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APPENDICES.

BOMBAY LEGISLATIVE COUNCIL DEBATES

✓ In Volume XXXII of the Bombay Legislative Council Debates,
at page 19, line 13, *for* the word "did" *read* "died".

no Hb 129

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

APPENDIX 1.

BILL No. XXIX OF 1931.

A Bill further to amend the Court-fees Act, 1870, in its application to the Presidency of Bombay.

(As published in the "Bombay Government Gazette"
of the 1st September 1931.)

WHEREAS it is expedient further to amend the Court-fees Act, 1870, VII of its application to the Presidency of Bombay in manner hereinafter 1870. appearing; And whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for 5 & 6 Geo. V, o. 61. the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Court-fees (Bombay Second Amendment) Act, 1931.

2. *Extent.*—This Act extends to the whole of the Presidency of Bombay.

3. *Amendment of section 7 of VII of 1870.*—In section 7 of the Court-fees Act, 1870, in its application to the Presidency of Bombay, after VII of paragraph (iv) the following paragraph shall be inserted, namely:—

"(IV-A) For cancellation of decrees or documents securing money, etc.—
In suits for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value,—

according to the value of the subject-matter of the suit. Such value shall be deemed to be—

if the whole decree or other document is sought to be cancelled,—
the amount or the value of the property for which the decree was passed or the other document executed;

if a part of the decree or other document is sought to be cancelled,—
such part of the amount or value of the property: "

STATEMENT OF OBJECTS AND REASONS.

The amendment of section 7 of the Court-fees Act proposed in this Bill is based on the recommendation of the Judicial Commissioner of Sind and is intended to effect a genuinely needed reform. Its object is to make it clear that in suits for cancellation of decrees or documents securing money, etc., the valuation should not be arbitrary at the pleasure of the plaintiff but must be according to the value of the subject-matter of the suit where it has got a money value. The amendment follows the provisions of section 7 of the Madras Court-fees (Amendment) Act, Mad. V of 1922.

21st August 1931.

(Signed) G. A. THOMAS.

APPENDIX 2.

BILL No. XXX OF 1931.

A Bill further to amend the Bombay Village Sanitation Act, 1889.

(As published in the "Bombay Government Gazette"
of the 17th September 1931.)

Bom. I of 1889. WHEREAS it is expedient further to amend the Bombay Village Sanitation Act, 1889, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Village Sanitation (Amendment) Act, 1931.

Bom. I of 1889. 2. *Amendment of section 12 of Bom. I of 1889.*—In Sub-section (2) of section 12 of the Bombay Village Sanitation Act, 1889, hereinafter called the said Act, for the word "conference" the word "consultation" shall be substituted.

3. *Amendment of section 16 of Bom. I of 1889.*—In section 16 of the said Act, for the words "with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid" the words "employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid: Provided that no non-recurring expenditure exceeding one hundred rupees and no recurring expenditure shall be incurred and no servant shall be employed without the previous sanction of the Collector" shall be substituted.

4. *Amendment of section 17 of Bom. I of 1889.*—For section 17 of the said Act, the following section shall be substituted, namely:—

"17. *Sanitary Committee may raise funds by voluntary subscription or by a rate on open air stalls.*—The Sanitary Committee may, by voluntary subscription, raise any sum of money for any of the purposes specified in section 16 and may also levy a rate on open air stalls on Government land in the village for such purposes. Such sums shall form part of the Sanitary Committee fund under section 30D and shall be utilized by the Sanitary Committee for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised or the rate was levied."

5. *Amendment of section 18 of Bom. I of 1889.*—For section 18 of the said Act, the following shall be substituted, namely:—

"18. *Necessary moneys for expenditure may be raised by a rate on the inhabitants.*—If any sum of money of which the expenditure is authorised by the Sanitary Committee is not raised by voluntary subscription and is not available from any other source, the same may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village: Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any village shall not exceed one-half of the

[Appendix 2—*contd.*]

aggregate amount leviable in that year as local fund cess from the inhabitants of such village ;

(2) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector, whose decision shall be final.”

6. *Amendment of section 19 of Bom. I of 1889.*—For section 19 of the said Act, the following shall be substituted, namely :—

“ 19. *Constitution of Sanitary Boards.*—(1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than one-half shall be elected : provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called ‘nominated members’) shall be appointed by the Collector and shall ordinarily include police patels.

(2) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

(3) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and having property therein and who is not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(4) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such place as he may fix in this behalf. A notice of such meeting shall be given by posting it at the chavdi at least fifteen days before the date of the election.

(5) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(6) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(7) The Board shall elect annually one of themselves to be the president :

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(8) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(9) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf.”

[Appendix 2—contd.]

7. *Amendment of section 21 of Bom. I of 1889.*—In section 21 of the said Act—

(1) for sub-section (1) the following shall be substituted, namely :—

“(1) *Appointment of Sanitary Inspector and other officers.*—The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him.”

(2) after sub-section (2), the following shall be inserted as sub-section (3), namely :—

“(3) The Sanitary Board, may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates.”

8. *Repeal of section 26 of Bom. I of 1889.*—Section 26 of the said Act shall be repealed.

9. *Amendment of section 27 of Bom. I of 1889.*—In section 27 of the said Act, the words “with the approval of the Collector” shall be repealed.

10. *Amendment of section 28 of Bom. I of 1889.*—For section 28 of the said Act, the following section shall be substituted, namely :—

“28. *Sanitary Board may raise funds by voluntary subscription.*—The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act. Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area in which and on the purpose for which the subscription was raised.”

11. *Amendment of section 29 of Bom. I of 1889.*—In clause (c) of section 29 of the said Act, for the figures “26” the figures and letter “30C” shall be substituted.

12. *Amendment of section 30 of Bom. I of 1889.*—For section 30 of the said Act, the following section shall be substituted, namely :—

“30. (1) *Sanitary Board's ways and means.*—A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided.

(2) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(3) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on

[Appendix 2—*contd.*]

the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(2) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector, whose decision shall be final.”

13. *Insertion of new sections 30A to 30G in Bom. I of 1889.*—In Part IV of the said Act before section 31 the following sections shall be inserted, namely :—

“ 30A. *Incorporation of Sanitary Committees and Sanitary Boards.*—*Cf.* Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of ‘ The Sanitary Committee of.....’ or ‘ The Sanitary Board of.....’ as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name. Bom. III of 1901, s. 9, and XVIII of 1925, s. 8.

30B. *Power to acquire, hold and transfer property.*—(1) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immoveable, whether within or without the limits of the village or villages subject to its authority. Cf. Bom. III of 1901, s. 50, and XVIII of 1925, s. 63.

(2) *Property vested in Sanitary Committee or Sanitary Board.*—All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee or the Board exercising authority in the village in which such property is situate, either by the Government or by an officer appointed by the Government in this behalf or by the district local board to which it belongs or in which it vests ; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act ; that is to say—

(a) public markets, slaughter houses, manure and night-soil depôts, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description ;

[Appendix 2—*contd.*]

Cf. Act
II of
1924,
s. 108

(b) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps and all other water works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works ;

(c) public sewers, drains, cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto ;

(d) public bathing ghats and recreation grounds ;

(e) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;

(f) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets ; and

(g) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.

30C. *Mode of executing contracts.*—(1) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it ; and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act :

Provided that no contract involving an expenditure exceeding one hundred rupees shall be made without the previous sanction of the Collector.

(2) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.

(3) In the case of every lease of immoveable property for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.

(4) In the case of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property the sanction of the Committee or the Board by a resolution is required.

Cf.
Bom.
III of
1901,
s. 51.

30D. *Sanitary Committee or Sanitary Board fund.*—All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act ; all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act ; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its land or other property ; and all interest, profits and other moneys accruing by gifts or transfers from the Secretary of State for India in Council

[Appendix 2—*contd.*]

or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee subject to the provisions and for the purposes of this Act.

30E. *Property and funds of Sanitary Committee or Sanitary Board how to be applied.*—All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted : Cf. Bom. III of 1901, s. 52.

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits :

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50, clauses (c) (e) and (f) of the Bombay Local Boards Act, 1923. Bom. VI of 1923.

30F. *Power to deposit and invest surplus funds.*—(1) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit at interest with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary. Cf. Bom. III of 1901, s. 53. Bom. III of 1901.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.

30G. *Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.*—When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate :

Provided that such property as may have been transferred to or vested in such Committee or Board either by the Government or by the

[Appendix 2—contd.]

district local board shall, on such cessation, revert to the Government or the district local board, as the case may be."

14. Amendment of section 31 of Bom. I of 1889.—In section 31 of the said Act for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" the words and figures "sub-section (1) of section 40 of the Bombay Local Boards Act, 1923" shall be substituted.

Bom.
VI of
1923.

15. Repeal of section 39 of Bom. I of 1889.—Section 39 of the said Act shall be repealed.

16. Amendment of section 40 of Bom. I of 1889.—In section 40 of the said Act :—

(1) Sub-section (2) shall be repealed ;

(2) sub-section (3) shall be re-numbered as sub-section (2) and in the said sub-section for the words "by the Collector, in conference with" the words "with the approval of the Collector by" shall be substituted.

17. Amendment of section 41 of Bom. I of 1889.—In sub-section (2) of section 41 of the said Act for the words "by the Collector in conference with" the words "with the approval of the Collector by" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

There is no provision in the Bombay Village Sanitation Act, 1889, empowering a Sanitary Committee or a Sanitary Board to acquire, hold and transfer immoveable property. This has caused inconvenience. In order, however, that a Sanitary Committee or a Sanitary Board may be legally competent to hold, acquire and transfer property it is necessary that it should be a body corporate competent to acquire and hold property, that the property should vest in it, and that it should have power to transfer the property vested in it. The Bill, therefore, provides for the incorporation of Sanitary Committees and Sanitary Boards and enables them to hold, acquire and transfer the property vesting in them. Having regard to the powers now proposed to be given to Sanitary Committees and Boards certain provisions of the Act require to be consequentially amended so as to be consistent with the new provisions inserted in Chapter IV. These have been made.

2. Opportunity has also been taken to popularise the constitution of Sanitary Boards (section 19) by introducing definitely an elective principle, taking care at the same time to keep the provisions as simple and elastic as possible. Conditions in different villages and different parts of the country vary enormously, and it is the desire of Government to allow as much latitude as possible in the permissible forms of village self-government. The most elementary form is the Sanitary Committee, consisting of nominated members, Sanitary Boards with an elective majority mark a distinct stage in advance. They will lead on to Village Panchayats, a Bill for enlarging the powers and popularising the constitution of which is now under the consideration of Government.

3. In sub-section (2) of new-section 30B provision has been made to the effect that property of the nature therein referred to which may

[Appendix 2—concl'd.]

belong to or vest in the Government or the district local board may be transferred to the Sanitary Committee or Board from time to time as need arises and as the Committee or Board proves itself fit to act as trustee.

4. The object of new section 30G is to provide that when a Sanitary Committee or Board ceases to exist or to have jurisdiction over any area, the property transferred to it either by Government or by the district local board shall revert to the transferor and only the remainder which may have been acquired at its own cost shall vest in the taluka local board of the taluka in which the area over which the Committee or Board exercises authority is situate.

