táluká*, but the *Faujdár*, or chief constable of a sub-division, holds a position inferior to that of the *Mámlatdár*, who is in revenue charge of the *táluká*. The *Faujdár* is, however, independent of the *Mámlatdár* in his executive control of the police under him, and is only answerable to the Superintendent or Assistant-Superintendent. The regular police in each sub-division are divided into outposts under the charge of head constables, for the patrol of the sub-division¹.

The system of District Police has its merits, and in past days was the only one possible. But with the improvement of communications it became necessary to make some attempt to secure uniformity of control and supervision, without infringing on the executive authority of the district officers. For this purpose a Commissioner of Police had been appointed as early as 1855; but the office did not answer expectations and was abolished in 1860. The need for a central controlling authority, however, made itself more and more

¹ *Bombay Administration Report for 1882-83*, pp. 23, 24.—Standing information.

apparent. In the districts there was a general want of uniformity in drill and in procedure; at headquarters the Government felt the need of a trained adviser in police questions. Sir James Fergusson, the predecessor of Lord Reay, pressed this point, but his views met with a steady opposition from the district officers and the Commissioners of Divisions, who were entrusted with the general supervision of the Police, and who argued that such a measure of centralisation would diminish the authority of the district officers. Sir James Fergusson thus stated the question in a Minute dated February 11, 1884: 'Why should not the police require special supervision as well as jails, schools, and hospitals? We rightly require the district officers to visit these and to report upon them through the Commissioners; but we do not dispense with special and skilled visitors. Yet there is quite as much need for skilled supervision of the police in point of discipline, conduct, and practice as of jail officials and prisoners The plan I would propose is this: not to revive the Police Commissioner, but to create an Inspector-General, who shall visit every district annually and report to Government once a year, but in special cases as often as may be necessary, upon the efficiency, discipline, composition, and management of the police. . . . I would in no way alter the present powers and relations to the police of the District Magistrate. The relative functions of the Magistrate and the Inspector-General are as distinct here as they are in England or in Bengal.' Sir James Fergusson's views prevailed, and Colonel Wise was appointed Inspector-

General of Police in the Bombay Presidency on January 6, 1885, a few weeks before Lord Reay's arrival in India.

The appointment proved a complete success. There was a general levelling-up of the district police force. Uniformity of drill, clothing, and arms was secured; police lines were constructed by the Public Works Department on a regular system; and the force became at the same time better disciplined and better organised. Equally satisfactory was the effect on the performance of the true duties of a police force, the prevention of crime. A police manual was compiled, codifying the orders and instructions on which the police were to act. Crime was more carefully registered, and a consolidated report on the whole work of the force took the place of the four separate reports of the four Commissioners. Fuller statistics were secured, especially with regard to the supervision of released convicts and suspected characters, and a special branch was formed under the Personal Assistant to the Inspector-General of Police for the purpose of collecting intelligence on the social and political condition of the people. This branch also undertakes the compilation of a weekly Police Gazette, giving the names and descriptions of those 'wanted.'

The advantages experienced from the creation of a central controlling authority over the District Police led the Bombay Government to pass a Police Bill, in order 'to give legislative definition to the Inspector-General's authority and functions, and, in settling these, to review and re-define the relations to the Police system of the Commissioners and District Magistrates.' By this

Bill, which was introduced by Sir Raymond West into the Bombay Legislative Council on December 12, 1889, and read a third time and passed on April 9, 1890, full control over the mechanism and discipline of the police force was given to the Inspector-General of Police, while the authority of the Magistrate of the District, as the officer in whom centre both magisterial and executive powers, is maintained and emphasised. At the same time advantage was taken to re-arrange the provisions of the police law, to revise them, and to introduce some new enactments suggested by the deficiencies of the previous law. Whenever extended authority has been given to the magistracy or to the police for the purpose of preserving order and maintaining the general welfare of the public, precautions have been taken to prevent abuse of the powers thus conferred. Sections have also been introduced with the intent of securing gentleness and humanity on the part of the police in the discharge of their duties. But the main aim of the Bill is to define the respective authority of the Inspector-General and the local and district authorities. This has been done by reserving questions of internal economy to the former, and of discipline and direction to the latter.

