

APPENDIX (No

Statement showing the number of 'Intermediate Hindustani' Backward Class' scholarships sanctioned and awarded in colleges.

Colleges.	Number of scholarships sanctioned annually for		Number of scholarships awarded in 1924-25.	
	Intermediate Hindus.	Backward classes.	Intermediate Hindus.	Backward classes.
Arts Colleges ..	30	22 tenable for 4 years + 2 more in the First Year course tenable for one year only.	47	7
<i>Professional Colleges.</i>				
Engineering Colleges ..	5	3	4	..
Grant Medical College ..	*5	*3	2	..
Sydenham College of Commerce and Economics ..	2	1	3	..
Law Colleges ..	5	3	8	..
V. J. Technical Institute..	5	3	7	1

* Scheme not yet finally sanctioned for Grant Medical College.

APPENDIX No. 1—contd.

Statement showing the number of scholarships reserved for and awarded to Hindu 'Intermediate' and 'Backward' classes students this year in High Schools.

Number of scholarships sanctioned.			Number of scholarships awarded.			Remarks.
For pupils of Hindu 'Intermediate' Classes.	For pupils of Hindu 'Backward' Classes.	Total.	For pupils of Hindu 'Intermediate' Classes.	For pupils of Hindu 'Backward' Classes.	Total.	
182	92	274	151	92	243	<p>These scholarships are tenable for 7 years and are annually awarded in Standard I.</p> <p>31 scholarships for pupils of Hindu 'Intermediate' classes (30 in Northern Division and 1 in Sind) are not awarded as the question as to which of the committees from Intermediate classes in the Northern Division and Sind should be held eligible for purposes of scholarships is under the consideration of Government.</p>

APPENDIX No. 2.

Statement showing the number of trained teachers retired in 1923-24 in Gujarat and the number of trained teachers newly appointed, etc.

Number of trained teachers retired in				Number of trained teachers newly appointed in			
1923-24.		1924-25.		1923-24.		1924-25.	
2nd year.	3rd year.	2nd year.	3rd year.	2nd year.	3rd year.	2nd year.	3rd year.
5	21	4	12	61	24	17	4

APPENDIX No. 3.

Statement regarding primary schools for backward classes in Gujarat districts.

Name of the District.	Number of special and central primary schools for backward classes.	The year in which the schools were opened.
Kaira	1	1918
Panch Mahals	2	One was opened in 1911, and the other in 1919.
Broach	2	Both were opened in 1907.
Surat	2	One was opened in 1904, and the other in 1919.

Appendices
APPENDIX No. 4.

Statement.

Year and name of the Officer.	Government Schools.		Aided. (Grant-in-aid).		Recognised Unaided.	
	Total No. of schools teaching Science.	Total No. of Schools inspected.	Total No. of Schools teaching Science.	Total No. of schools inspected.	Total No. of schools teaching Science.	Total No. of schools inspected.
1923-24.	A	B	A	B	A	B
Mr. Moos ..	24	18	157	80	19	13
1924-25.						
Mr. Moos						
from 1st April 1924 to 10th June 1924	25	1		3		1
Mr. Shiv Narayan from 1st July 1924 to 28th February 1925 ..		19	102	100	25	23
		20		103		24

Year and name of the Officer.	Total.			Remarks.
	Total No. of schools teaching Science.	Total No. of schools required to be inspected by the Inspector of Science Teaching.	Total No. of schools teaching inspected.	
1923-24.				
Mr. Moos ..	200	177	111	Mr. Moos was on leave from 1st March 1924 to 31st March 1924. Sind schools were not inspected by the Inspector of Science Teaching, the work being entrusted to another officer of the Department.
1924-25.				
Mr. Moos .. from 1st April 1924 to 10th June 1924	212	176	5	Mr. Moos left charge on 10th June 1924 and Mr. K. C. Joshi was in charge till 30th June 1924. S. D. and European Schools were not inspected by the Inspector of Science Teaching the work being entrusted to other officers of the Department.
Mr. Shiv Narayan from 1st July 1924 to 28th February 1925 ..			142	
			147	
<p>N.B.—A dozen more schools will probably be inspected before the end of the year.</p>				

APPENDIX No. 5.

Statement showing the total number of electors and the number of voters in each of the constituencies mentioned below at the general elections to the Bombay Legislative Council in 1923.

Name of constituency.	Total number of electors.	Total approximate number of electors who voted.
(1) Ahmedabad District Non-Muhammadan Rural	19,433	4,374
(2) Broach do. do. ..	18,006	10,384
(3) Kaira do. do. ..	23,406	7,550
(4) Panch Mahals do. do. ..	10,954	5,368
(5) Surat do. do. ..	17,334	9,645
(6) Ahmednagar do. do. ..	15,177	3,032
(7) Nasik do. do. ..	17,220	3,744
(8) Poona do. do. ..	10,837	5,528
(9) Satara do. do. ..	19,405	10,478
(10) Belgaum do. do. ..	20,589	13,705
(11) Bijapur do. do. ..	16,561	8,890
(12) Dharwar do. do. ..	31,997	11,447
(13) Kanara do. do. ..	9,160	4,919
(14) Ratnagiri do. do. ..	17,446	3,578
(15) Sholapur do. do. ..	11,174	6,012
(16) Kolaba do. do. ..	11,844	4,434

APPENDIX No. 6.

Statement showing the number of persons holding licenses to bear arms and the number of persons entitled to bear arms without licenses in the several talukas of the Poona district.

Name of Taluka or Peta.	Number of persons holding permits for the year ending December 1924.	Kinds of arms which such persons are permitted to bear.							The number of persons who are entitled to bear arms without formal permits.	Specific cases in which the holder of such permits were useful to any village community in the prevention and suppression of crimes by robbers and dacoits.	The number of persons who were given new licenses during the year ending December 1924.	The number of persons whose licenses were taken away during the year ending December 1924.
		Guns.	Rifles.	Pistols.	Revolvers.	Swords.	Daggers.	Total.				
1	2	3	4	5	6	7	8	9	10	11	12	13
Poona ..	1,099	1,995	980	114	211	80	11	2,741	97	..	412	..
Haveli ..	99	103	3	..	..	13	..	119	1	..	15	..
Junnar ..	66	57	4	..	2	10	2	75	1	..	12	..
Khed ..	49	49	..	..	..	5	3	57	..	..	17	..
Bhimthadi ..	86	94	2	..	..	1	..	97	1	..	19	..
Purandhar ..	71	64	6	..	..	7	2	79	..	..	8	..
Indapur ..	61	57	..	..	..	2	3	62	..	..	24	..
Sirur ..	67	67	..	..	..	3	..	70	3	..	19	..
Mawal ..	94	80	12	..	1	3	1	97	8	..	12	..
Mulshi ..	46	46	..	..	..	1	..	47	1	..	10	..
Dhond ..	41	30	1	..	..	3	..	43	..	..	16	..
Ambegaon ..	27	24	..	..	..	7	..	31	..	..	8	..
	2,806	2,065	1,008	114	214	85	22	3,508	112	..	572	..

APPENDIX No. 7.

Statement.

Name of village.	Amount of sale for cutting kuran.	Amount of compensation for impoundings made.	Amount of pound fees recovered.
	Rs.	Rs. a. p.	Rs. a. p.
Vetale	10	10 0 0	5 2 0
Bibi	315	232 12 0	109 8 0
Total	325	242 12 0	114 10 0

APPENDIX No. 8.

Statement.

Name of Jahagirdar exercising the powers of a Subordinate Judge.	The extent of his jurisdiction.	Number of cases decided by him during the year ending 31st December 1924.
(1) Mr. Narayanrao Yeshwant Mirikar, Jahagirdar of Miri.	Villages of Miri and Shingve Keshav in the Ahmednagar District.	Nil
(2) Basavprabhu Lakhamgauda Sardesai of Vantmuri.	Villages of Vantmuri, Nerli Yalli Manoli, Amangi Nagar-Manoli, Avargol and Belgli in the Belgaum District.	20
(3) Meherban Ramohandrarao Vishwasrao alias Balasaheb S a v a n t Bhosle, Desai of Here.	Villages of Here Khurd, Savardi, Bijur, Mahulange, Sado Gulvadi, Dhamapur, Kannur Buzruk, Malgad, Kannur Khurd, Alhadevi, Kenchewadi, Ambroli, Sonarwadi, Walkuli, Wadgum, Narewadi, Karaj, Purewadi, Kudtavwadi, Naganwadi, Kerwade, Jattewadi, and Powachiwadi in the Belgaum District.	Nil.
(4) Meherban Shambhusinh Amarsinh Jadhavrao Raje, Jahagirdar of Malegaon (Budruk).	Malegaon Budruk in the Poona District.	9

APPENDIX No. 9.

Statement showing the details of the Muslim Trust for charitable purposes in Thar Parkar District under the management of the persons appointed by Government.

- (a) The original value of Trust property and its present value.
- (b) By whom endowed.
- (c) How invested and the annual net income realized from the same.
- (d) The purpose for which the Trust property is to be utilised and whether it continues to be utilised.
- (e) Members of the Trust or management.
 - (a) The value of the property cannot be given, as the building is under construction.
 - (b) By Mahomedans of the district.
 - (c) No income is derived. The amount collected is spent on construction as the work is going on. More money is required to finish up the work.
 - (d) For Musjid purposes.
 - (e) 1. Sayed Ghulam Nabi Shah.
2. Mr. Ghulam Mahomed Babu.
3. „ Mehar Mahomed Ali.
4. „ Mahomed Sidik.

APPENDIX No. 9.

APPENDIX

*Statement showing the details of the Muslim Trust at Rander, Taluka
the High*

Value of the Trust property.		Name of the person on whose behalf the trust is made.	Property of the Trust.	
Original value.	Present value.		Particulars regarding its investment.	Annual income.
Rs. 16,50,000 Sixteen Lakhs fifty thousand.	Rs. 20,00,000 Twenty Lakhs.	Deceased Isuf Mahomed Suleman Bota offered the property as shown in the will made in 1911 according to the scheme executed in the High Court of Bombay.	Invested in buildings and securities.	Rs. About 1,80,000

No. 9—contd.

Chorasi of the Surat District managed by the Trustees appointed by Court.

Purpose for which the properties are offered and the manner in which they are used.		Name of the Trustees and managers.	Remarks.
Purpose for which offered.	Whether used as shown in the trust.		
According to the scheme made in the High Court of Bombay 60 per cent. of the income is used for different religious and charitable institutes such as Hospitals, Madressas, Mosques and institutes for orphans while 40 per cent. of the income is used in sinking fund, in charitable works and in repairs of the buildings.	It is used (as the trustees say) according to the scheme.	<ol style="list-style-type: none"> 1. Haji Mahomed Kasam Murad. 2. Ahmed Haji Isuf Mahomed Suleman. 3. Mahomed Aref Mulla. 4. Haji Ismail Ibrahim Dudha. 5. Kasam Ajam. 6. Ibrahim Haji Isuf Mohmad Suleman. The Trustees have been appointed according to the scheme of the High Court sanctioned by the Advocate General.	The accounts of the Trust are annually examined by the Government Auditors.

APPENDIX

Lists of Muslim trusts for educational purposes held.

No.	Name of endowment.	By whom endowed.	Name of Administrators or Trustees.	Value of the Trust property.	
				Original.	Present.
1	2	3	4	5	6
	<i>Under Government Management.</i>			Rs.	Rs.
1	Sir Currimbhoy Ibrahim Scholarship Fund in connection with the Royal Institute of Science, Bombay.	Sir Currimbhoy Ebrahim, Bart.	The Secretary to Government, Educational Department and the Director of Public Instruction, Bombay Presidency.	1,00,000	1,50,500
2	Sir Currimbhoy Ibrahim Donation in connection with the Royal Institute of Science, Bombay.	Do.	Do.	3,50,000	3,02,000* 47,500
	<i>Under the management of persons appointed by Government.</i>				
3	Sir Mahomed Yusuf Ismail College Fund.	Sir Mahomed Yusuf Ismail, Kt.	The Fund is not vested in the Treasurer of Charitable Endowments.	8,00,000 (inclusive of Rs. 2,25,000 on account of the Sir Mahomed Yusuf Scholarship Fund in connection with the Ismail College, Andheri (vide entry No. 4).	7,48,000
4	Sir Mahomed Yusuf Scholarship Fund in connection with the Ismail College, Andheri.	Do.	The Director of Public Instruction, Bombay Presidency.	2,25,000	2,25,000
5	Kazi Shahabuddin Scholarship Fund.	Khan Bahadur Kazi Shahabuddin, C.I.E.	Do.	1,00,000	1,21,000
	<i>District Sholapur.</i>				
6	Budhansahab Abdulsahab Scholarship Fund.	Budhansahab Abdulsahab.	(1) The Educational Inspector, C. D., and (2) The President, Scholarship Examination Committee, Sholapur.	7,250	7,250
	<i>District Dharwar.</i>				
7	Mahomedan Bursary Fund.	Raised by public subscription.	(1) The Educational Inspector, S.D., and (2) The Head Master Training School, Dharwar.	6,500	7,089 (Rs. 8,500 plus Rs. 1,460 of the interest accumulated).

No. 9—*contd.*

in several districts of the Bombay Presidency.

How invested. 7	Annual income or interest realised. 8	The purpose for which the trust property is to be utilised. 9	Whether the trust property continues to be so utilised. 10	Remarks. 11
	Rs. a. p.			
In Government Securities, Bombay Improvement Trust Debentures and Bombay Port Trust Bonds.	6,983 0 0	For scholarships for Mahomedan students attending the Royal Institute of Science, Bombay, to be called the "Sir Currimbhoy Ibrahim Scholarships".	A scheme for the scholarships is being prepared.	
Bombay Improvement Trust Debentures.	1,900 0 0	For defraying the cost of the building for the Royal Institute of Science, Bombay.		*On building.
Bombay Port Trust Bonds, Improvement Trust Bonds and Government Securities.	32,772 0 0	For the promotion of the higher education of Mahomedan youths, i.e., establishing a first grade Arts College to be known as "Ismail College".	Yes.	
Improvement Trust Bonds.	9,000 0 0	For scholarships to Mahomedan students born or domiciled in the Bombay Presidency who have passed School Leaving Examination and who prosecute the course of studies at Arts Colleges.	Yes.	
In Government Securities.	4,308 8 0	Scholarships for the encouragement of education among the Mahomedans in the 18 British Collectorates of the C. D., N. D. and S. D. and Savantvadi State.	Yes.	
Do.	398 12 0	Award of two scholarships annually at the Sholapur Centre for Mahomedans.		
In Government Promissory Notes.	262 0 0	For scholarships for Mahomedan students.	The interest on the Fund remained unutilized from 1st December 1922 to 29th February 1924.	

No.	Name of endowment.	By whom endowed.	Name of Administrators or Trustees.	Value of the Trust property.	
				Original.	Present.
1	2	3	4	5	6
	<i>District Ahmedabad.</i>			Rs.	Rs.
8	Khan Sahab Jan Mahomed Scholarship and Prize Fund.	Khan Sahab Jan Mahomed H. Shaikh.	(1) The Educational Inspector, N.D., and (2) The Principal, P. E. Training College for Men, Ahmedabad.	2,500	2,500
	<i>District Hyderabad (Sind).</i>				
9	The Lawrence School and Gibson Boarding House Fund.	Khan Bahadur Mir Ghulam Mahomed Khan, O.B.E. of Tando Bago.	The Educational Inspector in Sind with the aid of Consultative Committee constituted as follows :— (1) The Collector of Hyderabad. (2) The Assistant or Deputy Collector in charge of the Tando Bago Taluka. (3) Khan Bahadur Mir Ghulam Hussain Mahomed Khan, O.B.E. (4) The Principal, Sind Madrasah, Karachi. (5) Five non-official persons nominated by Khan Bahadur Mir Ghulam Mahomed Khan, O.B.E.	1,00,000	1,00,000

No. 9—concl'd.

How invested. 7	Annual income or interest realised. 8	The purpose for which the trust property is to be utilised. 9	Whether the trust property continues to be so utilised. 10	Remarks. 11
In Government Promissory Notes.	Rs. a. p. 87 8 0	For scholarship of Rs. 7 to a Mahomedan student of the Mahikantha Agency in the P. R. Training College or in the R. C. High School, Ahmedabad, and a prize to the best Mahomedan student.	Yes.	
In Government Securities.	6,000 0 0	The income accruing from the Fund is to be expended on the following objects with preference in the order named so far as the said income allows:— (a) Maintenance of an A.-V. School at Tando Bago to be called "the Lawrence School" up to the 5th Anglo-Vernacular Standard. (b) The teaching of prayers and the imparting of religious instruction in Persian to Mahomedan pupils attending the said school. (c) The maintenance of a Boarding House in connection with the said school to be called "the Gibson Boarding House" for Mahomedan pupils attending the said school. (d) The award of 15 free boarderships at the said Boarding House. Preference is to be given to the sons of poor talpurs and secondly to the sons of other poor Mahomedans.	Yes.	

APPENDIX No. 10.

Statement showing the number and names of the industrial concerns in Sind supplied with salt free of duty during 1921-22, 1922-23 and 1923-24.

Year	Serial No.	Names of the industrial concerns.
1921-22	1	Mr. Alidino Ali Mahomed.
"	2	Mr. Mahomed Shariff A. Rahaman.
"	3	Mr. Bundally Kassim.
1922-23	1	Mr. L. Collins.
"	2	Mr. Alidino Ali Mahomed.
"	3	Mr. Bundally Kassim.
1923-24	1	Mr. Bundally Kassim.
"	2	Mr. Alidino Ali Mahomed.
"	3	Mr. Seth Joomabhoy Subzally.
"	4	Mr. Mahomed Shariff A. Rahman.
"	5	Mr. Ghulam Haider Bundally.
"	6	Mr. Noor Mahomed Yacub.

APPENDIX No. 10—contd.

Statement showing the number and names of the industrial concerns in the Presidency proper which took advantage of duty-free salt during 1921-22, 1922-23 and 1923-24.

Year.	No.	Name.	Locality.
1921-22	1	The Bombay Dyeing and Manufacturing Company, Limited.	Bombay.
	2	The Khatav Mankanji Spinning and Weaving Company, Limited.	Bombay.
	3	The Swadeshi Mills Company, Limited.	Bombay.
	4	The Standard Mills Company, Limited.	Bombay.
	5	Mr. Enrico N. Stein	Dharavi, Bombay.
	6	Messrs. Currimbhoy Ebrahim and Sons, Ltd. (The Indian Bleaching, Dyeing and Printing works).	Bombay.
	7	Messrs. C. J. Mathews and Company.	Dharavi, Bombay.
	8	The Sholapur Spinning and Weaving Company, Limited.	Sholapur.
	9	The Pratap Spinning, Weaving and Manufacturing Company, Limited.	Amalner.
	10	The Elphinstone Mills	Bombay.
	11	The Aryodaya Spinning and Weaving Mills, Limited.	Ahmedabad.
	12	Mr. V. M. Abdul Rahman	Dharavi, Bombay.
	13	Messrs. Cassum Rahimtoola and Sons.	Poona.
	14	Messrs. Cassum Rahimtoola and Sons.	Ahmednagar.
	15	The Rajanagar Spinning, Weaving and Manufacturing Company, Limited.	Ahmedabad.
	16	The Guzrath Ginning and Manufacturing Company, Limited.	Ahmedabad.
	17	The Victoria Mills, Limited	Bombay.
	18	The New Manekchowk Spinning and Weaving Company, Limited.	Ahmedabad.
	19	The Textile Mills	Bombay.
	20	Mr. Fakir Mahomed Hafiz Sulaman.	Ahmednagar.
	21	The Alliance Cotton Manufacturing Company, Limited.	Bombay.
	22	The Ahmedabad Manufacturing and Calico Printing Company, Limited.	Ahmedabad.
	23	Messrs. E. D. Sassoon and Company. (The Turkey Red Dye Works).	Bombay.
	24	Mr. Papamiya Karimsahab	Poona.
	25	Mr. Fakir Mahomed Hafiz Sulaman.	Poona.

APPENDIX No. 10—*contd.*

Year.	No.	Name.	Locality.	
1921-22	26	Messrs. Enamdar Abdul Rahman Saheb and Company.	Dharavi, Bombay.	
	27	The Morarji Gokuldas Spinning and Weaving Company, Limited.	Bombay.	
	28	The Madhavji Dharamsi Manufacturing Company, Limited.	Bombay.	
	29	Messrs. Cassum Rahimtoola and Sons.	Deolali.	
	30	The Ahmedabad New Textile Mills Company, Limited.	Ahmedabad.	
	31	The Deccan Trading Company, Limited.	Dharavi, Bombay.	
	32	Mr. Ad Mayer	Dharavi, Bombay.	
	33	The Planet Mills, Limited ..	Bombay.	
	34	The Tata Mills, Limited ..	Bombay.	
	35	The Globe Manufacturing Company, Limited.	Bombay.	
	36	Mr. Abdul Kadir Gulamally ..	Bhivandi, District Thana.	
	37	Mr. Abdul Karim Hasham ..	Bhivandi, District Thana.	
	38	Mr. S. Mohameddin Haji Kadir Baksh.	Dharavi, Bombay.	
	39	The Eastern Chemical Works, Limited.	Bombay	
	40	Messrs. Charles Booth and Company.	Dharavi, Bombay.	
	41	The Crescent Mills	Bombay.	
	42	The Pearl Mills	Bombay.	
	43	The United Spinning and Weaving Mills, Limited.	Bombay.	
	44	The Gujrath Cotton Mills, Company, Limited.	Ahmedabad.	
	45	The Bombay Industrial Mills Company, Limited.	Bombay.	
	46	The Commercial Ahmedabad Mills, Limited.	Ahmedabad.	
	47	The Kaiser-I-Hind Mills, Company, Limited.	Ahmedabad.	
	48	Messrs. P. Mahomed Sayad and Ahmed Hussein.	Dharavi, Bombay.	
	1922 23	1	The Bombay Dyeing and Manufacturing Company, Limited.	Bombay.
		2	The Khatav Makanji Spinning and Weaving Company, Limited.	Bombay.
		3	The Swadeshi Mills Company, Limited.	Bombay.
		4	The Standard Mills Company, Limited.	Bombay.
		5	Mr. Enrico N. Stein	Dharavi, Bombay.
		6	Messrs. Currimbhoy Ebrahim and Sons, Limited. (The Indian Bleaching, Dyeing and Printing Works.)	Bombay.
		7	Messrs. C. J. Mathews and Company.	Dharavi, Bombay.

APPENDIX No. 10—contd.

Year.	No.	Name.	Locality.
1922-23	8	The Sholapur Spinning and Weaving Company, Limited.	Sholapur.
	9	The Pratap Spinning, Weaving and Manufacturing Company, Limited.	Amalner.
	10	The Elphinstone Mills	Bombay.
	11	The Aryodaya Spinning and Weaving Mills, Limited.	Ahmedabad.
	12	Mr. V. M. Abdul Rahman	Dharavi, Bombay
	13	Messrs. Cassum Rahimtoola and Sons.	Poona.
	14	Messrs. Cassum Rahimtoola and Sons.	Ahmednagar.
	15	The Rajnagar Spinning, Weaving and Manufacturing Company, Limited.	Ahmedabad.
	16	The Gujrath Ginning and Manufacturing Company, Limited.	Ahmedabad.
	17	The New Manekchowk Spinning and Weaving Company, Limited.	Ahmedabad.
	18	The Textile Mills	Bombay.
	19	Mr. Fakir Mahomed Hafiz Suleman.	Ahmednagar.
	20	The Alliance Cotton Manufacturing Company, Limited.	Bombay.
	21	The Ahmedabad Manufacturing and Calico Printing Company.	Ahmedabad.
	22	Messrs. E. D. Sassoon and Company. (The Turkey Red Dye Works).	Bombay.
	23	Mr. Papamiya Karim Saheb	Poona.
	24	Mr. Fakir Mahomed Hafiz Suleman.	Poona.
	25	Messrs. Enamdar Abdul Rahman Saheb and Company.	Dharavi, Bombay.
	26	The Morarji Gokuldas Spinning and Weaving Company, Limited.	Bombay.
	27	The Madhavji Dharamsi Manufacturing Company, Limited.	Bombay.
	28	Messrs. Cassum Rahimtoola and Sons.	Deolali.
	29	The Ahmedabad New Textile Mills Company, Limited.	Ahmedabad.
	30	The Deccan Trading Company, Limited.	Dharavi, Bombay.
	31	Mr. Ad Mayer	Dharavi, Bombay.
	32	The Planet Mills, Limited	Bombay.
	33	The Tata Mills, Limited	Bombay.
	34	The Globe Manufacturing Company, Limited.	Bombay.
	35	Mr. Abdul Kadir Gulam Ali	Bhivandi, District Thana.
	36	Messrs. A. Abdul Razak Saheb and Company.	Dharavi, Bombay.
	37	Mr. S. Mahomeddin Haji Kader Baksh.	Dharavi, Bombay.

APPENDIX No. 10—contd.

Year.	No.	Name.	Locality.
1922-23	38	The Eastern Chemical Works, Limited.	Bombay.
	39	Messrs. Charles Booth and Company.	Dharavi, Bombay.
	40	The Gujrath Cotton Mills Company, Limited.	Ahmedabad.
	41	The Bombay Industrial Mills, Limited.	Bombay.
	42	The Manekji Petit Manufacturing Company, Limited.	Bombay.
	43	The Premier Mills ..	Bombay.
	44	Mr. T. P. Ahmed Hussein ..	Dharavi, Bombay.
	45	The Kohinoor Mills ..	Bombay.
	46	The Bombay Cotton Manufacturing Company, Limited.	Bombay.
	47	The Dharamsi Morarji Chemical Company, Limited.	Ambernath.
1923-24	1	The Bombay Dyeing and Manufacturing Company, Limited.	Bombay.
	2	The Khatav Makanji Spinning and Weaving Company, Limited.	Bombay.
	3	The Swadeshi Mills Company, Limited.	Bombay.
	4	The Standard Mills Company, Limited.	Bombay.
	5	The Indian Bleaching, Dyeing and Printing Works.	Bombay.
	6	The Elphinstone Mills ..	Bombay.
	7	The Textile Mills ..	Bombay.
	8	The Alliance Cotton Manufacturing Company, Limited.	Bombay.
	9	Messrs. E. D. Sassoon and Company. (The Turkey Red Dye Works).	Bombay.
	10	Mr. Papamiya Karim Saheb ..	Bombay.
	11	The Morarji Gokuldas Spinning and Weaving Company, Limited.	Bombay.
	12	The Madhavji Dharamsi Manufacturing Company, Limited.	Bombay.
	13	The Planet Mills, Limited ..	Bombay.
	14	The Tata Mills, Limited ..	Bombay.
15	The Globe Manufacturing Company, Limited.	Bombay.	
16	The Eastern Chemical Works, Limited.	Bombay.	
17	The Bombay Industrial Mills Company, Limited.	Bombay.	
18	The Manekji Petit Manufacturing Company, Limited.	Bombay.	
19	The Premier Mills ..	Bombay.	
20	The Kohinoor Mills ..	Bombay.	
21	The Bombay Cotton Manufacturing Company, Limited.	Bombay.	
22	The Kastoorchand Mills Company, Limited.	Bombay.	

APPENDIX No. 10—contd.

Year.	No.	Name.	Locality.
1923-24	23	Messrs. Asur Virji Mills Company, Limited.	Bombay.
	24	The Indian Manufacturing Company, Limited.	Bombay.
	25	Mr. Enrico N. Stein	Dharavi, Bombay.
	26	Messrs. C. J. Mathews and Company.	Dharavi, Bombay.
	27	Mr. V. M. Abdul Rahman ..	Dharavi Bombay
	28	Messrs. Enamdar Abdul Rahman Saheb and Company.	Dharavi, Bombay.
	29	The Deccan Trading Company, Limited.	Dharavi, Bombay.
	30	Mr. Ad Mayer	Dharavi, Bombay.
	31	Mr. S. Mahommedin Haji Kadir Baksh.	Dharavi, Bombay.
	32	Messrs. Charles Booth and Company.	Dharavi Bombay.
	33	Mr. T. P. Ahmed Hussein ..	Dharavi, Bombay.
	34	Messrs. A. Abdul Razak Saheb and Company.	Dharavi, Bombay.
	35	Messrs. Brisky and Company ..	Dharavi, Bombay.
	36	Mr. Haji Noor Mahomad Haji Eisa.	Dharavi Bombay.
	37	The Western India Tanneries ..	Dharavi, Bombay.
	38	The Sholapur Spinning and Weaving Company, Limited.	Sholapur.
	39	The Pratap Spinning, Weaving and Manufacturing Company, Limited.	Amalner.
	40	The Aryodaya Spinning and Weaving Mills, Limited.	Ahmedabad.
	41	The Rajnagar Spinning, Weaving and Manufacturing Company, Limited.	Ahmedabad.
	42	The Gujrath Ginning and Manufacturing Company, Limited.	Ahmedabad.
	43	The New Manekchowk Spinning and Weaving Company, Limited.	Ahmedabad.
	44	The Ahmedabad Manufacturing and Calico Printing Company, Limited.	Ahmedabad.
	45	The Ahmedabad New Textile Mills Company, Limited.	Ahmedabad.
	46	The Gujrath Cotton Mills Company, Limited.	Ahmedabad.
	47	Messrs. Motilal Hirabhai and Sons.	Ahmedabad.
	48	Messrs. Cassum Rahimtoola and Sons.	Poona.
	49	Messrs. Fakir Mahomed Hafiz Suleman and Sons.	Poona.
	50	Messrs. Fakir Mahomed Hafiz Suleman and Sons.	Ahmednagar.
	51	Messrs. Fakir Mahomed Hafiz Suleman and Sons.	Dharavi, Bombay.
	52	Messrs. Cassum Rahimtoola and Sons.	Deolali.

APPENDIX No. 10—*concl.*

Year.	No.	Name.	Locality.
1923-24	53	Mr. Abdul Kadir Gulam Ali ..	Bhivandi, District Thana.
	54	The Dharamsi Morarji Chemical Company, Limited.	Ambernath.
	55	Mr. Dayabhai Velji ..	Ahmednagar.
	56	The Indian Bleaching, Dyeing and Printing Works.	Vikroli.
	57	The Hattersly Mills ..	Ghatkopar.
	58	Messrs. Cassum Rahimtoola and Sons.	Ahmednagar.

APPENDIX No. 11.

Statement showing the number of Village Panchayats established in the Presidency up to 31st December 1924.

Northern Division.

District.	No. of Village Panchayats.
Ahmedabad	4
Kaira	1
Panch Mahals	0
Broach	11
Surat	3
Thana	35
Total ..	54

Central Division.

Ahmednagar	52
East Khandesh	30
West Khandesh	32
Nasik	9
Poona	15
Satara	33
Sholapur	40
Total ..	211

Southern Division.

Belgaum	28
Bijapur	15
Dharwar	25
Kanara	0
Kolaba	18
Ratnagiri	1
Total ..	87

Bombay Suburban Division and Sind.

No Village Panchayats have been established in Sind and the Bombay Suburban Division.

APPENDIX No. 12.

*Copy of Report from the President, Godhra Municipality, no. 16,
dated the 8th May 1924.*

With reference to your office no. M.U.N., dated 27th March 1924, I have the honour to report that in the meeting dated 15th November 1923 of the General Board a letter of the Assistant Engineer, Panch Mahals, proposing to construct a bund across the river Mesri, was placed for discussion. In the course of discussion Khan Saheb Hajee Abdulla Avjal Godad passed personal remarks against Mr. Abdulla Hajee Isa. Bhagat. Thereupon, the President intervened and was going to stop Khan Saheb Godad from making such remarks. But Mr. Bhagat at once spoke out and he and Khan Saheb Godad exchanged bad words. For this, the President warned both of them for their improper conduct. In spite of this warning Mr. Bhagat with an umbrella in his hand going towards the chair of Khan Saheb Godad and uttering bad language walked out of the hall: and standing outside the hall challenged Khan Saheb Godad to come out of the hall. But the latter did not leave it. Hence the former came in and resumed his seat. Thereupon Dr. Taherali addressed the President and requested him to adjourn the meeting, as both the members were behaving in unmannerly fashion, were using unparliamentary language and were obstructing further proceedings of the meeting. The President, then, requested the meeting to suspend the two members, who had behaved improperly; while this question was being discussed, Mr. Bhagat stood up, at once and regretted and apologized for behaving improperly. The Board accepted his regret and dropped the question of suspending him. Then the question of suspending Khan Saheb Godad was being put to vote. Meanwhile, Khan Saheb Godad also apologized for behaving improperly. Both the President and the Board accepted his apology. Then, as the President was going to take a note of it in the proceeding book, both the members spoke out at once that as they apologized, no note of it should be taken in the minute book. As they were supported by all the members, nothing has been noted down in the minute book.

But I may state that, the above is a fairly correct account of what took place in the meeting of the General Board dated 15th November 1923, as far as I remember it, and it has been confirmed by the General Board in their meeting dated 15th April 1924, a copy of the resolution of which accompanies.

Mr. Abdulla Hajee Isa Bhagat is an honorary bench magistrate, a District Co-operative Organiser, and possesses a license for arms.

Khan Saheb Hajee Abdulla Avjal Godad possesses a personal title of "Khan Saheb", and possesses a license for arms.

APPENDIX No. 13.

Serial No.	Name of District.	Number of head masters taken on selection grade during the last 3 years (1921-22 to 1923-24).		Number of Assistant Masters taken on selection grade during the last 3 years (1921-22 to 1923-24).	
		Mahomedans.	Hindus.	Mahomedans.	Hindus.
1	Karachi ..	1	3	.....	2
2	Hyderabad ..	1	1	.....	.....
3	Nawabshah ..	1	2	1	1
4	Thar and Parkar ..	2	.....	.....	2
5	Sukkur ..	2	4	.....	.....
6	Upper Sind Frontier ..	.....	.....	.....	.....
7	Larkana ..	1	2	.....	1
	Total ..	8	12	1	6

APPENDIX No. 14.

Water Rates.

The conditions in Sind and the Presidency proper being different, they are dealt with separately, with regard to water rates for irrigation purposes.

Sind.

Water rates and land assessments in Sind are consolidated. The rates of consolidated assessment not only vary with the kind of crop grown, but facilities for water, nearness of markets and railway communications, nature of soil, and circumstances of the season, etc., are taken into consideration in fixing assessments.

The leading features of the Irrigation settlements in Sind are:—

- (a) land pays assessment only when irrigated, subject to the fallow rules.
- (b) The rate of assessment *generally* depends on the source and the mode of irrigation in each season.
- (c) Rebates are allowed on account of clearance of private water courses and karias.
- (d) Remission of land revenue is allowed in case of total or partial failure of crops.

Deccan and Gujarat.

Capital Account Works.—Water rates are charged on acreage irrigated and are primarily based on the profit earned by the cultivator. In the early days of irrigation from storage reservoirs before the cultivators realised the value of irrigation, the water rates were purposely pitched at a low figure to encourage irrigation, and as the demand has grown the rates have been increased.

On the Capital account works in the Deccan and Gujarat (with the exception of the Gadikari and Mavinkop tanks in the Belgaum and Dharwar Collectorates respectively, from which water is supplied to lands assessed at consolidated rates) separate water rates are levied on crops according to the seasons in which they are grown. Crops are classified into monsoon, rabi, eight months, hot weather and perennial. The rates for different seasonal crops vary. Thus the monsoon rate is pitched low whereas the rate for sugarcane which is a perennial crop is comparatively high. In Gujarat there is a further distinction between early eight months and late eight months crops. Water taken beyond the seasonal periods is charged for at the rate for single waterings which varies from Re. 1 to Rs. 2 per acre.

Non-Capital Account Works.—On the great majority of the numerous small old irrigation works in the Presidency proper for which capital accounts are not kept, a fixed rate consolidated with the land revenue, irrespective of the crops or classes of crops grown, is levied per acre on the whole area receiving benefit from water.

APPENDIX No. 15.