(Signed) RUSTOM JEHANGIR VAKIL.

6th September 1931.

APPENDIX 3.

BILL No. XIII OF 1931.

A Bill further to amend the Bombay District Police Act No. IV of 1890.

(As introduced on the 19th March 1931 and published in the "Bombay Government Gazette" of the 7th April 1931.)

WHEREAS it is expedient further to amend the Bombay District Police Act No. IV of 1890, in manner hereinafter appearing; It is hereby enacted as follows:— Bom.
IV of
1890.

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1931.

2. *Amendment of section 61 of Bom. IV of 1890.*—In section 61, after the words "shall be punished with fine which may extend to fifty rupees" at the end of clause (r), the words "or may be released after due admonition" shall be added.

STATEMENT OF OBJECTS AND REASONS.

It is desirable in the interests of justice to empower a criminal court convicting any person under section 61 to release him after due admonition when the acts contemplated by the various clauses of the said section are generally of a trivial nature. Even according to the provisions of section 562 (1A) of the Criminal Procedure Code, a criminal court can, in some cases punishable with imprisonment, release a convicted person after due admonition and all the cases contemplated by section 61 of Bombay Act No. IV of 1890 are punishable with fine only. Again a police officer can, under clause 3 of section 53 of Bombay District Police Act of 1890, release an offender in trivial cases instead of

[Appendix 3—contd.]

taking him before a magistrate for a trial. So it is but fair that a criminal court ought to be authorised to release a convicted person after due admonition while acting under any of the clauses of section 61 of Bombay Act No. IV of 1890.

(Signed) D. R. PATIL, M.L.C.

APPENDIX 4.

BILL No. XIV OF 1931.

A Bill further to amend Bombay Act No. XVII of 1920.

(As introduced on the 19th March 1931 and published in the "Bombay Government Gazette" of the 7th April 1931.)

Bom. XVII of 1920. WHEREAS it is expedient further to amend Bombay Act No. XVII of 1920 known as the Bombay Pleaders Act in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. XVII of 1920. 1. *Short title.*—This Act may be called the Bombay Pleaders (Amendment) Act of 1931.

2. *Amendment of rules for computing the pleaders' fee in (I) of Schedule III.*—In (I) of Schedule III the words "at 4 per cent." shall be substituted for the words "at 5 per cent." appearing in "if the amount or value of the subject matter in dispute does not exceed Rs. 2,000 at 5 per cent."

STATEMENT OF OBJECTS AND REASONS.

The cost of litigation is very heavy upon litigants in a court of law. So, this amending Bill aims at giving some sort of relief to them.

(Signed) D. R. PATIL, M.L.C. ✓

APPENDIX 5.

BILL No. XXII OF 1931.

A Bill further to amend the Bombay Municipal Act No. III of 1888.

(As introduced on the 24th July 1931 and published in the "Bombay Government Gazette" of the 17th August 1931.)

Bom. III of 1888. WHEREAS it is expedient further to amend the Bombay City Municipal Act, it is enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1931.

[Appendix 5—*contd.*]

2. *Amendment of section 5 of Bom. III of 1888.*—In sub-section (1) of section 5 delete the following:—

“and ten co-opted Councillors elected by transferable vote by the Councillors elected and appointed under the preceding clauses of this section.”

STATEMENT OF OBJECTS AND REASONS.

The object of introducing co-option system was to co-opt experts and others whose services would be valuable to the Corporation. But the way in which co-option took place clearly shows that the object of the system is not served in any way. This amendment seeks to do away with the system altogether.

(Signed) S. K. BOLE, M.L.C.

APPENDIX 6.

BILL No. XXIII OF 1931.

A Bill further to amend the Bombay City Municipal Act No. III of 1888.

(As introduced on the 24th July 1931 and published in the “*Bombay Government Gazette*” of the 17th August 1931.)

WHEREAS it is expedient further to amend the law relating to the Municipal Government of the City of Bombay, it is enacted as follows:—

Bom.
III of
1888.

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1931 .

2. *Amendment of section 11 of Bom. III of 1888.*—In sub-section (2) of section 11 of the said Act in line 11 the word “five” for the word “ten” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The object of this bill is to democratise the constitution of the Municipality of the City of Bombay by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 11,37,782, population numbering 10,18,163 is deprived of the vote. In these days it is undesirable to allow 11,37,782 people to be governed by 1,19,619 people.

(Signed) S. K. BOLE, M.L.C.

APPENDIX 7.

BILL No. XXVI OF 1931.

A Bill further to amend the Bombay District Municipal Act III of 1901.

(As introduced on the 24th July 1931 and published in the "Bombay Government Gazette" of the 17th August 1931.)

Bom. III of 1901. WHEREAS it is expedient to amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency, other than the City of Bombay; It is enacted hereby as follows:—

1. *Amendment of section 15 (1) of Bom. III of 1901.*—In sub-clause (i) of clause (a) of sub-section (1) of section 15, after the words "for an offence punishable with imprisonment for a term exceeding six months," the following shall be added, namely:—

"and involving loss or violence or injury to life, or property, or involving moral turpitude or defect in character"

2. *Amendment of section 15, sub-section (3) of Bom. III of 1901.*—In sub-section (3) of section 15, for the words "the orders of the Governor in Council in the case of City Municipalities and of the Commissioner in other cases," the following shall be substituted, namely:—

"the orders of the principal Courts of original civil jurisdiction"

STATEMENT OF OBJECTS AND REASONS.

Under section 15, sub-section (3) of the Bombay District Municipal Act III of 1901, every person convicted of an offence punishable with six months' imprisonment cannot be a Councillor; also if any Councillor during the term for which he has been elected or nominated is convicted of such an offence, he is disabled from continuing to be a Councillor and his office becomes vacant. This amendment is intended to exclude persons convicted of offences not involving any loss of character or moral turpitude etc. In the country there are now competent and otherwise fit persons to be municipal councillors but who have been convicted for political offences. This Bill is specially intended for the removal of the disabilities of persons convicted of political offences.

(Signed) L. R. GOKHALE, M.L.C.

APPENDIX 7-A.

Report of the Select Committee on Motion No. I of 1931 to amend Standing Orders.

We, the members* of the Select Committee appointed to consider Motion No. I of 1931 to amend the Standing Orders, have the honour to report as follows:—

We have carefully considered all the amendments proposed by Mr. Bakhale. We are, however, of opinion that in view of

* Note.—The signature of Mr. R. R. Bakhale, M.L.C., will be notified when received.

[Appendix 7-A—*contd.*]

the impending changes in the constitution, only such changes should be made in the Standing Orders as are urgently necessary. We think that it is desirable, on a balance of convenience and expediency, to retain the Standing Orders as they are and not make many of the changes which have been suggested by Mr. Bakhale. We, therefore, consider that the Standing Orders should only be amended in the following respects :

IV.—*Arrangement of Business.*

Paragraphs 1, 2, 3 and 4.—We think that motions to amend Standing Orders should form part of Government business on the analogy of statutory motions. We have, therefore, suggested the necessary change in Standing Order IV, 1 (1). As a consequential change, amendments have also been suggested in Standing Order IV, 1 (2) and (3).

VII.—*Motions for adjournment for purposes of debate.*

Paragraph 5.—We are of opinion that the support of 25 members should be sufficient for a motion for adjournment being discussed in the Council. We have, therefore, altered the figure of 30 to 25 in Standing Order VII, 1 (3). We also think that sub-paragraph (3) of paragraph 1 of Standing Order VII is defective. It does not state how a motion for adjournment is to be dealt with if exactly 30 members rise in their seats to support it. We have, therefore, taken the opportunity of removing the defect by the omission of the words "more than".

VIII.—*Legislation.*

Paragraph 6.—We consider that the provision in Standing Order VIII, 10 (2) which requires the notice of an amendment to be given seven clear days before the date appointed for the session of the Council is hard and inconvenient in practice. It cannot be observed when all the three readings of a bill are proposed to be taken through one session of the Council, nor can it be observed when the bills are introduced after the session of the Council has commenced. We are, therefore, of opinion that the suggestions made by Mr. Bakhale in his amendments Nos. 13 (i) and (ii) [now numbered 6 (i) and (ii)] should be accepted.

X.—*Resolutions.*

Paragraph 7.—We are of opinion that some limit should be placed on the number of resolutions of which a member can give notice during one session of the Council. In the Bengal Legislative Council a member is not allowed to send in notice of more than three resolutions during one session. We think that similar restrictions should also be placed in the Bombay Council and have suggested that the limit should, for the present, be seven. A new proviso has accordingly been inserted in Standing Order X, 1.

[Appendix 7-A—contd.]

Paragraph 8.—We think that the change suggested by Mr. Bakhale in paragraph 22 of his amendments is salutary and should be accepted. It would bring the provision on this point in the Bombay Council in line with the Standing Orders on the same subject in the Legislative Assembly.

We recommend that the Report and the amendments proposed should be published in English in the *Bombay Government Gazette*.

(Signed) A. M. K. DEHLAVI,
 (") GHULAM HUSSAIN HIDAYATALLAH
(subject to the following note).
 (") D. D. NANAVATI,
 (") S. K. BOLE,
 (") N. E. NAVLE,
 (") HOOSENALLY M. RAHIMTOOLA,
 (") R. R. KALE,
 (") B. S. KAMAT,
 (") G. S. RAJADHYAKSHA,
 (") M. D. GILDER *(subject to a minute of dissent).*

(Note by the Honourable Sir Ghulam Hussain Hidayatallah, Kt.)

I generally agree with the report, but reserve my right of moving amendments.

(Signed) GHULAM HUSSAIN HIDAYATALLAH.

11th May 1931.

(Minute of Dissent by Dr. M. D. Gilder, M.L.C.)

“The proviso which gives precedence to resolutions of congratulation or condolence requires to be modified to specifically exclude resolutions which are really resolutions of appreciation of services. The practice has grown up in the Council of moving and passing a resolution of appreciation of services for every retiring Member of the Executive Council. Such a resolution is often moved by a back bencher member in language which cannot for obvious reasons command universal acceptance in the House. The convention that such a resolution should be moved by the Leader of the Opposition and be couched in language which has been previously ascertained to have the unanimous approval of the House has failed to take root. It therefore becomes necessary to treat all such resolutions as ordinary resolutions and allow them to take their chance in the ballot. If such a resolution commands universal approval those who are above it in the ballot can give it precedence.”

(Signed) M. D. GILDER.

[Appendix 7-A—contd.]

MOTION TO AMEND STANDING ORDERS.

Motion No. I of 1931.

(As amended by the Select Committee.)

IV.—ARRANGEMENT OF BUSINESS.

~~1. In the marginal heading of sub-paragraph (1) of paragraph 1, after the word "of", the word "Government" shall be inserted.~~

1. In sub-clause (1) of clause 1 of Standing Order IV, the following words shall be added at the end, viz. :—

"and motions to amend Standing Orders."