In addition to the District Police there are two other special bodies of stipendiary police employed in the Presidency. Of these the most important is the Bombay City Police. As is the case in other capitals and great seaports, the work of this force is more arduous than that of the force in country districts, and the Bombay City Police is a picked body

of men. During Lord Reay's administration it had the misfortune of losing its chief, Sir Frank Souter, C.S.I., C.I.E., who died on June 5, 1888. He had been Commissioner of Police in Bombay for twenty-four years, and was knighted on the occasion of the Prince of Wales's journey through India, in recognition of his long and valuable services.

The other special force is the Railway Police—divided into three branches employed on the (1) Bombay, Baroda and Central India, (2) the Great India Peninsula, and (3) the Southern Maráthá Railways. Its special duty is to protect these lines, and most of its work is directed towards preventing thefts. It also registers the amount and value of property stolen while in transit, and endeavours to recover it.

The numbers of the stipendiary police, in all the three forces, increased slightly during the five years under review. The largest increase was in the Railway Police—from 1051 to 1338 officers and men, mainly due to the formation of the Southern Maráthá Railway Police. The total increase in the three forces was from 21,384 officers and men in 1884 to 21,890 in 1889. The Bombay Police thus form an important reserve force of armed men, if any crisis should denude the Presidency of its regular military troops. The larger portion of the police are Muhammadans and Maráthás. In 1889-90 it is stated that 66 per cent of the subordinate officers and 30 per cent of the men in the District Police had sufficient education to write an intelligent crime report¹.

¹ *Bombay Administration Report for 1889-90*, p. 44.

With regard to distribution wide divergencies appear. Thus there is one policeman to every 1286 of the population in Ratnágiri, one to every 1218 in Belgáum, and one to every 1173 in Kaira. At the other end of the scale one policeman is kept for every 326 of the population in the Panch Maháls, one for every 336 in Karáchi, and one for every 367 in Thar and Párkar. On the other hand, calculated on the area, there is only one policeman for every twenty-three square miles in Thar and Párkar as against one for every five square miles in Ratnágiri. The total cost of the police administration in every branch rose from Rs. 47,88,353 in 1884-85 to Rs. 50,45,441 in 1889-90. Of this expenditure about 38 lakhs of rupees were spent in the salaries and pay of the various police forces.

Very different in character to this regular semi-military police, which in some respects resembles the Royal Irish Constabulary, is the Bombay Village Police. The village watchmen are the servants of the village community, and are under the charge of the Police Pátel,—who generally but not always conducts also the duties of Revenue Pátel. The special duties of the village policemen are to prevent crime and public nuisances, and to detect and arrest offenders, within village limits. The Police Pátel has to furnish the Magistrate of the District with any information demanded, to keep him informed as to the state of crime, and as to the health and general condition of the community in his village. 'The actual importance of the village police,' it is recorded in

1882¹, 'cannot for one moment be overlooked. Without the aid of the village police not a single offence could be traced out. They are the real backbone of the detective police. They know all that is going on, and know every one in the villages.'

Having described the various police forces, whose duty it is to prevent crime and arrest offenders, and the judicial system which tries arrested prisoners, it remains to briefly advert to the jails in which convicted prisoners are confined. There are twenty-six district jails, and fifty-six sub-jails in the Presidency, with one great central jail at Yerrowda, near Poona, all under the supervision of the Inspector-General of Prisons. Land was purchased during the period under review for a new jail in Bombay City. Some of the convicts are employed in extra-mural gangs, and have been engaged in fitting Bijápur to become the headquarters of the former district of Kaládgi, and on canal works at Mhaswad, Gokák, and the Nára. The average daily convict population for all jails was 6,959 in 1889-90, and in that year the total number of convicts admitted into the jails of the Presidency was 17,111. The gross cost of the maintenance of prisoners in 1889-90 was Rs. 5,42,423, or 70 rupees, 7 anas, and 4 pies per prisoner. But the actual cost of rations per prisoner was only 29 rupees, 8 anas, and 10 pies; or £2 each *per annum*, at the exchange rate of 1s. 4d. *per rupee*.

I have now very briefly explained the principal arrangements for the protection of person and pro-

¹ *Bombay Administration Report for 1882-83*, p. 23.—Standing Information.

perty in the Bombay Presidency. Such protection constitutes the first duty of government, and the expenditure on law and justice, including jails and police, is by far the largest item of provincial expenditure. Taken together, they cost in 1889-90 nearly 100 lakhs of rupees: as, against, for example, 15 lakhs allotted by the Provincial Contract of 1887 to education.

CHAPTER XIII.

LOCAL GOVERNMENT: MUNICIPALITIES AND DISTRICT BOARDS.