The statement showing the names of the persons from whom representations in respect of the reservations of seats in the Municipal Corporation of Bombay were received during the period from 1st April 1922 to 1st March 1925.

Serial No.	Names.	Date of receipt.
1	Hariba Chinaji Udupurkar	27th November 1922.
2	Mr. S. K. Bole, M.L.C.	Do.
3	Mr. S. S. Jhabvala	28th August 1922.
4	Mr. R. S. Nekaljay, Honorary Secretary, Depressed Classes Committee of Poona	9th January 1923.
5	Mr. K. A. Keluskar, Honorary Secretary, Maratha Aikyechhu Sabha	4th February 1923.
6	Rao Saheb M. D. Rane	17th October 1924 and 23rd February 1925.
7	Mr. R. V. Vandekar	21st October 1924 and 27th February 1925.
8	Rao Saheb Dr. V. P. Chawan	4th November 1924 and 16th February 1925.
9	Mr. S. W. Patil	4th November 1924.
10	Mr. S. S. Sirkar	4th November 1924.
11	Mr. G. B. Nare	23rd February 1925.
12	Mr. Khanderao G. Kalekar	24th February 1925.
13	Mr. G. Y. Shinde	28th February 1925.
14	Mr. S. V. Salunke	28th February 1925.
15	The President, Namdev Samaj Sanstha, Bombay	3rd March 1925.
16	Dr. P. D. Samant	3rd March 1925.
17	Mr. M. M. Khandke	3rd February 1925.

APPENDIX No. 16.

Statement.

Name of the District.	Trained.				Qualified	Grand total.
	III	II	I	Total.		
Ratnagiri	4	4	7	15	16	31
Kolaba	2	3	7	12	19	31

APPENDIX No. 17.

Provision of fencing on railways
in the Bombay Presidency.

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Resolution No. 251.

Bombay Castle, 4th September 1924.

Letter from the Secretary, Railway Board, No. 553-W-21, dated 24th July 1924, as under :—

“ I am directed to refer to your letter No. D.—291-Railway, dated the 9th July 1921, on the subject of the provision of fencing on railways, and to express the regret of the Railway Board that so much delay has taken place in addressing the Bombay Government further on this matter. In that letter the following arguments were put forward :—

(a) that Railway Administrations should not be permitted to keep their lines unfenced for an indefinite period, specially those in the neighbourhood of towns and village where cattle are numerous ;

(b) that there is no law under which poor cattle owners can obtain compensation for cattle that are run over, though a Railway Administration can prosecute the owners where cattle are knowingly or wilfully allowed to stray on the line, whether fenced or not ;

and

(c) that Railways should be held liable for damages where fences have not been maintained to prevent cattle from straying on to the line, or that measures ought to be taken for enforcing the provision of fencing under Section 13 of the Railways Act by orders of the Governor General in Council.

“ 2. A preliminary reply was given in this office letter No. 553-W-21, dated the 22nd February 1922, in which it was explained that the heavy and unremunerative expenditure entailed in the provision of fencing on railway lines would not in the opinion of the Railway Board give commensurate advantages in preventing cattle accidents, but that the Board had decided to examine the whole question in consultation with Railways. The result of this correspondence, in the course of which all Railways were consulted and not only those in the Bombay Presidency, is that the Board have collected a great deal of information on the subject, and I am to forward herewith a summary of the figures available in the tabular statement attached*. This summary shows for broad gauge Railway Administrations, for Administrations have both broad and metre gauge,

* Printed as an accompaniment to this Resolution.

for metre gauge railways, and for narrow gauge railways separately the number of miles of line fenced and unfenced and the average number of cattle accidents that occurred annually over a period of three years on the fenced mileage and unfenced mileage under these different categories. It will be seen that out of a total of about 37,000 miles of railway in India about 15,000 miles are fenced, and 22,000 miles are unfenced, that the numbers of cattle accidents on fenced lines were slightly higher than those on unfenced lines in those 3 years, and that the number of such accidents per mile per year is .26 for fenced lines and .17 for unfenced lines. These figures, in fact, tend to bear out the view which was held by the Railway Board that the protection obtained by the ordinary methods of fencing railway lines in this country is not such as to encourage Railway Administrations to adopt a more general policy of fencing in the future.

“ 3. The cost of fencing one mile of railway line at present is roughly Rs. 4,000, with the type of fencing which has hitherto been in general use, but it would appear from what is stated above that to be really effective a far superior and more expensive type of fencing would have to be adopted. It is notorious that villagers and others, who are in charge of grazing cattle, are in the habit of cutting the wires of the railway fences or tying them together in order to allow their cattle to get on to the precincts of the railway line where better grazing can frequently be obtained than is available elsewhere in the neighbourhood, and this is specially noticeable in places and in seasons when fodder is short. The Railway Board, while recognising that there are certain obligations on the Railways, in this matter, desire to point out that another aspect of it exists in that it is a source of danger to the travelling public when cattle are permitted to graze on the sides of railway embankments, etc., as a cattle accident may, and frequently does, cause the derailment of a train. It is, therefore, in the interests of the Railway itself to try and prevent cattle from straying on to Railway lines, and it has long been the practice to provide fencing along sections of railway where the numbers of grazing cattle are appreciable and where fast trains are run.

“ 4. The adoption of a superior style of fencing, however, has only found favour in a few localities which are very populous and where the danger to human life as well as fear of cattle accidents is considered to make it worth while to incur the very much higher expenditure involved, and in view of the great desirability of setting aside as much money as possible for new lines the Government of India are not generally in favour of an advanced policy of fencing which would involve unremunerative expense.

“ 5. Again, for the reason mentioned in paragraph 3 above as regards the danger to the travelling public caused by cattle grazing on railway embankments, the Government of India are not in favour of providing by statute for compensation for cattle run over, for such a measure as it seems to them, would be to offer a premium on cattle trespass and would only result in an increase of accidents by making owners less careful of their stock. While, therefore, the Government of India have considerable

sympathy with the owners of cattle that may be run over on railway lines they hardly think it advisable to take steps for any such enactment at the present time.

“6. There remains the question of taking action under Section 13 of the Railways Act, and the Railway Board have been considering whether they could lay down any general principles as to the conditions which require a railway line to be fenced, for instance, by defining the density of railway traffic, the density of population in the adjoining areas or the character of the adjacent land (whether heavily cultivated or desert, etc.) and laying down some general rules for guidance in this form. They have, however, for the time being not found this a practicable solution of the difficulty and the Government of India have come to the conclusion that the most satisfactory course is to consider the necessity of fencing any particular section of line on the merits of the case. While, therefore, it is not considered advisable to provide by statute for making railways liable for damages in running over cattle, the provision of fencing can, wherever this is shown to be necessary, be enforced under Section 13 of the Railways Act and it is open to the Local Government to represent the need for fencing any particular section.”

RESOLUTION.—To be communicated to the Commissioner in Sind, Commissioners of Divisions and Collectors of Districts concerned for information with a request that specific cases in which they consider action should be taken on the lines suggested by the Railway Board may be brought to the notice of Government.

By order of the Governor in Council,

W. N. CARTLAND,
Under Secretary to Government.

To

The Revenue Department,
Secretariat.
The Commissioner in Sind.
The Commissioners of Divisions.

All Collectors including Deputy
Commissioner, Upper Sind
Frontier.

Accompaniment to Government Resolution, Public Works Department,
No. 251, dated the 4th September 1924.

Abstract.

	Fenced.			
	Miles fenced.	Accidents.		Cattle per mile per year.
		Men.	Cattle.	
Broad Gauge	9,389.31	..	2,255	.....
Broad Gauge and Metre	994.49	..	1,151	.....
Metre Gauge	4,423.53	..	523	.....
Narrow Gauge	44.5	..	5	.....
	14,851.83	..	3,934	Per mile per year 26.

	Unfenced.			
	Miles not fenced.	Accidents.		Cattle per mile per year.
		Men.	Cattle.	
Broad Gauge	9,654	..	1,248	.....
Broad Gauge and Metre	1,746.96	..	1,147	.....
Metre Gauge	8,979.05	..	1,305	.....
Narrow Gauge	1,745.02	..	90	.....
	22,125.03	..	3,790	Per mile per year 17.

APPENDIX No. 18.

Statement of suits instituted against the Secretary of State in the different districts during the period from 1st March 1924 to 1st April 1925.

The courts in which the suits were instituted.	Total No. of suits.	Remarks.
1. Ahmedabad	45	Of these 8 suits were from Kaira District and 18 from Panch Mahals.
2. Surat	32	
3. Boach	7	Of these 1 was from the Bombay Suburban District and 4 from Kolaba.
4. Thana	8	
5. Ahmednagar	3	
6. Khandesh	29	Of these 21 were from West Khandesh and 8 from East Khandesh.
7. Nasik	9	
8. Poona	12	Of these 3 were in the Court of Small Causes and 2 in the High Court.
9. Satara	6	
10. Sholapur	5	
11. Belgaum	5	
12. Bijapur	2	
13. Dharwar	8	
14. Kanara	5	
15. Ratnagiri	2	
16. Karachi	2	
17. Sukkur	1	
18. Hyderabad (Sind)	4	
19. Upper Sind Frontier	2	
20. Bombay	5	
	192	

APPENDIX No. 19.

Statement showing yearly expenditure on the Public Health Laboratory, Karachi.

Year.	Rs.
1920-21	24,017
1921-22	27,011
1922-23	23,361
1923-24	24,990
1924-25	23,557

APPENDIX No. 19—*contd.*

Statement showing the work done at the Public Health Laboratory, Poona, during the years 1920-21 to 1924-25.

	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.
Number of samples examined—					
1. Chemically ..	1,798	1,825	2,286	3,044	3,143
2. Bacteriologically ..	2,231	2,155	2,734	2,511	2,882
Total ..	4,029	3,980	5,020	5,555	6,025
Research work experiments.	..	..	3	3	..

APPENDIX No. 19—*contd.*

Statement showing the work done at the Public Health Laboratory, Karachi, during the year 1921 to 1924.

	1921.	1922.	1923.	1924.
Number of samples examined.				
Chemically—				
(a) for the public in general ..	250	383	514	970
(b) for the Karachi Municipality in particular ..	36	104	85	90
2. Bacteriologically—				
For the public				
(a) in general ..	385	519	941	986
(b) for the Karachi Municipality in particular ..	110	178	314	199
Total ..	635	902	1,455	1,956

APPENDIX No. 21.

Statement showing the expenditure incurred on roads by the Public Works Department during the three years 1921-22, 1922-23 and 1923-24 in the Bombay Presidency.

Name of Division.	Expenditure on Provincial Roads.			Expenditure on Local Fund Roads.		
	1921-22.	1922-23.	1923-24.	1921-22.	1922-23.	1923-24.
<i>Northern Circle.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Thana	2,59,436	4,56,308	6,20,009	57,063	40,486	50,781*
Kolaba	1,43,930	1,43,430		32,735	24,179	
Surat and Broach	1,25,635	2,52,317	2,59,251	87,428	25,079	55,851
Kaira and Panch Mahals	1,33,998	2,27,245	2,25,157	69,197	60,825	80,292
Ahmedabad	98,405	43,716	64,580	36,713	81,636	1,03,077
	7,61,399	11,23,076	11,68,997	2,38,136	2,32,805	2,89,941
<i>Central Circle.</i>						
Poona Division	10,06,837	8,06,676	6,24,205	22,786	25,213	21,422
Sholapur Division	2,28,562	2,39,366	1,42,616	17,901	24,807	18,415
Ahmednagar Division	5,69,442	2,84,018	2,58,492	46,759	22,089	5,078
Nasik Division	3,26,195	2,84,720	2,80,161	39,769	45,798	37,727
East Khandesh Division	2,42,467	2,13,772	2,10,584	84,682	84,710	52,594
West Khandesh Division	1,12,355	1,02,469	1,21,610	24,337	25,617	44,138
Government House Division	3,986	29,908	33,392	..	..	..
Satara Division	1,94,224	1,81,832	1,87,671	..	..	..
	26,84,068	21,42,761	18,58,731	2,36,184	2,28,234	1,79,374
<i>Southern Circle.</i>						
Belgaum Division	2,25,326	1,72,220	1,76,575	34,076	12,000	..
Dharwar Division	1,94,912	1,39,076	1,25,307	64,639	51,402	1,002
Bijapur Division	3,04,127	1,03,635	1,04,578	..	121	485
Batnagri Division	1,25,209	1,17,033	2,40,247	18,801	804	21,200
Kanara Division	2,67,717	2,13,217	2,20,921	18,538	10,888	11,749
	11,07,291	7,45,180	8,67,718	1,26,649	75,255	34,476
<i>Deccan Irrigation Circle.</i>						
Poona Irrigation Division	32,046	26,680	27,533	..	..	..
Londand Division	13,636	27,400	63,678	778	1,390	..
Malsiras Division	68,156	33,507	29,336	7,391	5,958	5,695
Lake Whiting Division	3,003	1,489	1,498	1,000	1,000	1,000
	1,16,841	88,976	1,22,045	9,169	8,348	6,695

*Since Kolaba was amalgamated with Thana,

APPENDIX No. 21—*contd.*

Name of Division.	Expenditure on Provincial Roads.			Expenditure on Local Fund Roads.		
	1921-22.	1922-23.	1923-24.	1921-22.	1922-23.	1923-24.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Indus Right Bank Circle.</i>						
Karachi Buildings Division	2,244	2,059	422	..	..	..
Karachi Canals Division ..	8,317	2,275	2,499	..	..	..
Western Nara Division ..	9,167	8,744	6,240	..	..	..
Shikarpur Canals Division	12,668	11,260	14,286	..	..	..
Begari Canals Division ..	10,981	7,517	8,045	..	..	..
	43,377	26,855	31,492	..	..	..
<i>Indus Left Bank Circle.</i>						
Nasrat Canals Division ..	19,701	26,552	25,264	..	..	..
Fuleli Canals Division ..	12,081	18,621	18,817	..	..	..
Hyderabad Canals Division	19,597	40,835	46,674	..	..	..
Eastern Nara Division ..	14,089	15,653	16,716	1,527	1,876	1,381
Northern District Jamrao Canal	....	....	....	1,437	1,446	2,007
Southern District Jamrao Canal	....	....	....	1,588	1,590	1,611
	65,468	1,01,661	1,07,471	4,552	4,421	4,999
	47,78,444	42,28,509	41,56,454	6,09,690	5,49,063	5,15,485

APPENDIX No. 22.

Statement showing the number and amount of Government scholarships awarded in the Sir J. J. School of Art, Bombay, during the year 1924 25.

Branch of School.		Amount of scholarship.					
		30	25	10	7	6	5
..
..	{ 5th Year ..	..	1	..	..	..	..
Painting Class	{ 3rd ..	..	..	..	1	1	..
	{ 2nd ..	..	..	..	1	..	..
	{ 1st ..	..	..	..	..	..	2
School of Architecture	{ 5th ..	..	..	1	..	..	..
	{ 4th ..	..	..	..	1	..	..
	{ 2nd ..	..	..	..	..	1	2
Modelling Class	1st ..	..	..	..	1	..	..
Normal School	{ Elementary Grade ..	..	..	..	..	..	2
	{ Intermediate Grade ..	..	..	..	..	..	3
Mural Decoration	..	8	..	..	..	..	..
		8	1	1	4	2	9

APPENDIX No. 23.

Revision Settlement.

Kopargaon Taluka, Ahmednagar
District.

Third — of,

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 47-24.

Bombay Castle, 14th July 1924.

Memorandum from the Commissioner, C. D., No. L.N.D.-Ah.-2-7 dated 5th January 1924—Submitting, with his remarks, the papers specified below* containing proposals for the third revision settlement of the Kopargaon Taluka of the Ahmednagar District, together with petitions of objections relating thereto.

*Letter from Mr. A. H. Dracup, Assistant Settlement Officer, Ahmednagar, No. S.T.—154 dated 3rd April 1923.

*Letter from the Collector of Ahmednagar No. S.R.V.—12 dated 23rd May 1923.

*Memorandum from the Settlement Commissioner and Director of Land Records, No. S.T.—355 dated 22nd June 1923.

RESOLUTION.—These papers contain proposals for the third revision settlement of 122 Government villages and three inam villages in the Koparagaon Taluka of the Ahmednagar District.

2. The facts and the statistics given in the report show the great advance in the productivity and economic gain of the tract. The last settlement was introduced in 1913-14 and guaranteed for a period of 10 years. During the last ten years conditions in the taluka have been revolutionized by the development of canal irrigation. As a result agriculture has revived, the possibility of famines on a large scale has disappeared, cultivation has improved, agricultural stock is sufficient, trade has developed, and the prices of food-grains wages and land values have increased considerably. The Taluka is well provided with railway, local markets and communications.

3. There is at present only one group in the taluka. The advent of canal irrigation has created two natural groups—villages under command of canals and villages not under command. But even the latter are so much underassessed, judging by the very ample sale and lease statistics, that they could easily bear the doubling of the assessment. The land under command could easily bear the

trebling or quadrupling of the assessment. But as Government is restricted to the 33 $\frac{1}{3}$ per cent. rule, they approve of the grouping and rating proposed by the Assistant Settlement Officer. In approving the rates Government have taken into consideration the decrease in rents to which the Commissioner refers in paragraph 7 of his memorandum.

4. Mr. Dracup's proposals as regards the inam villages are also approved.

5. As regards the patasthal assessment of the three survey numbers in the inam village of Pohegaon Khurd, Government approve of the Commissioner's proposal to fix a combined assessment.

6. The revised rates should be introduced in the current revenue year 1923-24, and levied from 1924-25. The rates should be guaranteed for a period of 30 years in the tract not under command of canals and for a period of 10 years in that under command.

7. The petitions of objections do not disclose any grounds for a modification of the orders now passed.

By order of the Governor in Council,

H. K. KIRPALANI,

Acting Deputy Secretary to Government.

To

- * The Commissioner, C. D. (also by memorandum),
 - * The Collector of Ahmednagar (with the petitions of objections),
 - * The Settlement Commissioner and Director of Land Records (also by memorandum),
 - * The Director of Agriculture,
 - * The Accountant General,
 - * The Public Works Department,
 - * The Finance Department,
 - * The Government of India (by letter).
- * With an intimation that the papers are being printed in the form of selections from the records of Government and that when they are ready the usual number of copies will be supplied to them.

APPENDIX No. 23—contd.

*Revision Settlement.*Sindkheda Taluka, West Khandesh
District.

Second — of,

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 201-24.

Bombay Castle, 14th July 1924.

Memorandum from the Commissioner, C. D., No. L.N.D.-2-7—W. dated 26th January 1924—Submitting, with his remarks, the papers specified below* containing proposals for the second revision settlement of the Sindkheda Taluka of the West Khandesh District.

*Letter from Mr. J. H. Garrett, I.O.S., Settlement Officer, Sholapur and Khandesh, dated 28th August 1922.

*Letter from the Collector of West Khandesh No. S. R.V.—9 dated 18th April 1923.

*Memorandum from the Settlement Commissioner and Director of Land Records No. S.T.—307 dated 26th June 1923.

RESOLUTION.—These papers contain proposals for the second revision settlement of 166 Government villages and two inam villages in the Sindkheda Taluka of the West Khandesh District.

2. The history of the current settlement is one of considerable advancement. The Taluka is now well provided with local markets, railway and communications. The rainfall has been uniformly good except for the two bad years of 1911 and 1918. The prices of food-grains and the value of land as shown by the statistics of sale-prices and rentals have increased. Population has also increased. There has also been an increase in wells and the doubling of the area of irrigated crops. Government therefore consider that the rates of assessment should be increased up to the permissible limit of 33½ per cent. They accordingly accept the Commissioner, Central Division's proposals as regards grouping and rating.

3. Mr. Garrett's proposals as regards patasthal contained in paragraph 26 of his report are approved.

4. The Settlement Officer's proposals relative to the inam villages are also approved.

5. The revised rates should be introduced during the current revenue year 1923-24, levied from 1924-25 and guaranteed for a period of 30 years.

By order of the Governor in Council,

H. K. KIRPALANI,

Acting Deputy Secretary to Government.

To

- *The Commissioner, C. D. (also by memorandum),
- *The Collector of West Khandesh,
- *The Settlement Commissioner and Director of land Records (also by memorandum),
- *The Director of Agriculture,
- *The Accountant General,
- *The Public Works Department,
- *The Finance Department,
- The Government of India (by letter).

*With an intimation that the papers are being printed in the form of selections from the records of Government and that when they are ready the usual number of copies will be supplied to them.

APPENDIX No. 24.

List of students trained in the Pottery Section of Sir J. J. School of Art, Bombay, since 1912-13—i.e., since students were admitted for training.

Serial No.	Name of the student.	Year of admission.	Where posted and remarks.
1	D. B. Trivedi (from Bombay)	1912-13	Left on account of financial circumstances before the completion of the course on the outbreak of war.
2	M. Y. Talibi (from Bombay)	Do.	Deceased.
3	H. K. Murkuti (from Bombay)	Do.	Employed in the Pottery Department of the School of Art.
4	S. M. Marathe (from Poona)	Do.	Pottery Instructor Paisa Fund Glass Works, Talegaon.
5	Vishnu B. Navathe (from Baroda)	Do.	Baroda State.
6	Nathu Pama (from Kalyan)	1913-14	Carrying on a business in bricks and pottery.
7	C. P. Shah (from Nadiad)	Do.	Was employed by the Baroda Government for six months. Pottery Expert to Messrs. Vishram Bros. and for three years Manager, Than Tile Works.
8	D. B. Bandarkar (from Bombay)	Do.	Artistic section. Now working as a jeweller and enameller.
9	Ramji Jiva (from Kalyan)	1914-15	Pottery and Brick-maker, Kalyan.
10	C. V. Balappa (from Mysore)	Do.	Pottery Expert to the Cochin Government.
11	R. P. Pitale (from Bombay)	1915-16	Employed in the Pottery Department, School of Art, Bombay.
12	V. K. Mitra (from Punjab)	Do.	Manager of Eurica Pottery Works, Lahore. Manager, Indian Pottery Works, Vankaner.
13	D. V. Gupte (from Bombay)	1916-17	Artistic Section. At present teacher of drawing, Bombay.
14	M. M. Reddy (from Bombay)	Do.	Assistant Manager, Tata Construction Brick Works, Titwala now employed as a fireman, commercial scheme, Pottery Department, School of Art.
15	N. P. Ogale (from Karad)	Do.	Pottery Section, Ogale Glass Works, Karad.
16	G. G. Kudohinath (from Mysore)	1917-18	Mysore State, City and Brick Works, Bangalore.

APPENDIX No. 24—contd.

Serial No.	Name of the student.	Year of admission.	Where posted and remarks.
17	H. K. Arunachal (from Mysore) ..	1917-18	Working in Mysore State. Tirthali Tile Works.
18	Subarao Gopalrao (from Mysore) ..	Do.	Now in Mysore State.
19	Nurmahomad Usman (from Bombay)	1918-19	Deceased.
20	Babu Gokul Narayan (from C. P.) ..	Do.	Fireclay works, Chanda C. P.
21	G. B. Wagal (from Bombay) ..	Do.	Decoration class. Now a teacher of Drawing.
22	K. V. Thamban (from Cochin) ..	Do.	Works Manager, Pottery Works, Trichur.
23	Madan Gopal Bhagat (from Punjab).	Do.	Pottery Professor, Mission School, Lahore.
24	Sunder Singh Sohl (Punjab) ..	Do.	Contractor and House Decorator dealing in Pottery, flooring and Wall Tiles.
25	K. V. Gopalrao (from Mysore) ..	1919-20	Than Tile Works. At present working for the Mysore State.
26	Narayan Swami (from Mysore) ..	Do.	Left before completion of course.
27	P. F. D'Souza (from Bassein) ..	1920-21	Fireman, Pottery Department, School of Art, Bombay.
28	S. C. Mujumdar (from Surat) ..	Do.	Than Tile Works, (Kathiawar).
29	Chaudhary, Alla Ditta (from Kashmir).	Do.	School of Art, Pottery Department, Kashmir.
30	Salim Tayabji (from Bombay) ..	Do.	Left before completion of course.
31	Dhanrajani Natandas (from Sind) ..	1921-22	Left before completion of course. Worked sometime in Kashmir Pottery Works.
32	Appa Subhana (from Ratnagiri) ..	Do.	Potter in Malwan (Ratnagiri District).
33	B. F. Kavarana (from Bombay) ..	Do.	Left on account of ill health.
34	G. T. Manshramani (from Sind) ..	Do.	Indian Pottery Works, Vankaner, now in England.
35	B. V. Suryanarayan (from Madras)	1922-23	Student undergoing instructions.
36	S. M. Pardesh. (from Kolhapur) ..	Do.	Do. do.
37	C. K. Jothvani (from Sind) ..	Do.	Left before completion of course.
38	N. S. Mahatre (from Bombay) ..	1923-24	Undergoing instruction.
39	Siduk Ali Beg ..	1924-25	Do do.
40	Pascal D. Pereira (from Bassein) ..	1924-25	Undergoing training.
41	Pascal M. Pereira (from Bassein) ..	Do.	Do. do.
42	Gulam Mahomad (from Bassein) ..	Do.	Do. do.

APPENDIX No. 25.

List of villages having insufficient gairan in the taluka Khed of the Poona District.

Serial No.	Name of villages.	Area under Gairan.	Number of cattle.
1	Khed	A. g. 115 2	3,586
2	Kalus	43 31	1,095
3	Pimpalgaon Tarf Khed	56 12	857
4	Koyali T. Chakan	100 35	1,679
5	Markal	34 1	428
6	Dhanore	29 17	170
7	Chakan	51 6	1,465
8	Charholi Kd.	65 29	302
9	Solu	64 3	308
10	Jaolke Kd.	5 21	304
11	Awasari Bk.	236 6	3,148
12	Awasari Kd.	194 19	2,725
13	Pargaon Tarf Khed	107 38	722
14	Loni	154 27	1,651
15	Vaphagaon	99 15	892
16	Nirgudsar	125 39	904
17	Kathapur Bk.	15 15	620
18	Vadgaon Pir.	265 9	1,418
19	Varude ♣	159 15	921
20	Kiwale	42 4	386
21	Chandus	48 2	423
22	Pimpari Bk.	146 21	500
23	Shiroli	27 26	337
24	Vaki Kd.	146 31	754
25	Gulani	33 15	321
26	Chas	3 15	1,438
27	Pimpalgaon Tarf Mahalunge	86 29	927
28	Chimbli	2 19	423

APPENDIX No. 25—contd.

Serial No.	Name of villages.	Area under Gairan.		Number of cattle.
		A.	g.	
29	Chandoli	107	16	262
30	Nighoje	35	18	660
31	Dhamani	56	30	1,544
32	Bahul	75	31	862
33	Mahalunge	136	34	661
34	Dawadi	54	35	1,298
35	Pargaon T. Awasari	122	23	998
36	Vade	108	6	1,514
37	Ahire	9	8	177
38	Kasari	8	36	84
39	Awandhe	1	36	281
40	Anawale	9	14	267
41	Tekwadi	3	16	242
42	Vaghu	19	1	316
43	Talwade	2	27	222
44	Bhawadi	54	0	459
45	Thugaon	41	31	241
46	Kurwandi	18	15	526
47	Kharpud T. Wade	11	6	370
48	Bhomale	47	18	238
49	Pabhe	10	10	85
50	Amboli	11	0	480
51	Gadad	24	38	225
52	Koye	23	27	501
53	Kurkundi	14	1	577
54	Koregaon Bk.	12	34	165
55	Sakurdi	149	2	493
56	Yelwadi	108	38	413
57	Sangurdi	43	29	408

APPENDIX No. 26.

Statement showing the number of patients treated for anti-rabic treatment in each centre of this Presidency during the year 1924.

Name of the centre.	The number of patients treated for anti-rabic treatment in each centre from 1st January to 31st December 1924.	How many of them were Government servants and how many were private persons?		The number of patients who are reported to have died even after having received the treatment.	What is the total amount of fees recovered from the patients during the year ending 31st December 1924.	How many patients were treated free.
		Government servants.	Private persons.			
1. Poona ..	269	28	241	1	Rs. a. 740 0	25
2. Sholapur ..	5	<i>Nil.</i>	5	Not known	<i>Nil.</i>	
3. Ahmednagar ..	184	16	168	None	112 0	180
4. Jalgaon ..	A centre for anti-rabic treatment was opened in July 1924. 29 from July 14th to 31st December 1924.	2	27	None	140 0	27
5. Karwar ..	<i>Nil.</i>	..	..	.....	.....	..
6. Nasik ..	25 from July to December 1924.	2	23	None	42 0	22
7. Rajkot ..	Centre for anti-rabic treatment was hence no information.			opened on the 8th January 1925 and		
8. Ahmedabad ..	1,041	37	1,004	18	5,862 3	761
9. Belgaum ..	210	12	198	1	595 0	182
10. Hyderabad (Sind) ..	Not yet opened.					
11. Ratnagiri ..	1	1	<i>Nil.</i>	<i>Nil.</i>	<i>Nil.</i>	1
12. Sukkur ..	Not yet opened.					
13. Karachi ..	100	32	68	1	404 0	79
14. Surat ..	Not yet opened.					
15. B. B. Laboratory.	587	37	550	10 (seven died 15 days after and three during treatment).	5,238 0	470
				Total ..	13,223 3	

APPENDIX No. 27.

List of Ancient Protected Monuments in the Poona District.

Serial No.	District.	Locality.	Name of Monument.	Class.
1	Poona	Karla	Caves, temples and inscriptions	I (a)
2	Do.	Bhaja	Do. Do.	"
3	Do.	Bedsa	Do. Do.	"
4	Do.	Shelarwadi	Excavations and inscriptions	II (a)
5	Do.	Lohagad	Fort	"
6	Do.	Visapur	Fort	"
7	Do.	Rajmachi	Fort	"
8	Do.	Junnar	Fort of Shivneri	"
9	Do.	" (Agar)	Small Darga near Habshi Gumbaz	I (c)
10	Do.	Do.	Cave, temples and inscriptions	I (a)
11	Do.	Do.	Habshi Gumbaz (or Saodagar Gumbaz)	II (c)
12	Do.	Ghatgar	Caves, and inscriptions at the Nana Pass	I (a)
13	Do.	Poona	Old European tombs	II (a)
14	Do.	Do.	The Cave, temple of Bhamburda	"
15	Do.	Poona Cantonment	A ruined building reputed to have been the residence of the Kotwal of the late Peshwa	"
16	Do.	Singhagar	Fort	"
17	Do.	Do.	Tomb of Rajaram Maharaj	II (b)
18	Do.	Do.	Tomb of Tanaji Malusare	II (a)
19	Do.	Fulgaon	The Peshwa's Bathing ghat	III
20	Do.	Do.	Mahadeva's temple with its adjoining ghats	II (c)
21	Do.	Tulapur	Sangamesvara temple with its adjoining ghats	"
22	Do.	Do.	Vishnuvallabesvara temple with its adjoining ghats	"
23	Do.	Koregaon	Monument	II (a)
24	Do.	Khed	Dilawarkhan's tomb	"
25	Do.	Do.	Dilawar Khan's Masjid	I (c)
26	Do.	Do.	Ancient dam with lock and sluice gate	III
27	Do.	Poona City	Shanwar Wada	II (a)
28	Do.	Purandar	Narayaneswar Mahadeo's temple	I (c)

APPENDIX No. 28.

Statement of assets of the Khed Municipality as disposed of by Government and the District Local Board, Poona.

Assets.

No.	Name of Property.	Valuation.	Remarks.
		Rs.	
1	Municipal office building	250	Properties owned by the Municipality and now vested in the District Local Board.
2	A building facing west situated near the northern gate (6 khans double).	500	
3	A building facing west situated near the northern gate (3 khans).	150	
4	10 Public latrines near Gadhi	200	
5	Municipal lands	100	

APPENDIX No. 29.

A statement showing the number of candidates enlisted in the Civil Courts of Belgaum, Dharwar and Bijapur Districts.

Name of District.	Total No. of candidates enlisted.	Brahmins.	Non-Brahmin Hindus.	Mahomedans.	Non-Hindus.	No. of Brahmin candidates senior in the list.
Belgaum. ..	152	99	39	11	3	8
Dharwar ..	24	19	2	1	2	7
Bijapur ..	28	8	8	11	1	1

Appendices.

APPENDIX No. 30.

Budget Grants :

Refund of Interest :

Treatment of — as non-voted.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2590.

Bombay Castle, 14th November 1923.

RESOLUTION OF GOVERNMENT.

In accordance with the ruling of His Excellency the Governor under section 72-D (4) of the Government of India Act, 1919, that provision for refunds of interest is not subject to the vote of the Legislative Council, the Government Resolution No. 1250 dated 8th May 1923 should be modified to that extent.

By order of the Governor in Council,

S. I. SAYANI,

For (E. W. PERRY),

Deputy Secretary to Government.

To

The Accountant General,
 The Audit Officer, Bombay Development Scheme,
 The Financial Adviser to Government,
 The Deputy Financial Adviser to the Government of Bombay,
 The Remembrancer of Legal Affairs,
 The Development Department,
 All Departments of the Secretariat,

APPENDIX No. 30—*contd.*

Salaries.

Interpretation of the term—
under section 72-D (iv) of the
Government of India Act.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Circular No. 586.

Bombay Castle, 3rd October 1925.

His Excellency the Governor is pleased to rule, under section 72-D (iv) of the Government of India Act, 1919, that the term "salaries" used in that Section shall include "honoraria".

By order of His Excellency the Governor,

E. W. PERRY,

Deputy Secretary to Government.

To

The Private Secretary to His Excellency the Governor,
The Secretary to the Legislative Council of the Governor of Bombay.
The Accountant General,
All other Heads of Departments,
All Departments of the Secretariat (except the Separate Department).

Special Provident Fund :
Specialist Officers, Public Works
Department.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Circular No. 1765.

Bombay Castle, 28th June 1923.

His Excellency the Governor is pleased to rule, under section 72-D (4) of the Government of India Act, 1919, that the provision for

APPENDIX No. 30—contd.

Provident Funds of the Specialist Officers of the Public Works Department is not subject to the vote of the Legislative Council.

By order of the Governor,

H. DOW,

Deputy Secretary to Government.

To

The Sanitary Engineer to Government,	H. G. Grimwood, Esq., F.S.I.,
The Consulting Architect to Government,	E. C. Henriques, Esq., A.R.I. B.A.,
The Electrical Engineer to Government,	A. P. Maddocks, Esq., B. Sc., M. Inst. C.E., M. Inst. W.E., M.R. San. I.,
The Executive Engineer in charge Boring Works,	W. C. Dooris, Esq.,
The Executive Engineer, Lake Whiting District,	R. A. Collett, Esq., A.M.I.C.E.,
The Accountant General, The Revenue Department,	E. L. Young, Esq., Assoc. Inst. M. & M.,
The Public Works Department,	E. J. Dougherty, Esq.,
The Development Department,	F. O. J. Roose, Esq., M.I.M.E., M.I.E.E., F.C.S.,
The General Department,	F. W. Wilson, Esq.,
S. Woods Hill, Esq., A.R.I.B.A., F.U.B.,	W. L. Stevenson, Esq.,
J. Mercer, Esq.,	R. G. Higham, Esq.,
R. Duckett, Esq.,	S. B. Hickin, Esq.,
R. H. Cameron, Esq.,	G. H. Thiselton-Dyer, Esq., M.A., A.M.I.C.E.,
A. J. A. Illingworth, Esq.,	G. M. O'Rourke, Esq., C.I.E.,
	H. A. Elgee, Esq.

No. of 1923.

Copy forwarded for information and guidance to

Order No. 1677.

The entry of Mr. Thiselton-Dyer's reappointment as Mechanical Engineer, the post to which he was originally appointed by the Secretary of State, as a new and votable item in the Budget is a mistake which is regretted. His Excellency the Governor has ruled under section 72-D (4) of the Government of India Act that the proposed appropriation relates to one of the heads of expenditure detailed in section 72-D (3).

By order of the Governor in Council,

P. J. MEAD,

Chief Secretary to Government.