~~2. For sub-paragraphs (2), (2A), (3) and 4 of paragraph 1, the following shall be substituted, namely:—~~

~~(2) (a) The relative precedence of notices of Bills given by non-official members shall be determined by ballot to be held, in accordance with the procedure set out in the Schedule, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the President may direct:~~

~~Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.~~

~~(b) On a day allotted for the disposal of non-official Bills, Bills which have been already introduced by non-official members, shall have priority over all other business, provided that any notice required by the Rules or Standing Orders has been given, and such Bills shall be arranged in such order as to give priority to the Bills most advanced.~~

~~(c) The relative precedence of Bills at the same stage shall be determined by ballot, to be held at such time and in such manner as the President may direct.~~

~~(3) Motions to amend the Standing Orders of which notice required by the Standing Orders has been given, shall be set down for such day or days as the President may direct and shall be arranged in such order as to give priority to those most advanced.~~

~~(4) (a) The relative precedence of notices of resolutions given by non-official members, shall be determined by ballot, to be held, in accordance with the procedure set out in the Schedule, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the President may direct:~~

[Appendix 7-A—contd.]

~~Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.~~

~~(b) A resolution of congratulation or condolence may, with the permission of the President and subject to the provisions regulating the discussion of resolutions, be moved at any time."~~

2. In sub-clause (2) of clause 1 of Standing Order IV the following words shall be omitted, viz. :—

" motions to amend the Standing Orders and motions to amend the Standing Orders over " in lines 2 and 3.

3. For sub-paragraph (1) of paragraph 2, the following shall be substituted, namely :—

" (1) (a) A provisional list of business for the session may be
 List of Business. *despatched to each member, from time to*
time, before the session commences.

(b) A list of business for the day shall be prepared by the Secretary and a copy thereof made available for the use of every member."

3. In paragraph (a) of sub-clause (3) of clause 1 of Standing Order IV the following words shall be deleted :—

" and motions to amend the Standing Orders made " in lines 1 and 2 ;

" and motions " in line 3.

4. In paragraph (b) of sub-clause (3) of clause 1 of Standing Order IV the following words shall be deleted, viz. :—

" and motions " in line 1 ;

" or motions " in line 2.

4. In sub-paragraph (2) of paragraph 2, for the word "Session", the word "day" shall be substituted.

5. In sub-paragraph (3) of paragraph 2, after the words "the list of business," the words "for the day" shall be inserted.

6. After sub-paragraph (3) of paragraph 2, the following new sub-paragraph shall be added, namely :—

" (4) Unless the President otherwise directs, not more than five resolutions (in addition to any resolution which has been commenced on, and is outstanding from, a previous day) shall be set down in the list of business for any day allotted for the disposal of non-official resolutions."

[Appendix 7-A—contd.]

7. ~~After paragraph 2, the following new paragraph shall be added and the subsequent paragraphs re-numbered, namely:—~~

~~“(2) Non-official business set down and not disposed of on that Business—out- day shall not be set down for any subsequent standing at end of day, unless it has gained priority at the day. ballot held with reference to that day.”~~

~~Provided that, notwithstanding anything contained in sub-paragraphs (2)-(a) and (4)-(a) of paragraph 1 of this Standing Order, any such business which has been commenced shall be set down for the next day allotted to business of that class and shall have precedence over all other business set down for that day.”~~

VII.—MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

8. ~~For sub-paragraph (2) of paragraph 1, the following shall be substituted, namely:—~~

~~“(2) The member asking leave must, before the commencement of the sitting of the day, leave with the President a written statement of the matter proposed.”~~

9. ~~In sub-paragraph (3) of paragraph 1, for the figure “30” wherever it occurs, the word “twenty” shall be substituted.~~

5. ~~In sub-clause (3) of clause 1 of Standing Order VII the following changes shall be made:—~~

~~(a) for the words and figure “more than 30” in line 5 the figure “25” shall be substituted;~~

~~(b) for the figure “30” in line 7 the figure “25” shall be substituted.~~

10. ~~For sub-paragraph (1) of paragraph 2, the following shall be substituted, namely:—~~

~~“(1) On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance, the only question that may be put shall be ‘That the Council do now adjourn’; provided that if the debate is not concluded by 6 o’clock, it shall automatically terminate and no question shall be put.”~~

VIII.—LEGISLATION.

11. ~~In sub-paragraph (1) of paragraph 1, for the word “seven”, the word “three” shall be substituted.~~

12. ~~In sub-paragraph (a) of paragraph 8 (2), the following changes shall be made, namely:—~~

~~(i) For the figure “15”, the word “seven” shall be substituted; and~~

~~(ii) For the words “appointed for the session of the Council at which the report is presented”, the words “on which the motion is to be made” shall be substituted.~~

[Appendix 7-A—contd.]

13 6. In sub-paragraph (2) of paragraph 10, the following changes shall be made, namely:—

(i) ~~For the word "seven", the word "two" shall be substituted.~~

(ii) (i). The words "appointed for the session of the Council" shall be omitted; and

(iii) (ii). For the word "at", the word "on" shall be substituted.

IX.—AMENDMENT OF STANDING ORDERS.

14. ~~In paragraph 2, for the figure "30", the word "twenty" shall be substituted.~~

X.—RESOLUTIONS.

15. ~~At the end of sub-paragraph (a) of paragraph 1 (1), the following proviso shall be added, namely:—~~

~~"Provided that the President with the consent of the member of the Government in charge of the Department concerned, may allow a resolution to be entered on the list of business with shorter notice than fifteen days."~~

7. ~~At the end of paragraph (c) of clause 1 (1) of Standing Order X the following proviso shall be added:—~~

~~"Provided that no member shall, unless he has obtained the permission of the President, be permitted to send in notice of more than seven resolutions during one session of the Council".~~

16. ~~Sub-paragraph (c), (d) and (e) of paragraph 1 (1) shall be omitted.~~

17. ~~Paragraph 4 shall be omitted and the subsequent paragraphs re-numbered.~~

18. ~~At the end of sub-paragraph (b) of (the existing) paragraph 5 (1), the following proviso shall be added, namely:—~~

~~"Provided that the member may, with the permission of the President, authorise any other member, in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly."~~

19. ~~At the end of paragraph 6, after the words "thirty minutes", the words "or for such longer time as the President may permit" shall be added.~~

20. ~~In sub-paragraph (2) of paragraph 8, the following changes shall be made, namely:—~~

(i) ~~For the words "on the day", the words "two clear days" shall be substituted.~~

[Appendix 7-A—contd.]

(ii) ~~For the words beginning with "President shall" and ending with "to the following day", the following words shall be substituted, namely:—~~

~~"any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this provision, allows the amendment to be made."~~

(iii) ~~The words beginning with "Provided that" and ending with "with less notice", shall be omitted.~~

21. ~~In sub-paragraph (3) of paragraph 8, the following changes shall be made, namely:—~~

~~(i) Before the words "Standing Orders", the words "Rules and" shall be inserted; and~~

~~(ii) All words beginning from "and on the objection of" to the end of the sub-paragraph shall be omitted.~~

22 8. ~~After sub-paragraph (2) of paragraph 10, the following new sub-paragraph shall be added, namely:—~~

~~"(3) When any resolution involving several points has been discussed, it shall be in the discretion of the President to divide the resolution and to put each or any point separately to the vote as he may think fit."~~

XI.—FINANCIAL BUSINESS.

23. ~~In paragraph 3, the following changes shall be made, namely:—~~

~~(i) For the words "three clear days before the first day of", the words "two clear days before the day on which the demand is to be considered in accordance with", shall be substituted.~~

~~(ii) For the words "with the consent of the member of Government in charge of the Department concerned", the words "in the exercise of his power to suspend this provision", shall be substituted.~~

Schedule.

24. ~~For the Schedule under Standing Order IV 1 (2A), the following new Schedule shall be substituted, namely:—~~

"Schedule.

[See Standing Order IV 1 (2)-(a) and IV 1 (4)-(a).]

Ballot Procedure for determining Relative Precedence of Non-Official Bills and Resolutions.

1. ~~Not less than seven days before each day allotted for the disposal of non-official business, the Secretary will cause to be placed in the Council Office a numbered list.—This list will be kept open for two days, and during those days and at hours when the office is~~

[Appendix 7-A—contd.]

~~open, any member who wishes to give or has given notice of a resolution, or has given notice of a Bill, as the case may be, may have his name entered, in the case of a ballot for resolutions, against one number only, or, in the case of a ballot for Bills, against one number for each Bill of which he has given notice up to the number of three.~~

~~2. The ballot will be held in the Committee room before the Secretary, and any member who wishes to attend may do so.~~

~~3. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.~~

~~4. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers or, in the case of a ballot for resolution, five numbers have been drawn.~~

~~5. Priority on the list will entitle the member to have set down, in the order of his priority for the day with reference to which the ballot is held, any Bill or any resolution, as the case may be, of which he has given the notice required by the rules or Standing Orders:~~

~~Provided that he shall then and there specify such Bill or Bills or such resolution."~~

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 16th September 1931.

No. 1100.—With reference to the footnote to the Report of the Select Committee on Motion No. I of 1931 to amend Standing Orders, published at pages 107-109 of the *Bombay Government Gazette*, Part V, dated the 23rd May 1931, it is notified that Mr. R. R. Bakhale, M.L.C., has signed the report of the Select Committee subject to the minute of dissent shown below :—

(Minute of dissent by Mr. R. R. Bakhale, M.L.C.)

The main objects of my giving notice to amend the Standing Orders were two : (1) to secure, through the incorporation of suitable Standing Orders, the interspersing of non-official days during the session of the Council and separate days for non-official Bills and resolutions in order to afford adequate facilities for the transaction of both kinds of non-official business ; and (2) to reduce the periods of notice for motions, particularly in respect of legislative and financial business. The report of the majority of the Select Committee will show that while the second object was only partially gained, the first one was lost all along the line. I fully appreciate the opinion of the majority that, in view of the impending changes in the constitution, only such changes should be made in the Standing Orders as are urgently necessary. I still hold the

[Appendix 7-A--concl'd.]

view that the interspersing of non-official days and separate days for non-official Bills and resolutions are changes which "are urgently necessary" even during the life-time of this Council. I, therefore, reserve to myself full liberty to move, if necessary and expedient, such amendments as may secure this end. I may also move my amendment No. 23 under "Financial Business" which was lost in the Select Committee.

I am also opposed to the new proviso which the majority of the Select Committee seeks to add to paragraph (c) of clause 1 (1) of Standing Order X under Resolutions, which precludes members from sending more than seven resolutions in one session. The present practice for the allocation of non-official days shuts out all possibilities of a non-official member inundating the Council with the discussion of all his resolutions, whatever their number may be. The new proviso is, therefore, in my opinion, unnecessary so long at least as the present practice continues.

Subject to these reservations, I sign the Report of the Select Committee.

(Signed) R. R. BAKHALE.

Madras, September 13, 1931.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

APPENDIX 8.

BILL No. XXXI OF 1931.

A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

(As published in the "Bombay Government Gazette" of the 22nd September 1931.)

WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Municipal, Bombay Local Boards and Bombay Municipal Boroughs (Amendment) Act, 1931.