THE extension of local self-government to India is a question that can be looked at from many points of view. The educated natives and their European friends advocate the establishment of municipalities and local boards both as affording training grounds for learning the duties and responsibilities of administration, and as the necessary sequel of the English political axiom 'no taxation without representation.' The taxpayer looks upon such schemes as a fresh method for raising money from him. The trained English administrator is apt to disparage the practical results—results which he could have accomplished more speedily and more thoroughly on his own authority. The Government of India bears all these considerations in mind. It has insisted on the creation of municipalities and local boards, but it protects the taxpayer by limiting the amount of local taxation, and it checks extravagant or perverse administration by close supervision, and when needful by interference.

The question of local administration is bound up

with that of local taxation. In India there are three sorts of taxation and expenditure—imperial, provincial, and local. Of the relation between imperial and provincial finance I have already spoken, relations which have rapidly developed under Lord Mayo's decentralising policy. Local financial administration by local bodies of local income for local purposes is a yet further development of the same principle of decentralisation.

The comparison between local taxation in India and rates in England cannot be carried far, for many matters which are locally administered in England are in India directly managed by the provincial governments. Thus in India, police, hospitals, the greater parts of public works, and until recently education, were paid for out of the provincial revenue. Primary education, sanitation, and purely local roads and improvements are now left to local administration in the Bombay Presidency. But very little more can be handed over in the rural districts, because the Government of India feels that when a cultivator has paid his land-tax, great caution should be exercised in laying further burdens upon him.

The success of any 'thoroughgoing' scheme of local self-government depends upon the possibility of finding local men able and willing to conduct it. Has India got a sufficient supply of such men? And how are they to be found? At the first hopeful start of the experiment, it was asserted that the most intelligent natives would strive for a share in the local government and that the vast majority of the people

would hail its concession as a boon. But it was soon discovered that local self-government meant local taxation, and that the promotion of education, sanitation, and public works intended for the general good of the community, might seem to the average taxpayer dearly purchased, if increased burdens were laid upon his individual shoulders.

To the Government, he argued, local self-government might be a convenient method for raising funds without increasing the incidence of general taxation; but to the urban taxpayer it was practically a new device for getting more money out of him under a different name. In rural districts the one-ana cess calculated on the land-revenue is a fixed quantity.

When, therefore, it was found that local self-government in towns implied increased taxation for local purposes, and not the administration of a part of the general funds, its popularity waned. Lord Reay met with a curious instance of this. He received a deputation of the inhabitants of a small town, which was to be turned into a municipality. They represented to his Excellency that they were too poor and inexperienced to receive such a boon, and begged to be excused from the honour and expense of a system of local self-government. Lord Reay discussed the question with them, and finally remarked that he had heard that the policy was approved by the people. To this the deputation demurred, declaring that local self-government was not intended for such poor people as those of their town.

In the larger cities, where competent men can be

found to fill local offices and perform local duties, the question arises as to what is the best method to select them. The natural bias of the English administrators of India (as of any other highly capable bureaucracy) was in favour of nomination. On the other hand, the principle of representation has a special charm to the educated natives of India, who naturally hope that the time will come when a proportion of seats in the Provincial Legislative Councils, if not in the Legislative Council of the Government of India, may be filled by election. The result has been to work out the experiment of municipal government on a joint system of nominated and elected candidates. In some municipalities and local boards, sufficient interest is taken to bring forward good and suitable candidates, but it cannot be denied that in others the principle of nomination has proved so far the most suitable.

In 1884 a new impulse had been given to local self-government in Bombay by the Local Boards Act (Act I of 1884) and the Bombay District Municipal Act Amendment Act (Act II of 1884). The task of the Government during the next five years, the period dealt with in this volume, was mainly to watch the working of the new system. An interesting experiment was introduced by the establishment of an educational franchise at Poona. This important municipality was reconstituted by a Government Resolution, dated June 26, 1885. The governing body was formed of 20 elected and 10 nominated Commissioners. Of the 20 elected members, 16 were to be elected by persons paying municipal taxes to the amount of not

less than Rs. 3 per annum, and the remaining four by a special body of electors. 'Having regard,' says the Resolution of the Bombay Government, 'to the existence in Poona of a very large and intelligent class of educated native gentlemen, who have already shown great interest in municipal administration and in the promotion of education, the Governor in Council is willing to give a greater extension to the elective element in Poona than has been thought desirable in other municipalities.' The special body of electors then formed consisted of Fellows and Graduates of any University, Barristers-at-Law and Advocates of the High Court, Pleaders holding a sanad from the High Court, Jurors, Honorary Magistrates, Licentiates of Medicine, Surgery, or Civil Engineering, and masters of departmental and registered schools, together with Sardárs, persons on whom the British Government has conferred the titles of Ráo Bahadur, Khán Bahádur, Ráo Sáheb, or Khán Sáheb, servants of Government, or of any public body, corporation, or company, registered under the Indian Companies Act, whose salary is not less than Rs. 30 a month, or former servants, whose pensions are not less than Rs. 15. Together with the new franchise, the Poona Municipality received the right to elect its President.