FINANCE DEPARTMENT,

Bombay Castle, 12th March 1923.

APPENDIX No. 31.

INDIAN COALS.

I.—Dishergarh or equivalent coal.

No. of Tender.	Tenderer.	Rate F. O. R. Colliery.		Seam or Quality.	Quantity.	Period of years.	Calorific value.	Ash content.
		Rs. a.						
31	Andrew Yule & Co.	10	4	Sebpore Poniatl.	45,000	One year.	12427 B. T. V. S 6904 Cal per Kg.	9.26
	<i>Rubble.</i>							
31	Andrew Yule & Co.	11	4	Do.	15,000	Do.	11592 B. T. V. 6440 Cal. per Kg.	8.52
49	McNeill & Co.	10	4	Poniatl seam Dishergarh seam.	45,000	Do.	Not attached.	
44	Bhandari Brothers.	10	0	Poniatl	12,000	Do.	12020	5.52
13	Turner Morrison Lodna Colliery Co.	10	4	Sripore Bottom Seam.	12,000	Do.	Not given.	

Railway freight on above coals will average Rs. 17/4 per ton cost.

II.—Slightly inferior 1st Grade Dishergarh.

No. of Tender.	Tenderer.	Rate.		Seam or quality.	Quantity.	Period of years.	Calorific value.	Ash content.
		F. O. R. Colliery.	F. O. R. Karachi.					
		Rs. a.	Rs. a.					
(a) 7	Karamchand Thopur	10	0	Chowarashi	10,000	One year	12312	9.51
(a) 7	Do.	10	0	Nodtha	10,000	Do.	12333	10.38
(a) 18	Forbes Forbes Campbell.	10	4	Victoria Ramnagar seam.	45,000	Do.	12785	14.09
(a) 9	Messrs. Edulji Dinshaw & Co. (Forbes Forbes Campbell).		22	Lodna Vic- toria.	5,000— 10,000	Do.	13829	7.08
(a) 25	Swami Bros.	10	0	Chowarashi Nodtha	15,000	Do.	12312	9.51
(a) 12	Sarda & Sons.	9	8	Dharatchak.	10,000	Do.	12348 B. 6860 T. O's	10.06
(a) 31	Andrew Yule & Co.	8	12	Chanoh Bhatdee. Murulidih	45,000	Do.	12744 7080 B. T. O's 12180 6767 B. T. O's	10.37 14.90
(b) 33	P. Mukherjee & Co.	8	0	New Peep- ratand.	10,000	Per annum.	13252 B. 6018 T. O's	11.38

Railway freight on coals marked (a) will average Rs. 17/4 per ton and on those marked (b) will average Rs. 16-15-0 per ton.

APPENDIX No. 31—*contd.*

INDIAN COALS.

III.—Raneegunge First quality.

No. of Tender.	Tenderer.	Rate.		Seam or quality.	Quantity.	Period of years.	Calorific value.	Ash content.
		F. O. B. Colliery.	C. I. F. Karachi.					
		Rs. a.	Rs.		Tons.			
8	John Smith ..	7 8	23	West Begunia.	6,000	Three years	13,195	12·86
	Do.	..	..	Mittapur ..	18,000	Do.	13,262	12·14
48	Turnbull Bros	9 8	..	Damaguria	20,000/30,000	Year.	13,500	12·34
54	N. C. Sircar & Sons.	7 8	..	Nuncha Bowla Porascole Madhabpur.	45,000	Three years.	11,925	12·40
	Do.	7 12	..	West Ramnagar.	12,000	Do.	11,928	15·82
52	G. Pershad ..	6 8	..	Jemeheri ..	20,000	Five years.	11,576	10·70
66	Sathgram Coal Co.	8 0	..	Mahohar Bahal Seam.	45,000	Six years.	12,353	9·66

Railway freight on above coal will average Rs. 17-4-0 per ton.

IV.—Jharia Coal, First class quality (First grade).

No. of Tender.	Tenderer.	Rate.		Seam or quality.	Quantity.	Period of years.	Calorific value.	Ash content.
		F. O. B. Colliery.	Rs. a.					
14	Heilgers & Coy. ..	9 8		Standard 14 and 15 seam.	7,500	Year.	Analysis not given.	
	Do.	9 8		Bhulanbararee 14 and 15 seam.	7,500	"	Do.	
13	Turner Morrison ..	9 8		Lodna 14, 14A and 15 seam.	24,000	"	Do.	
23	Herman & Mohatta	9 0		Sitanala 17	10,000	"	Do.	
49	McNeill & Co. ..	9 8		17 seam Bhutgonia Kendwadih.	12,000	"	Do.	
51	Jardine Skinner & Co.	9 8		Bararee coal	30,000	"	Do.	
68	H. V. Low & Co. ..	7 0		Bhalgora 14 seam Kuardi.	45,000	"	12,636 12,672	9·62 9·49

Railway freight on above coal will average Rs. 10-15-0 a ton.

APPENDIX No. 31—contd.

INDIAN COALS.

V.—Jharia First class quality (second grade).

No. of tender.	Tenderer.	Rate F.O.B. Colliery.		Seam or quality.	Quantity.	Period of years.	Colorific value.	Ash content.
		Rs. a.						
13	Turner Morrison & Co.	8 12		Chasnalla ..	12,000	Year ..	Not furnished.	
14	Hellgers & Co. ..	8 12		Sendra steam coal 13, 14, 15.	30,000	Year 1st Jan.	Do.	
54	N. C. Sircar & Sons. .	7 8		Phularitand 17 seam.	9,000	Three years.	Do.	
19	D. N. Ghosh & Bros.	8 0		Dhurmatand 17, 18.	12,000	Eight years.	Do.	
	Do. ..	8 0		Telturia 13, 14, 15, Indla.	24,000	Do.	Do.	
36	The Planters & Stores Agency Co.	8 12		Dhurmatand ..	1,000	Year ..	13,154	9·38
	Do. ..	6 0		Northern Than-datari.	2,000	Do. ..	13,343	11·44
45	Bhandari Brothers ..	9 8		Kirkend 13 & 15 seam.	12,000	Do. ..	12,949	9·10
50	Bird & Co. ..	8 12		Loyahad Mendith Katras.	45,000	Do. ..	Not given.	
	Jardine Skinner ..	8 12		Bansdeopur Kendwadih Marine.	30,000	Do. ..	Do.	
56	L. N. Chandra Bros. .	7 8		Kirkend 13, 14, 15 seam.	12,000	Eight years	13,840	12·25

Railway freight on above coal will average Rs. 16-15-0 per ton.

VI.—Jharia First class (third grade).

No. of tender.	Tenderer.	Rate.			Seam or quality.	Quantity.	Period of years.	Colorific value.	Ash content.
		F.O.B. Colliery.	C.I.F. Kara-chl.	F.O.B. Kara-chl.					
1	Ram Lal Uggar Sain.	Rs. a 7 8	Rs. ..	Rs. a ..	Angarpathra 13 & 14 seams.	Tons. 5,000	Two years.	{ 13,176 13,485	{ 11·60 12·50
71	J. R. Din-Kara & Sons.	7 4	..	25 12	Angarpathra 13 & 14 seams.	12,000	} Year.	Not given.	
					Central Kirkend.	7,200			
28	Shaw Wallace:	8 12	..	..	Tetturya 13 & 14.	18,000	Do.	{ 12,850 12,652	{ 13·00 14·50
25	Swami Bos.	7 4	..	..	Angarpathra 14.	10,000	Do.	13,485 12·50	
20	Motiram Coal Co.—1st Year	7 0	..	..	Kirkend 13 Jharia.	18,000	Do.	13,729 10·85	
	2nd Do.	7 8	..	..	Do.	18,000	Do.	13,729 10·85	
	3rd Do.	8 0	..	..	Do.	18,000	Do.	13,729 10·85	
12	Sarda & Son.	7 8	..	..	Central Kirkend.	15,000	Do.	6,500 11·33	
	Do.	7 12	..	..	Motiram Kirkend.	25,000	Do.	7,001 10·75	
14	Hellgers ..	8 8	..	..	Khas Jharia seam.	12,000	Do.	Not given.	
72	K. Worah & Co.	7 0	21	24 0	South Jharia seam 16.	10,000	Three years	13,302	8·84

Railway freight on above coal will average Rs. 16-15-0 per ton.

APPENDIX No. 31—*contd.*

INDIAN COALS.

VII.—*Mixture of Raneegeunge and Jharia Coals.*

No. of tender.	Tenderer.	Rate.			Seam or quality.	Quantity.	Period of years.	Calorific value.	Ash content.
		F.O.R. Colliery.	C.I.F. Karachi.	F.O.R. Karachi.					
3	The Calcutta Coal Combine.	Rs. a. 7 8	Rs. 23	Rs. a. 28 8	‡ First class. ‡ Second class.	Tons. 45,000	Eight years.	12,227	16·92

APPENDIX No. 32.

No. 2131-F.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD).

Dated Delhi, the 19th February 1925.

RESOLUTION.

Financing of Branch Lines.

The Governor General in Council, with the sanction of His Majesty's Secretary of State for India, is pleased to issue the following orders on the subject of Financing of Branch Lines, in supersession of all previous orders on the subject.

Branch and Feeder Lines are constructed under an agreement by which the State guarantees a minimum return on the capital, or alternatively, undertakes that the line shall receive, out of the earnings of the main line from traffic contributed by the branch, such a sum, known as a rebate, as will make up the total earnings of the branch to a given sum, while the branch in each case shares with the main line any profits exceeding the guaranteed minimum.

2. This method of encouraging the construction of lines originated 30 years ago simply because the Government of India was unable to furnish the necessary capital.

3. The Acworth Committee pointed out that this method, while enabling lines to be built which would otherwise not have been built, has no other merit. The financial terms usual before the war are now quite inadequate and if the system is to continue they will have to be revised. All the witnesses before the Committee who asked for a revision of the terms admitted that, if the main line were in a position to build a given branch itself, they would prefer that it should be done by the main line rather than that it should be done as a separate undertaking.

4. Amongst the disadvantages pointed out by the Committee are the following :—

(i) The Branch Line Company is usually a fifth wheel to the coach. It implies in some cases a separate construction staff ; it always implies a separate Board of Directors, and separate accounts.

(ii) Where the branch is worked by the main line, if its Directors feel that the management is unsatisfactory, they not only make representations to the main line administration, but in the last resort can appeal to the Railway Board which does not make for harmony.

(iii) Capital raised by a small private undertaking, even with a Government guarantee, will cost more than money raised by the State.

(iv) Inconceivable confusion results from the multiplication of independent Railway Companies—each company, small or great, desires to reserve for itself a separate sphere of influence; and jealously demands that, if any new comer intrudes into that sphere, he shall pay toll to the original concessionaire. This only complicates a situation which ought to be considered solely from the point of view of the public interest. New proposals for the extension or connection of lines by small independent companies are either refused owing to protests by the old company or only permitted on a basis of elaborate accounting between the new company and the old for the profits which hypothetically would have belonged to the old line had the new line not been opened.

5. The only arguments urged in favour of the Branch Line Companies were :—

(i) That money had been raised which the Government of India was unable to furnish.

(ii) That a claim was made that the Branch Line Company obtained from local sources money that would never be subscribed to a Government loan.

(iii) That there may be cases of a Branch Line of smaller gauge *worked independently*, which the Branch Line Company can operate more economically than a main line.

6. The Acworth Committee, therefore, so far from approving of this system considered that the aim of the Government should be to reduce by amalgamation the number of existing companies and that it should only be in cases where the State cannot or will not provide adequate funds that private enterprise in this direction should be encouraged.

7. The disadvantages pointed out by the Acworth Committee require to be even further amplified. The existing Branch Line Companies have ceased for some time to raise additional capital for capital requirements. They have either obtained overdrafts from various Banks for this purpose at heavy rates of interest or issued debentures at special rates of interest (usually about 7 per cent.) or in several cases asked for money to be advanced to them by the Railway Board. So far, therefore, from reducing the amount that the Government of India have to rise in the open market, they are at present increasing that amount.

8. Another serious disadvantage which is not mentioned by the Acworth Committee is that the main line usually works the Feeder or Branch Line for a remuneration which, in most cases, is limited to a maximum of a fixed percentage of the gross earnings of the Branch Line (usually 40 per cent. or 50 per cent.)—terms of remuneration which at present are grossly inadequate. The result of this arrangement is that many of the main lines whose working expenses are from 60 to 80 per cent. of the gross earnings are saddled with heavy expenditure which ought to have been debited to Branch Line Companies. Where the Branch Line Companies are “successful,” that is, where the shares stand at a high figure, their profits are inflated owing to their working expenses

being thus artificially reduced. Again, where in the case of less "prosperous" Branch Line Companies, the Government has to make a direct subsidy in order to make up the guaranteed interest on the capital, the amount paid by way of subsidy does not reveal the true loss of the Government in connection with the Branch Line Company. To this subsidy should be added also the additional loss incurred from the main line working the Branch Line at less than the actual cost. Even this, however, does not give a complete statement of the loss sustained by Government in connection with these Companies. These Companies have been supplied with land free of charge and the cost of such land is not taken into account either in the Capital or the Revenue Accounts of the Companies concerned.

9. The only real argument in favour of these Companies is that they must be utilised in cases where the Government itself is unable or declines to raise the necessary amount of capital for new constructions. It is doubtful whether such a position is likely to recur in the future. It is admitted that to use the agency of these Companies is a far more expensive method of raising money for the construction of railways than direct Government loans can ever be. The amount of assistance given by Branch Line Companies in the past has been trivial; the total amount of capital raised through the agency of Branch Line Companies has only been about Rs. 10½ crores—an amount which in itself is less than the lapse that occurred last year in the provision for capital expenditure in the Railway Budget.

10. The difficulties and complications now experienced in connection with these Branch Line Companies are out of all proportion to the insignificant financial facilities offered by the Companies. The Government of India have therefore decided that the Branch line policy should be abandoned and that an endeavour should be made to reduce the number of the existing Branch Line Companies. If on any occasion the Government of India should be unable to find funds for construction (which is not the case at present), and should it be considered advisable to tap fresh sources for subscription to railway loans by offering terms different from those given to the ordinary Government loans, that is, by offering not only a fixed rate of interest but a share in the profits of a particular Branch Line, there appears to be no particular advantage of using a financial half-way house specially to float a loan on such terms; there appears to be no reason why the Government should not float the loan direct. But it will probably be found sufficient to raise short term debentures at a high rate of interest—to be liquidated when the loan market is favourable—a procedure adopted now by the Branch Line Companies, but at a higher rate of interest than would be necessary for the Government.

11. There remains the case of the District Board Railways for which some of the capital or the security for the capital is secured by a special cess levied by the District Board throughout the district.

The Acworth Committee pointed out that where a District Board was the promoter of a new Branch Line, considerations other than purely

commercial came into play with the result of further complications and confusion. In a footnote to the report they referred to the views expressed by the Madras Government who had drawn attention to a case in which, although no short-circuiting was involved, there had been a delay of over 10 years in arriving at a decision in regard to the terms for working a District Board Railway by the South Indian Railway Company. The amount of capital raised by District Boards for such lines has been only Rs. 137 lakhs while the amount raised by Company lines subsidised by District Boards amounts to Rs. 2¼ crores. These amounts are insignificant as compared with the total capital raised by the Government and it is clear that the relief afforded to the Government of India in raising the loans is quite disproportionate to the great complications which have resulted in the working of the railway administration. Loans raised direct by the District Boards do not relieve the market of the Government of India ; the money is ultimately borrowed from the Government of India.

12. The legal position regarding the powers of District and Local Boards in the matter of railway construction and management depends in part on the Indian Railways Act, 1890, which, in the absence on express exclusion of its application, extends to all District Board railways and, in part, on the nature of the provision made in the matter in the District or Local Boards Act of the province concerned. It is only in the Madras Presidency that the question has assumed prominence and it will suffice to indicate briefly the nature of the provisions contained in the Madras Local Boards Act, 1920. Action under section 113 of that Act can only be taken "with the previous sanction of the Government of India". Having obtained such sanction, a District Board may either itself construct and maintain a railway within, or partly within, the local area under the control of the Board, or may subscribe to any debenture loan raised by the Government of India or by any other local authority or by any company for the construction or maintenance of any railway which the Board considers likely to be of benefit to the district, or may guarantee the payment from the district fund of such sums as it shall think fit as interest on capital expended on any such railway (that is, whether the railway is constructed by the Government of India or by any other local authority or by a Company).

Section 236 of the same Act provides that the accumulations of a local railway cess may be utilised for all or any of the purposes specified in section 113, including the guaranteeing of payment of interest on capital spent on a railway.

A District Board in Madras, therefore, can guarantee the payment from the district fund of the money sufficient to make up the minimum interest on capital expended on a railway within its area whether such railway is constructed by the Government of India or by a Company, the only disadvantage attaching to this particular form of guarantee being that the Act does not make the payment of the guaranteed interest a first charge on the District Board Fund.

13. The Government of India could not reasonably use their powers under the Indian Railways Act, 1890, or under, *e.g.*, section 113 of the

Madras Local Boards Act, 1920, to prevent a District Board or a local body from constructing a light railway or a tramway which has no physical connection with any existing main line and which that local body proposed to work itself or through a local company. But as things stand at present there is no reason for continuing the practice under which District Boards are allowed to make money out of Branch Lines connected with a main line when they themselves cannot make any arrangements for the working of the lines and require to have them run by the main lines.

14. These District Board railways must not be confused with the light and feeder railways which constitute a provincial subject under the Devolution Rules. The provincial subject in question comprises "light and feeder railways and extra-municipal tramways in so far as provision for their construction and management is made by provincial legislation". That is to say, it comprises only individual light or feeder railways or extra-municipal tramways for the construction and management of which specific provision has been made by an Act of the local legislature of the province concerned. Hitherto, no such legislation has been enacted with the result that the entry in question in the provincial schedule, as also the qualifying words in entry 5 (a)* in the central schedule, have no operation, and all existing railways of every description are included in the central subject defined in the last-named entry. It should also be observed that the provincial subject in question is "subject to legislation by the Indian Legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent line," the effect being that a provincial bill designed to provide for the construction of a light or feeder railway or extra-municipal tramway in physical connection with a main line or built on the same gauge as an adjacent main line would require the previous sanction of the Governor General under clause (f) of sub-section (3) of section 80-A of the Government of India Act; and it may be presumed that few occasions are likely to arise in which provision will be made by local legislation for the construction of a light or feeder railway not answering one or other of these descriptions.

15. The proposals set forth in this Resolution are not designed to evade the legitimate operation of the legal position described, in the case of District Board railways, in paragraph 12 and in the case of provincial light and feeder railways, in paragraph 14; but it follows from the proposals that Local Governments and District or Local Boards should not, in the absence of special circumstances, be encouraged to build branch or feeder lines. In other words, the normal procedure will be the construction by the Government of India, or, at its cost, by a Company, of a branch line which a District Board or Local Government desires to have constructed and is prepared to guarantee. But, should the railway programme not permit the construction of such a line within a reasonable time, the possibility of permitting a District Board or Local Government to construct it from its own funds would require consideration.

* "Railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (d) of Part II of this schedule."

Unremunerative Lines.

16. The above proposals relate to the procedure adopted in the past and the procedure which it is proposed to adopt in the future for the financing of the construction of branch or feeder lines expected to prove remunerative from the point of view of railway earnings only. But there are cases where the Local Governments or local authorities may desire that a line should be constructed which will not be remunerative on railway earnings and the construction of which is desired by them for purely local reasons on account of the administrative advantages it is likely to confer or for the development of a particular area. It is proposed that in future the Railway Board in such circumstances should have power to arrange for the construction of the line from railway funds if the Local Government or the local authority guarantees the Railway Board against loss. The guarantee would be to the effect that the local authority would make up the difference between the net earnings and the interest and other charges payable. As it is not desirable that the Central Government should make any profit out of such contributions by local authorities, it is also proposed that where contributions have been made by a local authority for this purpose the repayment of such contributions should be a first charge on any net profits subsequently realised from the line, should the line prove remunerative.

17. The Central Government must, however, retain the power to decide whether a line is to be built or not; the proposals in the preceding paragraph must not be taken to imply that a Local Government by giving a guarantee can require the Railway Board to construct a line. Proposals of a Local Government might run counter to the general railway policy or might take the form of short-circuiting railway traffic and so lead to a reduction of receipts from existing lines.

18. These proposals have been circulated to Local Governments and have been generally welcomed by them as affording a suitable method of reconciling central and local interests and of providing for local bodies and Local Governments a method of securing the construction of railways which may be required for purely local reasons, and which, while not likely to prove remunerative on purely railway earnings, are likely to provide such indirect benefits to Local Governments and local bodies as will more than repay the amounts paid under the guarantee. Several such arrangements have already been made with Local Governments.

Order.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations for information, to all Railway Administrations for information and guidance, and that the Resolution be published in the Supplement to the *Gazette of India* for general information.

J. IZAT,
Secretary, Railway Board.

APPENDIX No. 33.

Statement showing present and past rates of grazing fees levied under the "Kanara System" and other systems.

Kind of cattle.	Present Rates.		Past Rates.	
	Village cattle.	Non-village cattle.	Village cattle.	Non-village cattle.
	For Kolaba and all the districts in the Central Division.			
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(1) Buffaloes, cows, oxen, horses, mules and donkeys, etc.	0 4 0	1 0 0	0 2 0	1 0 0
(2) Sheep	0 2 0	0 2 0	0 1 0	0 2 0
(3) Goats	0 4 0	0 4 0	0 1 0	0 4 0

	Present Rates.			Past Rates.		
	Village cattle of forest villages.	Village cattle of non-forest villages.	Non-village cattle.	Village cattle of forest villages.	Village cattle of non-forest villages.	Non-village cattle.
	For Belgaum District.					
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(1) Buffaloes, etc.	0 2 0	0 8 0	1 0 0	0 2 0	0 2 0	1 0 0
(2) Sheep	0 1 0	0 4 0	0 4 0	0 1 0	0 1 0	0 2 0
(3) Goats	0 1 0	0 4 0	0 4 0	0 1 0	0 1 0	0 4 0
	For Dharwar and Bijapur districts.					
(1) Buffaloes, etc.	0 4 0	0 8 0	1 0 0	0 2 0	0 2 0	1 0 0
(2) Sheep	0 2 0	0 4 0	0 4 0	0 1 0	0 1 0	0 2 0
(3) Goats	0 2 0	0 4 0	0 4 0	0 1 0	0 1 0	0 4 0

The present rates for the Kanara District are the same as those shown under "Past rates" for Belgaum, Dharwar and Bijapur districts. There has been no change in these rates since their introduction.

(b) The names of districts where the "Kanara System" of grazing fees prevailed and now prevails have been given under clause (a).

(c) and (d)

APPENDIX No. 33—*contd.**For Surat.*

Present Rates,			Past Rates,		
Agricultural cattle of forest villages.	Agricultural cattle of non-forest villages.	Non-agricultural cattle.	Agricultural cattle of		Non-agricultural cattle.
			Forest villages.	Non-forest villages.	
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Free	0 4 0	1 0 0	0 2 0	0 2 0	0 2 0

For Thana.

(The rates given below are the present rates. They have remained unchanged since their introduction.)

Kind of cattle.	Agricultural cattle of forest villages. Cattle of Thakurs and Kathodis.	Non-agricultural cattle of forest villages. Agricultural cattle of non-forest villages	Cattle kept for trade or profit by people of forest and non-forest villages.	Cattle of professional graziers out side cattle.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Buffaloes	Free	0 4 0	0 8 0	1 4 0
Cows, etc.	Free	0 3 0	0 4 0	0 10 0
		Goats and sheep are not allowed.		

For Panch Mahals.

The rates given below are the present rates. They have remained unchanged since their introduction.

Kind of cattle.	Cultivators' cattle.		Non-cultivators' cattle and resident professional graziers and others.	
	Western Mahals.	Eastern Mahals.	Western Mahals.	Eastern Mahals.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Buffaloes	0 3 0	0 2 0	1 0 0	1 0 0
Cows, etc.	0 2 0	0 1 0	0 8 0	0 8 0
		Goats and sheep are not allowed.		

APPENDIX No. 34.

Statement showing the different estimates of cost of production and sale for different salt talukas.

District.	Taluka.	Cost of manufacture.	Selling price.	Remarks.
Thana ..	Dadar ..	Annas. 5 to 6	Annas. 7	The selling price is exclusive of duty and bagging.
.. ..	Rai ..	3 to 4	10 to 11½	
.. ..	Trombay ..	4 to 5	8 to 10	
.. ..	Belapur ..	3 to 5	8 to 10	
.. ..	Bassein ..	3 to 7	10 to 11½	
.. ..	Maroli ..	3 to 4	5 to 10	
.. ..	Bhandup ..	5 to 6	5 to 9	
Kolaba ..	Uran ..	1 to 2	1 to 4	
.. ..	Karanja ..	2½ to 3½	1 to 3½	
.. ..	Shewa ..	1 to 2	½ to 4	
.. ..	Pen ..	2 to 3	1½ to 4	
Ratnagiri.	Vengurla ..	3½ to 6	4 to 9½	
Kanara ..	Sanikatta ..	3½ to 3½	7	

APPENDIX No. 35.

Statement showing information regarding manganese deposits, etc., in the Bombay Presidency for the last ten years.

District.	Place or places where there are manganese deposits in Kanara particularly and in the rest of the province generally.	No. of prospecting licenses issued.	Names of persons to whom and of places in respect of which such licenses were issued.	Percentage of manganese available in each case.	Remarks.
Panch Mahals.	Shivrajpur, Bamankua and Talavdi villages, Taluka Halol.	Nil.			
Belgaum ..	In the forest area on the south side of the Khanapur Taluka.	1	Mr. A. V. Kulkarni, Jumbgaon.	Not yet settled.	
Kanara ..	Information not available.	2	Mr. T. B. Kantharia of Bombay; Puseil and Maldi.		
Ratnagiri ..	Manganese deposits are supposed to be at Malvan and Rati in Vengurla Mahal.		Messrs. D. M. Tilve & Sons of Bombay; Shirol, Sannamaga and Amgaon.	Information is not available.	

APPENDIX No. 36.

Statement showing mining leases applied for during the last ten years in Kanara or elsewhere in the Presidency.

District.	Names of persons who applied for mining leases and dates of application.	Whether the lease was granted or not.	When they were refused or granted.	Remarks.
Panch Mahals ..	Balmukund Girjashanker, Agent to Pandit Kirpaashanker Mugatram, 21st April 1915.	Refused	17th August 1915.	
	Shivrajpur Syndicate, 28th April 1915.	Refused	1st June 1915.	
Kanara ..	Messrs. D. M. Tilve and Sons of Bombay, 10th April 1924.	Granted	15th September 1924.	
Belgaum ..	Dr. C. P. Boyce, 3rd May 1907.	Granted	29th July 1907*	*As Dr. C. P. Boyce, the original grantee, died before the lease was actually issued to him, the lease was issued in favour of Mrs. T. C. Boyce, on an application being made by her to that effect.
	Mrs. T. C. Boyce, 2nd January 1911.	Granted	18th September 1911.	
	Mr. A. V. Kulkarni, 8th December 1923. Mr. B. T. Coggan, 1st April 1924.	Messrs. Kulkarni and Coggan applied for the same area. Government have decided to grant the lease to Mr. A. V. Kulkarni.		

APPENDIX No. 37.

Statement showing the house building advances granted to Indian Officers of (1) I.C.S., (2) Indian Agricultural Service, (3) Indian Police Service and (4) Indian Ministers and Executive Councillors since 1921.

Name of the service to which the officers belong.	Name of the Officer.	Designation of the Officer.	Amount of House building advance granted.	Number of instalments in which the advance is to be recovered	Rate of interest if any.	Whether Loan has been repaid.	Date of last instalment.
(1) Indian Civil Service.	Nil.						
(2) Indian Agricultural Service.	(1) D. L. Sahasra b. udhe. He belongs to the Bombay Agricultural service but is acting in the Indian Agricultural Service.	Ag. Agricultural Chemist to Government.	Rs. 3,000	48	No interest	Repayment still continuous.	
(3) Indian Police Service.	Nil.						
(4) Indian Ministers and Executive Councillors.	Nil.						

APPENDIX No. 38.

Statement showing the expenditure on the Chief Conservator of Forests and his establishment, for the years 1921-22, 1922-23, 1923-24 and 1924-25.

	1921-22.	1922-23.	1923-24.	1924-25.
	Rs.	Rs.	Rs.	Rs.
Pay of the Chief Conservator...	33,745	27,888	34,384	31,828
Travelling allowance of the Chief Conservator.	5,470	6,325	6,475	3,864
Pay of the Chief Conservator's establishment including his Personal Assistant.	15,752	16,584	16,394	14,738
Compensatory allowance of Personal Assistant and Temporary and Provisional allowance of menials.	1,723	1,461	1,200	1,200
Travelling allowance of Chief Conservator's establishment including Personal Assistant.	1,854	1,425	2,815	2,505
Contingent expenses ..	2,377	1,803	2,346	1,987
Total ..	60,921	55,486	63,614	56,122

APPENDIX No. 39.

*Agreement referred to in paragraph 1 of Government Resolution No. 104,
dated 13th January 1920.*

AGREEMENT made the day of 1920 between (hereinafter called "the Contractors", which expression shall where the context admits include their heirs executors and administrators and where assignment has been allowed in accordance with the provisions of this agreement, such their assigns), of the one part; and the Secretary of State for India in Council of the other part.

WHEREAS by a rule under section 75, clause (d), of the Indian Forest Act, 1878, hereinafter called "the said Act", published in Government Notification in the Revenue Department No. 5200, dated the 3rd August 1903, whoever enters into any contract with any Forest Officer acting on behalf of Government, shall, if so required by such Forest Officer, bind himself by a written instrument to perform such contract :

NOW THESE PRESENTS WITNESS that in pursuance of the said agreement and in compliance with the said rule, and in consideration of the privileges secured to them by this agreement, the Contractors do hereby bind themselves to perform every duty and act expressed in the conditions hereinafter contained as to be performed by them and do covenant with the Secretary of State that they, the Contractors, and each of their servants and agents, will abstain from every act expressed in the conditions hereinafter contained as to be abstained from, and the Contractors do hereby agree in case of any breach of any of the said conditions to pay to the Secretary of State through the Divisional Forest Officer on demand, made in such behalf by him the sum of five hundred rupees or such smaller sum as may in each case be determined by the Divisional Forest Officer, in default whereof the whole of the said sum of five hundred rupees or of such smaller sum as aforesaid will, in accordance with section 84 of the said Act, be recoverable from them as an arrear of Land Revenue.

THE SAID CONDITIONS are as follows, namely :—

1. In consideration of the conditions to be observed by the Contractors as hereinafter stated the Contractors shall have the sole right to cut and remove grass from the forests and Government waste lands, specified in the schedule hereto and hereinafter referred to as the said forest, of the Nawapur and Nandurbar Ranges of the West Khandesh Forest Division subject to the conditions hereinafter specified and for a term of nine years commencing on the first day of June 19—unless such term shall be extended as hereinafter provided. The maximum quantity of grass cut in any year from the Nandurbar Range shall not exceed 12½ lakhs pounds; but in any famine year this limit may be exceeded to such extent as may be permitted by the Divisional Forest Officer who shall act in this behalf in consultation with the Collector.

2. (1) The Contractors shall lay down from the 15th April to 15th October in each year a reserve of grass amounting to 50 lakhs pounds by

weight in steam-pressed bales at Nawapur and $12\frac{1}{2}$ lakhs pounds by weight in hydraulic-pressed bales at Khandbara and Chinchpada, respectively. Such reserve shall be collected and properly stacked each year before the Contractors remove any grass for their own disposal or use.

(2) Such reserve shall be stacked, in such manner and arrangement of stacks as the Divisional Forest Officer may approve, in sheds in the Nawapur, Chinchpada and Khandbara Forest Dépôt compounds. The sites for the sheds shall be selected and the sheds shall be constructed by the Divisional Forest Officer. The existing sheds which belong to the Contractors shall be taken over by Government at a valuation made by the Divisional Forest Officer.

(3) The Nawapur reserve shall be allowed to accumulate up to 200 lakhs pounds. In the year in which this maximum is attained and in subsequent years, after the 15th October in any such year the Contractors may, with the permission of the Conservator of Forests, remove and dispose of for their own benefit the 50 lakhs pounds which have been longest in the dépôt; if the Contractors do not avail themselves of this option, the said grass shall be disposed of by Government. The reserve shall be maintained, as provided in condition 2 (1), by the substitution in each year of 50 lakhs pounds of new grass for the grass withdrawn.

(4) From the Chinchpada and Khandbara reserves respectively, in any year after the 15th July in the case of the Chinchpada reserve and the 15th August in the case of the Khandbara reserve the Contractors may, with the permission of the Conservator of Forests, remove and dispose of for their own benefit the $12\frac{1}{2}$ lakhs pounds which have been longest in the dépôt. If the Contractors do not avail themselves of this option, the reserve shall be allowed to accumulate to a maximum of $37\frac{1}{2}$ lakhs in each dépôt. Any amount in excess of this maximum shall, if not disposed of by the Contractors in accordance with the previous provisions of this clause, be disposed of by Government. The reserves shall be maintained as provided in condition 2 (1) by the addition to each in each year of $12\frac{1}{2}$ lakhs pounds of new grass.

(5) The Contractors shall supply the said grass at the following rates :—

(a) steam-pressed bales f. o. r. at Nawapur at Rs. 13 per 1,000 pounds during the year 1919-20 and afterwards at Rs. 13-8-0 per 1,000 pounds ;

(b) hydraulic-pressed bales f. o. r. at Chinchpada and Khandbara at Rs. 8 per 1,000 pounds during the year 1919-20 and afterwards at Rs. 8-8-0 per 1,000 pounds.

The grass shall be supplied and stacked at the aforesaid dépôts and, when removed in any famine year or by Government under conditions 2 (3) or (4), shall be loaded by the Contractors in railway waggons in the presence of an officer appointed by the Conservator of Forests, for this purpose ; the rates above quoted are inclusive of all charges so incurred. For the year 19 —19 the Contractors shall be supplied with wire by the

Forest Department, but thereafter the Contractors shall supply the wire at their own cost.

(6) The above rates shall be liable to revision every three years during the period of this agreement, in view of current rates ; in case of dispute the revised rate shall be settled by arbitration.

3. (1) The Contractors shall, in addition to the reserve hereinbefore mentioned, supply to the Secretary of State on demand in any year grass cut in such year as follows :—

(a) steam-pressed bales, 100 lakhs pounds by weight, at Nawapur ;

(b) hydraulic-pressed bales, 75 lakhs pounds by weight at Chinchpada and 50 lakhs pounds by weight at Khandbara, respectively.

All such grass shall be supplied at the following rates and in the following manner :—

steam-pressed bales at Rs. 15 per 1,000 pounds f. o. r. at Nawapur Railway Station ;

hydraulic-pressed bales at Rs. 10 per 1,000 pounds f. o. r. at Chinchpada and Khandbara Railway Stations.

The Contractors shall weigh the bales before loading into the railway waggons in presence of an officer appointed by the Conservator of Forests in this behalf, and the weight thus ascertained shall be accepted for calculating payment. The above rates shall be open to revision every three years during the period of this agreement in view of current rates ; in case of dispute the rates shall be fixed by arbitration.

(2) All such indents shall be made before the 15th of October in any year and shall be duly complied with before the Contractors remove any grass for their own disposal or use.

(3) The Contractors shall be entitled to remove in any year after the 15th of October and after they have fulfilled the terms of clauses 2 (1) and 3 (1) of this agreement any surplus grass for their own disposal or use free of royalty charges for the first three years of this agreement ; thereafter the question of the payment of royalty on surplus grass so disposed of will be reconsidered and royalty shall be charged at the rates, if any, agreed on.

4. Steam-pressed bales shall contain not less than 250 pounds weight each, and hydraulic-pressed bales not less than 200 pounds weight each.