2. *Amendment of Bom. III of 1901.*—In the Bombay District Municipal Act, 1901:—

(i) In sub-section (1) of section 53—

(a) the words "at interest" shall be deleted; and

Bom.
III of
1901.
Bom.
VI of
1923.
Bom.
XVIII
of
1925.
5 & 6
Geo.V,
c. 61.
Bom.
III of
1901.

[Appendix 8—contd.]

(b) for the words "Bank of Bombay" the words "Imperial Bank of India" shall be substituted ;

(ii) For sub-section (3) of section 178, the following shall be substituted, namely :—

"(3) if the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the municipality are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the municipality in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person ; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the municipality in respect of any sum or sums so paid by it or him out of the moneys of the municipality so deposited with such bank or person."

Bom.
VI of
1923.

3. *Amendment of section 127 of Bom. VI of 1923.*—In the Bombay Local Boards Act, 1923, for sub-section (3) of section 127, the following shall be substituted, namely :—

"(3) If the expense and remuneration are not so paid the Government may make an order directing the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest to pay such expense and remuneration from such moneys as may be standing to the credit of the local board in such treasury or bank or society or as may, from time to time, be received from or on behalf of the local board by way of deposit by such treasury or bank or society ; and such officer or bank or society shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer, bank or society from all liability to the local board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the local board in such treasury or bank or society."

Bom.
XVIII
of
1925.

4. *Amendment of Bom. XVIII of 1925.*—In the Bombay Municipal Boroughs Act, 1925—

(i) in sub-section (1) of section 67, the words "at interest" shall be deleted ; and

(ii) for sub-section (3) of section 218, the following shall be substituted, namely :—

"(3) If the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the municipality are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the municipality in such bank or may be in the hands of

[Appendix 8—concl.]

such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the municipality in respect of any sum or sums so paid by it or him out of the moneys of the municipality so deposited with such bank or person."

STATEMENT OF OBJECTS AND REASONS.

The relation between a banker and a customer is that of debtor and creditor and money deposited into a bank ceases to be for the time being the money of the principal. A banker is not, therefore, a person having custody of any money on behalf of the municipality within the meaning of section 178 (3) of the Bombay District Municipal Act, 1901. In order to bring funds deposited with a banker within the scope of the said section, it is now proposed to amend it. The amendment is based on section 53 of the Bombay District Municipal Act, 1901, and follows section 520 (3) of the City of Bombay Municipal Act, 1888. It is also proposed to amend section 127 (3) of the Bombay Local Boards Act, 1923, and section 218 (3) of the Bombay Municipal Boroughs Act, 1925, on similar lines.

2. It is also noticed that section 53 (1) of the Bombay District Municipal Act, 1901, and section 67 (1) of the Bombay Municipal Boroughs Act, 1925, authorise municipalities to deposit *at interest* their surplus funds with the Bank of Bombay (Imperial Bank of India) or any other Bank in the Presidency of Bombay with the sanction of Government. The Imperial Bank of India, however, does not give interest on deposits in current account. The opportunity has, therefore, been taken to amend section 53 of the former Act by substituting the words "Imperial Bank of India" for the words "Bank of Bombay" and by deleting the words "at interest". A corresponding change is also made in section 67 (1) of the latter Act.

16th September 1931.

(Signed) RUSTOM JEhangir Vakil.

APPENDIX 9.

BILL No. XXXII OF 1931.

A Bill further to amend the Bombay Prevention of Prostitution Act, 1923.

(As published in the "Bombay Government Gazette" of the 22nd September 1931.)

WHEREAS it is expedient further to amend the Bombay Prevention of Prostitution Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Prevention of Prostitution (Amendment) Act, 1931.

Bom.
XI of
1923.

[Appendix 9—*contd.*]

Bom. XI of 1923. 2. *Amendment of section 13 of Bom. XI of 1923.*—In sub-section (2) of section 13 of the Bombay Prevention of Prostitution Act, 1923—

(1) after the words “municipal district” the words “or municipal borough” shall be inserted; and

Bom. XVIII of 1925. (2) after the figures “1901” the words and figures “or section 188 of the Bombay Municipal Boroughs Act, 1925, as the case may be” shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

Section 13 (2) of the Bombay Prevention of Prostitution Act, 1923, provides that, in any municipal district to which section 3 is extended, section 152 of the Bombay District Municipal Act, 1901, shall be deemed to have been repealed from the date of such extension. The corresponding section in the Bombay Municipal Boroughs Act, 1925, is section 188, and it is therefore necessary that the provisions of that section also should be deemed to have been repealed in any municipal borough to which section 3 of the Bombay Prevention of Prostitution Act, 1923, may be extended. It is accordingly proposed to amend section 13 (2) of the latter Act by inserting therein a reference to section 188 of the Bombay Municipal Boroughs Act, 1925.

(Signed) G. A. THOMAS.

9th September 1931.

APPENDIX 10.

BILL No. XXXIII OF 1931.

A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

(As published in the “Bombay Government Gazette” of the 25th September 1931.)

WHEREAS it is expedient further to amend the City of Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Improvement Trust Transfer (Second Amendment) Act, 1931.
2. *Amendment of section 88 of Bom. XVI of 1925.*—In clause (3) of section 88 of the City of Bombay Improvement Trust Transfer Act, 1925, for the figures “15” the figures “16½” shall be substituted.

Bom. XVI of 1925.

[Appendix 10—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

Under section 88 (3) of the City of Bombay Improvement Trust Transfer Act, 1925, the deficits in the General Account can be debited to Capital Account up to a limit of only 15 per cent. on the aggregate Capital debt of the Board. It has been represented to Government by the Board that the net aggregate amount of the deficits in the General Account of the Trust debitable to Capital Account at the end of the year 1932-33 will work out to 15·7 per cent. on the aggregate Capital debt of the Board, which exceeds the limit of percentage laid down in section 88 (3). It was hoped that the amalgamation of the Improvement Trust with the Bombay Municipality would take place by the 31st March 1932. But this is not possible as the question of legislation to give effect to the amalgamation is still under the consideration of the Municipal Corporation of the City of Bombay. This position makes it impossible for the Chief Officer of the Board to prepare the annual estimates for the year 1932-33 as required by section 98 (1) of the Act. It has therefore been asked that clause (3) of section 88 should be amended so as to increase the limit of percentage from 15 to 16½, thereby giving a sufficient margin for carrying on the administration of the Trust until 31st March 1933, before which date the amalgamation is likely to be brought about. The Municipal Corporation who will ultimately have to bear the financial responsibility for the operation of the Improvement Trust was consulted by Government and they have agreed to the proposed amendment of the law. The proposed amendment of the Act is therefore intended to give effect to the above suggestion of the Board of Trustees.

(Signed) RUSTOM JEHANGIR VAKIL.

19th September 1931.

APPENDIX 11.

BILL No. XXXIV OF 1931.

A Bill further to amend the Bombay Local Boards Act, 1923.

(As published in the "Bombay Government Gazette" of the
25th September 1931.)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted Bom.
VI of
1923.
as follows:—

1. *Short title.*—This Act may be called the Bombay Local Boards (Second Amendment) Act, 1931.

[Appendix 11—*contd.*]

2. *New section 80A of Bom. VI of 1923.*—After section 80 of the Bombay Local Boards Act, 1923, the following section shall be inserted namely :—

“ 80A. *Cess on water-rate to be utilized towards improvement of communications in irrigated tracts.*—In any district notified by Government in this behalf, the whole or such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by Government, shall be utilized towards the improvement of communications in irrigated tracts in that district.”

STATEMENT OF OBJECTS AND REASONS.

Section 95 of the Bombay Local Boards Act, 1923, provides that Government may levy a cess not exceeding two annas on every rupee of water-rate leviable under the provisions of the Bombay Irrigation Act, 1879. It has come to the notice of Government that very few District Local Boards spend the proceeds of the cess, or any definite portion of it, towards improvements of communications in irrigated tracts and that the cess is merged in the general balance of the District Local Board concerned and is utilised on education and other objects. The advent of irrigation has increased the need of good roads, since most of the greatly increased produce of irrigated land is taken to market. The increase in population and in intensive cultivation, consequent on the improvement in the water supply means that more and better roads are required. The rise in the water level tends to enhance the cost both of construction and maintenance. It is considered equitable that a cess levied on irrigated land only should be devoted primarily to objects which will benefit irrigated areas and it is accordingly proposed that in such districts, as may be notified by Government, power should be assumed to direct, if necessary, that the whole or some specified portion of the proceeds of the cess levied under section 95, as may be determined by Government, should be utilised towards the improvement of communications in irrigated tracts. The insertion of new section 80A in the Act proposed in this Bill gives effect to this intention.

(Signed) RUSTOM JEHANGIR VAKIL.

19th September 1931.

APPENDIX 12.

BILL No. XXXV OF 1931.

A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Trust Transfer Act, 1925.

(As published in the “ Bombay Government Gazette ” of the 23th September 1931.)

Bom. WHEREAS it is expedient further to amend the City of Bombay
III of Municipal Act, 1888, and the City of Bombay Improvement Trust
1888.

[Appendix 12—*contd.*]

Transfer Act, 1925, in manner hereinafter appearing ; It is hereby enacted as follows :— Bom. XVI of 1925.

1. *Short title.*—This Act may be called the City of Bombay Municipal and Improvement Trust Transfer (Amendment) Act, 1931.

2. *Amendment of Bom. III of 1888.*—In the City of Bombay Municipal Act, 1888— Bom. III of 1888.

(i) in clauses (c), (d) and (g) of section 36, in the heading and marginal note to section 37, in section 37, in clause (b) of sub-section (5) of section 39, in section 52, in sub-section (3) of section 66, and in sub-sections (2) and (3) of section 66A for the words “ president of the corporation ”, for the words “ said president ” and for the word “ president ”, wherever they occur, either with or without the first letter “ p ” being capital, the word “ Mayor ” shall be substituted ; and

(ii) in section 36A for the word “ President ” wherever it occurs the words “ presiding authority ” shall be substituted.

3. *Amendment of section 7 of Bom. XVI of 1925.*—In sub-section (2) of section 7 of the City of Bombay Improvement Trust Transfer Act, 1925, for the words “ President of the Corporation ” the word “ Mayor ” shall be substituted. Bom. XVI of 1925.

STATEMENT OF OBJECTS AND REASONS.

In view of the important civic duties attaching to the office of President of the Municipal Corporation of the City of Bombay, it is considered that it would be more in consonance with the dignity of that office if the President were designated “ Mayor ”, as in Calcutta. To give effect to this change of designation, it is proposed in clauses 2 (i) and 3 of the Bill to substitute the word “ Mayor ” for the words “ President of the Corporation ”, “ President ” and “ said president ” wherever they occur either in the City of Bombay Municipal Act, 1888, or in the City of Bombay Improvement Trust Transfer Act, 1925. In section 36A of the former Act it is desirable that the power of preserving order at meetings of the Corporation now vested in the President should be conferred upon the presiding authority. Clause 2 (ii) of the Bill gives effect to this last proposal.

(Signed) RUSTOM JEHangir Vakil.

22nd September 1931.

APPENDIX 13.

BILL No. XXXVI OF 1931.

A Bill to amend the Karachi Rent Restriction Act, 1929.