More wide-reaching were the new provisions for Bombay city. Bombay is at once a great capital, a great port, and a great manufacturing centre. It has a population of over three-quarters of a million within municipal limits, and is therefore larger than Manchester or Liverpool, Birmingham or Glasgow. In

such a city the question of self-government is of the utmost importance. Every advance of sanitary science makes large demands upon its resources, and the problems suggested by its rapid growth in wealth and population are extremely complicated. It has a powerful body of wealthy and philanthropic citizens; but of citizens belonging to various races, and imbued with very different conceptions as to what municipal administration should attempt, and as to the methods by which it should work. The administration of Bombay City was one of the difficult questions to be solved by Lord Reay's Government, and among his most far-reaching pieces of legislative work was the passing of the Bombay City Municipal Act¹.

Municipal government had been established on its modern basis in Bombay, as in the other Presidency towns, in 1856. Many subsequent measures had modified or developed it, notably in 1865, 1872, and 1878, and when Lord Reay's Government undertook to legislate, the constitutional law of Bombay City was embodied in eleven separate enactments. The first purpose of the new Bill was to consolidate the law, but in doing so important alterations were introduced. Its provisions, drafted by Mr. J. R. Naylor, aided by Mr. Ollivant, the Municipal Commissioner, were divided into twenty-one chapters. At first received with strenuous opposition, it was carefully revised by a Select Committee of the Legislative Council, with whose members Lord Reay discussed the alterations. It

¹ Act IV of 1888; received the assent of the Viceroy on 8th Sept., 1888. This Act is analysed in the *Bombay Administration Report for 1887-88*, pp. 61-65, and has attracted notice on the Continent of Europe.

eventually passed with general approval. One of the chief modifications introduced during its passage was the regulation for handing over the primary schools to the Municipal Corporation.

By this Act of 1888 the government of Bombay was vested in a Municipal Corporation and a Town Council. The Municipal Corporation consists of 72 members, of whom 56 are elected and 16 nominated by Government. Of the 56 elected members, 36 are elected by municipal taxpayers, or as we should call them the ratepayers, and resident graduates of any University in the United Kingdom or India, in ward elections; 16 are chosen by Her Majesty's Justices of the Peace; two by the Senate of the University of Bombay; and two by the Bombay Chamber of Commerce. The Town Council consists of twelve members of the Corporation, four nominated by Government and the remainder elected by the Corporation. The Municipal Commissioner appointed by Government is present, with a right to speak, at meetings of the Corporation and of the Town Council. The Town Council is intended to be the Standing Committee of the Corporation to work out the details of such schemes as the Corporation determine to adopt. It is also to exercise control over the municipal finances. Both the Corporation and the Town Council elect their President and Chairman. The Municipal Commissioner is the executive officer of the Corporation.

The powers of the Corporation of Bombay under the new Act include the following, among others too numerous to specify in detail: sanitation in all its

branches, street cleansing, drainage and water-supply, the registration of vital statistics, the regulation of building, primary education, the maintenance of the fire-brigade, and the care of hospitals for contagious diseases. The most important matters of which it has no control are the charges arising in connection with the administration of justice, police, stipendiary magistrates, and jails. It exercises full control over the city finance, except that it can raise no new loan without the consent of the Governor in Council. The Government also reserves the right of nominating auditors for the municipal accounts.