5. Fire-wood required for the steam press may be obtained by the Contractors from the open forests of Nawapur on payment of annas 8 (eight) per cart-load of dead wood.

6. The Contractors shall maintain in good order one steam press at Nawapur and one hydraulic press at each of the depots at Chinchpada and Khandbara. The Contractors shall have the use of and shall keep in good order the 25 hand presses now in possession of the Forest Department.

7. At the conclusion of the term of this agreement if a fresh agreement is not made between the Secretary of State and the Contractors and if

the Secretary of State is unable to make immediate arrangements for the cutting, stacking and disposal of grass from the said forest, the Contractors shall, if so required by the Secretary of State, continue to do the acts and perform the duties required of them by this agreement and to observe and fulfil all the conditions thereof to be observed and fulfilled by the Contractors for such further period not exceeding one year as the Secretary of State may require, and in such case the Secretary of State shall likewise carry out the conditions of this agreement which are binding upon him for the said further period.

8. The Contractors shall not interfere with any person in the exercise of any privileges in the said forest granted to him by Government and still in force, that is to say :—

(a) the privilege granted to forest villagers and wild tribesmen of grazing their own cattle and of cutting and removing grass for their own use or for sale to the Contractors ;

(b) the privilege granted to villagers other than forest-villagers of grazing cattle and of cutting and removing grass for their own use in the said forest on payment of fees to Government ;

(c) any other privileges granted under the North Tapti Privilege Code.

9. The Contractors shall employ as far as may be the privilege-holders referred to in the last preceding clause in cutting and removing grass from the said forest and shall pay them for grass so cut not less than four annas per hundred pounds by weight of grass cut.

10. The Contractors, their servants and agents shall abstain from the following acts, that is to say :—

(a) from subletting or assigning this contract, or any portion thereof or share or interest therein, to any person whatsoever without the previous permission of the Divisional Forest Officer ;

(b) from felling, lopping, injuring or permitting to be felled, lopped or injured by any person any tree, or other forest growth within the boundaries of the said forest ;

(c) from using any mowing machine within the limits of the said forest ;

(d) from interfering with any person who may be ordered by the Divisional Forest Officer to perform or carry out in the said forest any work or forest operation for the improvement or protection of the forest or for any other purposes.

11. The Contractors shall make themselves acquainted with the boundaries of the said forest, and where they are unable to make themselves acquainted with the boundaries of the said forest, then they shall within a period of 15 days from the date of signing this agreement make a representation to that effect, either in person or by registered letter to the Divisional Forest Officer, and if no such representation is received it will be assumed that they have made themselves thoroughly acquainted

with the boundaries, and no objection that they may make to the contrary thereafter will be entertained.

12. The Contractors shall take every precaution to prevent their workers from setting fire to the said forest and shall entertain watchmen to guard against fire, and to prevent cattle from grazing, within the said forest.

13. The Contractors shall not use their steam press for any work other than the pressing of grass for the purposes of this agreement until the conditions of clauses 2 (1) and 3 (1) of this agreement are fulfilled.

14. The Contractors shall complete all cutting operations on or before the 15th of January and pressing by the 31st of March in each year, except in famine years when the period for pressing will be extended to 31st May; and shall remove all the grass cut from the said forest before the 31st May in each year.

15. The Contractors shall repair and keep in good order all survey marks and forest boundary marks and fences upon or round the said forest.

16. The Contractors shall submit to the Divisional Forest Officer the name, age and address of every person, whom they may propose to employ in superintending the working of this contract, prior to such employment and if such employment is approved by such officer, shall supply such person with a certificate of appointment countersigned by the Divisional Forest Officer.

17. The Contractors shall defray all expenses incurred in cutting, removing, baling and stacking grass under the agreement.

18. In the event of the whole or any portion of this contract being sub-let, with the written permission of the Divisional Forest Officer, the Contractors shall be responsible for the acts and omissions of the sub-contractors and their servants as if they were the servants of the Contractors.

19. The Contractors shall not cause any damage to any tree or other forest growth and if any such damage be caused, in addition to any other penalty provided in this agreement, any grass cut and remaining within the said forest may be confiscated by the Divisional Forest Officer, and the contractors shall also be liable to Government for the amount of all such damage.

20. Any grass cut and remaining within the said forest after the day on which, by the conditions herein contained, the removal thereof is required to be completed, shall be the property of Government, and may be removed from the said forest at the expense of the Contractors in such manner as the Divisional Forest Officer shall decide.

21. Any grass cut or removed from the said forest, otherwise than in accordance with the conditions herein contained, shall be liable to seizure by any Forest or Police Officer, and when so seized shall be forfeited to Government.

22. The Contractors shall be liable to Government for the amount of all damage which at any time previous to the 31st day of March in each year, or such earlier date as the Divisional Forest Officer may, by order in writing, fix in this behalf, be caused to any forest produce belonging to Government either within or without the said forest, by fire or by cattle grazing, whether such fire is traceable to any act or omission of the Contractors, their servants or agents, or not, and whether such cattle belong to, or have been allowed to graze by, the Contractors, their servants or agents, or not.

23. The Contractors shall pay all such expenses as the Divisional Forest Officer may determine to be necessary for, or to have been incurred in, the execution of any work or thing to be done which by the conditions herein contained the Contractors have bound themselves to perform and which on requisition made by the Divisional Forest Officer they have failed or omitted within the time specified in such requisition to perform.

24. The Divisional Forest Officer, in case of any breach of any condition herein contained, may, by notice in writing served upon any one of the contractors, suspend the operation of this agreement pending the decision of the Conservator of Forests; and when the operation of this agreement has been so suspended, the Contractors shall put a stop to all work thereunder, and all rights and claims of the Contractors and of their servants thereunder shall be in abeyance pending the decision of the Conservator of Forests.

25. If in the opinion of the Conservator of Forests the Contractors, or any of their servants have broken, evaded or failed to fulfil any of the conditions herein contained or infringed any provisions of forest law or of forest rules for the time being in force, it shall be lawful for the Conservator of Forests, by notice in writing to be served upon any one of the Contractors, to determine this agreement without prejudice to any right of the Secretary of State in respect of any such breach, evasion, non-fulfilment, or infringement and to retain, out of any money of the Contractors in the possession of any Forest Officer, the amount, or such portion as is possible of the amount, of damages sustained by reason any such breach, etc., as aforesaid; or instead of so determining this agreement and retaining such amount, to retain such amount without determining this agreement; provided always that nothing in this clause or in the last preceding clause shall affect the liability of the Contractors or any of their servants to criminal prosecution for any offence committed by them against forest law or the forest rules for the time being in force.

26. If this agreement be determined by the Conservator of Forests as aforesaid, the privileges secured to the Contractors may be granted to any other person by the Divisional Forest Officer subject to the orders of the Conservator of Forests, at the risk of the Contractors (who shall have no claim to the profit, if any, realized by Government on such regrant) or may be otherwise disposed of as the said Conservator may

direct; and any money which may have been paid to Government under this agreement and all grass, cut or uncut, in the said forest at the time at which this agreement is suspended by the Divisional Forest Officer, shall be and remain the property of Government and shall be disposed of for the benefit of Government in such manner as the Conservator of Forests directs.

27. At the conclusion or prior determination of this agreement and provided a fresh agreement is not entered into between the Contractors and the Secretary of State, the presses, buildings and plant erected for the purposes of this agreement and belonging to the Conservators shall be valued by a competent authority to be selected by the parties hereto and if so desired either taken over at such valuation by the Secretary of State or by the incoming Contractor or Contractors at that time. Failing this the presses, plant, etc., shall be removed by the Contractors within the period of one year from the conclusion or determination of this agreement.

28. In the event of any dispute as to the construction of this agreement or with reference to anything done or to be done thereunder, the dispute shall be referred to a committee of arbitration, composed of one member nominated by the Contractors, one by the Secretary of State, and a third to be selected by the two so nominated. A majority decision of the committee shall be final and binding on both parties hereto.

29. And it is further hereby agreed between the parties that in this agreement—

(1) the term "Divisional Forest Officer" shall be deemed to mean the Divisional Forest Officer of West Khandesh or any Forest Officer authorized by him in writing to act in the matter of the clause in which the said term is employed;

(2) the term "Conservator of Forests" shall be deemed to mean the Conservator of Forests, Central Circle, for the time being;

(3) the term "Secretary of State" shall be deemed to mean the Secretary of State for India in Council, his successors in office and assigns;

provided that any of the powers and duties conferred or imposed upon the Secretary of State by this agreement may be exercised and performed by any duly authorized Officer of Government.

IN WITNESS WHEREOF the Contractors have hereunto set their hands, and the Conservator of Forests, Central Circle, by order of the Governor of Bombay in Council, has hereunto set his hand and seal on behalf of the Secretary of State the day and the year first above written.

Signed by—

In the presence of—

Signed by—

Conservator of Forests, C. C.

In the presence of—

SCHEDULE REFERRED TO IN THE ABOVE AGREEMENT.

Name of forest.	Survey No.	Total area.	Planted area to be deducted.	Area where grass is to be cut on the conditions specified in the above agreement.

Signed by—

In the presence of—

Signed by—

Conservator of Forests, C. C.

In the presence of—

APPENDIX No. 40.

Disbursements from the amount of Rs. 17,72,442 utilised during 1923-24 for Industrial Housing Schemes from the realisations from the cotton cess.

	Rs.
Interest on the loan of Rs. 50,00,000 at 6½ per cent. inclusive of income-tax at one anna and six pies ..	3,55,469
Proportionate share of the cost of floating the loan ..	1,049
Interest on the Government of India advance at 7 per cent. on Rs. 92,00,000 and at 3½ per cent. on Rs. 88,50,441 ..	9,53,765
Interest and depreciation charges to end of 1922-23 on the Special Machinery account, chargeable to these schemes ..	87,269
General charges on the general suspense account ..	91,390
.. .. on the general schemes, Nos. I and II..	28,550
Expenditure on maintenance and repairs as detailed below ..	71,277
	Rs.
Repairs and maintenance ..	49,317
Establishment ..	20,743
Audit establishment at 1 per cent. ..	536
Tools and plant ..	681
	<hr/> 71,277
Total ..	<hr/> 15,88,769
Deduct receipts from rents of chawls and other miscellaneous receipts ..	2,13,657
	<hr/> 13,75,112
Balance ..	3,97,330
	<hr/> Total .. 17,72,442

Disbursements from Rs. 4 lakhs allotted to the Suburban Development Schemes during 1923-24 from the realisations from the cotton cess.

Amounts utilised for meeting the deficit on Suburban Schemes as under :—

	Rs.
Suburban Scheme No. XII, Suburban Trunk Roads ..	1,15,050
„ „ No. XVII, Central Salsette Railway ..	3,30,543
„ „ No. XX Khopoli Water Supply ..	2,63,846
„ „ No. XXII, Kurla-Trombay Railway ..	11,449
Amounts for interest charges on expenditure on town planning schemes	2,891
Amounts for depreciation and interest on the Special Machinery account on machinery utilised for town planning schemes	14,348

Amounts utilised for grants and advances as under :—

Free Grants.

Notified Area Committee, Vile Parle, for town planning scheme	4,406
Notified Area Committee, Santa Cruz, for town planning scheme	946
Notified Area Committee, Andheri, for remission of departmental charges	2,674

Advances Recoverable.

Advances to Notified Area Committees as detailed below :—

	Rs.
Notified Area Committee, Santa Cruz ..	13,611
Notified Area Committee, Kandivli ..	1,290
	<hr/>
	14,901
Total ..	14,901
	<hr/>
	7,61,054
Balance ..	-3,61,054
	<hr/>
	4,00,000

APPENDIX

Statement showing the area, population and number of villages in pay of revenue and police

District.	Area in square miles.	Population.	No. of villages.	Revenue officers and subordinates.
Bombay Suburban ..	153	154,922	93	1 Collector 1 District Deputy Collector. 1 City Magistrate } 1 Resident Magistrate .. 1 Mamlatdar .. 1 Shirestedar 1*Aval Karkun 1*Shirestedar 1*Clerk 15*Clerks (including Circle Inspectors). 2 Clerks 17†Talatis

Note.—There are 13 clerks in the combined office of the Commissioner, Bombay Development Officer's office). The clerks in the Salsette Development Officer's the combined office of the Commissioner and the Collector do duties partly connected

No. 41.

the districts of Thana and Bombay Suburban and the strength and officers and their subordinates.

Scale of pay.	Police officers.	Scale of pay.	Remarks.
Rs. 1,000 to 2,250	1 District Superintendent of Police.	Rs. 800 to 1,650. 1,750 Selection grade including overseas pay.	
1,000—100— 1,200 700—50—850 300—50—550— 50/2—650	1 Police Inspector ..	180—15/2—255. Selection grades Rs. 270 and 300.	
275—15—350	1 Sergeant ..	150—5—200.	
....	7 Police Sub-Inspectors.	75—5—145. Selection grades Rs. 150 and 160.	
200—15/2—260	1 Police Prosecutor. 75 Head Constables.	90—10—180 50+10 L.A. 43+10 L.A. 36+ 9 L.A. 28+ 8 L.A.	
105—5—140	187 Constables ..	20 to 24 plus local allowance at Rs. 7 per mensem.	
85—5/2—100	....	....	* These men get local allowance at 15 per cent. or 12 per cent., according to the rate of actual pay, viz., 15 per cent. below Rs. 50 and 12 per cent. above Rs. 50.
85—5/2—100	1 Head Clerk ..	115—5—150	
60—5/2—80	2 Clerks ..	60—4—100—3—160.	
30—5/2—80	..		
60—4—100—3—160..			
25—1—40	..		† Talatis living at Bandra and Kuria get local allowance on the above scale.

Suburban Division and the Collector, Bombay Suburban District (including the Salsette office perform duties mainly connected with the Revenue Department, while those in with the Revenue Department and partly with the Development Department.

APPENDIX

District.	Area in square miles.	Popula- tion.	No. of villages.	Revenue officers and subordinates.
Thana	3,434	759,916	1,594	1 Collector 1 Assistant Collector 2 District Deputy Collec- } tors. } 1 Huzur Deputy Collec- } tor. } 8 Mamlatdars 3 Mahalkaris 1 Treasurer 1 Senior Clerk 15 Clerks (Upper Branch).. 153 Clerks } 253 Talatis

No. 41—contd.

Scale of pay.	Police officers.	Scale of pay.	Remarks.
1,000 to 2,250	1 District Superintendent of Police.	800 to 1,650. 1,750 (Selection grade) including overseas pay.	
450 to 1,350	1 Assistant Superintendent of Police.	450 to 1,000 including overseas pay.	
1,000—100—1,200 700—50—850 300—50—550— 50/2—650.	1 Deputy Superintendent of Police.	250 to 700.	
275—15—350 200—15/2—260 150—5—200	3 Inspectors	180—15/2—255. Selection grades Rs. 270 and Rs. 300.	
150—5—200 115—5/2—150.	2 Police Prosecutors.	90—10—180. 200—10—300. 320—20—400. (Selection grade).	
105—5—140 85—5/2—100	22 Sub-Inspectors.	75—5—145. Selection grades 150 and 160.	
85—5/2—100. 30—5/2—80.			
25—1—40	196 Head Constables.	50 43 36 28	
	555 Constables*	20 to 24.	
	1 Head Clerk	150—5—200. 115—5—150.	* Pending the opening of separate Head quarters for the Bombay Suburban District the men of the armed Branch serving in the Bombay Suburban District are borne, as a temporary measure, on the Thana Head quarters strength, as this arrangement is more convenient for purposes of promotions, transfers, training, reserve, etc.
	1 Accountant	115—5—150. 105—5—140.	
	12 Clerks	40—5/2—80. 30—5/2—80. Selection grade 85—5/2—100.	

APPENDIX No. 42.

Statement regarding Retrenchment in the Southern Division.

Department.	(a) Number of posts abolished.	(b) Number of Brahmans and Non-Brahmans reduced.	(c) Persons transferred from establishments retrenched.
<i>Revenue Department.</i>			
A. Belgaum ..	13	The posts were absorbed in vacancies.	None.
Dharwar ..	22		
Bijapur ..	26		
Kanara ..	124		
Kolaba ..	64	36 Brahmans, 19 non-Brahmans. The rest were absorbed in vacancies.	None.
		2 Brahmans, 6 Non-Brahmans, 17 were absorbed in vacancies. The rest were unqualified.	
Ratnagiri ..	78	The posts were absorbed in vacancies.	7 Brahmans, 2 Non Brahmans.
B. Agricultural Department.	4	2 Brahmans, 2 Non-Brahmans.	None.
C. Excise ..	28	4 Brahmans, 9 Non-Brahmans.	10 Brahmans, 5 Non-Brahmans.
D. Forest ..	237	38 Brahmans, 199 Non-Brahmans.	None.
<i>Public Works Department.</i>	27	14 Brahmans, 13 Non-Brahmans.	None.
<i>General Department.</i>			
Public Health ..	1	1 Brahman ..	None.
Medical ..	18	9 Brahmans, 9 Non-Brahmans.	None.
<i>Educational Department.</i>	40	40 Brahmans ..	None.
<i>Home Department.</i>			
Police ..	315	9 Brahmans, 81 Non-Brahmans, 225 absorbed in vacancies.	None.
Judicial ..	56	1 Brahman, the rest were absorbed in vacancies.	None.

APPENDIX No. 43.

Lease.

In consideration of the provisions and agreements herein contained and on the part of the lessee to be respectively observed and performed, the lessee hereby leases to the lessee all the land shown in the schedule hereto appended for the purpose of cutting grass growing naturally in the said land and it is hereby agreed and declared between the parties hereto that—

(1) the term of this lease shall commence on the 1st day of August 1922, and expire on 30th day of April 1927.

(2) The lessee, except as herein below specified, shall have the right of cutting grass only from the leased land.

(3) The lessee shall pay to Government a sum of rupees 2,000 (two thousand) every year in two instalments at the time of the instalments of land revenue, *i.e.*, on the 5th January and the 5th of March.

(4) The lessee shall give out to Government on demand during any year 15 lakhs of lbs. of grass out of the produce of the last two years, *i.e.*, 7½ lakhs out of the produce of the last year and an equal amount out of the produce of the year before the last, or ¼th of the current year whichever be the greater; the price to be charged should be 8 rupees for baled and 5 rupees for unbaled grass weighing 1,000 lbs.

(5) Besides during any year of famine or scarcity the lessee shall give out half of the total produce at the rate of 10 rupees and 8 rupees respectively for baled and unbaled grass weighing 1,000 lbs.

(6) For the protection of the grass to be preserved the lessee shall erect at his own cost four godowns covered with zinc sheets at Kau, Badodra, Sarurpur and Sakaria, and until the said godowns are prepared he shall store grass in heaps.

(7) The lessee shall keep Pagis to watch the stored grass at his own cost.

(8) The lessee shall be given land, kanker, earth and wood required for the godowns free of charge.

(9) If the lease be not renewed after the termination of the lease the lessee shall if required give over to Government the godowns in return for reasonable price of the superstructure.

(10) The lessee shall pay Local Fund Cess at the rate of one anna per rupee of the amount of the lease.

(11) The lessee cannot transfer sub-let or throw up the lease without the previous permission of the Collector.

(12) If the lessee fails to abide by any of the conditions mentioned above, the lease shall be liable to be summarily cancelled by the Collector and he shall nevertheless be held responsible for the loss which

Government may thereby sustain and the remaining amount of the lease for the remaining period shall be recoverable from him as an arrear of land revenue.

This lease is executed by the Collector of Ahmedabad and under his seal of office this ninth day of June 1922.



(Signed) G. E. CHATFIELD,
Collector of Ahmedabad.

I the undersigned lessee do hereby accept this lease on the terms and conditions therein mentioned.

Signed by the lessee (Signed) HAJI MAHOMEDKHANJI.
In the presence of— (Signed) S. M. A. URAIZEE,
Chitnis.

Schedule.

* * * * *

APPENDIX No. 44.

Statement showing the mileage of Provincial roads and the expenditure incurred on their maintenance, special repairs and improvements during the last five years, i.e., from 1919-20 to 1923-24.

Year.	Mileage.	Maintenance.	Special repairs and improvements.
	M. f. ft.	Rs.	Rs.
<i>Southern Division.</i>			
1919-1920	2,061 6 419	3,88,416	7,31,064
1920-1921	2,373 0 0	5,28,401	6,37,697
1921-1922	2,381 7 236	4,99,465	8,85,969
1922-1923	2,383 2 424	5,21,398	3,87,006
1923-1924	2,488 2 638	5,39,597	5,01,317
<i>Northern Division.</i>			
1919-1920	778 3 0	2,70,593	4,41,258
1920-1921	1,356 0 60	4,04,008	4,49,627
1921-1922	1,355 5 302	5,04,584	5,14,510
1922-1923	1,398 3 12	6,33,431	7,21,326
1923-1924	1,291 3 7	7,44,438	6,22,980

APPENDIX No. 45.

Statement showing the farms controlled by the Agricultural Department and the investigations carried.

Name of Agricultural Station (Farm).	Name of village.	Taluka and District.	Farm or sub-farm.	Subject of Investigation.
1	2	3	4	5
Surat	Athwa	Chorasi Surat		<ol style="list-style-type: none"> Breeding of improved cotton and jowar for Lower Gujarat and multiplying the seed of these. Cotton Research work financed by the Indian Central Cotton Committee. Study of jowar borer. Experiments on improvements in Cultivation in the Gujarat Black Soil areas. Improvement and maintenance of breed of Kankrej cattle developed as a milk breed.
Amalsad	Amalsad	Jalalpure, Surat		<ol style="list-style-type: none"> Study of Red Rot of sugar-cane in South Gujarat. Introduction of varieties of sugar-cane not susceptible to red rot.
Nadiad	Kamla	Nadiad, Kaira		<ol style="list-style-type: none"> Breeding pure strains of tobacco suitable for North Gujarat. Investigating the cultural difficulties of tobacco in the Kaira District.
Broach	Broach	Broach, Broach	Sub-farm	Broach Farm is practically a sub-station of Surat for purposes (1) and (2).
Dohad	Muvalla	Dohad, Panch Mahals.		<ol style="list-style-type: none"> Wheat selection, breeding and multiplication for the Panch Mahals. Study of methods of cultivation and crops suitable under irrigation cultivation in the Panch Mahals.
Viramgaon	Viramgaon	Viramgaon, Ahmedabad.	Sub-farm	Breeding of improved cotton for the Dholeras area.
Dhulia	Dhulia	Dhulia, West Khandesh.		<ol style="list-style-type: none"> Breeding of improved cotton for Khandesh and multiplying the seed. Maintenance of pure supply of Spanish, Peanut, Groundnut seed. This Farm also serves as the school farm for the Dhulia School.

APPENDIX No. 45—contd.

Name of Agricultural Station (Farm),	Name of village.	Taluka and District.	Farm or sub-farm.	Subject of Investigation.
1	2	3	4	5
Jalgaon	Jalgaon	Jalgaon, East Khandesh.		This is almost entirely a farm maintained for the testing, multiplication and growing of improved cotton seed for Khandesh.
Baramati	Baramati	Bhimthadi, Poona		Sugarcane Farm. Baramati Farm is practically a sub-station of the Manjri Farm.
Manjri	Manjri	Haveli, Poona		This is our main sugarcane research station, for investigating all problems connected with this crop in the Deccan Canal area.
Dharwar	Hosyellepur	Dharwar, Dharwar		<ol style="list-style-type: none"> Breeding of improved cotton and jowar for the Karnatak area, and multiplying the seed. Cotton Research work on cotton wilt disease and on the improvement of Dharwar American cotton financed by the Indian Central Cotton Committee. Experiments on improvements in cultivation in the Dharwar area.
Gokak Canal	Arbhavi	Gokak, Belgaum		Study of sugarcane and other irrigated crops on the sandy soil of the Gokak canal area.
Tegur	Tegur	Dharwar, Dharwar	Sub-farm	Cattle Breeding.
Mugad	Mugad	Do	Sub-farm	Rice breeding. The Mugad Rice Station may be considered as a sub-station of Dharwar for the study of rice improvement for the Malad tract.
Ohharodi	Ohharodi	Sanad, Ahmedabad		Study and improvement of the Kanke Breed of cattle.
Kopergaon	Savalvahir	Kopergaon, Ahmednagar.		<ol style="list-style-type: none"> Station for sugarcane study in the Ahmednagar District. In this respect it is practically a sub-station of the Manjri Farm. Fodder (Kadbi) growing, shredding and baling station for mine purposes.

APPENDIX No 45—contd.

Name of Agricultural Station (Farm).	Name of village.	Taluka and District.	Farm or sub-farm.	Subject of Investigation.
1	2	3	4	5
Bankapur	Bankapur	Bankapur, Dharwar.		Study and improvement of the Amrit Mahal Breed of cattle.
Karachi (Lord Willingdon Cattle Farm).	Malla Phihal	Karachi, Karachi		<ol style="list-style-type: none"> 1. Study and improvement of the Red Sind Breed of Cattle. 2. (Temporarily) study and improvement of the Thar Parkar Breed of cattle.
Ratnagiri	Shivgaon	Ratnagiri		<ol style="list-style-type: none"> 1. Breeding improved rice for the South Konkan. 2. Experiments in new crops and improvements of cultivation in the South Konkan.
Kumpta	Kumpta	Kumpta, Karwar		<ol style="list-style-type: none"> 1. Study of rice problems in North Kanara. 2. Investigation of most suitable quick growing plants to form <i>scoppa</i> manure.
Karjat	Karjat	Karjat, Kolaba		<ol style="list-style-type: none"> 1. Breeding improved rice for the North Konkan. 2. Study of the rice plant in all its aspects with a view to increasing its yield. 3. Study of land crabs as an agricultural pest, Demonstration.
Mundgod	Mundgod	Mundgod Karwar		
Hatkamba	Hatkamba	Ratnagiri, Ratnagiri.		<p>Selection of Nagli. The Hatkamba varkas station is a sub-station of Ratnagiri farm for the study of Nagli, and obtaining improved types by selection and breeding.</p>
Kirkee	Kirkee	Haveli, Poona	Sub-farm	Wheat Breeding.
Mirpurkhas	Mirpurkhas	Mirpurkhas Thar Parkar.		<ol style="list-style-type: none"> 1. Breeding of deshi and American cotton for Sind, and its Multiplication. Study and propagation of types of fruits (Chiefly of citrus) suited to Lower Sind. 3. Study and improvement of improved implements for Sind conditions. 4. Study of water duties under Sind conditions.

APPENDIX No. 45—concl'd.

Name of Agricultural Station (Farm).	Name of village.	Taluka and District.	Farm or sub-farm.	Subject of Investigation.
1	2	3	4	5
Sukkur ..	Sukkur ..	Sukkur, Sukkur ..	..	This will probably be abolished during the coming year.
Larkana ..	Larkana ..	Larkana, Larkana ..	..	1. Breeding of improved rice for Upper Sind and its multiplication. 2. Study of cultural problems of rice cultivation in Upper Sind. 3. Study of jowar varieties and their improvement. 4. Purification and multiplication of berseem seed.
Jacobabad ..	Jacobabad ..	U. S. Frontier ..	..	Breeding and multiplication of improved wheat seed for Upper Sind.
Ganeshkhind ..	Oundh ..	Haveli, Poona ..	..	1. Horticultural investigation. 2. Breeding of improved wheat for the Deccan areas.
Modi Bag ..	Poona (Bhambhurda).	Do. ..	..	Teaching gardening.
Poona ..	Do. ..	Do. ..	..	Agricultural College Farm. This is the centre for most of the scientific research work of the Department.
Kirkee ..	Kirkee ..	Do. ..	..	Agricultural College Dairy.

APPENDIX No. 46.

Statement showing names of contractors and firms, etc., to whom contracts of the value of Rs. 25,000 and above have been given in connection with the Lloyd Barrage and Canals Construction Scheme.

Name of contractor or firm.	Amount of contract.	Name of work.	Date of contract.	Date of expiry of contract.	By whom given.	Amount of deposit-taken.
	Rs.					Rs.
1. Bhai Kiratral Varandmal.	35,640	Constructing 1st Class Inspection Bungalow with out-houses and out-office and Sub-Divisional Officers' Rest House with out-houses and Sub-Divisional Office at Moro.	25 Oct. 1924	12 Aug. 1925	Superintending Engineer, Rohri Canal Circle.	1,777
2. Messrs. Fatehchand Assudomal and Udhararam Dayaram.	2,05,375	Constructing containing banks to the Eastern Nara from Jamrao Head to 6th mile above Makhi Weir.	3 Dec. 1924	20 Dec. 1927	Superintending Engineer, Eastern Nara Circle.	Cash Rs. 5,008 plus deduction from bills at 3 per cent.
3. Lala Harjaram Hunsraj.	28,982	Constructing residence for the Executive Engineer, No. II Division, Rohri Canal and office with subsidiary buildings at Nawabshah.	28 Jan. 1925	Nine months from date of start.	Superintending Engineer, Rohri Canal Circle.	610
4. Messrs. Khimji Shivji Patel.	26,488	Constructing Residence for the Chief Engineer, Lloyd Barrage and Canals Construction, at Karachi (Masonry work).	27 Feb. 1925	October 1925.	Superintending Engineer, Rohri Canal Circle.	530
5. Do.	26,488	Constructing Residence for the Superintending Engineer, Rohri Canal Circle, at Karachi (Masonry work).	27 Feb. 1925	October 1925.	Do.	530

APPENDIX

Statement showing Provincial Expenditure

(Figures are

Major Heads.	1910-11.	1911-12.	1912-13.	1913-14.
1, Refunds and Drawbacks..	1·1	..	·3	·8
2, Assignments and com- pensations ..	12·9	12·7	12·9	13·0
3, Land Revenue ..	15·2	16·1	16·2	20·2
6, Stamps ..	·2	·2	·3	·2
7, Excise ..	1·5	1·7	1·8	1·8
10, Income-tax ..	..	..	..	·1
11, Forest ..	1·8	2·0	2·1	2·2
12, Registration ..	·4	·5	·5	·5
18, General Administration ..	1·3	1·3	1·5	1·3
19-A, Law and Justice— Courts of Law ..	8·6	8·8	9·3	6·6
19-B, Do. Jails ..	2·8	2·8	3·1	3·2
20, Police ..	17·6	19·1	20·1	19·4
21, Ports and Pilotage ..	·3	·1	·1	·2
22, Education ..	7·2	7·3	8·9	9·6
24-A, Medical ..	2·4	2·5	3·3	3·1
24-B, Sanitation ..	..	..	..	..
25, Political ..	..	·1	·6	·1
26-A, Agriculture ..	..	..	..	..
26-B, Scientific and Miscel- laneous Departments ..	·7	·6	1·3	1·8
29, Superannuation Allow- ances and Pensions ..	3·5	3·7	3·9	4·5
30, Stationery and Printing ..	·8	·8	1·1	·9
32, Miscellaneous ..	·1	·3	·2	·2
33, Famine Relief—Public Works ..	..	..	..	..
42, Major Works—Irrigation.	9·7	9·9	10·9	10·7
43, Irrigation—Minor Works and Navigation ..	13·2	12·2	12·6	14·1
45, Civil Works ..	9·0	10·6	16·7	14·9
Total ..	110·3	113·3	127·7	129·4

No. 47.

in Sind for the ten years ending 1919-20.

in Lakhs.)

1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	Total.
1.5	1.5	1.9	2.1	5.4	6.6	21.2
13.1	17.0	18.9	24.9	25.5	24.9	175.8
20.7	19.7	20.1	19.7	22.7	25.6	196.2
.3	.3	.3	.4	.4	.3	2.9
1.7	1.6	1.6	1.5	2.3	2.1	17.6
.1	.1	.1	.1	.3	.5	1.3
2.2	2.1	2.2	2.5	2.6	2.8	22.5
.4	.4	.4	.4	.6	.7	4.8
1.5	1.3	1.2	1.5	2.0	2.3	15.2
6.5	6.8	6.8	6.8	7.3	8.0	75.5
3.4	2.3	3.2	3.3	4.7	6.4	35.2
20.8	21.8	22.2	22.2	24.7	28.3	216.2
.4	.2	.3	.3	.3	.3	2.5
11.9	11.2	10.3	11.6	18.2	18.3	114.5
3.2	2.9	3.6	2.3	2.5	4.6	30.4
..	..	..	1.5	.9	4.5	6.9
..	..	..	..	.2	.1	1.1
..	1.3	1.4	1.5	3.3	2.4	9.9
1.5	.1	.1	.1	.4	.8	7.4
4.8	4.6	5.0	5.0	2.6	5.4	43.0
1.0	1.0	1.8	.8	1.0	1.0	9.2
.3	.3	.2	.4	.6	1.0	3.6
..
9.7	9.8	9.6	10.8	11.0	11.8	103.9
12.5	12.3	9.9	12.1	13.6	17.9	130.4
17.7	12.0	10.5	12.3	10.0	19.3	133.0
135.2	130.6	130.6	144.1	163.1	195.9	1380.2

APPENDIX No. 48.

*Motor car service in the Poona District for the year ending
31st March 1924.*

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
1	The Poona Motor Service Company	Somwar Peth ..	Z 0210	5	120
2	Do. ..	Do. ..	Z 6010	5	120
3	Do ..	Do. ..	Z 0211	5	120
4	Do. ..	Do. ..	Z 6000	5	120
5	Do. ..	Do. ..	Z 6104	5	120
6	Do. ..	Do. ..	Z 0246	5	120
7	Do. ..	Do. ..	Z 0247	6	120
8	Do. ..	Do. ..	Z 6311	6	120
9	Do. ..	Do. ..	Z 6331	17	200
10	Do. ..	Do. ..	Z 6332	17	200
11	Do. ..	Do. ..	Z 6363	6	120
12	Do. ..	Do. ..	Z 0107	5	120
13	Do. ..	Do. ..	Bom. 7199	6	150
14	Do. ..	Do. ..	Bom. 994	6	180
15	Do. ..	Do. ..	Bom. 327	26	300
16	Do. ..	Do. ..	Bom. 6524	6	120
18	Mother Superior	Convent Street ..	7761	17	200
19	Deccan Motor Service Company, Ltd.	East Street ..	379	30	or 1,000
20	Do. ..	Do. ..	557	47	500
21	Do. ..	Do. ..	558	47	400
22	Do. ..	Do. ..	464	23	250
23	Do. ..	Do. ..	322	39	1,000
24	Do. ..	Do. ..	7030	13	500
25	Do. ..	Do. ..	Z 4620	6	180
26	Do. ..	Do. ..	Z 4759	6	180
27	Do. ..	Do. ..	Z 4730	6	180
28	Do. ..	Do. ..	Z 4744	6	180
29	Do. ..	Do. ..	Z 4743	6	180
30	Do. ..	Do. ..	Z 7482	6	180
31	Panchgani Motor Service Company.	Sassoon Road ..	Z 5470	5	100
32	Do. ..	Do. ..	Z 5506	5	100
33	Do. ..	Do. ..	6888	5	100
34	Do. ..	Do. ..	Z 5446	7	200
35	B. M. Thorat	Talegaon Dabhade ..	5564	8	200
36	G. R. Thorat	Do. ..	Z 5829	13	200
37	Messrs. Mehta & Co.	East Street	U.P. 36 G.A.	6	200

APPENDIX No. 48—contd.