(As published in the “ Bombay Government Gazette ” of the 28th September 1931.)

WHEREAS it is expedient to amend the Karachi Rent Restriction Act, 1929, in manner hereinafter appearing ; And whereas the previous Bom. III of 1929.

[Appendix 13—*contd.*]

5 & 6
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c. 61

sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Karachi Rent Restriction (Amendment) Act, 1931.

Bom.
III of
1929.

2. *Amendment of section 2 of Bom. III of 1929.*—In section 2 of the Karachi Rent Restriction Act, 1929, hereinafter called the said Act, for the figures “1931” the figures “1932” shall be substituted.

3. *Amendment of section 3 of Bom. III of 1929.*—In section 3 of the said Act—

(i) in clause (b) for the figure “5” the figure “6” shall be substituted;

(ii) in clause (d) for sub-clause (i) the following shall be substituted namely:—

Bom.
II of
1918.

Bom.
VII of
1918.

“(i) the rent which under the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions, No. 2) Act, 1918, was leviable in respect of such premises on the 31st December 1928 or where they were not let on that date, the rent which under the aforesaid Acts was leviable on the date on which they were last let before the said 31st December 1928.”

4. *Amendment of section 26 of Bom. III of 1929.*—For sub-section (1) of section 26 of the said Act, the following shall be substituted namely:—

“(1) In every suit for rent, compensation for use and occupation, or ejection in respect of any premises, the plaintiff shall annex to the plaint a copy of an order in force under this Act fixing their standard rent.”

5. *New section 27 of Bom. III of 1929.*—After section 26 of the said Act the following new section shall be inserted namely:—

Bom.
IV of
1929.

“27. *No distress warrant to be issued in certain cases.*—No distress warrant shall be issued under Chapter V of the Karachi Small Causes Court Act, 1929, in the case of premises of which the standard rent under this Act does not exceed Rs. 35 per month unless the person applying for the warrant, when making his application for the same, shall produce a copy of an order in force under this Act fixing the standard rent of such premises.”

STATEMENT OF OBJECTS AND REASONS.

The Karachi Rent Restriction Act, 1929, is due to expire on 31st December 1931 but it is considered necessary to extend its operation for a further period of one year, i.e. up to 31st December 1932. It is stated that although prices of nearly all goods have fallen, and wages tend to fall also, house-rents in Karachi have not been reduced. It is further alleged that many workers, artisans and clerks, who form the bulk of the tenant class, have been thrown out of employment; and if the protection now afforded to them by the Rent Act of 1929 were withdrawn at a

[Appendix 13—concl.]

time of such acute trade depression, the hardships caused to such persons would be further aggravated. In order to mitigate these hardships as far as possible, it is considered to be necessary that the operation of the Rent Act of 1929 should be continued at least for a year more. Clause 2 of the Bill gives effect to this object.

2. It is also proposed to modify the definition of "standard rent" in section 3 (d) (i) of the Act. Since the passing of the Act in 1929 experience has shown that several landlords have been recovering a much higher rent than they could have legally recovered in respect of their premises on 31st December 1928 under the two Bombay Rent (War Restrictions) Acts of 1918, which were in force in the Municipal District and Cantonment of Karachi up to that date. When the Bombay Rent Acts were about to expire, several landlords served their tenants with notices in advance either to vacate the premises after 31st December 1928 or to pay the higher rent demanded and the latter had therefore no option but to submit to their demands.

3. Experience has also shown that, while the Rent Act of 1929 aims at protecting the tenant, the provisions of section 27 of the Karachi Small Causes Court Act, 1929, are being freely used by landlords for the recovery of arrears of rent by means of distress warrants. It is therefore proposed to provide by clauses 4 and 5 of the Bill that no distress warrant shall be issued in the case of premises which are controlled under the present Act, and that no suit shall be entertained in the case of such premises, unless the plaintiff annexes to his plaint an order of the Rent Controller fixing the standard rent of the premises in question. The proposed amendment of section 26 (1) and the insertion of new section 27 on the lines of section 16 of Bombay Act VII of 1918 give effect to this object.

(Signed) GHULAM HUSSAIN HIDAYATALLAH.

22nd September 1931.

APPENDIX 14.

BILL No. XXX OF 1931.

(A Bill further to amend the Bombay Village Sanitation Act, 1889.)

REPORT OF THE SELECT COMMITTEE.

We, the Members* of the Select Committee appointed to consider Bill No. XXX of 1931 (A Bill further to amend the Bombay Village Sanitation Act, 1889), have the honour to report as follows:—

We have carefully considered the Bill, and have made several changes therein. The reasons for the principal changes are noted against the clauses in which they occur.

* Note.—The signatures of Khan Bahadur M. A. Khuhro and Khan Bahadur Allahbakhsh will be notified when received.

[Appendix 14—*contd.*]

Clauses 3 and 5A.—We have deleted the four concluding lines of clause 3, relating to the control of expenditure by sanitary committees, because we consider that a better way of controlling the accounts of such committees would be to lay down that such committees shall submit a statement of income and expenditure for the approval of the Collector every year, and that expenditure beyond the provisions of the budget shall require the special sanction of the Collector. We have made provision for the preparation and sanction of such a budget in the new clause 5A that we have added to this Bill.

Clause 4.—We have omitted the words “on Government land” in this clause, in order to leave the hands of the sanitary committees free to levy a rate on open air stalls not only on Government lands but on such other lands as may be at their disposal. We have deleted the provisions about raising money by voluntary subscriptions and its utilisation, because in clause 5 we make the proposed new section 18 a self-contained one, and have added a new clause 5A in order to control the expenditure of the moneys at the disposal of the sanitary committees.

Clause 5.—A majority of us are of the opinion that the district local board should contribute compulsorily towards the funds of the sanitary committee of a village a fraction of the local fund recovered from such village. But as such a provision would require the amendment of the Local Boards Act, we propose no change of the Act in this Bill.

We have amended the first paragraph of the proposed new section 18, so as to leave the sanitary committees free to adopt any of the three means of raising money without making it obligatory on them to resort to voluntary subscriptions in the first instance.

We have amended the first proviso to the new section 18, so as to make it clear that the rate shall be recovered from the inhabitant of a village irrespective of the consideration as to whether his lands are situated within the limits of such a village or not, and that the aggregate amount to be so recovered from a village shall not exceed half the total amount of local fund cess recovered from lands in such a village, irrespective of the consideration whether the owners of such lands live in the village or not.

Clause 6—New section 19 (1).—We think that the elective element on the sanitary board should be increased. We have consequently provided that not less than two-thirds of the members of a sanitary board shall be elected.

New section 19 (3).—We consider that the words “having property” in this sub-section are vague, and have therefore provided that the persons entitled to vote at an election of a sanitary board should be persons occupying as owners or part-owners, or tenants or sub-tenants a building or other immoveable property.

New section 19 (4).—We consider that it is desirable that the Mamlatdar should hold the election at some place within the area concerned in such election. We have amended the sub-section accordingly.

[Appendix 14—contd.]

Clause 10.—We have amended this clause so as not to fetter unduly the discretion of a sanitary board in the matter of the expenditure of sums of money raised for the purposes of the Act.

Clause 12.—We have amended the proviso to new section 30 (3), to enable a sanitary board, with the permission of the Collector, to raise a sum higher than that specified in this proviso, as we imagine that occasionally cases would arise when the aggregate amount permitted to be recovered under this sub-section might be found to be insufficient for the purposes of some sanitary boards. We have also amended the second part of this proviso to lay down a time limit within which an appeal may be preferred by any inhabitant who considers himself aggrieved in the matter of the amount to which he has been assessed.

Clause 13—New section 300, sub-section (1).—We have amended sub-section (1) of the proposed new section 300, so as to lay down that the decisions of a sanitary board to dispose of any property should be formally recorded by means of a resolution to that effect.

We consider that every purchase of immoveable property involving expenditure of more than Rs. 100 should require the previous sanction of the Collector. We have therefore amended the first proviso to this sub-section accordingly.

Sub-section (3).—This sub-section should, from a drafting point of view, form a second proviso to sub-section (1). We have altered the Bill accordingly.

Sub-section (4).—We have deleted this sub-section as, in our opinion, every lease or other transfer should be made with the previous sanction of the committee or the board. As this requirement is already embodied in sub-section (1), the retention of this sub-section becomes unnecessary.

New section 30D.—The changes in this section are merely verbal.

New section 30E.—We have deleted the reference to clauses (c), (e) and (f) of section 50 of the Bombay Local Boards Act, 1923, in order to leave full discretion with sanitary committees or sanitary boards to contribute towards the expenditure of any of the works that could be undertaken by a local board under section 50 of the Bombay Local Boards Act, 1923.

New section 30F.—We have deleted the words “at interest” occurring in this section to enable the sanitary committees and sanitary boards to deposit their surplus funds in certain important banks which happen to give no interest on current accounts.

New clause 14A.—We have taken this opportunity of amending section 32 of the Village Sanitation Act so as to provide that before the Collector passes an order under this section he should give the person concerned an opportunity of being heard and should record his reasons for passing the order in question.

[Appendix 14—*contd.*]

We recommend that this report, with the minutes of dissent, if any, and the Bill as amended, be translated and published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and Sindhi in the *Sind Official Gazette*.

(Signed) RUSTOM J. VAKIL,
 („) R. B. EW BANK,
 („) A. S. R. MACKLIN,
 („) P. G. SOLANKI,
 („) G. K. CHITALE,
 („) S. N. ANGADI,
 („) H. B. CLAYTON,
 („) J. H. GARRETT,
 („) A. N. SURVE
(subject to a minute of dissent),
 („) B. R. NAIK
(subject to a minute of dissent).

(Minute of dissent by Mr. A. N. Surve, M.L.C.)

I am in general agreement with the recommendations made in the report, but would like to mention for the consideration of the Honourable House the desirability of preparation of—

(1) *a list of Electors* [Cl. 6—19 (s)] to avoid confusion at an election and the denial of right of franchise to a person who is eligible for it
 and also

(2) *model rules* for the entire presidency or at least for its divisions in order to avoid diversity in different districts. (Cl. 6.)

(Signed) A. N. SURVE, M.L.C.

Poona, 3rd October 1931.

(Minute of dissent by Rao Bahadur B. R. Naik, M.L.C.)

I agree with the report. I however reserve the right of moving an amendment or amendments to any section or sections of the Act, which are not sought to be amended under this Bill if I will be allowed to do so.

(Signed) BHIMBHAI R. NAIK.

3rd October 1931.

[Appendix 14—contd.]

BILL No. XXX OF 1931.

A Bill further to amend the Bombay Village Sanitation Act, 1889.

(As amended by the Select Committee)

WHEREAS it is expedient further to amend the Bombay Village Sanitation Act, 1889, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom.
I of
1889.

1. *Short title.*—This Act may be called the Bombay Village Sanitation (Amendment) Act, 1931.

2. *Amendment of section 12 of Bom. I of 1889.*—In sub-section (2) of section 12 of the Bombay Village Sanitation Act, 1889, hereinafter called the said Act, for the word “conference” the word “consultation” shall be substituted.

Bom.
I of
1889.