The municipal revenue of Bombay City rose from Rs. 43,83,973 in 1885-86 to Rs. 53,42,170 in 1889-90. The chief items are the Consolidated Rate at 8 per cent, which rose from Rs. 14,61,304 to Rs. 16,61,697; water rates from Rs. 6,65,370 to Rs. 11,23,006; liquor and tobacco licenses from Rs. 3,22,927 to Rs. 3,34,672; and the Halalkor or sweeper cess from Rs. 3,16,786 to Rs. 4,73,919; while town duties fell from Rs. 6,79,292 to Rs. 6,67,065; and wheel tax, cabs, and tolls fell from Rs. 3,37,010 to Rs. 3,25,616. During the same period, from 1885-86 to 1889-90, the expenditure of Bombay City increased from Rs. 40,76,940 to Rs. 50,42,405. The principal items were interest on the Municipal Debt, which rose from Rs. 7,87,527 to Rs. 14,85,711; Public Works from Rs. 9,64,842 to Rs. 13,03,528; and Public Health from Rs. 9,99,322 to Rs. 11,96,577. As might be expected from these last figures the Municipal Debt largely increased during the period under review from Rs. 1,10,43,843 to Rs. 2,68,52,640.

Apart from the passing of the Bombay City Municipal Act, the most important events in the administration of Bombay City during the five years under review were the increase of hospital accommodation; the initiation of technical education; the Tansa Water Supply Scheme for bringing a practically unlimited supply from the Tansa Lake; the report of the Bombay Extension Committee; and the completion of the defences of Bombay Harbour.

These have, however, been described in other chapters. But special mention should be made of the hearty expressions of loyalty evoked in the City by the Jubilee of the Queen-Empress in 1887. The Corporation spent Rs. 24,052 on illuminations, and presented an address to Her Majesty by the hands of the late Captain Morland, the Chairman of the Town Council, who received the honour of knighthood upon the occasion. Among the grants for public purposes made by the Corporation the most liberal was one of Rs. 80,000 to the Victoria Jubilee Technical Institute.

A curious episode was the strike of the scavengers in the Health Department in July, 1889, which caused very serious inconvenience.

The importance of Bombay City and the large interests with which it deals tend to dwarf the other municipalities in the Bombay Presidency. The latter considerably increased during the period under review, and numbered 161 in 1889-90 of varying size and population. Some of these municipalities are flourishing. Ahmadabad, for instance, is particularly well adminis-

tered, and has undertaken two expensive schemes for drainage and water-supply. But good local administration is not universal. Broach was a conspicuous instance of bad administration, and one or two of the smaller municipalities, such as Parántij and Mehmedábád, had to be superseded.

The smaller municipalities derive the greater part of their income from octroi duties. The Bombay Government fully realises the objections to this mode of levying taxation, and takes special care that the octroi duties shall not become transit duties on through trade. But the municipalities have a rooted objection to direct taxation, and cannot see the reason of the Government's dislike of octroi duties. It was because Parántij repeatedly refused to abolish octroi taxation that it was superseded¹. Mr. G. F. M. Grant, the Acting Commissioner for the Southern Division, writes in his report for 1888-89²: 'Neither the people nor their representatives (as a rule) approve of direct taxation, which cannot, if properly levied, be evaded, and which openly attacks their pockets. The dislike on the part of Municipal Commissioners is perhaps based partly on the fear of incurring unpopularity, but I believe that all but the most intelligent are averse to the system.'

The octroi is, therefore, in Bombay the important feature of District municipal finance. Out of Rs. 23,51,272 raised by the District municipalities in

¹ *Bombay Administration Report for 1889-90*, p. 67.

² *Report on Municipal Taxation and Expenditure in the Bombay Presidency for 1888-89*, p. 71.

1889-90, no less than Rs. 13,32,464 was collected by the octroi. The income thus collected is, however, supplemented to a greater or less degree by various means of direct taxation according to the circumstances of particular localities. In Sind, for instance, Rs. 4,34,691 out of a total municipal revenue of Rs. 5,17,610 are raised by the octroi, and in certain municipalities it forms the sole source of local income. On the other hand, the three municipalities in the Panch Maháls, with certain others, such as Kurla and Bándra which are practically suburbs of Bombay, levy no octroi duties whatever. The following statistics are of course exclusive of the great municipality of Bombay City.

The direct taxation levied for local purposes in the district municipalities amounted in 1889-90 to Rs. 10,18,808. It is divided into many different heads. The most lucrative is the tax on houses and land which brought in Rs. 3,68,908, of which only Rs. 37,998 were raised in Sind. Next come the Conservancy cess, Rs. 1,96,764; and tolls, Rs. 1,67,776. The other direct taxes for local purposes produce not more than a lakh of rupees.