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
38	Messrs. Mohta & Co.	East Street ..	Z 4386	6	200
39	Do.	Do. ..	5782	7	200
40	Do.	Do. ..	4281	7	200
41	Do.	Do. ..	8887	7	200
42	Do.	Do. ..	5554	6	200
43	Do.	Do. ..	7192	7	200
44	Mody & Co.	East Street ..	6517	7	150
45	Do.	Do. ..	2430	5	150
46	S. M. Mody	614, Nana's Peth ..	Z 6179	5	150
47	P. J. Sopariwalla	400, Nana's Peth ..	6388	6	100
48	Ex. Service Motor Co.	Sholapur Road ..	9720	6	150
49	Messrs. B. K. Bhanicha and Khayamkhan.	408, Centre Street ..	Z 4940	18	200
50	G. M. D. Asan	Talegaon ..	Z 5346	15	160
51	P. M. Ranji	144, Main Street ..	Z 5384	29	300
52	Syed Mohsin	650, Sachapur Street.	4194	5	80
53	A. G. Karmakar	552, Shanwar Peth ..	Z 5298	4	60
54	Y. G. Pandit	309, Shukrawar Peth.	7296	4	50
55	L. G. Gir	261, Do. ..	5096	5	80
56	S. K. Kadam	268, Somwar Peth ..	19	6	60
57	B. R. Karavalla	324, Main Street ..	328	5	120
58	M. G. Jagdeo	96, Raviwar Peth ..	6091	4	80
59	D. V. Paranjpe	98, Shukrawar Peth.	Z 6341	8	60
60	H. Tulshidas	807, Shukrawar Peth.	Z 5940	5	150
61	Kondo V. Kulkarni	336, Sadashiv Peth ..	3985	4	75
62	G. H. Kulkarni	Do. ..	1187	4	50
63	Dharamset Khatav	Dandekar Bungalow, Lakadipool.	Z 5259	13	200
64	S. S. Khare & Co.	Talegaon ..	Z 4915	23	300
65	V. R. Balakar	Do. ..	Z 6268	20	300
66	S. David Gog	751, Bhavani Peth ..	4574	19	300
67	M. Ladhaji	987, Somwar Peth ..	987	4	60
68	S. V. Jog	28, Budhwar Peth ..	Z 5638	11	100
69	J. Mongholy	Talegaon ..	9302	6	100
70	H. Dhondiba	Do. ..	Z 5799	20	300
71	V. R. Bhalikar	Do. ..	7765	11	120
72	M. Mahomed Beg	Do. ..	Z 5830	20	200
73	H. C. Engineer	21, Lonavla ..	5991	7	120
74	R. J. Writer	Talegaon ..	6121	6	60
75	H. M. Ponar	Do. ..	Z 5807	20	300

APPENDIX No. 48—*contd.*

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
76	Manusing Kanayasing ..	Talegaon ..	8335	6	80
77	Do. ..	Do. ..	Z 5967	15	120
78	D. J. Spencer ..	5, Connaught Road..	7066	7	120
79	Manusing Kanayasing ..	Talegaon ..	7686	15	120
80	D. J. Spencer ..	5, Connaught Road..	2005	6	120
81	Balaram Govindrao ..	New Para Urli, Bombay.	9442	13	120
82	Kaduskar Motor Service.	Talegaon ..	Z 5239	20	300
83	Supariwala, P. J. ..	400, Nana's Peth ..	8616	6	60
84	Messrs. S. V. Jog Bros. ..	28, Budhwar Peth ..	4368	4	100
85	K. L. Abhyankar ..	42, Budhwar Peth ..	4801	4	60
86	K. Bairamji ..	Gaffurbeg Street ..	4960	5	100
87	B. V. Javeri ..	Talegaon ..	569	41	350
88	Keshavlal Virchand ..	Kaduskar M. Service, Talegaon.	Z 6506	25	300
89	Poona Motor Service ..	Somwar Peth ..	6414	17	200
90	Y. J. Galkwad ..	514 Sadashiv Peth ..	5295	6	80
91	Do. ..	Do. ..	598	4	80
92	Do. ..	Do. ..	5486	11	150
93	Poona Motor Service ..	Somwar Peth ..	Z 4046	6	100
94	V. R. Mhasavade ..	322, Shukrawar Peth	9301	16	100
95	F. W. Mulla ..	377, Shukrawar Peth	5917	11	20
96	S. Davies Gog ..	751, Bhavani Peth ..	5836	8	120
97	Revachand Tribhuvandas.	223, Nana's Peth ..	Z 5925	16	100
98	R. G. Marathe ..	482, Shanwar Peth ..	8922	4	60
99	K. G. Laghate ..	475, Somwar Peth ..	6987	5	60
100	Panchgani Motor Service.	Sassoon Road ..	Z 5617	12	150
101	Do ..	Do. ..	775	34	300
102	Do. ..	Do. ..	Z 6376	29	300
103	Do. ..	Do. ..	Z 6218	7	120
104	Do. ..	Do. ..	4504	5	100
105	Do. ..	Do. ..	8635	5	100
106	Do. ..	Do. ..	Z 1001	6	150
107	Do. ..	Do. ..	Z 6440	12	150
108	Do. ..	Do. ..	Z 5469	5	100
109	Maneckchand Ganesh ..	892, Sadashiv Peth..	Z 5902	4	80
110	Poona Motor Service Com.	Somwar Peth ..	846	40	500
111	Devichand Krishnaji' ..	Saswad, Poona Dist.	Z 4444	17	300
112	Shridhar Sadashiv Shirke	Talegaon ..	7646	10	....
113	Do. ..	Do. ..	2289	7	....

APPENDIX No. 48—contd.

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
114	G. V. Joshi	510, Shanwar Peth..	Z 5314	5	60
115	Chitnaji Limbaji Javle ..	Talegaon ..	2650	12	200
116	S. T. Jadhav ..	2, Rasta Peth ..	2900	6	60
117	Ismail Fatch Mahomed ..	49, Ganesh Peth ..	8421	7	100
118	G. R. Ranade ..	Kasha Peth ..	1698	20	300
119	H. M. Nikolson ..	464, Elphinstone Rd., Kirkee.	5956	8	150
120	Mr. Ganpat Balakant ..	Officers Mess, Kirkee.	Z 6590	10	100
121	Mr. B. P. Oswal ..	402, Bhopla Chowk..	7471	7	100
122	S. L. Shirke ..	Talegaon ..	4564	10	150
123	Deccan Motor Service ..	Elphinstone Road ..	378	40	1,000
124	Do. ..	Do. ..	585	36	300
125	Do. ..	Do. ..	584	36	300
126	Do. ..	Do. ..	560	36	300
127	Do. ..	Do. ..	849	30	300
128	Do. ..	Do. ..	9097	8	1,000
129	Do. ..	Do. ..	Z 4628	7	180
130	Do. ..	Do. ..	Z 4631	7	180
131	Do. ..	Do. ..	Z 4630	7	180
132	Do. ..	Do. ..	Z 4806	7	180
133	Do. ..	Do. ..	7098	10	500
134	Do. ..	Do. ..	7018	7	180
135	Do. ..	Do. ..	7581	7	180
136	Do. ..	Do. ..	Z 4807	7	180
137	Do. ..	Do. ..	Z 4741	7	180
138	Nanasaheb Thopte. Panduji	Bhor State ..	Z 6605	14	150
139	Vartak Bhat & Co. ..	Talegaon ..	Z 6742	27	300
140	Pirosha Cursetji ..	Kirkee ..	Z 6601	24	250
141	D. K. Madhekar ..	569, Budhwar Peth..	7495	14	150
142	Abdul Rahman Khan Mohamad Khan.	467, Somwar Peth ..	Bom. 8510	12	150
143	J. M. D'Souza ..	Dubash Cottage ..	Bom. 7051	5	80
144	Deccan Motor Service ..	11, Elphinstone Rd. .	8868	10 or 14	500 or
145	Do. ..	Do. ..	Z 4740	7	180
146	Do. ..	Do. ..	Z 4742	7	180
147	Do. ..	Do. ..	Z 4758	10	500 or
148	D. V. Paranjpe ..	98, Shukrawar Peth	8861	12	150
149	Panchgani Motor Service Co.	19, Sasoon Road ..	Z 5200	12	150
150	Nanik Sadashiv Pathare ..	Talegaon ..	1877	7	150

APPENDIX No. 48—*contd.*

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
151	Sawaram S. Khaire & Co.	Talegaon ..	789	25	200
152	Nanik Sadashiv ..	Do. ..	Z 6796	19	200
153	P. Pinto ..	10, Phayre Road ..	2569	4	120
154	Mrs. Viykar ..	Kirkee ..	1043	9	100
155	S. M. Shohet ..	219, Belasis Road ..	3928	4	40
156	G. H. Kulkarni ..	587, Kasba Peth ..	5202	6	120
157	Krishnaji Kondiba Dhanl.	688, Nana's Peth ..	6031	6	100
158	Vishwanath Narayan Raje.	Kasba Peth ..	2120	4	60
159	Bala Madan Thorat ..	18, Nyhal Peth ..	Z 6835	17	100
160	Namchand Pratap ..	Shukrawar Peth ..	Z 6684	4	80
161	Fakir Mahomed Shk. Hassen.	Talegaon ..	Z 6826	25	200
162	Jamshet Rustam ..	S. P. S. L. ..	4177	6	80
163	Bahimatulla Abdul Karim	Talegaon ..	4144	6	100
164	J. S. Dubash ..	36, Sassoon Road ..	Z 6819	13	80
165	Purtoosingh ..	5, Khan Road ..	3054	6	100
166	Shridhar Sadashiv Shirke.	Talegaon ..	3906	9	160
167	K. Kaliandas ..	283, Main Street ..	5133	5	120
168	Narayan Babu ..	345, Somwar Peth ..	5447	4	60
169	R. Govardhandas ..	Baramati ..	9328	9	60
170	Do. ..	Do. ..	3075	15	...
171	Hari Janu Savant ..	38-34, Wellesley Rd.	Z 6876	4	80
172	B. G. Joshi ..	557, Sadashiv Peth.	2916	4	80
173	G. V. Joshi ..	625, Nana's Peth ..	3325	7	180
174	Vallibhai Kasamalli ..	Kirkee ..	3323	4	....
175	Victor Motor Service ..	30, Wellesley Rd. ..	3284	9	150
176	Shankar Rao Saheb ..	445, Somwar Peth ..	2774	4	120
177	M. V. Havale ..	Baramati ..	6695	9	100
178	Dr. Billmorla ..	Napier Hotel ..	Z 6133	5	100
179	D. S. Tanksalwala ..	Talegaon ..	3230	16	200
180	Mrs. Eva Brown ..	Sussex Rd., Bombay	2066	4	180
181	Mr. Williams ..	One Free Hill, Poona.	6287	4	180
182	Mrs. Eva Brown ..	Sussex Rd., Bombay	4261	16	200
183	Babusa Narayansa ..	Budhwar Peth ..	Z 6870	4	120
184	Messrs. G. H. Devi & Co.	209, Somwar Peth ..	Z 6335	4	120
185	Tukaram Genuji Aundhpe.	911, Shukrawar Peth	Z 4206	6	150
187	B. R. Rajput ..	377, Shukrawar Peth	Z 7054	16	120
	Mohanlal Tribhuvan ..	923 Nana's Peth ..	Z 7048	16	120

APPENDIX No. 48—contd.

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
188	Indian Motor Service ..	Talegaon ..	148	44	1,000
189	D. J. Patel ..	Aundh Rd., Kirkee ..	Z 5430	4	60
190	Abdul Rahiman ..	467, Somwar Peth ..	Z 5090	4	60
191	Deccan Motor Service Co.	11, Esplanade Rd. ..	850	35	500
192	Do. ..	Do. ..	8661	7	100
193	Do. ..	Do. ..	805	20	200
194	Gopal Narayan Brahme ..	347, Somwar Peth ..	Bom. Z 7179	16	150
195	G. K. Jaiyant ..	Bhor State ..	Bom. Z 7175	15	100
196	B. M. Khoire ..	513, Sadashiv Peth ..	Z 4504	6	100
197	Laxman Trimbak Yerande.	Talegaon ..	4204	7	60
198	Mrs. Eva Brown ..	One Free Hill ..	8229	6	120
199	The East & West Co-operative Co.	1009, Bhavani Peth ..	Z 7690	17	200
200	G. H. Kulkarni ..	100, Shukrawar Peth	Z 6081	4	60
201	L. V. Dandekar ..	702, Shukrawar Peth	Z 7523	6	120
202	Khan Md. Khan and Nanchand Shivchand.	295, Somwar Peth ..	Z 7347	17	200
203	Bhaichand Hirachand ..	Do. ..	Z 7348	17	200
204	Deccan Motor Service Co.	11, Elphinstone Rd.	2003	6	180
205	B. R. Rajput ..	377, Shukrawar Peth	5729	5	120
206	East & West Co-operative Co.	1009, Bhavani Peth ..	Bom. 900	30	1,000
207	Panchgani Motor Service Co.	10, Sassoon Rd. ..	3486	8	150
208	Do. ..	Do. ..	Bom. 038	35	300
209	Do. ..	Do. ..	4520	5	100
210	Do. ..	Do. ..	3026	9	100
211	Babaji Bhagoji Phalke ..	Talegaon ..	Z 7428	19	200
212	S. T. Jadhav ..	Baramatl ..	3557	4	60
213	T. R. Apte ..	915, Sadashiv Peth ..	5367	6	60
214	Mr. Homi D. Mehta ..	8, North Petty Staff Lines.	5304	4	60
215	K. B. Volankar ..	625, Nana's Peth ..	Z 7496	19	200
216	Mr. A. Siman ..	943, Booty St. ..	7382	5	80
217	Hafatrao Mahadeo Powar.	Talegaon ..	Z 7560	22	250
218	Khan Mahomed Khan and Nanchand Shivchand.	295, Somwar Peth ..	Z 7544	17	150
219	Vinayak Balwant Veda-Patak.	Saswad ..	Bom. 100	9	100
220	Victor Motor Service ..	30, Wellesley Rd. ..	Z 7534	23	300
221	Mr. D. S. Tanksalwala ..	Talegaon ..	Bom. Z 4112	18	250

APPENDIX No. 48—contd.

Permit No.	Name of Owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
222	Ganpat Shripat Gujar ..	Shukrawar Peth near Aryan Cinema.	Z 7608	18	120
223	Balaram Mantry. Govindrao	Talegaon ..	Z 7693	17	200
224	B. T. Marwari ..	Do. ..	Z 7650	25	200
225	K. Virchand ..	Do. ..	Z 7735	23	120
226	B. B. Rajput ..	337, Shukrawar Peth	Z 7713	20	120
227	B. M. Thorat ..	29, Nyhal Peth ..	Z 7572	22	250
228	V. K. Joshi ..	Kalyan Peth, Junnar.	Z 7704	10	..
229	Fakir Mahomed Shk. Hussein.	Talegaon ..	8371	16	..
230	Mrs. Eva Brown ..	One Tree Hill ..	Lorry 320		5 tons
231	Ramchandra Anaji ..	Talegaon ..	148	44	1,000
232	Abdulbhal Chandbhal ..	Saswad ..	Z 4156	8	40
233	Trimbak Gopal Kandaker.	Talegaon ..	Z 7883	24	200
234	J. S. Dubash ..	Todiwalla, 36, Sassoon Rd.	Z 8080	24	200
235	D. M. S. ..	East Street ..	Z 7791	15	500
236	Do. ..	Do. ..	9677	7	180
237	S. V. Jog ..	28, Budhwar Peth ..	Z 6951	19	500
238	Mrs. J. M. Edwards ..	276, Satara Rd. ..	Bom. 502	7	160
239	Maneckchand Vyankatesh.	Baramati ..	Z 7944	17	200
240	Khudabux Merwan Irani.	Butlar Moholla, 810	4220	6	50
241	Laxman Manohar ..	899, Raviwar Peth ..	6357	7	100
242	Ramchandra Umedmal and Gangaram Vithoba.	Bhor State ..	4643	7	80
243	Bapu Rangaji Bagde ..	363 and 364, Kasba Peth.	1627	12	200
244	Hernamsing Herisingh ..	Mulshi Tata Power Co.	Z 8059	14	120
245	E. C. Gog ..	751, Bhavani Peth ..	Z 8053	36	300
246	Indian Motor Car Service.	Talegaon ..	Bom. 424	25	250
89	Poona Motor Service Co. Vasant Motor Service	Somwar Peth .. Talegaon ..	Z 6485 7125	.. 9	.... 120
96	B. M. Khaire ..	513, Sadashiv Peth.	5172	9	60
101	S. Davies Gog ..	751, Bhavani Peth ..	442	4	120
105	P. G. Sanas ..	Bhor State ..	6035	4	60
126	W. H. Coburn ..	272, Satara Road ..	3205	5	60
127	Do. ..	Do. ..	Z 6018	5	60
152	Dan Raj s/o Mrs. Christopher.	615, Sachapir St. ..	2170	5	60
180	Mr. Hilly ..	Wellesley Road ..	Z. 6843	4	80

APPENDIX No. 48—concl'd.

Permit No.	Name of owner.	Address.	No. of car.	No. of passengers.	Amount of luggage.
	Purtoosingh ..	5, Khan Road ..	8054	6	100
178	M. R. Teixeira ..	630, Sachaplr St. ..	5280	5	180
187	Shalkh Adam Shk. ..	Talegaon ..	4001	6	120
200	Indian Motor Service Co.	Do. ..	146	44	1,000
217	S. K. Jog ..	28, Budhwar Peth ..	Z 8951	19	500

APPENDIX No. 49.

Name of District Local Boards which have increased the Local Fund Cess.	Rate of Cess pre-viously levied.	Additional Cess now levied.	Date from which the additional Cess sanctioned.
Thana	One onna.	One anna.	1st August 1923.
Ahmednagar	"	"	1st August 1923.
East Khandesh	"	Six pies.	1st August 1924.
Sholapur	"	One anna.	1st August 1923.
Satara	"	"	1st August 1924.
Belgaum	"	"	1st August 1923.
Hyderabad	"		
Karachi	"		
Nawabshah	"	Three pies each.	1st August 1923.
Upper Sind Frontier	"		
Thar and Parkar	"		
Larkana	"		
Sukkur	"		
Bombay Suburban District	"	One anna.	1st August 1925.

APPENDIX No. 50.

Statement showing the names of Co-operative Housing Societies to which Government loans have been advanced.

Serial No.	Name of Society.	Amount sanctioned.	Amount drawn.
1	2	3	4
		Rs.	Rs.
1	Bombay Catholic Co-operative Housing Society, Limited, Santa Cruz.	6,00,000	Fully drawn.
2	Saraswat Suburban Co-operative Housing Society, Limited, Santa Cruz.	2,49,000	Do.
3	Kanara Gaud Saraswat Co-operative Housing Society, Limited, Andheri.	3,12,500	Do.
4	St. Joseph's Guild Co-operative Housing Society, Limited, Ahmednagar.	45,000	Do.
5	Gaud Saraswat Brahmin Co-operative Housing Society, Limited, Bombay.	3,56,000	Do.
6	Raddi Communal Co-operative Housing Society, Limited, Dharwar.	50,000	Do.
7	Parsi Central Association Co-operative Housing Society, Limited, Bombay.	4,68,000	3,10,000
8	Daxini Brahmin Co-operative Housing Society, Limited, Bombay.	1st loan 2,30,000 2nd loan 1,35,000	1st loan 1,80,000 2nd loan 60,000
9	Laxmi Co-operative Housing Society, Limited, Santa Cruz.	1,18,600	Fully drawn.
10	Karachi Parsi Co-operative Housing Society, Limited, Karachi.	50,000	Do.
11	Vasant Theosophical Co-operative Housing Society, Limited, Bombay.	1,80,000	1,00,000
12	Ahichhatra Sahakari Niwas Mandali, Limited, Bombay.	70,000	50,000

APPENDIX No. 51.

Extract from the diary of Mr. D. K. Bhatt, Mamlatdar, North Daskroi,
from 25-11-24 to 1-12-24.

Date.	Name of villages visited.	No. of miles travelled.	Brief particulars of the work done at the villages visited.									
25th November 1924	Ranip	5	Seen the sites of 3 correspondences. Inspected crops of 15 S. Nos. and 10 entries in R. R.									
	Agher.		Seen the sites of 3 correspondences and inspected 5 entries of R. R.									
	Khoraj.		Seen the correspondences of 2 sites and inspected crops of 17 S. Nos. and 7 entries of R. R.									
26th November 1924	Khodiar	8	Inspected crops of 20 S. Nos. and 3 entries of R. R.									
	Camp Khoraj.											
27th November 1924	Lilapur	8	Found one old correspondence with the Talati and put it on line for disposal. Inspected crops of 15 S. Nos. and 3 entries of R. R.									
	Labkaman		Inspected crops of 10 S. Nos. and 3 entries of R. R.									
28th November 1924	Sabaspar Usmanabad Jamietpar and back to Khoraj.	10	Inspected crops and R. R. entries as under:—									
			<table border="0"> <tr> <td>No. of Crop</td> <td>S. Nos. of inspection.</td> <td>Entries R. R.</td> </tr> <tr> <td></td> <td>10</td> <td>3</td> </tr> <tr> <td></td> <td>8</td> <td>2</td> </tr> <tr> <td></td> <td>15</td> <td>1</td> </tr> </table>	No. of Crop	S. Nos. of inspection.	Entries R. R.		10	3		8	2
No. of Crop	S. Nos. of inspection.	Entries R. R.										
	10	3										
	8	2										
	15	1										
29th November 1924	Jundal	6	18									
	Tragad		50									
30th November 1924	Chandkheda	8	10									
	Motera		28									
1st December 1924	Ahmedabad		Local Board Election day.									

Appendices
APPENDIX No. 52.

Statement showing the names, caste or creed, educational qualifications and the year of appointment of persons who have been directly recruited as Deputy Collectors in Sind and in the Presidency since such recruitment began.

Name.	Caste or creed.	Educational qualification.	Year of appointment.	Remarks.
1. S. M. Bharucha*	Parsi	B.A.	1897	*Messrs. Bharucha, Patwardhan, Namjoshi and Vachha were selected after competitive examination.
2. D. M. Patwardhan (a)	Hindu (Konkanstha Brahmin).	Information not now available.	....	(a) Since deceased.
3. P. B. Mehta (b) †	Parsi	....	....	†Messrs. Mehta, Kadri Sathe, Edrus and Koreishi held appointments in other Departments of Government at the time of their nomination to P. C. S.
4. S. S. Kadri (b)	Mahomedan (Sayed).	....	....	(b) Since retired.
5. H. V. Sathe (b)	Hindu (Konkanstha Brahmin).	....	....
6. V. K. Namjoshi	Hindu (Chitpavan Brahmin).	B.A.	1900	
7. F. A. Edrus (b)	Mahomedan (Sayed)	B.A.	1903	
8. J. B. Vachha	Parsi	B.A., B.Sc.	1902	
9. A. O. Koreishi	Mahomedan	M.A.	1902	
10. G. G. Desai	Hindu (Nagar Brahmin).	M.A.	1903	
11. Ghulam Destgir	Mahomedan	Bar-at-Law	1904	Since resigned.
12. V. B. Mardhekar	Hindu (Desastha Brahmin).	B.A.	1905	
13. M. S. Jayakar	Hindu (Pathare Prabhu).	M.A.	1906	
14. Shalkh Yakub Vazir Mahomed.	Mahomedan	B.A.	1907	
15. K. B. Wasudev	Hindu (Pathare Prabhu).	B.A., LL.B.	1908	Since transferred to the Judicial Branch.
16. G. A. Hiremath	Hindu (Lingayat).	L.Ag.	1908	
17. Mir Ayub Khan	Mahomedan	Bar-at-Law	1909	Since resigned.
18. M. J. Dikshit	Hindu (Chitpavan Brahmin).	M.A., B.Sc.	1909	
19. Nabi Baksh Mahammad Hussein.	Mahomedan	M.A., LL.B.	1910	
20. S. M. Moulvi	Do.	M.A.	1911	
21. Sahibzada Sardar Mahomed Khan	Do.	Higher Diploma of the Mayo Chiefs' College, Ajmere.	1910	

APPENDIX No. 52—concl'd.

Name.	Caste or creed.	Educational qualification.	Year of appointment.	Remarks.
22. R. S. Hiremath ..	Hindu (Lingayat).	L.A.G. ..	1912	
23. G. M. Isani ..	Mahomedan ..	M.A., LL.B. ..	1912	
24. S. I. Reuben ..	Bene Israel ..	M.A. ..	1913	Since deceased.
25. A. H. Dmoup ..	Eurasian ..	B.A. (Cantab.)..	1913	
26. S. B. Vaidya ..	Hindu (Kayastha Prabhu).	B.A. (Cantab.), Bar.-at-Law.	1914	
27. K. B. Bhadrapur ..	Hindu (Baddi) ..	M.A. ..	1915	
28. M. N. M. A. Sidiki ..	Mahomedan ..	B.A. ..	1915	
29. D. S. Modak ..	Indian Christian ..	M.A. ..	1916	
30. C. N. Millard ..	Anglo-Indian ..	B.A. ..	1916	
31. R. P. Pandit ..	Hindu(Gond-Saras- wat Brahmin).	M.A., LL.B. ..	1918	
32. Mahommed Baksh Haji Baksh Shaikh.	Mahomedan ..	B.A., LL.B. ..	1918	
33. M. R. Desai ..	Hindu (Anavil Brahmin).	B.A. ..	1918	
34. T. T. Kothavala ..	Parsi ..	M.A., B.Sc. ..	1919	
35. V. H. Naik ..	Hindu (Nadore) ..	M.A., Bar.-at- Law.	1919	Mr. Naik held appointment in the Agricultural Depart- ment at the time of his transfer to the P. C. S.
36. Shaikh Mahiguddin Shaikh Vazir.	Mahomedan ..	B.A.G. ..	1920	
37. Abdul Rahim Abdul Aziz Pirzada.	Do. ..	B.A., LL.B. ..	1921	
38. P. J. Ghandi ..	Parsi ..	B.A. ..	1921	
39. J. A. B. Cama ..	Parsi ..	M.A., LL.B. ..	1921	
40. W. N. Bakhtgar ..	Mahomedan ..	B.A., LL.B. ..	1921	
41. Nawabzade Meer Saeed Alam Khan.	Do. ..	M.A. (Oxon.) Bar.-at-Law.	1923	
42. I. T. Almasia ..	Hindu (Brahma Kheltiya).	B.A. ..	1923	
43. S. B. Chavan ..	Hindu (Maratha)	B.A. ..	1923	
44. Mahomed Ismail Abdul Hakim Kadri.	Mahomedan ..	B.A. ..	1923	

APPENDIX

Statement showing Civil Suits filed

No.	Names of Courts.	The number of civil suits filed by money lenders for money or mortgage suits, etc.			The total cash value of the claims for which such suits were filed.					
		1922.	1923.	1924.	1922.		1923.		1924.	
1	2	3			4					
					Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
	<i>Karachi.</i>									
1	Court of the Judicial Commissioner of Sind.	283	342	147	23,73,213	3 3	14,11,303	13 3	13,76,581	10 6
2	Small Cause Court, Karachi.	292	353	374	47,880	0 3	51,643	0 9	53,888	12 9
3	Sub-Court, Tatta	1,293	1,639	912	1,52,371	7 7	1,91,763	8 11	1,12,893	9 10
	<i>Hyderabad.</i>									
4	Sub Civil Court, Hyderabad.	873	861	826	4,21,566	9 9	2,86,052	11 0	3,24,416	10 9
5	Sub Civil Court, Tando.	632	725	615	1,16,880	0 2	1,62,372	8 0	1,12,524	7 0
6	Sub Civil Court, Shahdadpur.	1,197	1,095	874	2,23,600	0 8½	2,36,838	3 9	1,66,389	5 8
7	Sub Civil Court, Naushahro.	1,188	1,032	1,609	1,21,084	8 7	1,09,806	9 1	2,17,382	14 2
8	Sub Civil Court, Mirpurkha.	1,512	1,340	1,008	2,84,798	9 7	2,63,796	15 4	2,32,880	6 5
9	Sub Civil Court, Mithi.		214	222			41,524	14 11	26,211	1 7
	<i>Sukkur.</i>									
10	First Class Sub-Court, Sukkur.	78	106	149	24,750	1 0	16,494	2 6	22,061	9 9
11	First Class Sub-Court, Shikarpur.	1,975	2,045	2,129	5,65,469	4 5½	6,16,482	4 2	9,34,225	8 5
12	Sub-Court, Rohri	1,713	2,443	1,840	2,37,297	13 9	3,00,196	7 6	2,77,161	11 11
13	Sub-Court, Jacobabad	955	1,013	1,029	2,72,756	13 10	1,42,789	15 2	2,48,894	2 10
	<i>Larkana.</i>									
14	Sub Civil Court, Larkana.	2,727	3,118	2,974	12,76,889	2 11	13,82,313	12 4	10,68,748	3 5½
15	Sub Civil Court, Sehvan.	1,572	1,245	1,210	2,51,848	4 3	2,28,677	8 10	1,62,368	15 1
16	Sub Civil Court, Mehar.	1,398	1,353	2,258	2,33,906	10 0	2,14,906	1 10	4,02,631	10 11

No. 54.

by money-lenders for the years 1922—24.

The total cash value of the claims decreed in favour of the plaintiffs.			The total cash value of the claims rejected by the Court.		
5			6		
1922.	1923.	1924.	1922.	1923.	1924.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
16,89,487 3 11	14,18,708 8 3	9,74,891 8 3	1,29,567 6 3	1,41,515 10 2	40,578 3 9
41,263 13 0	45,327 1 3	48,399 8 0	6,316 3 3	6,315 15 6	5,489 4 9
1,02,837 11 5	97,485 8 0	75,089 3 0	2,906 6 3	1,449 15 9	6,878 10 0
1,51,024 1 0	2,08,658 1 0	1,75,004 1 0	12,660 1 3	7,223 0 0	12,700 4 6
91,474 13 8	97,578 13 9	76,837 10 0	25,405 2 6	21,546 10 0	17,204 6 0
1,53,913 3 6	1,70,366 15 2	73,797 13 5	68,912 14 8	56,079 10 2	21,050 14 0
90,375 6 9	81,166 10 5	1,17,496 4 8	30,709 1 10	28,637 14 8	53,231 6 8
2,19,525 4 1	2,14,974 11 3	1,88,649 6 8	65,273 5 6	48,822 4 1	44,231 0 2
....	27,865 8 4	22,498 13 6	....	13,659 6 7	3,712 4 1
23,010 15 6	14,494 9 6	14,453 10 7	317 7 0	505 2 0	281 9 0
4,25,665 9 8	4,92,045 0 7	8,33,154 9 7	32,071 12 10	35,256 13 7	61,334 0 4
1,27,957 15 8	1,98,504 13 8	1,70,199 11 2	1,05,439 14 6	90,501 9 0	42,448 5 10
2,62,727 11 10	1,87,626 9 8	2,38,945 14 1	10,029 2 0	5,168 5 6	10,048 4 9
10,09,598 8 9	10,38,575 4 2	7,97,580 0 6	2,67,290 9 4	3,44,171 8 2	2,71,167 2 11
2,03,169 9 11	1,61,620 0 3	1,26,352 11 8	7,909 5 0	8,170 9 3	2,333 13 6
1,58,970 0 0	1,40,662 10 8	2,48,945 14 3	76,036 10 0	74,243 7 2	1,81,837 9 9

APPENDIX No. 55.

*Names of Ancient Monuments which have been declared protected
in Sind under the Ancient Monuments Preservation Act
(No. VII of 1904).*

Serial No. 1	District. 2	Locality. 3	Name of Monument. 4	Classi- fication. 5
1	Hyderabad	Hyderabad	Tomb of Ghulamshah Kalhora.	I (a)
2	Do.	Do.	Tomb of Ghulam Nabikhan Kalhora.	I (a)
3	Do.	Do.	Tomb of Sarfarazkhan Kalhora.	I (a)
4	Do.	Do.	Haram of Mirs in the Hyder- abad fort.	I (a)
5	Do.	Do.	Three tombs in the Hyder- abad fort.	II (a)
6	Do.	Do.	Two enclosures containing tombs of Talpur Mirs.	II (b)
7	Do.	Do.	Ruins of old city at Badin (Southern half of No. 59).	II (a)
8	Do.	Daulatpur	Buddhist stupa	I (a)
9	Do.	Do.	Tomb of Nur Muhammad Kalhora.	I (a)
10	Do.	Gaja (a few miles from Tando- Muhammad- khan).	Buddhist stupa	I (a)
11	Do.	Tando Allahyar.	Tomb of Ensign David Irving.	I (a)
12	Do.	Do.	Tomb of Charles James Reginald George, son of Apothecary Lewis George.	I (a)
13	Nawabshah	Mirukhan	Thul ..	I (a)
14	Do.	Sakrand	Shrine at Mian Jio ..	III
15	Do.	Do.	Syed-jo-kubo ..	III
16	Do.	Shahpur	Kubo Mir Shahdad* ..	I (a)
17	Karachi	Tatta	Dabgir Masjid ..	II (a)
18	Do.	Do.	Jumma Masjid ..	..
19	Do.	Do.	Jam Nizamuddin's tomb ..	I (a)
20	Do.	Do.	Baradari ..	I (a)
21	Do.	Do.	Nawab Amir Khalikhan's tomb.	I (a)
22	Do.	Do.	Nawab Isakhan's tomb ..	I (a)
23	Do.	Do.	Nawab Surfakhan's tomb ..	I (a)
24	Do.	Do.	Tughral Beg's tomb ..	I (a)
25	Do.	Do.	Mirza Jani Beg's tomb ..	I (a)
26	Do.	Do.	Tombs of zenana of Nawab Isakhan.	I (a)
27	Do.	Do.	Mirza Isakhan's tomb ..	I (a)
28	Do.	Do.	Kalan Kot ..	II (a)
29	Do.	Do.	Grave of Edward Cooke ..	I (a)
30	Do.	Mirpur Sakro	Sasun-jo-Takor ..	III
31	Do.	Do.	Jam Bijar's fort (Otak) ..	III
32	Do.	Tatta	Stone tomb with a dome on stone pillars by the side of Mirza Jani Beg's tomb.	II (a)

APPENDIX No. 55—contd.

Serial No.	District.	Locality.	Name of Monument.	Classification.
1	2	3	4	5
33	Karachi	Tatta	(1) Brick masjid and enclosures near Nawab Sarfakhan's tomb, supposed to be the tomb of Syed Amir-khan.	II (a)
34	Do.	Do.	(3) Large brick dome near Khalikhan's tomb.	I (a)
35	Do.	Do.	(4) Stone tomb with enclosure to the south of Mirza Isakhan's tomb.	I (a)
36	Do.	Do.	(5) Stone tomb with enclosure to the north of Mirza Isakhan's tomb.	II (a)
37	Do.	Do.	(6) Brick tomb near the tomb of Aulia Pir.	II (a)
38	Do.	Do.	(7) Tomb with superstructure on stone pillars to the north of the tomb of Jam Nizamuddin.	II (a)
39	Do.	Do.	(8) Brick structure to the north of the tomb of Jam Nizamuddin.	II (a)
40	Do.	Do.	(9) and (10) Two pavilions on stone pillars over tombs to the southwest of the tomb of Jam Nizamuddin.	II (a)
41	Do.	Do.	(11) Tomb of Mubarakkhan, son of Jam Nizamuddin to the west of the dome No. 9.	I (a)
42	Do.	Do.	(12) Brick dome to the north of the tomb of Mubarakkhan.	II (a)
43	Do.	Do.	(13) Tomb and compound wall of yellow stone at a distance from and to the south of the tomb of Jam Nizamuddin.	II (a)
44	Do.	Do.	(14) Tomb and enclosure to the south-west of the above No. 13.	II (a)
45	Do.	Do.	(15) Tomb and enclosure to the west of above No. 14.	II (a)
46	Do.	Do.	(16) Brick dome to the south of the above No. 15.	III
47	Do.	Do.	(17) Tomb and compound wall of yellow stone to the south of the above No. 16.	II (a)
48	Do.	Do.	(1) Stone dome on six pillars to the east of Baba Isa's tomb.	II (a)
49	Do.	Do.	(2) Stone tomb to the west of Baba Isa's tomb.	II (a)
50	Do.	Do.	(3) Stone dome on eight pillars to the south-west of Baba Isa's tomb.	II (a)

APPENDIX No. 55—concl'd.