3. *Amendment of section 16 of Bom. I of 1889.*—In section 16 of the said Act, for the words “with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid” the words “employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid ~~Provided that no non-recurring expenditure exceeding one hundred rupees and no recurring expenditure shall be incurred and no servant shall be employed without the previous sanction of the Collector~~” shall be substituted.

4. *Amendment of section 17 of Bom. I of 1889.*—For section 17 of the said Act, the following section shall be substituted, namely:—

“17. ~~Sanitary Committee may raise funds by voluntary subscription or by levy a rate on open air stalls.~~—The Sanitary Committee may, by voluntary subscription, raise any sum of money for any of the purposes specified in section 16 and may also levy a rate on open air stalls on Government land in the village for such purposes. Such sums and the amount so recovered shall form part of the Sanitary Committee fund under section 30D and shall be utilized by the Sanitary Committee for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised or the rate was levied.”

5. *Amendment of section 18 of Bom. I of 1889.*—For section 18 of the said Act, the following shall be substituted, namely:—

“18. ~~Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.~~—If Any sum of money of which the expenditure is authorised by the Sanitary Committee is not may be raised by voluntary subscription and is not available from any other source, the same or levied under section 17 or may be recovered by a rate fixed with the approval of the Collector and

[Appendix 14—*contd.*]

assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source :

Provided that—

(1) the aggregate amount to be so recovered by such rate from the inhabitants of any village in any year shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such village ;

(2) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector, whose decision shall be final."

5A. Insertion of new section 16A in Bom. I of 1889.—*After section 18 of the said Act, the following new section shall be inserted, namely :—*

"18A. Sanitary Committee to prepare annually a statement of income and expenditure.—*The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee.*"

6. Amendment of section 19 of Bom. I of 1889.—*For section 19 of the said Act, the following shall be substituted, namely :—*

"19. Constitution of Sanitary Boards.—(1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than one-half two-thirds shall be elected : provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(2) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

(3) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and having occupying as owner or part owner or tenant or sub-tenant a building or other immovable property therein and who is not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(4) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such place time and place within the area concerned as he may fix in this behalf. A notice

[Appendix 14—*contd.*]

of such meeting shall be given by posting it at the chavdi at least fifteen days before the date of the election.

(5) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(6) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(7) The Board shall elect annually one of themselves to be the president:

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(8) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(9) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf."

7. *Amendment of section 21 of Bom. I of 1889.*—In section 21 of the said Act—

(1) for sub-section (1) the following shall be substituted, namely:—

"(1) *Appointment of Sanitary Inspector and other officers.*—The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him."

(2) after sub-section (2), the following shall be inserted as sub-section (3), namely:—

"(3) The Sanitary Board may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates."

8. *Repeal of section 26 of Bom. I of 1889.*—Section 26 of the said Act shall be repealed.

9. *Amendment of section 27 of Bom. I of 1889.*—In section 27 of the said Act, the words "with the approval of the Collector" shall be repealed.

10. *Amendment of section 28 of Bom. I of 1889.*—For section 28 of the said Act, the following section shall be substituted, namely:—

"28. *Sanitary Board may raise funds by voluntary subscription.*—The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act.

[Appendix 14—*contd.*]

Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area ~~in which and on the purpose for which the subscription was raised~~ subject to its authority and for the purposes of this Act."

11. *Amendment of section 29 of Bom. I of 1889.*—In clause (c) of section 29 of the said Act, for the figures "26" the figures and letter "30C" shall be substituted.

12. *Amendment of section 30 of Bom. I of 1889.*—For section 30 of the said Act, the following section shall be substituted, namely :—

"30. *Sanitary Board's ways and means.*—(1) A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided.

(2) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(3) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not, *except with the permission of the Collector (for reasons to be recorded by him)*, exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(2) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector ~~whose~~ *within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.*"

13. *Insertion of new sections 30A to 30G in Bom. I of 1889.*—In Part IV of the said Act before section 31 the following sections shall be inserted, namely :—

"30A. *Incorporation of Sanitary Committees and Sanitary Boards.*—Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of 'The Sanitary Committee of.....' or 'The Sanitary Board of.....' as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

[Appendix 14 *contd.*]

30B. *Power to acquire, hold and transfer property.*—(1) A Sanitary Cf. Committee or a Sanitary Board may acquire and hold property, both Bom. III of 1901, moveable and immoveable, whether within or without the limits of s. 50, the village or villages subject to its authority. and XVIII of 1925, s. 63.

(2) *Property vested in Sanitary Committee or Sanitary Board.*—All Cf. property of the nature hereinafter in this sub-section specified may Bom. III of 1901, be transferred to or vested in the Committee or the Board exercising s. 50. authority in the village in which such property is situate, either by the Government or by an officer appointed by the Government in this behalf or by the district or *taluka* local board to which it belongs or in which it vests; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act; that is to say—

(a) public markets, slaughter houses, manure and night-soil depôts, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description;

(b) public streams, springs, pools, tanks, ponds, wells, cisterns, Cf. Act II of 1924, reservoirs, aqueducts, conduits, pipes, pumps and all other water s. 108. works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works;

(c) public sewers, drains cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto;

(d) public bathing ghats and recreation grounds;

(e) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets; and

(g) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.

30C. *Mode of executing contracts.*—(1) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it;

[Appendix 14—*contd.*]

and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act :

Provided that no contract involving an expenditure exceeding one hundred rupees or *purchase of immoveable property (involving similar expenditure)* shall be made without the previous sanction of the Collector.

(3) *Provided further that in the case of every lease of immoveable property for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.*

(2) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.

~~(4) In the case of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property the sanction of the Committee or the Board by a resolution is required.~~

Cf.
Bom.
III of
1901,
s. 51.

30D. *Sanitary Committee or Sanitary Board fund.*—All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act : all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act ; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its lands or other property ; and all interest, profits and other moneys accruing by gifts or transfers from the Secretary of State for India in Council Government or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act.

Cf.
Bom.
III of
1901,
s. 52.

30E. *Property and funds of Sanitary Committee or Sanitary Board how to be applied.*—All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted :

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits :

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution

[Appendix 14—contd.]

on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50, clause (e), ~~(e)~~ and (f) of the Bombay Local Boards Act, 1923. Bom. VI of 1923.

30F. *Power to deposit and invest surplus funds.*—(1) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit ^{at} interest with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary. Bom. III of 1901.

(2) All surplus funds over and above what may be required for current expenses shall unless deposited or invested as provided for in sub-section (1), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.

30G. *Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.*—When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority, the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate :

Provided that such property as may have been transferred to or vested in such Committee or Board either by the Government or by the district local board shall, on such cessation, revert to the Government or the district local board, as the case may be."

14. *Amendment of section 31 of Bom. I of 1889.*—In section 31 of the said Act for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" the words and figures "sub-section (1) of section 40 of the Bombay Local Boards Act, 1923" shall be substituted. Bom. VI of 1923.

14A. *Amendment of section 32 of Bom. I of 1889.*—In section 32 of the said Act, for the words "may, after recording his reasons for the same" the words "after giving the person concerned an opportunity of being heard and after recording his reasons may" shall be substituted.

15. *Repeal of section 39 of Bom. I of 1889.*—Section 39 of the said Act shall be repealed.

16. *Amendment of section 40 of Bom. I of 1889.*—In section 40 of the said Act :—

(1) Sub-section (2) shall be repealed ;

(2) sub-section (3) shall be renumbered as sub-section (2) and in the said sub-section for the words "by the Collector, in conference

[Appendix 14—concl'd.]

with" the words "with the approval of the Collector by" shall be substituted.

17. *Amendment of section 41 of Bom. I of 1889.*—In sub-section (2) of section 41 of the said Act for the words "by the Collector in conference with" the words "with the approval of the Collector by" shall be substituted.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 3rd October 1931.

APPENDIX 15.

STATEMENT OF DEMAND FOR EXCESS GRANTS TO COVER THE EXCESSES SHOWN IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1929-30 AND IN THE REPORT OF THE ACCOUNTANT GENERAL THEREON.

ITEM 1. The Honourable Sir G. B. PRADHAN.

In his report on the Appropriation Accounts of the Government of Bombay for the year 1929-30, the Accountant General, Bombay, has pointed out excess expenditure in the final accounts under the following heads, which requires the sanction of the Legislative Council :—

	Amount of excess.
	Rs.
1. Excise—Transferred	50,255
2. Scheduled Taxes—Reserved	914
3. Administration of Justice—Reserved	73,605
4. Medical—Transferred	29,746
5. Bombay Development Scheme—Reserved	13,988
6. Extraordinary Charges—Reserved	30
7. Commuted value of Pensions—Reserved	48,825

The excesses are briefly explained below :—

(1) 6-Excise—Transferred.

The original grant under 6-Excise for the year 1929-30 as sanctioned by the Legislative Council in 1929 was Rs. 47,34,900. An additional allotment of Rs. 48,000 was subsequently found necessary and the sanction of the Legislative Council was accordingly obtained thereto.

[Appendix 15—*contd.*]

In spite of this additional allotment there was an excess of Rs. 50,255 over the voted grant for 1929-30 as shown below :—

	Rs.
Voted grant	47,82,900
Actual expenditure	48,33,155
	<hr/>
Excess ..	50,255

This excess was caused by heavy payments of refunds of revenue during the closing months of the year, which could not be anticipated. The item refunds is of a fluctuating nature, and the provision for it is based on past actuals. The estimate thus framed proved insufficient and the total grant under the major head 6-Excise was exceeded by Rs. 50,255. The Legislative Council is requested to sanction the extra expenditure of Rs. 50,255.

(2) 9A-Scheduled Taxes—Reserved.

The Accountant General has pointed out an excess expenditure of Rs. 914 in the final accounts against the grant under 9-A and IX-A Scheduled Taxes, which requires the sanction of the Legislative Council. There was unforeseen expenditure amounting to Rs. 641 under this head due to (i) the revision of the pay of a clerk in the Entertainments Duty Establishment of the Collector of Bombay with retrospective effect from 1925, in consequence of the orders of Government directing that graduates should invariably be granted pay at Rs. 90 per month from the date of recruitment to permanent employ, and (ii) the grant of a special pay of Rs. 15 per mensem each to two clerks in the offices of the District Magistrates of Hyderabad and Sukkur, who were appointed Inspectors for work in connection with the Entertainments Duty Act, which was extended to the Municipalities of Hyderabad and Sukkur with effect from 1st October 1929. This was met from savings of Rs. 800 under pay of officers. The savings being thus fully absorbed the excess of Rs. 914 was due to the following facts :—(a) a lump sum deduction of Rs. 600 under pay of establishment was only partially realised ; (b) a lump sum deduction of Rs. 400 under allowances could not be realised ; and (c) a cut of Rs. 262 for rounding did not materialise. The Legislative Council is requested to regularise the excess.

(3) 24-Administration of Justice—Reserved.

The grant originally voted for expenditure during 1929-30 under "24-Administration of Justice—Reserved" was Rs. 63,67,000, which included Rs. 75,000 for "Refunds" under "XVII-Administration of Justice". In order to cover the estimated excess expenditure under the heads "High Court," "Law Officers," "Presidency Magistrates' Courts," "Civil and Sessions Courts," "Criminal Courts," "Pleader-ship Examination Charges" and "Refunds," a supplementary grant of Rs. 3,01,000 was obtained on 24th February 1930.