Some of these other local taxes are *retty* general, such as the tax on vehicles, which is raised nearly everywhere. Others are purely local, such as the pilgrim tax in Kaira; a tax on fishing-boats and shops in Kolába; on mills, kilns, &c. in Thána; on trade registration and musicians in Poona; on looms in Ahmadnagar; on snuff and stones in Sátára; booth fees in Dhárwár; camping fees on carts in Kánara;

and a trifling dog tax in Ahmadnagar, Násik, Sholapur, Belgáum, and Kánara¹.

In addition to the local revenue raised by taxation, direct or indirect, the district municipalities derived Rs. 9,96,322 in 1889-90 from other sources. The largest items in this amount were Rs. 2,13,322 from grants-in-aid from provincial or local funds; Rs. 3,09,160 from the rent of municipal lands, receipts from public gardens, &c., of which the largest share, Rs. 1,38,044, was received in Karáchi; and Rs. 1,42,825 from markets. It is noteworthy, considering that the transfer of schools to the municipalities took place during the period under review, that only Rs. 78,771 was derived from school fees in 1889-90.

The local revenues of Bombay municipalities, excluding Bombay City, amounted from taxation and miscellaneous receipts to Rs. 33,47,594 in 1889-90. But to complete the amount at their disposal during the year in question must be added the further sum of Rs. 6,78,530 derived from loans, deposits, and advances. Of this total the two largest items were two loans, each of over two lakhs of rupees, raised for public works by the municipalities of Surat and Ahmadábád².

The heads of the expenditure of this large municipal revenue, which in 1889-90, excluding interest on local loans, amounted to Rs. 35,31,809, may be classed

¹ *Bombay Administration Report for 1889-90*, Appendix V. G. (1).

² The account stands thus: Municipal taxation, Rs. 23,51,272; miscellaneous receipts, Rs. 9,96,322; loans, deposits, advances, Rs. 6,78,530. Total at disposal of Bombay Municipalities, excluding Bombay City, 1889-90, Rs. 40,26,124.

under the items of office establishment, collection of municipal rates and taxes, public safety, public health, public instruction, public convenience, and miscellaneous. On the first, second, and last of these heads, which absorbed Rs. 1,84,699, Rs. 1,88,636, and Rs. 1,25,183 respectively, nothing need be said, but the other four merit a more detailed examination. They represent the true work of municipalities, work which is, as in Europe, often regarded with dislike by the townspeople, but which is nevertheless necessary for the welfare of every urban community.

Public health, including sanitation in its widest sense, forms the largest branch of district municipal expenditure, and accounted in 1889-90 for Rs. 15,12,863. Mention has already been made of some of the most extensive engineering works undertaken by the Bombay Public Works Department at the expense of the municipalities. Thus the ancient city of Ahmadábád, the second most populous city in the Presidency, with a population of 124,767 according to the census of 1881, raised large loans and expended large sums on sanitary works. The town is honeycombed with cesspools which have been used for generations; the walls of the houses to the height of several feet bear traces of being impregnated with sewage; and the water-supply from wells is foul. Two extensive schemes have been undertaken for drainage and water-works, and Lord Reay did all in his power to encourage the Ahmadábád municipality in well-doing on his visits to Gujarát.

Surat, the third most populous municipality in the

Presidency, with a population of 107,154 inhabitants in 1881, has to encounter the same difficulties as Ahmadábád in adapting the methods of modern sanitary engineering to an ancient and crowded community. It was also during the period under review ravaged by fire and threatened by flood, and had to undertake extensive works against the latter danger. Poona, the fourth largest municipality, discussed new schemes for drainage and completed its water-supply; but its task is complicated by the neighbourhood of two adjoining local authorities, the Poona Suburban Municipality and the Poona Cantonment.

Medical relief, including the maintenance of dispensaries, absorbed Rs. 1,42,334 of the Bombay municipal expenditure (exclusive of Bombay City) in 1889-90, and vaccination Rs. 17,162; while Rs. 85,888 were spent in that year on watering the streets.

Next to public health, the public convenience makes the largest demands on the municipal revenues, and in 1889-90 no less than Rs. 7,75,758 was expended on different undertakings coming under this head. Much of the work is done by the Bombay Public Works Department, and it includes markets, streets, and bridges. Among such work taken in hand during the period under review may be noted the Empress Market at Karáchi; the widening of the streets at Surat in the rebuilding of the portion of that city devastated by the great fire in 1888¹; and the opening of the Reay market in Poona.