Serial No.	District.	Locality.	Name of Monument.	Classification.
1	2	3	4	5
51	Karachi	Mango Pir	(4) Stone tombs with a dome on stone pillars.*	II (a)
52	Do.	Between Landi and Sanro.	(5) Chaukhandi tomb*	II (a)
53	Larkana	Khudabad	Tomb of Yar Muhammad Kalhora and its adjoining masjid.	II (a)
54	Do.	Do.	Jumma Masjid	II (a)
55	Do.	Sehwan	The fort	II (a)
56	Do.	Mitho-daro	Jhukar mound	II (a)
57	Do.	Mohenjodaro	Bhuddhist stupa	I (a)
58	Do.	Do.	Bhuddhist monastery	II (a)
59	Do.	Near Dhamraho.	Square Tower	II (a)
60	Do.	Deh Dhamraho.	Three groups of mounds known as Dhamraho-daro.	I (a)
61	Sukkur	Rohri	Shrine known as Satyan-jo-than.	I (b)
62	Do.	Sukkur	Mir Masum's minar	II (b)
63	Thar and Par-kar.	Mirpurkhas S. No. 7.	Bhuddhist stupa	I (a)
64	Do.	Bhodesar	A stone mosque with white marble pillars.	I (a)
65	Do.	Do.	Temple I	II (a)
66	Do.	Do.	Temple II	III
67	Do.	Do.	Temple III	III
68	Do.	Gori	Jain Temple*	I (a)
69	Do.	Virawah	Jain Temple	II (c)
70	Do.	Naokot	Fort	III
71	Do.	Umarkot	Do.	I (a)
72	Upper Frontier.	Sind Jacobabad	General John Jacob's tomb	I (a)

* Protection was subsequently withdrawn.

APPENDIX No. 56.

Statement showing names, educational qualifications and pay of the present European and Anglo-Indian employees of the Karachi Port Trust, drawing Rs. 500 per mensem and over.

Name.	Designation.	Present grade and pay.	Educational qualifications.
Mr. T. S. Downie, O.B.E.	Secretary and Traffic Manager.	Rs. 1,500-100- 2,000 drawing Rs. 2,000 +300 personal pay.	None. Left School at the age of 12 years.
" A. A. L. Flynn.	Deputy Traffic Manager, Ex- ports.	Rs. 1,000-50- 1,400 drawing Rs. 1,300.	On leave.
" F. G. Cangley, D.S.O., M.G.	Deputy Traffic Manager, Im- ports.	Rs. 1,000-50- 1,400 drawing Rs. 1,200.	Liverpool University. 1. School of Hygiene Dip- loma. 2. Hygiene 1st Class. 3. Physiology. Fellow of Incorporated Com- mercial and Shorthand Society. Accountancy R.S. of Arts, Shorthand, R.S. of Arts, 150 words per minute.
" R. Mytton ..	Assistant Traffic Manager.	Rs. 850-50-1,000 drawing Rs. 1,000.	Educated at Finchley.
" B. A. Inglet.	Chief Account- ant.	Rs. 1,200-100 1,800 drawing Rs. 1,600.	A Bachelor of Arts, and a Chartered Accountant.
" T. H. E. Coad.	Chief Engineer	Rs. 2,250-100- 2,550 drawing Rs. 2,450.	School Elmfield College, York, Technical education King's College, London, Engineer- ing Department pupillage with Messrs. W. Hill & Co. Gt. George St. Westminster. Degrees—M. Inst. C.E. (Chartered Engineer), A. K. C.
" H. A. L. French.	Deputy Chief Engineer.	Rs. 1,650-50- 1,850 drawing Rs. 1,800.	Educated at Hutton Gram- mar School and Liverpool College of Engineering. Served a term of pupillage for three years to Mr. A. F. Fowler, M. Inst. C.E., M.I. Mech. E. Holds the following degrees:— M. Inst. O.E. (Chartered Engineer), M.I.E. (Ind.), M.I. Struct. E.

APPENDIX No. 56—contd.

Name.	Designation.	Present grade and pay.	Educational qualifications.
Mr. J. M. S. Culbertson.	Executive Engineer.	Rs. 900-50-1,600 drawing Rs. 1,360.	Educated at Public School St. Edwards, Oxford. One year in Germany attended Engineering classes at Stuttgart Politechnikum. Three years Crystal Palace School of Engineering. Three years pupilage with P. W. & C. S. Meik, M. Inst. C.E., Dock & Harbour Engineers, Westminster, London. Student of Institution of Civil Engineers. Passed Examination for Associate Member of Institution of Civil Engineers.
„ D. Barrington Brow.	Do.	Rs. 800-50-1,200 drawing Rs. 1,000.	Educated at Dartford Grammar School and by private tuition. Matriolated at London University. Served three years as an articled pupil to Mr. William Banks, M.I.C.E., Rochester. Passed Associated Membership Examination of the Institution of Civil Engineers.
„ A. Farquhar..	Superintendent of Machinery.	Rs. 900-50-1,100 drawing Rs. 1,000.	Studied up to 9th Standard. Mechanical-1st class certificate applied Mechanics. First class certificate machine construction and drawing. First class certificate of Board of Trade Engineers. First class certificate of Bombay Boiler Act. Foreman Engineer for three years in Messrs. Lobnitz, M.I.M.E. & M.I.E.S.
„ S. E. Naylor.	Assistant Superintendent of Machinery, Manora.	Rs. 550-25-600 drawing Rs. 550.	Matriolated in the year 1900. Mechanical 1st Class Engineer's Certificate of Competency.
„ J. F. Fisher.	Assistant Superintendent of Machinery, Keamari.	Rs. 600-50-900 drawing Rs. 750.	Public School, Cheltenham, Oxford, Local Junior two years Government Audit Department. Technical and South Kensington Certificate. Mechanical—three years Chargeman in H.M.S. Dock yard, Portsmouth. Chief Engineer's certificate British Board of Trade. First Class Bombay Boils Act Certificate.

APPENDIX No. 56—concl'd.

Name.	Designation.	Present grade and pay.	Educational qualifications.
Mr. John Colquhoun.	Chief Engineer, S.D. "Graham Lynn."	Rs. 550-25-600 drawing Rs. 575 plus Rs. 120, D.A.	1st Grammar School, Renfrew. 2nd Ex. Sixth Standard. 3rd Certificates Leaving School, included English, Mathematics, History, Geography: also certificate from Technical School for Mathematics and Mechanics in Glasgow. Mechanical—First Class Board of Trade Certificate.
" J. A. Scarr ..	Harbour Master.	Rs. 1,300 ..	Master Mariner's Certificate.
" A. Cathbert, M.B.E.	Pilot ..	Rs. 700-25-1,100 drawing Rs. 1,100.	Do. do.
" E. E. Potbury.	Dock Master ..	Rs. 1,200 ..	Do. do.
" J. W. Thomas.	Pilot ..	Rs. 700-25-1,100 drawing Rs. 1,100.	Do. do.
" H. T. Bennie ..	Do. ..	Rs. 700-25-1,100 drawing Rs. 1,100.	Do. do.
" F. T. White ..	Do. ..	Rs. 700-25-1,100 drawing Rs. 1,050.	Do. do.
" E. Lilley ..	Do. ..	Rs. 700-25-1,100 drawing Rs. 975.	Do. do.
" E. T. W. Nicholas.	Do. ..	Rs. 700-25-1,100 drawing Rs. 975.	Do. do.
" A. A. Goldie ..	Do. ..	Rs. 700-25-1,100 drawing Rs. 725.	Do. do.
" E. S. Allen ..	Do. ..	Rs. 700-25-1,100 drawing Rs. 700.	Do. do.

APPENDIX No. 57.

*Statement of the amount deposited during the last 10 years
with the Court of the Judicial Commissioner of Sind
regarding Wakf properties.*

(a) Amount deposited in the Court.	Name and details of the property from which it was realised.
1. Rs. 632-8-0 deposited in Court on 24th September 1915.	Compensation awarded by the City Deputy Collector (Land Acquisition Officer) in respect of a portion of plot No. 22-A-7, Old Town Quarter, Karachi, being Wakf property which stands in the name of the Trustees of Dad Khan's Mosque.
2. Rs. 682-8-0 deposited in Court on 21st May 1921.	Compensation awarded by the City Deputy Collector (Land Acquisition Officer) in respect of Survey No. 101-Sheet A-7-Old Town Quarter, Karachi, as Imamwara and entered in the Government and municipal records and stated to be belonging to the Mahomedan community.

(b) Names of the claimants.

Remarks.

- | | |
|------------------|---------------------------|
| 1. Piru | Did not prove his claim. |
| 2. Fatma | Has not proved her claim. |

(c) 1. In accordance with the order of the Court dated 9th February 1916, the amount (Rs. 632-8-0) was invested and the interest paid out to Buxali, the Mutawali of the Mosque, for the purpose of the maintenance of the institution. The said Buxali having died and no other Mutawali having applied. The interest has been allowed to accumulate. The said amount has now come to Rs. 817 which is lying as a Fixed Deposit with the National Bank of India bearing 5 per cent. interest due on 24th March 1925.

2. In pursuance of the order of the Court dated 16th September 1924 the amount has been invested in Government Securities, viz., War Bonds of Rs. 600, and the interest is to be paid to the Mutawali of the Imamwara until other lands are purchased or some scheme framed. There is a cash balance of Rs. 52-1-3 in Court.

(d) No case is pending in which Wakf property is involved.

APPENDIX No. 58.

1	2	3	4	5	6
	Taluka.	Damage to crops. (Area in acres.)	No. of cattle lost.	Damage to property.	No. of human beings lost.
				Rs.	
Karachi	Kotri ..	3,976	Nil.	Not estimated, but small.	Nil.
	Mirpur Bathoro ..	21,408	"		"
	Tatta ..	1,383	"		"
	Ghorabari ..	7,036	"		"
	Manjhand ..	300	"		"
	Shahbunder ..	2,500	"		"
	Jati ..	4,616	"		"
	Mirpur Sakro ..	238	"	"	
Hyderabad	Hyderabad ..	1,700	2	1,11,000	Nil.
	Hala ..	8,600	100	1,00,000	6
	Tando Allahyar ..	300	Nil.	25,000	1
	Guni ..	4,542	570	1,44,500	Nil.
	Dero Mohbat ..	600	Nil.	4,000	3
	Badin ..	160	"	Not estimated but small.	1
Nawabshah	Moro ..	12,723	Nil.	99,900	Nil.
	Sakrand ..	8,153	"	23,755	"
Sukkur	Sukkur ..	..	"	10,000	Nil.
	Rohri ..	2,000	"	10,000	"
	Pano Akil ..	1,750	"	45,000	"
	Ghotki ..	8,000	"	10,000	"
	Mirpur Mathelo ..	1,500	"	3,500	"
	Ubauro ..	2,000	"	2,500	"
Larkana	Larkana ..	1,105	Nil.	....	Nil.
	Kambar ..	683	"	....	"
	Ratodero ..	..	"	40,000	"
	Mirokhan ..	260	"	....	"
	Mehar ..	2,800	"	....	"
	Warah ..	258	"	....	"
	Labdaria ..	75	"	....	"
	Kakar ..	4,825	"	....	"
	Sehwan ..	3,000	"	Not estimated, but small.	"
		Dadu ..	350	"	90,000
	Johi ..	7,575	"	Not estimated, but small.	"

APPENDIX

Statement giving the number of Slaughter Houses in the Presidency, cattle classified according to their kinds that are annually slain

Name of the District.	Names of places where slaughter houses are situated.	Number of slaughter houses.	Number kinds hide	
			Bullocks or Bulls.	86
Karachi	Karachi (Municipal City)	1	....
	Karachi (Military City)	1	....
	Kotri	1	....
	Tatta	1	....
Hyderabad..	Hyderabad	3	205	
Sukkur	Sukkur	5	....
Do.	Garhi-Yasin	2	....
Do.	Rohri	2	....
Do.	Ghotki	1	....
Do.	Shikarpur	2	....
Larkana	Larkana	1	10	
Do.	Rato Dero	1	10	
Do.	Kambar	1	Details	
Do.	Sehwan	1	....
Newabshah..	Newabshah	1	....
Do.	Shahdadpur	1	....
Do.	Tando Adam	1	....
Do.	Nausaharo	1	....
Do.	Tharushah	1	....
Do.	Bharia	1	....
Do.	Roro	1	....
Do.	Kandiarao	1	....
Do.	Meherabpur	1	....
Do.	Dabhro	1	....
Thar and Parkar	Mirpurkhas	1	....
Upper Sind Frontier	Jacobabad (Municipal area)	1	600	
				<i>Northern</i>
Ahmedabad	Ahmedabad	1	7,912	
Kaira	Kapadvanj	3	Not	
Do.	Borsad	1	62	
Do.	Mehmedabad	2	Infor	
Do.	Kaira	1	....
Do.	Nadiad	1	8	
Do.	Nahudh	4	35	
Do.	Alina	17	23	
Do.	Umreth	10	....
Do.	Bhalej	11	125	
Panch Mahals	Godhra	1	....
Do.	Dohad	1	862	
Broach*	Broach	1	....
Do.	Ankleshwar	1	940	
Do.	Jambusar	1	....

No. 59.

*the names of places where they are situated and the number of bovine
ghtered for food and hide in each of the said slaughter houses.*

of bovine cattle classified according to their that are annually slaughtered for food and in each of the said slaughter houses.				Remarks.
Cows.	Calves.	Buffaloes.	Total.	
<i>nd.</i>				
No classification is kept of	the cattle		2,500	No cattle are slaughtered
slaughtered.	....		....	merely for their hide.
.....	Do.	.....	20	
.....	Do.	.....	60	
44	45	4	358	Approximately
64	.....	.....	64	Do
53	.....	31	84	
9	.....	.....	11	
.....	
740	.....	328	1,068	
27	89	249	375	
6	91	416	153	
not available.	.....	.....	76	
.....	
.....	
.....	
.....	
No bovine cattle are slaug	htered in this	area for		
food or hide.				
.....	
.....	
.....	
.....	
.....	
13	.....	8	21	
40	42	48	730	
<i>Division.</i>				
1,366	142	4,208	14,128	
available.	.....	.....	.....
2	.....	.....	64	
mation not available.	.....	.....	.....
.....	
3	.....	.....	11	
8	.....	.....	43	
.....	.....	.....	23	
Not available.	.....	.....	.....
10	.....	.....	135	
Details not available.	.....	.....	4,954	
1,019	.....	263	2,164	
.....	.....	.....	.....	* Approximate number
589	3	1,299	2,831	annually slaughtered.
.....	

APPENDIX

Name of the District.	Names of places where slaughter houses are situated.	Number of slaughter houses.	Number kinds of hides
			Bullocks or bulls.
			<i>Northern</i>
Surat	Surat	1	1,511
Do.	Rander	1	101
Do.	Bulsar	1	61
Do.	Chikhli	2	....
Thana	Nizampur	1	52
Do.	(Bhiwandi) .. .. .	....	....
Do.	Thana	1	....
Do.	Rabodi	1	....
			<i>Central</i>
Ahmednagar	Ahmednagar City	3	200
Do.	Ahmednagar Cantonment	1	902
East Khandesh	Jalgaon	1	Details
Do.	Savda	1	....
Do.	Bhusawal	2	....
Do.	Dharangaon	2	....
Do.	Erandol	2	....
Do.	Chopda	2	....
Nasik	Nasik	1	102
Do.	Yeola	1	803
Do.	Malegaon	1	....
Poona	Igatpuri	1	3
Do.	Manmad (Notified Area Committee).	1	160
Do.	Deolali Cantonment	1	Details
Do.	Kirkee	2	....
Do.	Poona	1	....
Do.	Poona City	1	....
Do.	Baramati	1	....
Do.	Sirur	2	....
Do.	Lonavla	1	....
Satara	Mahabaleshwar	2	335
Do.	Satara	1	434
Do.	Panchgani	2	....
Sholapur	Sholapur	1	2,750
Do.	Barsi	1	Details
West Khandesh	Dhulia	1	....
Do.	Shahada	2	648
Do.	Nandurbhar	2	295
Do.	Shirpur	1	980
			<i>Southern</i>
Bijapur	Bijapur	1	....
Do.	Bagalkot	3	99
Do.	Guledgud	1	40
Do.	Ikhal	1	96
Belgaum	Belgaum	1	....
Do.	Bali-Hongal	1	Details
Do.	Nipani	2	....

No. 59—contd.

of bovine cattle classified according to their that are annually slaughtered for food and in each of the said slaughter houses.

Remarks.

Cows.	Calves.	Buffaloes.	Total.	
<i>Division—</i>				
<i>contd.</i>				
409	33	1,523	3,476	
185	9	23	318	
163	3	227	
.....	
51	71	661	835	
.....	
.....	
41	41	
<i>Division.</i>				
422	83	.....	705	
946	1,848	
not available.	1,008	
Do. do.	
Do. do.	1,978	
Do. do.	630	
Do. do.	1,384	
Do. do.	
163	265	
272	32	.....	1,105	
914	6	.....	920	
656	5	.....	664	
25	185	
not available.	2,908	
Do. do.	1,800	
Do. do.	11,542	
Do. do.	1,754	
Do. do.	1,754	
Do. do.	187	
Do. do.	928	
150	115	600	
579	90	1,103	
340	340	
4,800	280	.....	7,830	
not available.	32	
811	172	1,631	
35	21	351	
330	1,310	
not available.	376	
<i>Division.</i>				
128	194	262	
588	42	729	
8	48	
80	23	199	
.....	
not available.	1,448	
.....	

For sheep and goats only.

APPENDIX

Name of the District.	Names of places where slaughter houses are situated.	Number of slaughter houses.	Number kinds hide
			Bullocks or bulls.
			<i>Southern</i>
Kanara	Karwar	1	....
Do.	Haliai* .. .. .	....	....
Do.	Bhatkal* .. .. .	....	54
Kolaba	Matheran	1	1
Do.	Pen .. .. .	....	Details
Ratnagiri	Ratnagiri	1	....
Dharwar	Ron	1	Details
Do.	Karjagi .. .. .	....	....
Do.	Dharwar	1	....
Do.	Bankapur .. .. .	....	....
Do.	Betgeri	1	....
Do.	Hubli	1	....
Do.	Nargund .. .. .	....	....
Do.	Hongal	1	....
Do.	Alur	1	....
Do.	Navalgund .. .. .	....	....
Do.	Ranebennur	1	....
Do.	Byadgi	1	....
			<i>Bombay</i>
Bombay Suburban District.	Kurla	1	....
Bombay City	Bandra	1	13,115
	Bombay (Arthur Road)	1	....
	Total	154	33,594

No. 59—contd.

of bovine cattle classified according to their that are annually slaughtered for food and in each of the said slaughter houses.				Remarks.
Cows.	Calves.	Buffaloes.	Total.	
<i>Division—</i>				
<i>contd.</i>				
38	38	
....	
85	119	*There are no slaughter houses in the municipal limits of Halial and Bhatkal but cattle are slaughtered under licenses issued by the Municipalities.
....	
not available.	1	
....	125	
not available.	
Do. do.	120	
Do. do.	400	
Do. do.	1,150	
Do. do.	700	
Do. do.	705	
Do. do.	2,692	
Do. do.	
Do. do.	109	
Do. do.	109	
Do. do.	70	
Do. do.	
Do. do.	932	
<i>Suburban Division.</i>				
....	
37,740	10	11,314	62,179	
....	For pigs only.	
54,032	941	20,977	151,844	

APPENDIX No. 60.

Statement showing the names of the persons to whom the Police Band was hired during the years 1923 and 1924.

Serial No.	Names.	Amount paid.
1	2	3
	1923.	Rs.
1	Bohri Tayebali Kamruddin	30
2	Mr. K. Aga	25
3	Professor Ram Murti	25
4	Tayebali Kamruddin	51
5	Banekhan Dilaverkhan	35
6	Sulemanji Mahmadali	50
7	Abdulla Haji Bhagat	35
8	Ghanchi Ahmad Ibrahim	45
9	Ghanchi Ismail Manda	51
10	Ismail Isa Bhatuk	51
11	Manager, Electric Company	25
		423
	1924.	
1	Abdul Majid Umar	40
2	Tayebali Shekh Nurbhai	125
3	Maganlal Mansukhram	40
4	Ibrahimji Valibhai	40
5	Manager, Electric Company	100
6	Abdulla Rasul	50
7	Ibrahim Isa Rasul	50
8	Bohra Abdul Kadar Abdulali	65
9	Haji Isa Bhagat	50
10	Bohra Abdul Kadar	35
11	Umar Musa Tildi	50
12	Haji Abdulla Bhagat	180
13	Me. Cooverji F.	150
14	Keshavlal Chumilal Modi	40
15	Abdul Husen Karimbhai	241
		1,236

APPENDIX No. 61.

Statement showing the number of Government servants, temporary and permanent whose services were dispensed with in pursuance of the policy of retrenchment.

Name of the Office or Department.	Permanent.	Temporary.	Remarks.
<i>5—Land Revenue.</i>			
Settlement Commissioner and Director of Land Records.	....	3	1 clerk, 2 peons in the Northern Division.
Manager, Encumbered Estates in Sind.	....	5	1 Munshi, 2 overseers, 2 Kotars.
Superintendent, Bombay City Survey.	....	3	Clerks and Surveyor.
Superintendent, Land Records in Sind.	2	....	Peons.
Collector of Kanara ..	43 (Shanbhogs).	....
Collector of Hyderabad ..	23	....	1 Tapedar and 22 Kotars.
Collector of Larkana ..	50	....	15 Tapedars, 9 peons and 26 Kotars.
Collector of Nawabshah ..	3(a)	20(b)	(a) 2 peons and 1 Kotar. (b) 4 peons and 16 Kotars.
<i>6—Excise.</i>			
Commissioner of Excise ..	8 (Clerks).	51*	*13 Executive Officers, 2 Engineers, 3 fitters and 33 menials.
<i>8—Forest.</i>			
Chief Conservator of Forests, Bombay Presidency.	....	489	Foresters, guards, clerks and menials.
<i>9—Registration.</i>			
Inspector General of Registration.	0	....	Sub-Registrar's clerks in the Bombay office and in the Bombay Suburban District.
<i>22—General Administration.</i>			
Secretariat Departments ..	7	....	Clerks.
	25	9	Peons.
Collector, Bombay Suburban District.	....	3	1 Surveyor, 1 typist, 1 Talati. All paid from Development Scheme funds.
Collector of West Khandesh.	2	....	Probationary talatis.
Collector of East Khandesh.	41	3	32 Talatis, 9 peons, 1 clerk (temporary).
Collector of Satara ..	36	....	8 clerks, 27 talatis and 1 assistant talati.

APPENDIX No. 61—contd.

Name of the Office or Department.	Permanent.	Temporary.	Remarks.
<i>22—General Administration—contd.</i>			
Collector of Ahmednagar ..	5 (clerks).	9 (talatis).	1 Circle Inspector who was reduced has been appointed in temporary vacancy.
Collector of Nasik ..	31	16	9 Clerks, 20 talatis, 2 peons, 10 clerks (temporary), 6 talatis (temporary).
Collector of Sholapur ..	2	..	Talatis.
Collector of Sukkur ..	2	1	Peons and clerk.
Collector of Kolaba ..	8	30	Talatis.
Collector of Panch Mahals ..	129	....	Village Havildars.
Collector of Ahmedabad ..	242	....	Village Havildars.
Collector of Surat ..	379	3	5 peons, 5 talatis, 2 tent pitchers, 367 Havildars, 3 talatis (temporary).
Collector of Broach ..	290	....	Havildars.
Deputy Commissioner, Upper Sind Frontier.	11(a)	26(b)	(a) 1 clerk, 9 tapedars and 1 peon. (b) 1 clerk, 5 tapedars, 16 kotars and 4 peons.
Commissioner in Sind. ..	4	....	Peons.
<i>24—Administration of Justice.</i>			
High Court, Appellate Side.	5	2	
Insolvency Debtors Court, Bombay.	1	....
Sheriff of Bombay ..	1	....
Chief Presidency Magistrate's Court, Bombay.	5	....
District Court, Surat ..	6	17	
District Court, Broach ..	4	....
District Court, Khandeah.	2	2	
District Court, Nasik ..	....	5	
District Court, Ahmednagar.	....	7	
District Court, Belgaum ..	....	10	
District Court, Ratnagiri ..	....	18	
District Court, Thana ..	....	6	
District Court, Poona ..	2	....
District Court, Sukkur ..	1	....
District Court, Larkana ..	13	....
District Court, Hyderabad.	1	....
District Court, Kanara ..	1	....
District Court, Ahmedabad.	21	2	
District Court, Bijapur ..	....	2	
District Court, Dharwar ..	2	....
Judicial Commissioner's Court.	3	....
Sub Court, Tatta ..	3	....

APPENDIX No. 61—contd.

Name of the Office or Department.	Permanent.	Temporary.	Remarks.
26—Police.			
Presidency Proper ..	279	50	
Sind ..	448	23	
31—Education.			
Educational Department..	161	....
32—Medical.			
Medical Department ..	21	....	Subordinate Medical
	3	....	Service Officers. Men from the menial staff on the Hospitals in Bombay.
33—Public Health.			
Director of Public Health.	1 clerk.		
Assistant Director of Public Health, Central Registration District.	1 clerk.		
Assistant Director of Pub- lic Health, Western District.	2 clerks.		
Assistant Director of Public Health, Southern District.	1 clerk.		
Assistant Director of Public Health, Sind.	1 clerk.		
34—Agriculture.			
Superintendent, Civil Veterinary Department.	3	21	Syces on Government stations.
Director of Agriculture ..	4	....	1 Divisional Superintend- ent of Agriculture and 3 peons.
35—Industries.			
Director of Industries ..	2	....	Clerks, S. R., Karwa;
	4	....	Servants, S. R., Karwa;
	1	....	Assistant Marine Biologist
	1	....	Marine Biologist.
	4	....	Clerks.
	3	....	Servants.
	1	....	Assistant Director's clerk.
	2	....	Assistant Director's ser- vants.
	1	....	Button expert.
	1	....	Assistant Chemist.

APPENDIX No. 61--concl'd.

Name of the Office or Department.	Permanent.	Temporary.	Remarks.
<i>Trasler Establishment.</i>			
	1	....	Skipper.
	1	....	Mate.
	1	....	Bosum.
			Engineer and crew, etc., at a monthly cost of Rs. 1,400.
<i>37--Miscellaneous Departments.</i>			
Factory, Boiler and Smoke Nuisances Departments.	3	....	Menials.
<i>41--Civil Works.</i>			
Public Works Department.			
<i>Gazetted Officers.</i>	....	2	
<i>Non-Gazetted Staff.</i>			
	....	13	Upper subordinates.
	....	31	Lower subordinates.
	9	77	Clerks.
	3	....	Accountants.
	2	26	Drawing establishment.
	2	1	Store keepers.
	....	41	Canal establishment.
	....	1	Workshop establishment.
	6	123	Menials.
<i>46--Stationery and Printing.</i>			
Stationery Office.	7	....	5 clerks and 2 peons.
Government Central Press.	1	....
	(Lithowriter).		

APPENDIX No. 62.

Statement showing the number of Slaughter Houses conducted either under the Municipal Act or otherwise licensed in each District of the Bombay Presidency and the number of cattle slaughtered every year in those houses during the last three years.

Name of the District.	No. of slaughter houses constructed either under the Municipal Act or otherwise licensed in each district.	Number of cattle slaughtered every year in the slaughter houses referred to in item 2 during the last 3 years.			Remarks.
		1921-22.	1922-23.	1923-24.	
1	2	3	4	5	6
Karachi	<i>Sind.</i>				
	5 Under Municipal control.	136,231	164,020	175,224	Kotri Slaughter House. From July 1923 to July 1924--Bullocks .. 18 Cows .. 2
	and 1 under Military control.	3,078	3,347	2,922	20
	Tatta Slaughter House No. I.	5,840	5,774	5,856	From July 1924 to December 1924--Bullocks .. 12 Cows .. 3
	Tatta Slaughter House No. II.	10	32	9	15
					Grand Total .. 35
Hyderabad	9	79,807	77,762	101,230	The figures of 1924 appear inflated as figures of cattle slaughter of the Hyderabad Cantonment area have been included for that year while similar figures for the previous years are not available as the two slaughter houses of this area at that period were given on contract and no record was kept.
Sukkur	12	68,375	46,647	48,958	Figures for the years 1922-23 and 1923-24 for the Sukkur Municipality are not available as in those years contract was given for the slaughter of animals.
	<i>Central Division.</i>				
Ahmednagar	3	13,048	11,520	12,569	
East Khandes District.	10	24,550	25,251	26,642	
West Khandes District.	5	15,188	16,940	18,820	
Nasik	11	11,595	5,506	8,090	
Poona	7	12,742	17,010	15,554	
Satara	3	1,355	1,454	2,203	
Sholapur	5	72,873	79,421	79,811	
Total	44	151,407	157,102	169,788	

APPENDIX No. 62—contd.

Name of the District.	No. of slaughter houses constructed either under the Municipal Act or otherwise licensed in each district.	Number of cattle slaughtered every year in the slaughter houses referred to in item 2 during the last 3 years.			Remarks.
		1921-22.	1922-23.	1923-24.	
1	2	3	4	5	6
<i>Southern Division.</i>					
Belgaum ..	4	Information not available.		3,086	
Bijapur ..	9	1,488	1,600	1,658	
Dharwar ..	5	6,202	4,858	4,680	
Kanara ..	4	340	314	278	
Larkana ..	11	38,538	39,798	41,839	
Nawabshah ..	8	21,343	26,703	24,867	
Thar and Parkar.	10	14,500	14,715	15,788	
Upper Sind Frontier.	1	655	682	740	
Total ..	57	368,377	373,480	417,433	
<i>Northern Division.</i>					
Ahmedabad ..	1	13,755	14,027	14,128	
Kaira ..	6	6,974	6,649	7,188	
Panch Mahals ..	2	6,849	11,978	12,553	
Broach ..	3	2,574	2,671	3,076	
Surat ..	2	3,963	3,758	3,840	
Thana ..	3	11,130	11,780	13,092	
Total ..	17	45,245	50,863	53,677	
<i>Southern Division.</i>					
Kolaba ..	2	..	..	128*	*From 1st July 1923 to 30th June 1924. Information for past years is not available.
Ratnagiri ..	1	..	..	..	Only goats and sheeps are slaughtered.
Total ..	25	7,030	6,772	9,820	
<i>Bombay Suburban Division.</i>					
Bombay Suburban District.	One under the District Municipal Act at Kuria, and One under the City of Municipal Act at Bandra.	7,408	8,205	7,705	Figures are not known.

Appendices

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APPENDIX No. 62—*contd.*

Name of the District.	No. of slaughter houses constructed either under the Municipal Act or otherwise licensed in each district.	Number of cattle slaughtered every year in the slaughter houses referred to in item 2 during the last 3 years.			Remarks.
		1921-22.	1922-23.	1923-24.	
1	2	3	4	5	6
<i>y</i>	<i>Bombay city.</i>				
Bombay	<i>One at Bandra outside the City limits.</i>	862,172	849,808	844,496	
	<i>One at Arthur Road (for pigs only).</i>	3,610	2,297	1,800	
Total ..	4	865,782	852,105	846,296	
Grand Total ..	147	1,465,249	1,448,327	1,498,719	

APPENDIX No. 62.

Copy of the Contract Agreement made by the Assistant Director of Supply and Transport, Bombay District, with contractor Cassum Rahimtoola & Sons, Bombay.

Supply of Meat Fresh (Beef and Mutton).

1. The meat shall be the produce of well nourished stock.
2. From each beef carcass shall be removed one-third of each rib at its thinnest part, four inches of each shank bone above knuckle, the whole of the neck except the two joints nearest the shoulder (together with the flesh, skin and tissues surrounding the named portions of the bones referred to) and the tail; the carcass shall be divided into halves or quarters as required.
3. From each mutton carcass shall be removed three inches of each shank bone above knuckle, the head and half of the neck (together with flesh, skin and tissues surrounding the named portions of the bones referred to).
4. The fat which covers the stomach and the intestines shall be issued with each carcass, whether beef or mutton.
5. The wool on the tail of mutton carcasses shall not be removed until the meat has been accepted at the Ration Stands.
6. In the case of issues to hospitals, the meat after approval by the Medical Officer shall be cut into diets as may be required.

Supply of meat.

$\frac{We}{I}$ shall supply and deliver the meat daily at the time and place and the quantity that the Supply Officer concerned may direct the supply officer concerned furnishing $\frac{us}{me}$ with the necessary meat carts and $\frac{we}{I}$ providing the necessary bullocks and sheets.

The meat so supplied shall be marked and sealed in such manner as the Supply Officer concerned may direct, all materials therefor, except metal discs and seals, being provided by us.

$\frac{We}{I}$ shall keep in the Indian Army Service Corps cattlepens a reserve of live-stock equal to not less than 15 days' supply and all such live-stock shall be subject to the approval of the Supply Officer concerned and shall be branded by $\frac{us}{me}$ in such manner as he may direct, the brands being supplied by him.

The live-stock shall be selected for slaughter by $\frac{us}{me}$ subject to the approval of the Supply Officer concerned and shall be slaughtered and dressed by $\frac{us}{me}$ under the supervision of the station butcher, except in

the case of supplies to troops in camp or on the march, when the slaughter shall be subject to such supervision as the Supply Officer concerned may direct.

In addition to the usual grazing, the live-stock kept by $\frac{us}{me}$ as afore-said shall receive daily water and forage in accordance with the scale given below :—

<i>Cattle.</i>			
Green fodder .. .. .	.. .. .	30 lbs.	} Per head per diem.
or Dry fodder .. .. .	.. .. .	20 "	
Salt .. .. .	.. .. .	1/8 oz.	} Per head per mensem.
Salt rock .. .. .	.. .. .	1/2 lb.	
<i>Sheep.</i>			
Bhoosa, missa, or other dry or suitable fodder ..	.. .. .	4 lbs.	} Per head per diem.
Grain for one month before slaughter ..	.. .. .	1/2 lb.	
Salt .. .. .	.. .. .	1/16 oz.	} Per head per mensem.
Salt rock .. .. .	.. .. .	2 oz.	

The scale to be reduced in proportion to the amount of grazing available. Every endeavour should be made to obtain good grazing lands, canal irrigated land by preference.

Extra rations are issued under the rules governing orders entailing extra expense.

Subject to any regulations made by the Supply Officer concerned $\frac{we}{I}$ shall offer for sale for cash daily at the Ration Stand, beef and mutton meat cuttings of the cattle slaughtered under the contract at the rates therefor set forth in the first schedule.

Notwithstanding anything in the foregoing paragraphs any meat supplied to troops by $\frac{us}{me}$ shall be liable to be rejected by the regimental authorities concerned.

$\frac{We}{I}$ also understand that the use of ropes for hanging carcasses is prohibited and that galvanised iron chains only are to be used for this purpose. Such chains $\frac{we}{I}$ shall provide at $\frac{our}{my}$ own expense.

APPENDIX

Statement showing the amount spent on Water Supply in rural

Names of districts.	1914-15.	1915-16.	1916-17.	1917-18.
<i>Northern Division.</i>				
Ahmedabad	29,142	39,236	28,739	12,890
Kaira	36,108	28,842	39,003	34,022
Panch Mahals	11,383	7,411	4,830	4,380
Broach	25,219	25,786	29,505	16,261
Surat	9,643	6,828	7,952	4,761
Thana	42,235	38,512	24,510	21,090
<i>Central Division.</i>				
Ahmednagar	9,302	8,612	6,235	7,927
East Khandesh	15,923	10,028	6,497	6,160
West Khandesh	14,609	6,070	5,105	7,888
Nasik	13,245	16,840	7,988	12,037
Poona	17,620	7,696	4,110	5,550
Satara	6,559	5,200	5,675	2,792
Sholapur	12,011	3,319	2,885	3,915
<i>Southern Division.</i>				
Belgaum	8,970	16,861	13,610	12,855
Bijapur	18,998	19,497	9,727	9,350
Dharwar	34,842	29,248	25,947	17,725
Kanara	4,745	4,250	1,810	2,709
Kolaba	17,236	9,079	10,642	8,260
Ratnagiri	2,777	4,050	3,502	2,198

Note.—The figures given in the statement do not include

No. 63.

areas in the Bombay Presidency for the years 1914-15 to 1923-24.