[Appendix 15—*contd.*]

2. The anticipated excess expenditure under the heads (a) "High Court," (b) "Law Officers," (c) "Presidency Magistrates' Courts" and (d) "Civil and Sessions Courts," for which the supplementary grant was obtained, was due to the following reasons :—

(a) *High Court.*

- (1) Creation of a temporary appointment of Court Receiver and Liquidator and his staff ;
- (2) Creation of the appointment of Assistant Taxing Master ;
- (3) Entertainment of temporary establishment for an additional High Court Judge ;
- (4) Increase in expenditure on Contingencies for offices in the High Court, including the office of the Court Receiver and Liquidator.

(b) *Law Officers.*

- (1) Heavy expenditure incurred for fees to pleaders in criminal cases ;
- (2) Cost of large number of long and important prosecutions in riot and other cases.

(c) *Presidency Magistrates' Courts.*

- (1) Two temporary appointments of additional Presidency Magistrates and their staff for the trial of dacoity and riot cases for a part of the year.

(d) *Civil and Sessions Courts.*

- (1) Appointment of Provincial Civil Service Officers to officiate as District and Sessions Judges and Assistant Judges, in place of Indian Civil Services Officers.

The actual expenditure under the heads mentioned above, however, exceeded the anticipated expenditure for the following reasons :—

- (1) Larger expenditure incurred for contingencies for offices in the High Court than anticipated ;
- (2) Larger expenditure on fees to pleaders in criminal cases in the mofussil, due to a large number of long and important prosecutions in riot and other cases ;
- (3) Writing off an amount of Rs. 8,390, representing the pay for the month of April 1928 of the establishment of the Chief Presidency Magistrate, Bombay, which was stolen from a peon of that office at the Imperial Bank of India and increased expenditure on leave salary of the establishment ;
- (4) (a) Increased expenditure on account of more travelling done by Subordinate Judges and expenditure on plague allowance which was not budgeted for, and
(b) Non-realization of the anticipated savings under the sub-Head "Subordinate Judges".

[Appendix 15—*contd.*]

3. The total expenditure during 1929-30 under "24-Administration of Justice" amounted to Rs. 67,41,605, as against the total voted grant of Rs. 66,68,000. The Legislative Council is, therefore, requested to sanction the excess expenditure of Rs. 73,605.

(4) 32-Medical—*Transferred.*

The original grant voted for 1929-30 under "32-Medical—Transferred" was Rs. 49,57,000 (including Rs. 9,000 for "Refunds"). A supplementary grant of Rs. 21,000 was asked for and voted by the Council in the February-March Session of 1930, so that the total voted grant under the head amounted to Rs. 49,78,000.

According to the final accounts for 1929-30, the actual expenditure on voted items under the head has exceeded the revised estimates and amounts to Rs. 50,07,746 (including Rs. 13,464 for "refunds") and the vote of the Council is therefore necessary to regularise the excess expenditure of Rs. 29,746. The excess is due mainly to—

(1) changes in incumbents under "Medical Establishment—Reserved Medical Subordinates",

(2) a rise in the number of patients and increased expenditure on travelling and house-rent and other allowances under the minor head "Hospitals and Dispensaries—Mofussil Hospitals and Dispensaries",

(3) payment of arrears of grants-in-aid etc., to certain medical institutions under the minor head "Hospitals and Dispensaries—Grants to Hospitals and Dispensaries",

(4) payment of arrears granted to Nursing Associations, Charitable Institutions etc., and

(5) increase in the expenditure on account of refunds.

(5) 42-Bombay Development Scheme—*Reserved.*

During the year 1927-28 a new major head "42-Bombay Development Scheme" charged to revenue with three minor heads pertaining to the Industrial Housing Scheme, Ambernath Water Supply Scheme and Ambernath Electric Supply Scheme was opened with a corresponding receipt head "XXXI-Bombay Development Scheme". There was a net excess of Rs. 13,988 over the voted grant for 1929-30 under this head as shown below :—

	Rs.
Voted grant	4,37,000
Actual expenditure	4,50,988
	<hr/>
Excess ..	13,988

The excess was due to the following reasons :—

(1) When the grant was obtained the amount required for the *pro rata* share of the cost of Secretariat and engineering establishment charges for the year 1929-30 could not be correctly estimated as the

[Appendix 15—*contd.*]

basis of its distribution between the different activities of the late Development Department had not been decided. The excess amounted to Rs. 10,064.

(2) No provision was calculated or included in the amount of the grant on account of the *pro rata* share of the general charges debitable to the Industrial Housing Scheme. These general charges represent the share of the deficit in the revenue account of the offices and quarters in Bombay and Salsette and are, in the case of non-residential buildings, allocated to the appropriate establishment in proportion to the area occupied by each. The basis of allocation of the general charges to the various establishments employed in connection with the different activities of the late Development Department was not decided when the grant was obtained. The excess amounts to Rs. 7,988.

(3) No provision was calculated or included in the amount of the grant on account of the *pro rata* share of tools and plant charges debitable to the Ambernath Water Supply and the Ambernath Electric Supply Schemes because at that time it had not been decided on what basis these charges should be distributed between the different activities of the late Development Department. Full provision for Tools and plant charges was, however, made under the head "59, Bombay Development Scheme" under which, therefore, there were corresponding savings. The amount of excess was Rs. 1,379.

These excesses aggregate 19,431, part of which was covered by savings aggregating 5,443 in the budget provision for other items under the head "42-Bombay Development Scheme". The net excess was Rs. 13,988. As the vote of the Legislative Council is required to regularise the excess the sanction of the Legislative Council is requested to the excess of Rs. 13,988.

(6) 52-*Extraordinary Charges.*

The circumstances under which the refund of Rs. 30 was made by the Revenue Officer, Lloyd Barrage and Canals Construction, are as follows :—

A plot of land in deh Nasrat, taluka Nawabshah, was sold in May 1929 to a private party by the Revenue Officer, Lloyd Barrage. The first instalment of Malkano, i.e. occupancy price, was recovered from him. But it was subsequently reported by the Barrage Mukhtiarkar that the land had already been granted by the Collector of Nawabshah for a village. It therefore became necessary to cancel the sale and refund the instalment of occupancy price, viz. Rs. 30. As there was no provision in the budget for refund under this head, the sanction of the Legislative Council is requested to a supplementary grant of Rs. 30 under the major head "52-Extraordinary charges" to cover the excess expenditure.

(7) 60-B, *Payment of commuted value of Pensions—Reserved.*

The actuals of 1929-30 shows an excess of Rs. 48,825 over the net voted grant of Rs. 9,14,000. The original net grant of Rs. 6,59,000 was

[Appendix 15—concl.]

supplemented by the Legislative Council at the instance of Government, by an additional grant of Rs. 2,55,000 on 27th February 1930 ; but even this proved inadequate. The excess was mainly caused by larger payments, on account of the capitalized value of pensions, to other Governments, in respect of the pensionary liabilities of the Bombay Government, and less recoveries than anticipated from other Governments, on account of pensions transferred from other provinces. The Legislative Council is requested to sanction the excess of Rs. 48,825.

FINANCE DEPARTMENT :

Bombay Castle, 29th July 1931.

APPENDIX 16.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 2. The Honourable Dewan Bahadur S. T. KAMBLI.

Reconstructing the sidewidths of the Karachi-Malir Road, Section I, miles 4/6 to 9/0.

In November 1930, the Executive Engineer, Karachi Buildings Division, reported that the present width of the Karachi-Malir Road (Section I) which was 15', was too narrow for the type and volume of traffic using the road. As a result heavy vehicles passing each other at speed were forced to the side with their outer wheels on the side or berms thus seriously damaging not only the berms but the edges of the asphalt surfacing which had broken away and become uneven. The Executive Engineer therefore proposed that the width of the surface should be increased to 18' in order to check the serious and dangerous damage to the edges and submitted an estimate for the work and represented that the work was very urgent and that if it were delayed Government would have to incur very heavy expenditure later. The estimate was returned to the Executive Engineer for revision in the light of certain remarks made by the Chief Engineer and a revised estimate was submitted in May 1931, when he again represented the urgency of the proposed improvements as the road was dangerous to motor traffic. After scrutiny and modification the revised estimate, amounting to Rs. 32,234 (inclusive of Establishment and Tools and Plant charges), was approved by Government in August 1931. As the road in question forms part of the Karachi-Hyderabad-Rohri-Punjab Road, which is a class I road and is one of the 12 schemes approved by the Government of India last year as eligible for being financed from the petrol tax fund, an allotment of Rs. 32,234 has been

[Appendix 16—*contd.*]

sanctioned out of the balance of the current year's provision of Rs. 23,28,000 voted by the Legislative Council for petrol tax works under the head 41—Civil Works—Provincial. As, however, the expenditure on the work is of the nature of a new service, sanction of the Legislative Council is requested to the demand for a token grant of Rs. 10.

Demand voted and now increased.

41—Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,37,08,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 18th September 1931.

APPENDIX 17.

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

RESERVED 3. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

Construction as a debit to the Lloyd Barrage and Canals Construction Project of a feeder channel (Khairpur Feeder West) to supply water to certain canals in the Khairpur State.

As the construction of the Lloyd Barrage and the Rohri Canal interferes with the existing sources of supply to the inundation canals in the Khairpur State, provision has been made in the sanctioned estimate for the Lloyd Barrage and Canals Construction Project for the works noted below :—

(a) Khairpur Feeder East (length 12 miles) with a head regulator over it.

(b) Khairpur Feeder West (length 1.4 miles) with a head regulator over it.

The Khairpur State has allowed Government to take the Rohri Canal through its territory in a length of about 42 miles. As this canal will cut off the present sources of inundation supply to the main canals of the State, item (a) above is to be constructed by Government at their cost and is to be handed over after completion to the State for maintenance and control. The necessary provision for this work has been made in the sanctioned project.

As regards item (b) above, it may be stated that after the Barrage is built all the canals of the State which at present have off-takes from the river below the Barrage will be affected very seriously at the beginning and end of the abkalan season when the Barrage is in operation.

[Appendix 17—*contd.*]

It is therefore absolutely necessary that the State Canals should be fed from a channel with an off-take above the Barrage. Provision was, however, made in the sanctioned project for such a channel (Khairpur Feeder West) for a length of 1·4 miles only on the understanding that the remaining length (43·4 miles) would be constructed by the State at their cost. It now transpires that this understanding was based on a misapprehension of the intentions of the State at the time the project was prepared. The State authorities have now represented that the full length (44·8 miles) of the feeder is required to maintain the full supply of water to the State canals which they were getting before the Barrage was constructed and as this situation has arisen wholly on account of the construction of the Barrage, the entire cost of the total length of the feeder should be borne by Government. Government have accepted this contention of the State and it is accordingly proposed to construct the whole length of the feeder at the cost of Government. The extra cost involved is about Rs. 10,47,620 and it will be met from savings on the scheme as a whole.