In the chapter on Education, I have mentioned the

¹ *Bombay Administration Report for 1889-90*, p. 67.

transference of the primary schools to the local authorities (which in the provincial towns are the municipalities) under the system of grants-in-aid and Government inspection. This measure is important in its influence on the progress of education, by stirring up a more lively interest on the part of the citizens, and also marks an advance in the application of the system of local self-government. Public instruction has become a serious item of municipal expenditure, amounting in 1889-90 (not including Bombay), to Rs. 5,19,682. Against this must be set the receipt of Rs. 78,771 in school fees.

Lastly comes the head of public safety, under which the sum of Rs. 2,25,038 was expended in 1889-90. Of this the greater proportion, Rs. 1,74,677, was spent on lighting the streets; and Rs. 46,932 (a very inadequate sum) on protection from fire. In certain districts, Dhárwár, Bijápur, and Thar and Párkar, the municipalities spend nothing whatever on fire-protection: in others containing important towns, namely, Kánara, Haidarábád, Belgáum, and Násik, the yearly expenditure does not exceed Rs. 200. But it may be expected that such disasters as the great fire at Surat will arouse other municipalities to a sense of the absolute necessity of establishing efficient means for the extinction and prevention of fires.

The 161 District municipal bodies in the Presidency were composed in 1889-90 of 2272 members, of whom 1380 were nominated and 892 elected. But this does not fairly represent the progress of the elective principle, for the backward province of Sind possesses an

excessive proportion of nominated to elected members. Deducting the 26 municipalities in Sind, the 135 municipalities of the Bombay Presidency proper were composed of 1912 members, of whom 1091 were nominated and 821 elected. Taking individual districts, the proportion was highest in Poona, where in 12 municipalities there were 90 nominated and 90 elected members; and in Ratnágiri, where in 5 municipalities there were 40 nominated and 40 elected members. The ratio was lowest in the Panch Maháls, where all the members of the 3 municipalities were nominated; and in Kaira, where in 11 municipalities there were 103 nominated to 23 elected members. From another point of view the 1912 members of the municipalities in the Presidency proper consisted of 516 official and 1396 non-official members, and of 1765 natives to 147 Europeans¹. The nominated non-official members are carefully selected to secure due representation for classes, trades, professions, or castes, which do not obtain their fair share of municipal honours and responsibilities at the polls.

Turning from municipal to rural self-government, District Local Boards or Local Funds Committees were constituted by the Bombay Act IV of 1869. Under that Act they were to be presided over by the Collector of the District, and to consist of certain district officials and of one inámdar and six local landholders nominated by Government. They had to administer the local cess of one ana in the rupee of land tax for local purposes. The Táluká (or sub-divisional)

¹ *Bombay Administration Report for 1889-90, Appendix III, H.*

Local Funds Committee was to be presided over by the Deputy or Assistant Collector, and to bring the wants of the Táluká or sub-division before the District Committee. Act I of 1884 made many changes in this arrangement, and introduced the elective principle. It enacted that the president of any local board might be nominated or elected, but if nominated, a vice-president was to be elected by the board. It gave executive authority to the Táluká Boards, who receive an assignment of money, calculated in the proportion of the one-ana cess to be spent for purely local purposes. During the five years under review (1885-90) this Act was being practically worked out. Additions were made to the responsibilities of the Local Boards, and an increased share in local administration, especially with regard to primary education.

It was also during this period that the elective scheme for rural self-government came into force. For many reasons, not the least of which is the practical difficulty of distance, it is hardly to be expected that rural local boards should be as well attended as urban municipalities by the elected members, and it will take a longer time to awaken the rustic mind to the importance of local self-government than among the quicker-witted townspeople. It has not been found possible to introduce the elective principle into the more backward Tálukás. In the Panch Maháls no members are yet elected to the Local Boards, in Thar and Párkar only two out of 38, in the Upper Sind Frontier only four out of 34, and in North Kánara only 24 out of 105.

There are in the Bombay Presidency, including Sind, 23 District Local Boards and 198 Táluká Local Boards. These are composed of 3430 members, of whom 40 are ex-officio, 1847 are nominated, and 1543 elected. The only district in which the elected outnumber the nominated members is Shikárpur in Sind. In 1889-90, allowing for two vacancies, there were 791 officials and 2637 non-officials serving on these boards, or looking at it from another point of view, 217 Europeans to 3211 natives¹.