1918-19.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.
26,506	42,491	30,041	40,849	20,648	43,872
44,743	37,538	54,831	37,404	52,555	89,632
11,095	7,034	14,138	11,627	7,675	10,442
27,551	23,020	26,934	24,810	20,328	30,581
5,691	10,877	9,845	12,901	9,745	12,234
22,985	27,276	25,736	25,265	26,824	27,266
44,147	6,003	53,571	67,802	33,360	18,900
10,656	10,868	25,929	21,579	10,481	15,046
6,448	10,924	6,151	6,381	7,409	9,437
23,460	9,326	16,523	10,108	9,643	8,863
13,364	19,997	11,426	11,645	10,448	5,092
3,171	2,303	8,858	5,002	2,069	2,047
8,257	9,378	5,933	11,982	5,124	9,809
16,659	12,284	15,179	9,471	9,151	24,520
13,783	14,529	19,549	11,359	17,344	16,801
19,807	20,384	24,620	22,165	21,522	27,504
1,423	4,894	5,633	6,153	6,530	6,768
11,996	3,048	4,563	4,943	3,070	4,284
2,413	2,792	2,122	4,048	955	1,911

amounts spent by municipalities on water works.

APPENDIX

Statement showing the quantities of and rates tendered for coal

Serial No.	Name of Tenderer.	Estimated minimum quantities required.	Quality tendered.	Quality tendered.
	<i>Foreign Coal.</i>			
1	Forbes Forbes Campbell		Transvaal Witbank .. Natal ..	Cargoes of 6,000 Tons .. 10,000 "
2	Edulji Dinshaw ..		Transvaal Witbank ..	10,000 "
3	Cowasjee & Sons ..		Transvaal Witbank .. Natal ..	10,000 " 20,000 "
4	Graham & Company ..		Transvaal .. Natal .. Welsh .. Welsh .. mixed ..	45,000 " " " " " " "
5	Herman & Mohatta ..		Natal .. Welsh ..	" " "
6	Turner Morrison ..	5,000 to 50,000 Tons annu- ally.	Transvaal Witbank .. Natal ..	3 Cargoes of 6,000 or 7,000 Tons .. 50,000 Tons.
7	Killick Nixon, Bombay ..		Natal ..	45,000 "
8	K. Worah & Company ..		Natal ..	45,000

No. 64.

required for the Lloyd Barrage and Canals Construction.

Rate.			Period.	Remarks.
F. O. B. Karachi	C. I. F. Karachi.	F. O. R. Colliery.		
	21 2 0			
26 12 0				
25 5 0				
25 0 0	20 13 3			
26 0 0	21 8 6			
	21 14 1		2 years.	
	23 1 11			
	30 5 8			
	28 9 0			
	25 9 5			
	32 10 4			
	21 10 0			
	24 6 0			
	22 15 1			
28 8 0	26 4 0		2 years.	

APPENDIX No. 65.

Quarries.

Revision of the scale of quarry fees and fees for earth, stone and sand.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 2334.

Bombay Castle, 5th August 1920.

Letter from the Commissioner, C. D., No. V.-73-1918 dated 7th August 1919 :—

“ I have the honour to refer to Mr. Anderson's note No. 149 page 91 of his Land Revenue Code Rules Manual, and to submit that the scale of charges given therein was laid down as long ago as 1886, and is obsolete. I would therefore propose that the scale should be revised and the maximum rates raised as follows :—

Class	Description of material.	Old rates, per hundred cubic feet.			Proposed rates, per hundred cubic feet.		
		Rs.	a.	p.	Rs.	a.	p.
i	Building stone by cubic measure in the actual building.	0	8	0	1	0	0
ii	Surplus stone removed from quarry but not consumed (125 c.ft. reckoned as 100).	0	8	0	1	0	0
iii	Ballast or concrete	0	2	0	0	8	0
iv	Special stone used for pitching, measured as arranged by the Collector.	0	2	0	0	4	0
v	Kankar from cultivated land	0	4	0	0	8	0
vi	Sand	0	1	0	0	2	0
vii	Surface boulder stones	0	2	6	0	2	6
viii	Kankar in unassessed waste	0	1	6	0	4	0
ix	Muram or white earth	0	1	0	0	2	0

“ 2. The Commissioners, Northern and Southern Divisions, who were consulted have expressed their agreement in the suggestion. I enclose copies of their letters.

“ 3. I have not proposed any increase in the rate of surface boulder stones which lie about the ground as their removal is useful.”

Copy of letter from the Commissioner, N. D., No. L.N.D.—304 dated 12th July 1919 to the Commissioner, C. D.

With reference to your No. 73-V.-1918 dated the 5th July 1919, I have the honour to state that in February last you as Commissioner, Southern

Division, suggested the same maximum rates for stones and other building materials and my predecessor agreed with you that the rates may be revised as suggested. I append relevant extract from the reply then given. I agree that the rates fixed in 1886 and 1887 are now obsolete and should be raised as suggested by you.

Extract from the Commissioner, N. D.'s No. L.N.D.—304 dated
15th February 1919.

Note 149. Draft rule 66 (2) gives the Collector full discretion as to the rates of fees to be charged. The rates fixed in 1886-87 are particularly meant for railway companies, but they are followed in other cases also. The rates need revision as suggested by you, but I think that in the case of private individuals the Collector's power to enhance these rates to meet special cases should not be restricted.

Copy of letter from the Commissioner, S. D., No. 3692 dated
25th July 1919 to the Commissioner, C. D.

With reference to your No. 73-V.-1918 dated 5th July 1919, I have the honour to state that I agree that the scale of charges given in Mr. Anderson's note No. 149 on the draft rules under the Bombay Land Revenue Code is too low and that it should be raised as proposed by you.

Government memorandum No. 8405 dated 18th August 1919 :—

“Forwarded to the Commissioner in Sind for favour of remarks.”

Memorandum from the Commissioner in Sind No. Rev.—947 dated
13th March 1920 :—

“The Commissioner in Sind has the honour to return the papers received with Government memorandum No. 8405 dated the 18th August 1919 and to state that the scale of quarry fees may be raised to the extent proposed by the Commissioner, Central Division, but in the case of private individuals the Collector's power to enhance these rates to meet special cases should remain unrestricted.”

ORDER.—The revised rate proposed by the Commissioner, C. D., in his letter No. V.-73-1918 dated 7th August 1919 are sanctioned, subject to the understanding that in the case of private individuals the Collector's power to enhance these rates to meet special cases remains unrestricted and that the revised rates do not apply to the G. I. P. and B. B. & C. I. Railway Companies and to the railways in Sind.

H. F. BALL,
Under Secretary to Government.

To

The Commissioner in Sind,	The Accountant General,
The Commissioner, N. D.,	The Chief Conservator of Forests,
The Commissioner, C. D.,	Bombay Presidency,
The Commissioner, S. D.,	The Conservator of Forests, N. C.,
All Collectors, including the	The Conservator of Forests, C. C.,
Deputy Commissioner, Upper	The Conservator of Forests, S. C.,
Sind Frontier,	The Deputy Conservator of
The Settlement Commissioner and	Forest in charge, Sind Circle,
Director of Land Records,	The Public Works Department.
The Director of Agriculture,	

APPENDIX No. 66.

Statement showing the Leper Asylums in the Presidency and number of lepers treated in each during the year 1924.

Name of Leper Asylums in the Bombay Presidency.	Number of lepers treated in the Asylums during the year 1924.
1. Acworth Leper Asylum, Matunga ..	563
2. Edulji Framji Albless Leper Home, Trombay ..	36
3. Leper Asylum, Pui	62
4. Leper Asylum, Poladpur	137
5. Sir D. M. Petit Leper Asylum, Ratnagiri ..	52
6. Kondhwa Budruk Leper Asylum, Poona ..	157
7. Leper Asylum, Nasik	12
8. Do. Sholapur	48
9. Do. Belgaum	39
10. Kagrabeth Leper Asylum, Ahmedabad ..	161
11. Hiranand Leper Asylum, Manghopir, Karachi ..	83
12. Leper Asylum, Vengurla	62
13. Do. Miraj	115
14. Keith Falconer Mission Leper Asylum, Aden ..	24

* Approximate.

APPENDIX No. 67.

List of Associations.

(Recognised.)

Serial No.	Name.	Remarks.
1	The I.C.S. Association, Bombay	
2	The Bombay Presidency Sub-Registrars' Association	
3	The Nasik District Revenue Clerks' Association	
4	The Sind Salt and Excise Inspectors' Association	
5	The Public Works Department Specialists' Association	
6	The Social Union of Clerks in the Educational Department, Bombay Presidency, Poona	
7	The Bombay Branch of the Indian Provincial Medical Services Association	
8.	The Customs Service Association of All-India and Burma	Recognised by the Government of India.
9	The Sind Police Association	
10	The Indian Officers' Association (recognised by the Government of India and also by the Government of Bombay)	
11	The Bombay Police Service Association	
12	The Sind Educational Department Clerks' Association	
13	The Poona District Revenue Subordinates' Association	
14	The Association of the Indian Officers of the Bombay Educational Department	
15	The Indian (Imperial) Police Service Association, Bombay Branch	
16	The Bombay Presidency Mamlatdars' Association	
17	The Non-Brahman Revenue Subordinates' Association, Poona District	
18	The Dharwar Revenue Subordinates' Association	
19	The Bombay Presidency Co-operative Auditors' and Special Auditors' Association	
20	The Revenue Subordinates' Association, Broach District	
21	The Civil Engineers' Association	Recognised by the Government of Bombay.
22	The Indian Audit Department Association	Recognised by the Government of India.
23	The Indian Civil Service Central Association	Do.
24	The Indian Police Association (Central)	Do.
25	The Association of Indian Officers of the Bombay Agricultural Department	
26	Khandesh Judicial Clerks' Association	
27	Bombay Presidency Revenue Subordinates' Association	
28	Bombay Forest Officers' Association	
29	Bombay Presidency Central Vaccinators' Association	
30	India recruited European Engineers' Association	

APPENDIX No. 67—contd.

List of Associations.

(Not recognised.)

Serial No.	Name.	Remarks.
1	Bombay Veterinary Graduates' Association	
2	Bombay Agricultural Graduates' Association	
3	Bombay Presidency European Government Servants' Association	
4	Secondary School Teachers' Association, Southern Division	
5	Bombay Civil Service Association	
6	Sind Public Works Department Clerks' Association	
7	Revenue Department Graduates' Clerks' Association, Northern Division	
8	Sind Educational Service Association	
9	Bombay Presidency Primary School Teachers' Association	
10	Sind Primary Teachers' Association	
11	Bombay Agricultural Department Upper Subordinate Service Association	
12	Backward Classes Teachers' Association	
13	Bombay Agricultural Department Non-graduate Fieldmen's Association	
14	Bombay Presidency Registration Karkuns' Union	

Designation of post.	The year during which it fell vacant.	Whether filled or not.	The reason why the post was not filled up.
1. Lecturer in Mathematics, Deccan College.	1921-22	Yes	..
2. Assistant Professor of Geology, Royal Institute of Science.	Vacant during 1922-23, 1923-24 and 1924-25.	No	..
3. Personal Assistant to Educational Inspector, N. D.	1923-24	No	In view of the impending transfer of control of Primary Education.
4. Principal, Training College for Men, Ahmedabad.	1923-24	No	Post held in abeyance.
5. Head Master, E. C. High School, Ahmedabad.	1923-24	Yes	..
6. Head Master, E. C. High School, Ahmedabad.	1924-25	Yes	..
7. Deputy Educational Inspector for Urdu Schools, N. D.	1924-25	Yes	..
8. Head Master, High School, Bijapur.	1923-24	Yes	..
9. Teacher of Normal Class, School of Art.	1922-23	Yes	..
10. Lecturer in Method and History, Secondary Training College.	1923-24	Yes	..
11. Do. do.	1924-25	No	In view of the reorganization of services.
12. Deputy Educational Inspector, Ratnagiri.	1923-24	Yes	..
13. Deputy Educational Inspector for Gujarati Schools, Bombay.	1923-24	No	In view of the impending transfer of control of Primary Education.
14. Deputy Educational Inspector, Nasik.	1924-25	No	
15. Head Master, High School, Nasik.	1924-25	Yes	..
16. Deputy Educational Inspector for Marathi Schools, Bombay.	1922-23	No	In view of the impending transfer of control of Primary Education.
17. Assistant Professor of Mechanical Engineering College of Engineering, Poona.	1923-24	No	As the lien of the permanent incumbent of this post is suspended.
18. Lecturer in Engineering, College of Engineering.	1924-25	Yes	..
19. Head Master, High School, Dhulia.	1923-24	No	In view of the impending transfer of control of Primary Education.
20. Head Master, High School, Satara.	1924-25	No	
21. Head Master, High School, Sholapur.	1924-25	Yes	..
22. Deputy Educational Inspector, West Khandesh.	1923-24	No	In view of the impending transfer of the control of Primary Education.
23. Deputy Educational Inspector, East Khandesh.	1924-25	No	

No. 68.

Qualification of officer given permanent post.	Qualifications of officers who are officiating.	Length of service of officer in (5) on 1st June 1925.	Length of service of officer or officers in (6) on 1st June 1925.	Remarks.
M.A. (Bom.)	.. ..	y. m. d. 9 9 11	..	
..	..	..	..	Kept vacant.
..	..	..	..	A permanent man in the B.E.S. is doing duty here.
..	..	..	..	Post held in abeyance.
B.A., S.T.C.	.. ..	22 8 22	..	
B.A., S.T.C.	.. ..	25 0 0	..	
B.A., S.T.C.D.	.. ..	7 3 0	..	No new appointment was made.
M.A. (2nd class), S.T.C.D., 1st class.	.. ..	22 6 0	..	
Drawing Master's certificate.	.. ..	25 3 0	..	
B.A. (Bom.), M.A., F.Ed. (Columbia).	.. ..	1 4 11	..	On probation.
..	M.A., S.T.C.D. ..	..	12 7 0	
B.A. (Bom.), M.A., F.Ed. (Columbia).	.. ..	1 4 11	..	On probation.
..	..	..	..	Transferred to the office of the Director of Public Instruction for a period of one year.
..	B.A., S.T.C.D. ..	..	17 4 16	
M.A. (Bom.), S.T.C.	.. ..	24 4 3	..	
..	B.A., S.T.C. ..	..	24 3 0	
..	B.A., B.Sc., (California), E.E.	..	1 0 3	Acting appointment only.
L.O.E.	.. ..	15 0 0	..	On deputation.
..	B.A., S.T.C. ..	..	24 7 6	
..	B.A., S.T.C. ..	..	24 6 17	
B.A., S.T.C.	.. ..	26 7 22	..	No new appointment made (only transfer).
..	M.A., S.T.C. ..	..	22 11 25	
..	B.A., S.T.C. ..	..	18 5 0	

APPENDIX

Designation of post.	The year during which it fell vacant.	Whether filled or not.	The reason why the post was not filled up.
24. Superintendent, Reformatory School, Yeravda.	1923-24	.. Yes	..
25. Deputy Educational Inspector, Hyderabad (Sind).	1921-22 and was also vacant in 1922-23.	Yes	..
26. Principal, Training College for Men, Hyderabad.	1922-23	.. Yes	..
27. Head Master, Naushahro Madressa.	1924-25	.. Yes	..
28. Deputy Educational Inspector, Larkana.	1924-25	.. Yes	..
29. Head Master, High School, Hyderabad.	1922-23	.. Yes	..
30. Principal, Training College for Men, Dharwar.	1923-24	.. No	.. Post held in abeyance.
31. Lecturer in English, Elphinstone College.	1923-24	.. Yes	..
32. Lecturer in Mathematics, Elphinstone College.	1923-24	.. No	.. In view of the reorganization of services.
33. Professor of Mathematics, Elphinstone College.	1924-25	.. Yes	..
34. Deputy Educational Inspector for Mulla Schools, Hyderabad Division.	1922-23	.. No	..
35. Deputy Educational Inspector for Mulla Schools, Larkana Division.	1924-26	.. No	.. } In view of the impending transfer of control of Primary Education.
36. Superintendent, Director of Public Instruction's office.	1924-25	..	.. } In view of the impending transfer of control of primary education.
37. Assistant Principal, Elphinstone High School, Bombay.	..	.. No	.. }
38. Lady Superintendent, High School for Indian Girls.	1924-25	.. No	.. } Because the resignation of the permanent incumbent of this post is accepted by Government only recently.

19 Permanently filled up (including appointments made on probation).

16 Acting appointments.

2 Held in abeyance.

1 Kept vacant.

Total .. 38

No. 68—contd.

Qualifications of officers given permanent post.	Qualifications of officers who are officiating.	Length of service of officer in (5) on 1st June 1925.	Length of service of officer or officers in (6) on 1st June 1925.	Remarks.
M.A. .. ..	.. ..	y. m. d. 11 5 25	.. ..	No new appointment made (only transfer)
B.A., S.T.C.	.. ..	21 3 0	.. ..
Matriculation	.. ..	10 6 15	.. ..	Do. do.
B.A. .. ..	.. ..	5 0 6	.. ..	No new appointments made.
B.A., S.T.C.	.. ..	27 2 30	.. ..	Do. do.
B.A., S.T.C. (Senior)	.. ..	24 6 14	.. ..
..	
M.A. (Hon.), 2nd class.	.. ..	1 7 12	.. ..	On probation.
.. ..	M.A. .. ..	.. ..	10 3 7	
B.A. (Hon.), 1st class Mathematics Tripos, Pt. I, 1st class, Pt. II, 2nd class (Cantab.).	.. ..	0 9 0	.. ..	On probation.
.. ..	B.A., S.T.C.D. .. ..	.. ..	10 5 11	
.. ..	B.A., S.T.C. .. ..	.. ..	8 11 22	
.. ..	B.A., S.T.C. .. ..	.. ..	22 1 28	
.. ..	B.A. (2nd Class), S.T.C. .. ..	.. ..	24 11 0	
.. ..	.. ..	.. ..	.. ..	A permanent lady in the B.E.S. is doing duty here.

APPENDIX No. 69.

Name of the Training Institution.	Classification of the number of students admitted.				
	Advanced.	*Intermediate.	Backward.	Mahomedans.	Total.
<i>Bombay Division.</i>					
1. Government Training School, Bhiwandi (District Thana).	20	29	....	....	49
2. Government Training School, Ratnagiri	15	35	....	....	50
3. Government Training School, Nasik	18	26	2	....	46
<i>Central Division.</i>					
4. Training College for Men, Poona	78	136	20	....	234
5. Urdu Training School, Poona.	....	....	....	38	38
6. Government Training School, Satara	13	38	....	....	51
7. Government Training School, Ahmednagar	14	35	....	....	49
8. Training College for Men, Dhulia	56	85	15	....	156
<i>Northern Division.</i>					
9. P. R. Training College for Men, Ahmedabad	70	52	9	....	131
10. Urdu Training School, Ahmedabad .. ..	....	....	....	40	40
<i>Southern Division.</i>					
11. Government Training School, Dharwar	3	16	6	....	25

*Mahomedans admitted to ordinary training institutions have been included under 'intermediate.'

Notes.—Admissions are not completed by December and in some cases, are continued till January and February. The figures therefore represent the complete admissions made to Training Schools and Colleges and are inclusive of the candidates deputed by the Bombay Municipality, Native States and private bodies.

APPENDIX 72.

Serial No.	Recommendations.	Action taken by Government.
10	<p style="text-align: center;"><i>Police Department.</i></p> <p>Introduction of sub-divisional scheme in as economical a manner as possible.</p>	<p>The sub-divisional scheme, the introduction of which has been lately sanctioned, contemplates the reduction of three Deputy Superintendents of Police. The reduction will be effected shortly. No further reduction is contemplated at present in the Police Department.</p>
11	<p style="text-align: center;"><i>Revenue Department.</i></p> <p>Reduction of 33 per cent. of talatis</p>	<p>In the Surat District 89 posts of talatis have been reduced in addition to the number previously fixed for reduction. The saving effected thereby comes to Rs. 39,600 per annum.</p>
12	<p style="text-align: center;"><i>Public Works Department.</i></p> <p>A strong committee should be appointed in order to revise thoroughly the present method of procedure and to eliminate unnecessary work.</p>	<p>The report of the Committee has since been received and is now being considered in the Public Works Department.</p>

APPENDIX

Statement showing the powers delegated to the Chief Engineer and Barrage and Canals Construction Project in respect

Name of Officer.	Limit of power to accord technical sanction to detailed plans and estimates.	Limit of power to accept tenders.	Limit of power to sanction estimates for special tools and plant.
	Rs.	Rs.	Rs.
Chief Engineer, Lloyd Barrage and Canals Construction.	10,00,000 for each work (provided the amount of the estimate is within the provision made for the work in the sanctioned project estimate).	10,00,000	1 Lakh for each estimate.
Superintending Engineers.	50,000 for each work (provided the amount of the estimate is within the provision made for the work in the sanctioned project estimate).	5,00,000	30,000 for each estimate.
Executive Engineers.	2,500 for each work (provided the amount of the estimate is within the provision made for the work in the sanctioned project estimate).	50,000 (provided the amount of the tender does not exceed the amount of the sanctioned estimate).	Nil

No. 73.

Superintending and Executive Engineers employed on the Lloyd of matters pertaining to the execution of works.

Limit of power to sanction estimates for ordinary tools and plant.	Limit of power to sanction excesses over estimates.	Limit of power to sanction re-appropriations of funds.
<p style="text-align: center;">Rs.</p> <p>30,000 for each estimate. (Estimate may include provision for office furniture but not for live stock.)</p>	<p style="text-align: center;">....</p>	<p>To sanction re-appropriations of funds between the budgets grants for individual items of expenditure classified under the same major and minor heads of account.</p>
<p>15,000 for each estimate. (Estimate may include provision not exceeding Rs. 500 for office furniture but no provision for live stock can be made in the estimate.)</p>	<p>Up to 5 per cent. of the amount of the sanctioned estimate provided that the total amount of the excess is within the limit of his power to sanction estimates technically and provided that the total provision made for the work in the sanctioned project estimate is not exceeded.</p>	<p>Nil.</p>
<p>2,000 for each estimate to selected Executive Engineers of over eight years service and Rs. 1,000 to non-selected Executive Engineers (Estimate not to include any provision for live stock or office furniture).</p>	<p>Do. do.</p>	<p>Nil.</p>

APPENDIX No. 74.

Statement showing the names of capitalists and cultivators to whom the lands of the Mehelol Talukdar are distributed by the Collector of the Panch Mahals by private arrangements.

No.	Name of village.	Names.	Area of land given.	
			A.	g.
<i>Capitalists.</i>				
1	Vatlav	Panachand Khemchand	36	23
2	Dhanol	Harilal Bhaichand	6	3
3		Rustomji Ratanji Dalal	150	0
4		K. S. Ismailji A. Sahervala	150	0
5		Harilal Bhalchand	50	0
6	Jetpura	Mohanlal Amarsi	2	15
7	Kaliansa	Jamaluddin Amirnia	131	1
<i>Cultivators.</i>				
1	Relia	Rangji Runchhod	6	5
2		Partap Hamir	5	26
3		Bhava Bapu	8	38
4	Asardi vanto	Bhika Shanker	0	34
5	Mehelol	Nana Valav	6	33
6		Rama Lakhala	0	20
7		Girdhar Haribhai	4	17
8		Runchhod Haribhai	6	31
9		Sabur Ranehood	5	27
10		Joita Kasanji	7	9
11		Shanker Iswar	9	10
12		Hathi Rupa	5	27
13		Nathji Khusal	5	12
14		Kashibhai Kesavlal	9	29
15		Gordhan Khusal	9	35
16		Parbhashanker Mahashanker	9	35
17		Dayaram Ishwar	6	5
18		Maganlal Motilal	5	31
19		Mangal Jadav	8	32
20		Bhagwanger Kelangar and Chhotalal Motilal.	8	1
21		Mala Zala	9	17
22		Bhaiji Jadav	10	6
23		Jitia Parbhudas	5	14
24		Parbhudas Chhagan	5	33
25	Kaliansa	Bhathi Mana	4	26
26		Kohya Aju	2	11
27		Sana Bhula	7	13
28		Dhula Bhula	6	12
29		Partapsing Sardaraing	6	32
30		Partap Mana	4	30
31		Rama Madha	3	15
32		Jibhai Andar	2	28
33		Haribhai Parvat	4	39
34		Khatu Dama	5	4
35		Chandu Jaba	7	14
36		Moti Jitsing	10	26
37		Sabhai Rambhai	9	9
38		Viram Jitsing	9	14
39		Sabhai Kabhai	8	0
40		Bapu Gordhan	7	13
41		Mabhai Rugha	7	20

APPENDIX No. 74—contd.

No.	Name of village.	Names.	Area of land given.
			A. g.
42	Kaliana	Ohagan Dalsing and Magan Dalsing.	10 13
43		Sardarsing Jivatsing	12 0
44		Dabhai Dipsing	7 23
45		Shanker Jesing	7 38
46	Jaswantsing Bechar		10 26
47	Dabhai Nana		6 27
48		Sabhai Kabhai	7 32
49		Baji Daji	7 33
50		Gema Jaba	14 10
51		Bhava Hadha	10 0
52		Sura Detar	4 19
53		Daji Khoda	9 16
54		Kesarbai, widow of Kabhai Gelab.	5 39
55	Dhanol	Dalpatasing Narsingji	153 14
56	Mehelol	Retansing Kalansing	30 0
57	Ratanpur	Mathur Natha	2 0
58		Bhathi Mana	3 0
59		Suka Gaja	3 0
60		Dala Gaja	4 0
61		Kobya Gaja	4 0
62		Lala Dala	6 0
63		Dabhai Jeha	5 0
64		Jakhman Jiva	5 0
65		Nam Dola	6 0
66		Ratna Kama	6 0
67		Mana Gema	5 0
68		Sabhai Nama	2 20
69		Khoda Bechar	3 0
70		Kala Punja	3 0
71		Soma Jora	4 0
72		Rama Jora	4 0
73		Daji Nana	2 20
74		Kala Jadav	5 0
75		Dipa Shiva	5 0
76		Kala Vale	4 0
77		Rama Lakha	3 0
78		Magan Lakha	3 0
79		Gazir Gama	2 0
80		Amara Gama	2 0
81		Hamir Sema	4 0
82		Hema Kunvra	4 0
83		Chuntha Jeha	3 0
84		Nana Gaja	3 0
85		Sadha Ananda	3 0
86		Khatu Ananda	5 0
87		Radhar Khatu	4 0
88		Chuna Andar	4 0
89		Haria Hir	3 0
90		Gaba Mansing	3 0
91	Ranipura	Shivgar Gangagar	20 0
92	Mehelol	Mohan Natha	3 4
93	Goli	Dapa Madha	2 27
94		Bhatji Naran	1 38
95		Dipa Jehha	2 29
96		Raiji Dhula	3 0
97		Jibhai Jehha	3 20
98		Mana Bapu	3 23

APPENDIX No. 74—concl'd.

No.	Name of village.	Names.	Area of land given.
			A. G.
99	Goli	Haribhai Ramji	4 6
100		Gaba Baiji	3 20
101		Batha Natha	3 20
102		Mathur Batha	3 20
103		Samat Ananda	3 20
104		Gora Naju	3 20
105		Ghuna Kuber	2 32
106		Mana Nana	3 11
107		Jibhai Bapu	4 20
108		Dabhai Mabhai	2 30
109		Samat Bhama	2 30
110		Jiva Dapa	2 39
111		Shiva Bapuji	3 0
112		Godar Nana	4 18
113		Bhaiji Dhula	2 25
114		Ramsing Bhaiji	2 25
115		Anop Kohya	3 15
116		Soma Kohya	3 15
117		Shanker Chuntha	2 39
118		Dapa Madha	3 17
119		Bhaiji Dhula	3 0
120		Shiva Bapuji	3 0
121		Hema Jalam	3 12
122		Abha Khusal	3 23
123		Jibhai Jehha	3 0
124	Gavachh	Bai Kamu, widow of Jiva Gokal ..	20 0
125	Goli	Chhotai Ganpat	4 0
126		Jiva Punja	1 10
127		Shiva Bapuji	2 0
128		Apa Mutu	1 20
129		Dhula Sardar	3 0
130		Jiva Dapa	3 0
131		Dhula Jita	3 0
132		Samat Ananda	3 0

APPENDIX No. 75.

Statement.

Name of European recruit.	Pay of the recruit.	Qualifications.	Age when recruited.	Previous experience.	Previous pay.	Post held at present.
1	2	3	4	5	6	7
	Rs.		Years.		Rs.	
Mr. J. I. Bell ..	Pay 825 O. S. P. 150	The Officers were appointed in England by the Secretary of State after fulfilling the requirements of the Regulations.	27		Nil.	On leave.
Mr. H. J. C. Millett.	Pay 975 O. S. P. 150		24		..	Divisional Forest Officer, Kanara, W. D.
Mr. J. Walker ..	Pay 375 O. S. P. 150		24		..	Divisional Forest Officer, Hyderabad.
Mr. H. F. W. Davis.	Pay 475 O. S. P. 150		28		..	Divisional Forest Officer, Working Plans, S. C.
Mr. W. C. de C. Walsh.	Pay 525 O. S. P. 150		28		..	Divisional Forest Officer, Working Plans, N. C.
Mr. J. Petty ..	Pay 475 O. S. P. 150		27	} Vide column 3.	..	Divisional Forest Officer, Kanara, E. D.
Mr. E. A. Garland..	Pay 425 O. S. P. 150		25		..	Divisional Forest Officer, East Thana.
Mr. E. M. Colchester.	Pay 375 O. S. P. 150		22		..	Assistant Conservator of Forests, Kanara, N. D.
Mr. E. S. B. Taverner.	Pay 525 O. S. P. 150		29		..	Divisional Forest Officer, Satara.
Mr. E. F. Sandeman.	Pay 475 O. S. P. 150		26		..	Assistant Conservator of Forests, North Thana.
Mr. E. J. Smith ..	Pay 525 O. S. P. 150		29		..	Assistant Conservator of Forests, Kanara N. D.

Statement showing the amount contributed towards
five years

	1920-21.		1921-22.	
	Original works.	Repairs.	Original works.	Repairs.
<i>Northern Circle.</i>				
	Rs.	Rs.	Rs.	Rs.
Thana Division	52,256	1,52,230	1,42,370	1,32,370
Kolaba Division	47,255	1,14,206	63,134	1,34,764
Surat and Broach Division ..	19,485	1,08,890	19,500	1,45,150
Kaira and Panch Mahals Division.	10,300	1,64,904	26,654	1,74,020
Ahmedabad Division	1,05,360	60,000	68,800	94,185
Total ..	2,34,656	6,00,230	3,20,458	7,30,989
<i>Central Circle.</i>				
Poona Division	4,02,107	2,06,700	*8,08,211	2,38,318
Head Quarters Works Division.	.....	.....	.....	4,000
Satara Division	13,246	1,67,673	15,000	1,70,115
Sholapur Division	1,07,455	71,715	1,57,306	76,670
Ahmednagar Division	2,04,100	1,60,800	3,68,500	1,52,800
Nasik Division	2,30,803	1,54,595	1,86,697	1,85,200
East Khandesh Division	1,83,150	3,079	1,64,244	5,398
West Khandesh Division	33,807	81,545	32,505	81,418
Total ..	12,64,663	8,46,107	17,32,363	9,13,919
<i>Southern Circle.</i>				
Belgaum Division	1,77,935	1,38,603	67,484	1,59,490
Dharwar Division	13,924	1,06,835	30,948	1,64,077
Bijapur Division	1,77,533	1,04,373	2,06,751	1,05,320
Ratnagiri Division	57,625	77,755	36,565	95,140
Kanara Division	89,238	1,31,527	1,01,173	1,49,078
Total ..	5,16,255	5,59,093	4,42,921	6,73,105
<i>Deccan Irrigation Circle.</i>				
Poona Irrigation Division	5,361	30,275	8,245	23,585
Lonand Division	14,600	9,460	2,900	7,366
Maliras Division	7,000	34,100	904	37,000
Lake Whiting Division .. ..	.....	2,060	1,575	1,425
Total ..	26,961	75,895	13,624	69,376

*Out of these three grants Rs. 6,50,000 and Rs. 5,50,000 and Rs. 3,24,700

No. 76.

improving communications in each District (Division) for the from 1920-21.

1922-23.		1923-24.		1924-25.	
Original works.	Repairs.	Original works.	Repairs.	Original works.	Repairs.
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
2,16,437	2,82,495	1,30,848	4,59,960	74,514	4,73,713
32,665	1,45,559	Amalgamated with the Thana		Division in 1923-24	
10,000	2,55,995	15,485	3,03,010	58,950	3,14,865
36,516	2,27,818	69,374	2,29,915	1,56,555	2,43,005
32,600	1,17,173	15,720	1,53,765	40,325	1,27,913
3,28,218	10,29,040	2,31,177	11,46,650	3,30,344	11,59,496
*6,04,247	2,42,905	*3,35,043	2,64,095	5,39,943	2,85,526
5,55,000	37,914	2,11,200	35,300	71,160	22,500
31,137	1,46,827	19,221	1,71,295	30,924	2,00,108
1,38,709	76,035	59,156	90,300	1,48,600	92,579
1,21,200	1,46,000	97,600	1,25,700	1,82,000	1,67,000
1,73,500	1,40,790	1,51,789	1,36,400	2,21,470	1,37,961
1,28,396	11,918	1,38,743	1,000	1,39,905	450
21,950	76,000	36,273	87,974	37,885	97,008
17,74,130	6,78,387	10,48,925	9,32,064	13,71,887	10,03,132
16,389	1,53,295	30,000	1,46,351	52,137	1,84,594
440	1,36,664	6,100	1,19,490	17,843	1,32,318
33,334	76,523	7,515	99,876	91,100	1,09,008
32,772	94,222	85,645	1,65,377	91,902	1,44,746
91,940	1,37,693	67,206	1,64,523	55,725	1,53,477
1,81,875	6,00,397	1,96,486	6,95,617	3,08,727	7,14,133
1,890	26,215	370	27,500	1,498	26,000
12,000	12,304	45,000	15,320	55,177	15,000
2,560	31,220	1,520	28,304	1,156	34,110
....	1,500	....	1,500	....	1,400
16,480	71,239	46,890	72,624	57,741	76,510

*respectively were for the Lloyd Bridge at Poona.

APPENDIX

	1920-21.		1921-22.	
	Original works.	Repairs.	Original works.	Repairs.
	Rs.	Rs.	Rs.	Rs.
<i>Indus Right Bank Circle.</i>				
Karachi Buildings Division ..	2,27,630	....	52,200	24,107
Karachi Canals Division ..	....	2,454	41,000	8,300
Western Nara Division ..	....	1,357	....	9,893
Ghar Canals Division ..	....	There are no provincial roads		12,550
Shikarpur Canals Division ..	....	3,000	....	11,000
Begari Canals Division ..	....	1,641	....	....
Total ..	2,27,630	8,452	93,200	65,850
<i>Indus Left Bank Circle.</i>				
Nasrat Canals Division ..	....	4,000	....	20,000
Hyderabad Canals Division ..	....	5,000	....	20,200
Eastern Nara Division ..	....	3,000	....	15,000
Fuleli Canals Division ..	....	2,000	....	12,000
Total ..	....	14,000	....	67,200
Grand total ..	22,70,170	21,03,777	26,02,566	25,20,439

No. 76—contd.

1922-23.		1923-24.		1924-25.	
Original works.	Repairs.	Original works.	Repairs.	Original works.	Repairs.
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
.....	500	.....	16,935	21,839	1,970
1,00,000	2,000	69,161	2,500	1,39,000	4,000
.....	5,451	.....	6,679	.....	6,000
There are no provincial roads	.....	.....	.....	.....	.....
.....	11,260	.....	14,350	.....	18,500
.....	8,689	.....	8,000	.....	16,500
1,00,000	27,900	69,161	48,464	1,60,839	46,970
.....	27,000	.....	25,500	.....	22,959
.....	41,000	.....	45,380	.....	36,000
.....	15,700	.....	17,000	.....	14,000
.....	18,500	.....	20,000	.....	15,500
.....	1,02,200	.....	1,07,880	.....	88,459
24,00,662	27,09,163	15,92,619	30,03,299	22,29,538	30,88,700

APPENDIX No. 77.