The amount required for expenditure in the current financial year is about Rs. 2 lakhs which will be met from the current year's voted grant for I-Works for the Lloyd Barrage and Canals Construction project. As, however, it is proposed to incur expenditure on an important work not provided for in the sanctioned project, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

As the Barrage will begin to function in June 1932 it is a matter of imperative urgency to have at least a part (26 miles) of the feeder ready to flow by that date in order to satisfy the most pressing requirements of the first year. If this is not done, the injury to the State will be very great and the first result of this will be delay in repayment of the loans which the State already owes to Government. The Chief Engineer, Lloyd Barrage and Canals Construction, has therefore been authorised to commence the work of burning bricks in anticipation of the vote of the Legislative Council.

Demand voted and now increased.

55—Construction of Irrigation Works—Reserved—Lloyd Barrage and Canals Construction.

Rs. 2,65,31,000 ± Rs. 10.

FINANCE DEPARTMENT :

Poona, 28th September 1931.

APPENDIX 18.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 4. The Honourable Mr. G. A. THOMAS.

"24-Administration of Justice."

Transfer of Suitors' Fee Fund and Pleaders' Examination Fund.

In 1930, a Committee was appointed to enquire into questions concerning the administration of funds under the control of the High Court and its report has been submitted for the orders of the Government of India.

The main recommendations of the Committee were (i) that the custody of the funds representing Suitors' monies should be taken over by Government or by a Bank and be allowed to earn 2 per cent. interest, (ii) that an Accountant of High Court should be appointed, and (iii) that the Suitors' Fee Fund and the Pleaders' Examination Fund, which differ from the other Funds, in that they represent revenue accruing from definite services rendered, should be transferred to Government.

The sanction of the Government of India to the transfer of the Suitors' Fee and Pleaders' Examination Funds, which was asked for in advance of their orders on the other recommendations has been received. Orders have accordingly been issued directing that the balances of the two Funds should be transferred to Provincial revenues on 1st October 1931 and that the annual receipts and expenditure of these funds should, in future, be borne on the Provincial Budget Estimates. The balances of the two Funds amount approximately to:—

	Government Securities.	Cash.
	Rs.	Rs.
Suitors' Fee Fund 1,45,300	16,649
Pleadership Examination Fund..	.. 2,27,000	30,288

It is estimated that the annual receipts from these two Funds will more than counterbalance the annual expenditure. In this connection the Committee proposed that an annual discretionary grant of Rs. 15,000 should be placed at the disposal of the High Court for expenditure on temporary establishment and contingencies based on the fact that assignments of this nature used to be made by the High Court in the past. The High Court has, however, agreed not to press for this grant during the present financial situation on the understanding that the question will be considered when financial conditions improve. The transfer of the balances of these Funds has already been taken into account in the provision of Rs. 3 lakhs made in the current year's budget under the sub-head "Miscellaneous" under "XVII-Administration of Justice".

[Appendix 18—*contd.*]

The expenditure, which at present will consist of the establishment charges of the existing High Court Section of the Accountant General's Office, from 1st October 1931 to the end of the current year is computed at Rs. 5,767 as detailed below :—

Rs.	
788	being one-fourth of the pay of the Assistant Accounts Officer on Rs. 500—35—850 (average pay Rs. 630 per mensem).
197	leave and pension contribution.
3,865	being the pay of four clerks on Rs. 60—8—140—6—230, with duty allowances of Rs. 30 and Rs. 15 in the case of two clerks.
645	leave and pension contribution.
145	being the pay of one peon at Rs. 22 per mensem with house rent allowance of Rs. 7 per mensem.
7	leave and pension contribution.
120	on account of contingencies.
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Total	5,767

It is expected that the expenditure will be met from the grant under "24-Administration of Justice", but as it is of the nature of a new service, the sanction of the Legislative Council is requested to the Demand for a token grant of Rs. 10.

Demand voted and now increased.

"24-Administration of Justice."

Rs. 66,09,000 + Rs. 10.

FINANCE DEPARTMENT :

Poona, 28th September 1931.

APPENDIX 19.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 5. The Honourable Mr. G. A. THOMAS.

"26-Police."

Reorganisation of the Police Force in Dudu District.

A scheme for the reorganisation of the Police Force in Sind was placed before the Legislative Council at its February-March Session of 1931. The Council admitted the need for the scheme and voted the funds for its

[Appendix 19—contd.]

introduction from 1st April 1931 in the three districts of Sukkur, Larkana and Upper Sind Frontier. The Council has also agreed to the entertainment of the Police staff required for the creation of the new Dadu District and the Garhi Khairo Taluka in the Upper Sind Frontier District from 1st October 1931. It was then stated that the new district would be formed by splitting up the Larkana District into two districts—Larkana and Dadu, the Shahdadtal Taluka would be transferred from the Upper Sind Frontier District to the Larkana District and a new taluka with headquarters at Garhi Khairo would be created in the Upper Sind Frontier District (*vide* item No. 30 in Blue Book for 1931-32). Government have since reconsidered the territorial limits of the new district and have decided that it should include the Kotri Sub-Division (less two *tapas*) of Karachi District.

In consequence of these territorial changes, the Police Force of the five talukas of the Larkana District transferred to the new Dadu District will be on a *reorganised* basis in view of the introduction of the reorganisation scheme in that district from 1st April 1931, while the Police Force of the Kotri Sub-Division transferred to it will be on an *unreorganised* basis as the reorganisation scheme has not yet been put into force in the Karachi District.

Again as regards the new district headquarters the Police establishment sanctioned by the Legislative Council as shown in Statement IV in item No. 30 of the Blue Book for 1931-32 is the minimum required for the opening of a new district irrespective of the reorganisation scheme.

As it would be anomalous and detrimental to efficiency that part of the Police Force of the district should be on a reorganised and part on an unreorganised basis Government have decided to reorganise both the Police Force of the Kotri Taluka inclusive of Mahal Manjhand and Mahal Kohistan and that sanctioned for the district headquarters. The increase in personnel required for this purpose and the cost of their pay and allowance, etc., in 1931-32 from 1st October 1931 are shown in the following statements:—

I. New establishment required for reorganising the Police Force of the District Headquarters.

(i) Pay of Establishment.

	Cost per mensem.
	Rs.
3 Mounted Constables on Rs. 21 to 25 per mensem each..	63
2 Unarmed Head Constables on Rs. 23—50 per mensem each	56
13 Unarmed Constables on Rs. 21 to 25 per mensem each	273
1 Armed Constable on Rs. 21 to 25 per mensem ..	21
1 Clerk on Rs. 30—5/2—80 per mensem	30
Total ..	443

[Appendix 19—*contd.*]

(ii) *Allowances, Honoraria, etc*

	Cost per mensem.
	Rs.
Pony allowance at Rs. 18 per mensem each to 3 Mounted Constables	54
Compensatory allowance at Rs. 2 per mensem each for 2 Mounted Constables	4
Total ..	<u>58</u>

(iii) *Contingencies.*

Clothing charges at Re. 1·9 per mensem each to 3 Mounted Constables	5·7
Clothing charges at Re. 1·5 per mensem each to 16 Unarmed and Armed Policemen.. .. .	24
Total ..	<u>29·7</u>
Grand Total ..	530·7
	× 5 months
	<u>2,653·5</u>

II. *New establishment required for reorganising the Police Force of the Kotri Taluka inclusive of Mahal Manjhand and Mahal Kohistan.*

(i) *Pay of Establishment.*

	Cost per mensem.
	Rs.
3 Mounted Head Constables on Rs. 28—50 per mensem each	84
2 Mounted Constables on Rs. 21 to 25 per mensem each..	42
3 Unarmed Head Constables on Rs. 28—50 per mensem each	84
12 Unarmed Constables on Rs. 21 to 25 per mensem each	273
3 Armed Head Constables on Rs. 28—50 per mensem each.	84
6 Armed Constables on Rs. 21 to 25 per mensem each ..	126
Total ..	<u>693</u>

(ii) *Allowances, Honoraria, etc.*

Pony allowance at Rs. 18 per mensem each to 3 Mounted Head Constables and 2 Mounted Constables ..	90
Compensatory allowance at Rs. 2 per mensem each for 20 Policemen	40
Total ..	<u>130</u>

[Appendix 19—concl'd.]

(iii) Contingencies.

	Cost per mensem.
	Rs.
Clothing charges at Re. 1·9 per mensem each to 5 Mounted Policemen	9·5
Clothing charges at Re. 1·5 per mensem each to 25 Unarmed and Armed Policemen	37·5
Total ..	47
Grand Total ..	870
	×5 months
	4,350
Grand Total of Statements I and II	7,003·5
Deduct cost of 1 Armed Head Constable and 3 Armed Constables to be reduced respectively from 13 Armed Head Constables sanctioned for the Dadu District and 10 Armed Constables sanctioned for the Garhi Khairo Taluka and of conveyance allowances at the rate of Rs. 25 per mensem to 2 Sub-Inspectors of Police in the Dadu District	735
Net Total, Extra Cost ..	6,268·5

It is proposed to meet the extra cost during the current financial year by reappropriation from savings in the grants under the head "26-Police". As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased.

"26-Police."

Rs. 1,79,39,000 + Rs. 10.

FINANCE DEPARTMENT:

Poona, 28th September 1931.

APPENDIX 20.

AGENDA.

Supplementary Agenda for the Third Session, 1931, of the Bombay Legislative Council which commenced on Monday, the 28th September 1931.

[Vide Standing Order X, 1 (I) (d).]

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Rao Bahadur R. S. Asavale, M.L.C.

"This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council to

[Appendix 20—*contd.*]

inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population of this Presidency including Sind."

Resolutions by Rao Bahadur S. K. Bole, M.L.C.

1. "This Council recommends to Government to take early steps to relieve the distress of the residents in the Ratnagiri District who have suffered on account of the recent floods by giving them clothing, food-stuffs and cash allowances for rebuilding their houses and by giving them facilities for using timber from the Government forests and sherry lands for the purpose of re-erecting their houses."

2. "This Council recommends to Government to make an enquiry in order to ascertain the damage caused by the recent floods in the Ratnagiri district to agricultural and bagayet lands and crops and to allow remission of land assessment to those persons whose lands have been affected by the floods and to advance loans without interest for making the necessary repairs to fields and bagayet lands."

Resolutions by Mr. L. R. Gokhale, M.L.C.

1. (As No. 2 of Mr. J. G. More in main Agenda.)
2. (As No. 1 of Mr. J. G. More in main Agenda.)

Resolution by Rao Bahadur L. V. Parulekar, M.L.C.

1. "This Council recommends to Government that a committee of five Council members with a non-official majority be appointed to enquire into and report about the extent of the damage caused by the recent floods in the Ratnagiri District."

Resolution by Mr. A. N. Surve, M.L.C.

(As No. 1 of Rao Bahadur L. V. Parulekar in this Agenda.)

Resolution by Dr. V. G. Vaishampayan, M.L.C.

(As No. 1 of Rao Bahadur L. V. Parulekar in this Agenda.)

G. S. RAJADHYAKSHA,

Secretary to the Legislative
Council of the Governor of Bombay.

Council Hall, Poona :
29th September 1931.

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