The income received by these 221 Local Boards, District and Táluká, in 1889-90, amounted to Rs. 46,38,320. Towards this Rs. 3,05,558 came from the Sind Village Officers Cess Fund, Rs. 1,43,633 from the Government Central Book Depôt, and Rs. 36,079 from the Steam Boilers Inspection Fund, which sources have been added to the Local Funds since the passing of Act I of 1884. The Local Funds under that Act brought in Rs. 41,53,048 during the year 1889-90. By far the largest part of this sum came from the local rate or cess of one ana in the rupee of land-revenue, namely, Rs. 24,27,994. The other main heads were Rs. 2,31,588 from tolls on ferries, Rs. 1,38,014 collected under the Cattle Trespass Act, Rs. 1,29,474 from school fees, Rs. 1,21,499 tolls on roads and bridges only collected in the Central Division, Rs. 1,00,007 from fishery fees in Sind, Rs. 82,773 from sand and quarry fees, and Rs. 49,843 from tolls on roads alone, collected in the Southern Division².

¹ *Bombay Administration Report for 1889-90, Appendix III, G. (1).*

² *Ibid.*, Appendix V, F. (4).

The distribution of this local revenue shows the comparative rural wealth of the different districts, and varies from Rs. 42,006 in Thar and Párkár, Rs. 58,484 in the Upper Sind Frontier, Rs. 64,020 in the Panch Maháls, and Rs. 1,11,404 in Kolába, to Rs. 2,53,317 in Shikárpur, Rs. 2,59,198 in Thána, Rs. 2,74,099 in Dhárwár, and Rs. 3,71,748 in Khándesh. It is still more interesting to note the incidence per head of population of the local taxation in the different districts, which varied in 1889-90 from 11 pies in Ratnágiri, 1 ana 1 pie in Násik, and 1 ana 3 pies in Sholápur, to 4 anas 3 pies in Surat, 5 anas 5 pies in Shikárpur, and 8 anas 4 pies in Broach.

The expenditure of these Local Boards in 1889-90 for local purposes amounted to Rs. 40,02,036¹. More than one-half, namely, Rs. 20,40,796, was spent on public works, including original works and repairs, executed either by civil officers or the Bombay Public Works Department. The greater part of the sum was spent on communications, chiefly district and purely local roads, which absorbed no less than Rs. 12,90,618. The only other notable item under this head is Rs. 2,88,310 for water-supply and waterworks; and it is interesting to observe that Rs. 12,531 were spent in the Southern Division on the planting of roadside trees. Next to public works in the rural budget comes education or public instruction. The primary schools were transferred to the Local Boards during the term of Lord Reay's administration under the grant-in-aid system, and in 1889-90 Rs. 12,90,679

¹ *Bombay Administration Report for 1889-90*, Appendix V, F. (1).

were spent upon them, or nearly one-third of the total rural expenditure. Other items worthy of record are Rs. 77,792 on hospitals and dispensaries, and Rs. 89,589 on vaccination.

The foregoing summary of the work undertaken by the district municipalities and district and Taluká local boards gives a fair idea of what is being done by local self-government in the Bombay Presidency. It will be observed that, with the important exception of the management of the police, it corresponds with the work undertaken by the local authorities in England. But the problems of local taxation and expenditure are only one side of the great issues raised in Bombay by the establishment of local self-government. The creation of municipalities, and the extension of the elective principle for urban communities, were the characteristic features in this respect of Lord Reay's administration. The Bombay Municipal Act, perhaps the greatest legislative achievement of his government, must be recognised as a sagacious and timely effort to deal with the most complicated question of local government in the Presidency—namely, the government of its capital.

CHAPTER XIV.

MILITARY AND MARINE.

THE Bombay army is commanded by a Lieutenant-General, with the title of Commander-in-Chief in Bombay. He has a seat in the Bombay Council, and is assisted by a complete staff, headed by an Adjutant-General and a Quartermaster-General, but is himself subordinate to the Commander-in-Chief in India. Most military questions affecting the Bombay army pass through the hands of the Military Secretary to the Bombay Government, who also acts as secretary in the Marine and Ecclesiastical Departments. The successive Commanders-in-Chief of the Bombay army during the five years under review were, as I have already mentioned, Lieutenant-General the Honourable Sir Arthur Hardinge, K.C.B., younger son of the first Viscount Hardinge Governor-General of India from 1844 to 1848; Lieutenant-General Sir Charles George Arbuthnot, K.C.B.; and Lieutenant-General H.R.H. the Duke of Connaught.

The Bombay army has a brilliant record of its own. But it is beyond the scope of this book to even enumerate the series of wars by which South-western India was won from the Muhammadan and Maráthá princes,