Alternative agricultural syllabus.

STANDARD V.

Marks.

First Head—Arithmetic.

- (a) Add to the portion done in Standard IV. Simple and compound interest. Calculation of interest only.
- 75 (b) Problems similar to those contained in Powar's Arithmetic for Farmers, pp. 7—18 with necessary tables.
- 25 (c) Mental Arithmetic, as in ordinary syllabus. Ratios, 8, 16 only. Calculation of interest by Kaccha method.

Second Head—Reading.

- 50 (a) Departmental Fifth Book, Section I, in Balbodh with understanding of subject matter and meanings of words. Grammar, Accidence, and Elementary Syntax (including the Prayogas).
- 25 (b) Reading ordinary Modi manuscripts.

Third Head—Writing.

- 50 (a) Writing to dictation in Balbodh and Modi five lines from the book read. Writing a simple letter or a small narrative paragraph. Modes of writing private letters to be known.
- 25 (b) Writing a bold current hand. Full copy book to be shown. No. 4.

Fourth Head—Agriculture and Geography.

- 60 (a) Lessons on soils and their treatment; Agricultural implements old and new, as in Rao Bahadur G. K. Kelkar's जमीन मशागतः आणि औत्ते.
- 40 (b) The Agricultural industries and products of Bombay Presidency. Communications by rail, road, and water. Exports and Imports. Coastline and relief. Climate. The work of wind and rain. River systems.

Fifth Head—Hygiene.

- 50 Mr. G. M. Deshmukh's Arogyashastra, Part I, pp. 1 to 114.

Sixth Head—Nature Study and Practical Work.

- 50 (a) Nature Study and School Gardening as in ordinary syllabus. Drawing correlated with same.

Marks.

- 50 (b) Growing successfully to maturity on a plot not less than 10 × 9 feet, five kinds of plant under the teacher's supervision.
- 500 In both (a) and (b), notes of observations should be preserved and shown to the examiner, the notes to include drawings from life.

STANDARD VI.

Marks.

100

First Head—Arithmetic.

- 75 (a) To the portion done in Standard V add Elementary Mensuration of superficial areas.
- (b) Problems similar to those contained in Powar's Arithmetic for Farmers, pp. 18—25.
- 25 (c) Native Accounts adapted to agricultural requirements. Kirda and Khatavani.

75

Second Head—Reading.

- 50 (a) Departmental Sixth Book, Section I. Grammar complete.
- 25 (b) Reading ordinary official manuscripts.

75

Third Head—Writing.

- 50 (a) As in ordinary syllabus. Subjects to include rural and agricultural topics.
- 25 (b) " " " "

100

Fourth Head—Agriculture and Geography.

- 60 (a) Lessons on selection of seeds and manures. Crops. General improvement of the soil, as in Powar's "Vegetable Gardening".
- 40 (b) As in standard V but applied to the whole of India.

100

Fifth Head—Civics and Hygiene.

- 40 (a) निटिश हिंदुस्थानची शासन पद्धति by Messrs. Karandikar and Kelkar—Chapters I to IX.
- 20 (b) Co-operation, its advantages, co-operative societies, their organization and the conditions of their success.
- 40 (c) Mr. Deshmukh's Arogyashastra—pages 115—191.

150

Sixth Head—Nature Study and Practical Work.

- 50 (a) Study of the characteristics of the families to which the following plants belong—
1. Citrons, lemons and oranges.
 2. Pea, cassia and mimosa.

- 3 Cucumber, gourd and melon.
- 4 Mallow and cotton.
- 5 Lily, onions and asparagus.

Marks.

- 50 (b) Growing successfully to maturity on a plot not less than 15 × 9 feet, one crop from each of the above orders (Rabi and Kharif).
Notes of observations as in standard V.
- 50 (c) Simple village carpentry, as in the 1st year course at Loni school. Knowledge of the qualities and uses of common timber trees.

600

STANDARD VII.

Marks.

First Head—Arithmetic.

- (a) Elementary Mensuration Complete.
- 75 (b) Problems, similar to those set in the whole of Power's Arithmetic for Farmers.
- 25 (c) Farm accounts, Ledger, labour sheet, cultivation sheet, balance sheet.

Second Head—Reading.

- 50 (a) Departmental Seventh Book.
- 25 (b) Reading difficult official manuscripts with fluency.

Third Head—Writing.

- 50 (a) As in ordinary syllabus. Subjects to include rural and agricultural topics.
- 25 (b) As in ordinary syllabus.

Fourth Head—Agriculture and Geography.

- 70 (a) Lessons on dry crops, mixed crops, rotation of crops, cattle, common diseases of plants and animals. Revision of work of standards V and VI.
- 30 (b) Geography. Revision of work of standards V and VI.

Fifth Head—Civics and Hygiene.

- 40 (a) ब्रिटिश हिंदुस्थानची शासन पद्धती by Messrs. Karandikar and Kelkar—complete.
- 30 (b) Co-operative agricultural societies, co-operative manure supplying societies, cattle insurance societies, co-operative stores, co-operative marketing, seed-banks, grain banks central district banks, arbitration.
- 30 (c) Mr. Deshmukh's Arogyashastra—complete.

Sixth Head—Nature Study and Practical Work.

Marks.

- 50 (a) Study of the characteristics of the families to which the following plants belong:—
1. Potato, tobacco and brinjals.
 2. Sunflower, safflower and letuce.
 3. Tulsi, salvia and coleus.
 4. Mustard and radish.
 5. Rice, wheat and maize.
- 50 (b) Growing three of the staple crops of the locality on one guntha of land.
- 50 (c) More advanced village carpentry. Smithy work, as in the 2nd year's course at Loni school.

600

In (a) and (b) notes of observation, as in standards V and VI.

APPENDIX No. 78.

Statement regarding Scholarships for higher studies in and outside India.

No.	Description of Scholarship.	Number awarded by Government every year.	Value of Scholarship.	1921-22.		1922-23.		1923-24.		1924-25.	
				In India.	Outside India.	In India.	Outside India.	In India.	Outside India.	In India.	Outside India.
1	Technical and Industrial Scholarships State Technical Scholarships.	No regular award is made at present.	2240 plus fees and Travelling Allowance.	..	..	..	2	..	2*	..	1
2	Scholarships for Scientific Education. (a) Technical Chemistry. (b) Electrical Engineering.	3 2	(i) Rs. 75 in the first and Rs. 85 in the second year at Bangalore. (ii) Rs. 60 in the first and Rs. 70 in the second year in Bombay.	3	..	3	..	(Renewed) 2 1	.. †	2 (new) 1 (Renewed) 1 (new) 1 (Renewed).	..

* None of these is reserved for Mahomedans; but one was awarded to a Mahomedan in 1923-24.

† None of these is reserved for Mahomedans and awarded to them.

APPENDIX No. 78.

APPENDIX

Statement showing the number of Government scholarships for secondary

Division.	Total number of Government scholarships awarded every year in secondary schools before the new scheme of scholarships was introduced last year.					Number of scholarships reserved for Mahomedans.		Year.	Number of scholarships awarded to Mahomedans.			
	Open.	Reserved for			Depressed Classes.	High.	Middle.		Open.		Reserved for Mahomedans.	
		Backward Classes.		High.					Middle.	High.	Middle.	
	High.	Middle.	High.		Middle.	High.	Middle.					High.	Middle.
B. D..	5	10	5	10	5	17	18	1921	..	..	13	15
	5	10	5	10	5	17	18	1922	..	..	5	10
	5	10	5	10	5	17	18	1923	..	..	9	12
C. D..	6	12	6	12	6	24	24	1921	..	..	17	20
	6	12	6	12	6	24	24	1922	..	..	18	24
	6	12	6	12	6	24	24	1923	..	..	8	18
N. D..	5	10	5	10	5	20	20	1921	..	..	12	17
	5	10	5	10	5	20	20	1922	..	..	17	12
	5	10	5	10	5	20	20	1923	..	..	16	10
S. D..	4	8	4	8	4	16	16	1921	..	..	14	12
	4	8	4	8	4	16	16	1922	..	..	12	16
	4	8	4	8	4	16	16	1923	..	..	15	13
Sind..	6	12	2	2	..	..	..	1921	2	2	..	..
	7	14	3	4	..	..	..	1922	1	1	..	..
	7	14	4	5	..	..	..	1923	1	1	..	..

No. 78—contd.

education during each of the last four years, viz., 1921-22 to 1924-25.

Value of scholarship.			Number of special scholarships for Mahomedans in Sind.		Remarks.
High (Open and	Middle Reserved).	Depressed Classes.	Number of scholarships sanctioned in standard I.	Number of scholarships awarded in standard I.	Remarks.
Rs. p.m.	Rs. p.m.				
5	3	5	*Rs. 10 for standards I to III. Rs. 12 for standards IV to V. Rs. 15 for standards VI to VII. High School scholarships are tenable for 4 years and Middle school scholarships for 3 years.
5	3	*	..	....
5	3	*	..	....
5	3	5	..	....
5	3	*	..	....
5	3	*	..	....
5	3	5	..	....
5	3	*	..	....
5	3	*	..	....
5	3	5	..	....
5	3	*	..	....
5	5	..	49	49 value Ra.	
5	5	..	49	49 10	
5	5	..	49	49 p.m.	

Division.	Number of open scholarships. 1924.		Number of special scholarships in secondary schools sanctioned last year under new scheme.					
			Intermediate.		Backward Classes.		Mahomedans.	
	High.	Middle.	Standard I.	Standard IV.	Standard I.	Standard IV.	Standard I.	Standard IV.
B. D. ..	5	10	51	9	24	..	25	21
C. D. ..	6	12	61	10	30	..	21	18
N. D. ..	5	10	30	6	19	..	22	18
S. D. ..	4	8	39	7	14	..	23	20
Sind ..	7	14	1	1	5	..	100	..

No. 78—*contd.*

Number of open scholarships won by Mahomedans in 1924.		Special scholarships awarded to Mahomedans in 1924.		Value.	Remarks.
High.	Middle.	Standard I.	Standard IV.		
..	25	21	Standards I to III Rs. 6 p.m. Standard IV Rs. 7 p.m. Standard V Rs. 8 p.m. Standards VI and VII Rs. 10 p.m. * Rs. 10 each.	
..	....	19	15	
		plus 5 vacant scholarships of Rs. 6 in standards other than I and IV for a period of one year only.			
..	....	22	18	
..	1 (value Rs. 3)	23	20		
..	1 (value Rs. 5)	100*	..		

APPENDIX No. 78—contd.

Statement regarding Government Special Scholarships for certain communities.

Serial No.	Description of scholarships.	Number of Special scholarships awarded every year.	Number of scholarships reserved for Mahomedans from those in column 3.	Value of scholarship.	Number of scholarships awarded to Mahomedan students.			
					1921-22.	1922-23.	1923-24.	1924-25.
1	Special scholarships in Arts Colleges.	30 till 1923-24	6 till 1923-24	Rs. 20	6	6	6	13
		66 from 1924-25.	12 from 1924-25	..	..	..	..	..
2	Special scholarships in Professional Colleges.	18 till 1923-24	6 till 1923-24	Rs. 25 in Bombay Presidency and Rs. 30 in Sind.	2	4	4	7
		37 from 1924-25.	10 from 1924-25	Rs. 40 in Engineering College, Rs. 35 in Sydenham College, Government Law School and Victoria Jubilee Technical Institute, Rs. 25 in Law College, Poona.	..	..	..	..

APPENDIX No. 78.

*Statement showing the number of Government
of the last four years*

Serial No.	Name of College.	Number of Government College scholarships (open) awarded every year.	Value of scholarship.
1	Deccan College, Poona ..	22 ..	Ra. 2 of 20 } For the years 7 of 15 } 1921-22 to 1923- 13 of 10 } 24. 1 of 20 } For the year 9 of 15 } 1924-25. 12 of 10 }
2	Gujarat College, Ahmedabad.	26 ..	6 of 20 9 of 15 3 of 12 8 of 10
3	Karnatak College, Dharwar.	33 for 1921-22 ..	1 of 20 8 of 15 10 of 12 14 of 10
		35 for 1922-23 ..	2 of 20 16 of 15 27 of 10
		37 for 1923-24 ..	1 of 20 2 of 15 4 of 12½ 30 of 10
		36 for 1924-25 ..	1 of 20 6 of 15 2 of 12½ 26 of 10
4	Royal Institute of Science, Bombay.	15 ..	1 of 5 5 of 20 5 of 15 5 of 10
5	Government Law School, Bombay.	12 from January to June. 6 from July to December.	2 of 15 10 of 10 6 of 10
6	Sir J. J. School of Art, Bombay.	25 ..	8 of 30 1 of 25 1 of 10 4 of 7 2 of 6 9 of 5

No. 78—contd.

College scholarships (open) during each
viz., 1921-22 to 1924-25.

Number of scholarships awarded to Mahomedan students out of those in column 3.								Remarks.
1921-22.		1922-23.		1923-24.		1924-25.		
Reserved.	Awarded.	Reserved.	Awarded.	Reserved.	Awarded.	Reserved.	Awarded.	
..	1	These scholarships are awarded to students by merit and none of them is reserved for the Mahomedan community
..	..	..	..	..	1 of Rs. 10 per mensem.	..	1 of Rs. 12 per mensem.
..	1 of Rs. 15 per mensem 1 of Rs. 10 per mensem.	..	..	..	..	..	..
..	..	..	2 of Rs. 10 per mensem.	..	..	..	..
..	..	..	..	..	1 of Rs. 10 per mensem.	..	..
..	..	..	..	..	..	..	1 of Rs. 15 per mensem.
..	..	..	Nil.	..	..	..	..
..	..	..	Nil.	..	..	..	..
..	..	..	Nil.	..	..	..	..

APPENDIX

Serial No.	Name of College.	Number of Government College scholarships (open) awarded every year.	Value of scholarship.
1	2	3	4
7	College of Engineering, Poona.	17 Civil Branch .. 3 Mechanical Branch ..	Rs. 1 of 12 1 of 10 1 of 9 2 of 8 4 of 7 3 of 6 5 of 5 1 of 12 1 of 10 1 of 9 Rs. 10 each.
8	R. C. Technical Institute, Ahmedabad.	6	Rs. 10 each.

No. 78—contd.

Number of scholarships awarded to Mahomedan students out of those in column 3.								Remarks.
1921-22.		1922-23.		1923-24.		1924-25.		
5 Reserved.	6 Awarded.	7 Reserved.	8 Awarded.	9 Reserved.	10 Awarded.	11 Reserved.	12 Awarded.	
..	Nil.	These scholarships are awarded to students by merit and none of them is reserved for the Mahomedan community.
..	Nil.	..	..	..
..	Nil.	..	..	..

Appendices

APPENDIX No. 80.

Statement referred to in clauses (a) and (b).

Taluka.	Villages.			Date when first revision settlement took place. (b)
	Rayatwari.	Non-ryatwari. (a)	Inami.	
Alibag	198	.....	7	1894-95
Pen	151	20	22	1894-95
Panwel	241	.....	33	1898-94
Karjat	275	1	12	1889-90
Roha	83	98	4	1898-99
Mangaon	40	186	5	1903-04
Mahad	81	167	3	1903-04

APPENDIX No. 81.

Amenities supplied by the Bombay Steam Navigation Company Limited, and later by the Wharfage Fees Committee.

Mandwa	.. . . .	Nil.
Karanja	.. . . .	Nil.
Rewas	.. . . .	Nil.
Dharamtar	.. . . .	Lights for night use supplied by the Bombay Steam Navigation Company, replaced by wharfage Fees Kitson Lights. Since removed and the Bombay Steam Navigation Company now supplies lights.
Nidi	.. . . .	A cudgeon shed erected by the Bombay Steam Navigation Company. The Wharfage Fees Fund Committee have erected a pucca Dharmashalla and no necessity for the cudgeon shed now exists. The Wharfage Fees Fund Committee now light bunder instead of the Bombay Steam Navigation Company. The jetty was the property of the Bombay Steam Navigation Company, and was taken over by the Wharfage Fees Fund Committee on payment of compensation.
Nagothna	.. . . .	Lights are now supplied by the Wharfage Fees Fund Committee. The jetty is the property of the Bombay Steam Navigation Company but is maintained by the Wharfage Fees Fund Committee.
Uran	.. . . .	Nil.
Elephanta	.. . . .	Nil.
Shewa	.. . . .	Nil.
Nhava	.. . . .	Nil.
Ulwa	.. . . .	Nil.

APPENDIX

THE BOMBAY STEAM NAVI
Fares on Ulwa and Dharamtar

To and from Bombay.	1913-14.			1918-19.		
	1st.	2nd.	3rd.	1st.	2nd.	3rd.
Uran	Rs. a. p. 0 8 0	Rs. a. p. 0 4 0	Rs. a. p. 0 2 0	Rs. a. p. 0 10 6	Rs. a. p. 0 5 6	Rs. a. p. 0 2 6
Elephanta	1 0 0	0 6 0	0 2 6	1 0 6	0 6 6	0 3 6
Nahwa Shewa	1 0 0	0 7 0	0 3 0	1 0 6	0 7 6	0 4 0
Ulwa	1 0 0	0 8 0	0 4 0	1 4 6	0 10 6	0 5 6
Mandwa	0 8 0	0 4 0	0 2 0	0 10 6	0 5 6	0 2 6
Karanja	0 8 0	0 5 0	0 2 6	0 12 6	0 6 6	0 3 6
Rewas	0 8 0	0 6 0	0 3 0	0 14 6	0 7 6	0 4 0
Dharamtar	1 0 0	0 8 0	0 4 0	1 4 6	0 10 6	0 5 6
Nagothana	1 2 0	0 10 0	0 6 0	1 6 6	0 12 6	0 7 6

Note.—Fares from 1918-19 include the Landing and Wharfage Fee of half

No. 81—*contd.*

GATION COMPANY, LIMITED.
during the following years.

1920-21.			1924-25.			
1st.	2nd.	3rd.	1st.	2nd.	3rd.	
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
0 12 0	0 6 0	0 3 0	0 12 0	0 8 0	0 4 0	
1 0 0	0 8 0	0 5 0	1 8 0	0 11 0	0 6 0	
1 2 0	0 9 0	0 6 0	1 8 0	0 11 0	0 6 0	
1 8 0	0 12 0	0 8 0	1 8 0	0 12 0	0 8 0	
1 2 0	0 9 0	0 6 0	1 2 0	0 9 0	0 6 0	
1 2 0	0 9 0	0 6 0	1 2 0	0 9 0	0 6 0	
1 2 0	0 9 0	0 6 0	1 2 0	0 9 0	0 6 0	
1 14 0	0 15 0	0 10 0	1 14 0	0 15 0	0 10 0	
1 10 0	0 14 0	0 10 0	1 10 0	0 14 0	0 10 0	Via Mankola.
1 6 0	0 13 0	0 10 0	1 6 0	0 13 0	0 10 0	„ Rowas.
2 2 0	1 3 0	0 14 0	2 2 0	1 3 0	0 14 0	
1 14 0	1 2 0	0 14 0	1 14 0	1 2 0	0 14 0	Via Mankola.
1 10 0	1 1 0	0 14 0	1 10 0	1 1 0	0 14 0	„ Rowas.

anna per passenger which is credited to the fund every month.

APPENDIX No. 82.

Copy of a letter No. 481-8959, dated 28th February 1925, from this office to the Editor, "Kolaba Samachar" Pen, District Kolaba.*

We have read your issue of the 7th February 1925, containing remarks and suggestions regarding the working of this Company's Dharamtar Line Steamers. Whilst the subject matter of your article contains much legitimate criticism, it is also in parts not strictly accurate and in one instance especially, where the honesty of our staff is impugned in the matter of the fares *via* Mankola, is untrue. We now take this opportunity of advising you what the Company propose to do to remedy the points you raise, or where this is not feasible, give our reasons for inability to improve on existing conditions.

1. *Deviation from a fixed time-table for launches leaving Pen.*

As far as possible we adhere to the scheduled time but in the months of February, March, April and May especially, very low tides are experienced which restrict the free movements of even very shallow draft craft, hence it is on such occasion necessary in order to make the connection for launches to leave Pen before the normal starting time. Our Agent has however instructions to prepare a fortnightly time-table to be exhibited not only at the bandar, but at the nearest large town or village so that information may be available in good time to all intending passengers. We are enquiring whether or not our orders have been carried out in this respect.

2. *Steamer failing to anchor at Mankola.*

There are states of the tide when it is impossible for steamers drawing over 7'6 ins. to go more than a mile beyond Rewas. The channel is winding and there are shoals and a reasonable depth of water must therefore be allowed as a margin of safety, the discretion therefore vested in our Commanders to decide when not to go to Mankola, in the interest of the travelling public as well as our own, cannot be abrogated. If it were feasible for the steamer to perform the whole trip at all states of the tides we should be only too glad for it to be done. The occasions upon which the steamer failed to reach Mankola in 1924 were 27 only.

3. *Second and First Class Fares, Dharamtar to Bombay.*

This point was raised three years ago, and in response to suggestions received a differentiation was then made, second and first class fares being made applicable only to and from Mankola and not from Dharamtar as previously. It is not feasible to make a further graduation seeing that the occasions when the steamer will not reach Mankola are so rare and cannot always be foreseen.

4. *Transfer of Passengers to and from Steamer and Launch.*

The matter is being investigated, it is thought that perhaps two gangways on the main line steamer co-incident with the two gangways on the

* Bombay Steam Navigation Company.

launch might relieve matters, but whatever is done cannot be more than a palliative, the problem being practically insoluble unless launches, etc., are duplicated, one set arriving empty to accommodate the down passengers, while the other brings the up-passengers. This would involve a more expense than the value of the traffic would permit or the Company could afford.

5. *Priority of disembarkation for First and Second Class
Passengers.*

This matter is being attended to and we hope to be able to devise a system which will meet the case.

APPENDIX No. 83.

Statement showing the Notified Area Committees in the Presidency Proper.

Serial No.	Name of Notified Area.	Population.	Income 1923-24.	Remarks.
<i>Northern Division.</i>				
1	Bhayandar	Figures not available.	Nil.	Exists for regulation of buildings only.
2	Kankaria	Do.	Nil.	Do.
3	Asarwa	Do.	Nil.	Do.
4	Sebarmati	Do.	Nil.	Do.
5	Ellis Bridge	Do.	Nil.	Do.
<i>Bombay Suburban Division.</i>				
6	Andheri	6,211	41,674	
7	Borivli	5,937	11,963	
8	Malad	3,520	17,116	
9	Santa Cruz	6,092	19,211	
10	Vile Parle	7,479	19,427	
11	Kandivli	3,444	6,440	
12	Goregaon	1,407	Nil.	Exists for regulation of buildings only.
13	Bhandup	5,616	Nil.	Do.
14	Vikhroli	670	Nil.	Do.
15	Mulund	2,653	Nil.	Do.
16	Ambarnath	Figures not available.	Figures not available.	
<i>Central Division.</i>				
17	Maunad	7,257	20,506	
18	Ahmednagar Railway Station area.	Figures not available.	Nil.	
19	Belapur Railway Station area.	Do.	Nil.	
20	Talegaon	Do.	Nil.	Exists for regulation of buildings only.
21	Nira Railway Station area ..	Do.	Nil.	
22	Nawapur Railway Station area.	Do.	Nil.	
<i>Southern Division.</i>				
23	Hungund	5,563	4,218	
24	Dapoli	2,689	5,311	
25	Khed	3,342	2,489	
26	Rajapur	6,349	22,054	

APPENDIX No. 89.

Statement showing the number of dogs destroyed in Poona City and Cantonment last year (1924).

Poona City.

Dogs poisoned	883
„ shot as being quite in an insanitary state, etc.	672
„ shot on streets as rabid	5
„ destroyed in the City Veterinary Hospital, all rabid	16
„ destroyed at Bhamburda Veterinary Hospital at the request of owners, suspicious, etc.	32
„ destroyed at Bhamburda Veterinary Hospital as being rabid	3
Total ..	1,611

Poona Cantonment.

Dogs destroyed by the police	46 none of them were rabid.
„ „ by the Cantonment Authorities through their dog-shooter (not known how many were rabid)	1,818
„ treated by the Cantonment Veterinary Inspector	62 (of which 15 were found suffering from rabies).
Total ..	1,926

Appendices
APPENDIX No. 90.

Statement.

Year.	Total area irrigated by the Ghar Canal.	The area which suffered from want of sufficient water.
	Aores.	A. g.
1914-15	389,572	2,549 13
1915-16	299,316	5,002 39
1916-17	356,312	1,426 28
1917-18	342,210	6,775 5
1918-19	272,468	21,929 5
1919-20	362,557	2,596 8
1920-21	303,381	12,998 28
1921-22	339,989	5,219 36
1922-23	381,578	3,909 25
1923-24	372,545	5,989 28

APPENDIX No. 91.

Department.	Name of Establishment.	Date of introduction of Revised Scale.	Percentage increase over pre-war cost.
	<i>Public Works Department.</i>		
	Upper Subordinates	1 Feb. 1920 ..	99 per cent.
	Lower Subordinates	10 Mar. 1920 ..	123 per cent.
	Head Draftsmen	1 Mar. 1920 ..	40 per cent.
	Draftsmen	1 Mar. 1920 ..	79 per cent.
	Assistant Draftsmen in Sanitary Engineer to Government's office.	1 Mar. 1920 ..	113 per cent.
	Assistant Draftsmen, Electrical Engineer's office.	1 Mar. 1920 ..	46 per cent.
	Draftsmen and Assistant Draftsmen in Consulting Architect's Office ..	1 Mar. 1920 ..	58 per cent.
	Storekeeper, Presidency District ..	1 Mar. 1920 ..	17 per cent.
	Storekeeper, Karachi Buildings District ..	1 Mar. 1920 ..	23 per cent.
	Superintending Engineer, Northern Division, Establishment under— ..	1 Mar. 1920 and 1 Feb. 1922.	21 per cent. Percentage increase on account of 2nd revision.
	Superintending Engineer, Central Division, Establishment under— ..	1 Mar. 1920 and 1 Feb. 1922.	29 per cent. Percentage increase on account of revision of 1st Feb. 1922.
	Superintending Engineer, Southern Division, Establishment under— ..	1 Mar. 1920 and 1 Feb. 1922.	31 per cent. Do.
	Sind	1 Mar. 1920 and 1 Feb. 1922.	21 per cent. Do.
	Executive Engineer, Deccan Irrigation Division.	Do. ..	39 per cent. Do.
	Electrical Engineer to Government ..	1 Mar. 1920 ..	47 per cent.
	Sanitary Engineer to Government ..	1 Mar. 1920 and 1 July 1920.	27 per cent. Increase on account of 2nd revision.
	Chemical Analyser to Government ..	1 Mar. 1920 and 11 Oct. 1923.	102 per cent. Do.
	<i>Home Department.</i>		
Jails	Jailors	1 Mar. 1921 ..	54 per cent.
	Warders	1 Mar. 1921 ..	54 per cent.
	Head Warders	1 Mar. 1921 ..	54 per cent.
	Mechanical and Educational Establishments.	1 Mar. 1921 ..	54 per cent.
	Clerical Establishments in Mofussil ..	1 Mar. 1920 ..	70 per cent.
	Clerical Establishments of Prisons in Bombay.	1 Mar. 1920 ..	68 per cent.
Police (Bombay City)	Inspectors, Deputy Inspectors and Sergeants.	9 Mar. 1920 ..	74 per cent.
	Sub-Inspectors	1 Jan. 1920 ..	80 per cent.
	Jamadar, second grade	1 Jan. 1920 ..	54 per cent.

APPENDIX No. 91—*contd.*

Department.	Name of Establishment.	Date of Introduction of Revised Scale.	Percentage increase over pre-war cost.	
<i>Home Department—contd.</i>				
Police (Bombay City), <i>contd.</i>	Head Constables and Constables ..	1 Mar. 1921 ..	40 per cent.	
	Clerical Establishments ..	1 Mar. 1921 ..	80 per cent.	
Police (Presidency Proper).	Inspectors and Sub-Inspectors ..	1 Dec. 1919 ..	61 per cent.	
	Sergeants	1 Dec. 1919 ..	58 per cent.	
	Head Constables and Constables ..	1 May 1920 ..	50 per cent.	
	Clerks in the offices of Superintendents of Police and Office of the Superintendent of Police, B. B. & C. I. Railway.	1 Mar. 1920 ..	74 per cent.	
	Combined clerical staff of the Inspector General of Police, Deputy Inspector General of Police's and Police Training School.	1 Mar. 1920 ..	69 per cent.	
	Police (Sind)	Inspectors and Sub-Inspectors ..	1 Dec. 1919 ..	60 per cent.
	Sergeants	1 Dec. 1919 ..	58 per cent.	
	Head Constables and Constables ..	1 May 1920 ..	46 per cent.	
	Clerks in the offices of Superintendents of Police in Sind.	1 Mar. 1920 ..	67 per cent.	
	Prosecuting Inspectors and Sub-Inspectors in the Presidency including Sind	1 Dec. 1919 ..	65 per cent.	
Judicial	<i>Clerical Establishment of the Prothonotary and Registrar.</i>	1 Mar. 1920 ..	81 per cent.	
	Do. of the Master and Registrar in Equity	1 Mar. 1920 ..	57 per cent.	
	Do. Chief clerk, Insolvent Debtors' Court	1 Mar. 1920 ..	68 per cent.	
	Do. clerk of the Crown	1 Mar. 1920 ..	25 per cent.	
	Do. Sheriff of Bombay	1 Mar. 1920 ..	40 per cent.	
	Do. Translator and Interpreter, Original Side.	1 Mar. 1920 ..	19 per cent.	
	Do. Registrar, Appellate Side, Bombay ..	1 Mar. 1920 ..	67 per cent.	
	Do. Translator and Interpreter, Appellate Side.	1 Mar. 1920 ..	97 per cent.	
	Do. Office of the Reporter, Bombay ..	1 Apr. 1921 ..	50 per cent.	
	Do. Office of the Administrator General..	1 Mar. 1920 ..	58 per cent.	
	Do. of the Chief Presidency Magistrate, Bombay.	1 Mar. 1920 ..	48 per cent.	
	Do. of the Small Causes Court, Bombay	1 Mar. 1920 ..	51 per cent.	
	(Clerical and Process Serving Establishments)			
	Office of the Judicial Commissioner of Sind (Clerical Establishment)	1 Mar. 1920 ..	66 per cent.	
	Do. Process Serving Establishment ..	1 Mar. 1923 ..	100 per cent.	
Offices of the District Judges' Clerical Establishments.	1 Mar. 1920 ..	78 per cent.		
Do. Process Serving Establishments ..	1 Mar. 1923 ..	100 per cent.		

APPENDIX No. 91—contd.

Department.	Name of Establishment.	Date of Introduction of Revised Scale.	Percentage increase over pre-war cost.
<i>Revenue Department.</i>			
Agricultural Department	Establishment in the office of the Director of Agriculture.	1 Mar. 1920 ..	54·8 per cent.
	Graduate and Non-graduate Fieldmen ..	1 Mar. 1920 ..	64·68 per cent.
	*Non-Graduate Fieldmen and clerks ..	11 Apr. 1923 ..	88·9 per cent.
	Technical Establishment under the Agricultural Engineer. ..	1 Mar. 1920 ..	73·18 per cent.
	Clerks in the Department of Agriculture ..	1 Mar. 1920 ..	81·54 per cent.
	Establishment other than Graduate and non-graduate Fieldmen in the Agricultural Department.	1 Mar. 1920 †1 Mar. 1923	47·77 per cent.
Civil Veterinary Department.	Clerical Establishment of Civil Veterinary Department, Sind.	†1 Mar. 1920 ..	65·15 per cent.
	Subordinate staff of the Civil Veterinary Department, Presidency Proper.	†1 Mar. 1920 and 1 Apr. 1924.	88·19 per cent.
	Veterinary Assistant Surgeons in Sind ..	†1 Mar. 1920 and 1 Apr. 1924.	79·51 per cent.
	Clerical Establishment of the Veterinary Department, Presidency Proper.	1 Mar. 1920 ..	80·14 per cent.
	Do. Bombay Veterinary College ..	1 Mar. 1920 ..	78·15 per cent.
Co-operative Department.	Clerical Establishment, Co-operative Department, Bombay and Mofussil staff.	1 Mar. 1920 ..	70 per cent.
Registration	Registration Department, Bombay Presidency including Sind.	1 Mar. 1920 ‡20 Dec. 1921. ..	68·52 per cent.
Land Revenue.	Land Revenue Establishment under the Collector of Bombay.	1 Mar. 1920	66·78 per cent.
	Staff of the Photo Zinco Press, Poona ..	1 Mar. 1920 ..	75·65 per cent.
	Clerical Establishment under Settlement Commissioner and Director of Land Records.	1 Mar. 1920. ..	64·86 per cent.
	Establishment under the Superintendent, Bombay City Survey and Land Records Office.	1 Mar. 1920 ..	61·07 per cent.
	Establishment of the Department of Land Records Sind.	1 Mar. 1920 ..	82·48 per cent.
	Clerks under the Deputy Superintendent of Land Records, Southern Division.	†1 Mar. 1920 ..	58·38 per cent.
	Clerical establishment under the Superintendents of Land Records, Northern Division, Central Division and Southern Division.	1 Mar. 1920 ..	78·53 per cent.
	City Survey Establishment under the Deputy Collector, Karachi.	1 Mar. 1920. ..	66·20 per cent.

*This is in respect of 15 posts not included in original proposals but sanctioned after 1st Mar. 1920 with pre-war scales of pay.

†The revised rates of pay were given effect to from 1st Mar. 1920 only in the case of the Lecturers Demonstrators, Assistant Masters of Agricultural Schools, and Superintendent, Mirpurkhas Farm.

‡The revised scales of pay of Veterinary Assistant Surgeons were sanctioned as a temporary measure pending consideration of the scheme for the improvement of Veterinary education and the reorganisation of subordinate veterinary service. As the scheme has been postponed owing to financial stringency, the revised rates were converted into a continuous time-scale with effect from 1st April 1924.

§The revised rates of pay to subordinates of the Bombay Sub-Registry Office were further revised with effect from 20th December 1921.

APPENDIX No. 91—contd.

Department.	Name of Establishment.	Date of introduction of Revised Scale.	Percentage increase over pre-war cost.
	<i>Revenue Department—contd.</i>		
Land Revenue— contd.	Field Party Establishment in the Presidency Proper, Northern Division, Survey Staff; and	1 Mar. 1920	87·8 per cent.
	Central and Southern Divisions, Survey Staff and clerks.		
	General Duty Circle Inspectors, Northern Division and Southern Division.	1 Mar. 1920	76·61 per cent.
	Assistant Inspectors and clerks to District Inspectors.	1 Mar. 1920	91·15 per cent.
	City Survey Maintenance Establishment in the Presidency Proper, Northern Division, Central Division and Southern Division.	1 Mar. 1921	70·32 per cent.
	District Survey Office Staff in the Presidency Proper, Northern Division, Central Division and Southern Division.	1 Mar. 1920	83·46 per cent.
	Establishment of the Tapedar's Training School, Hyderabad.	1 Mar. 1920	54·5 per cent.
	Revision of pay, Talatis—Presidency Proper	*1 Aug. 1921	105·71 per cent.
Establishment under Manager, Encumbered Estates in Sind.	1 Mar. 1920	53·53 per cent.	
Forest	Foresters and Guards	1 Mar. 1920	92·49 per cent.
	Surveyor Foresters	1 Mar. 1920	53·73 per cent.
	Range Forest Officers in Presidency Proper	1 Mar. 1920	60·66 per cent.
	Clerical Establishment in the Forest Department, Northern, Central and Southern and Sind Circles and Chief Direction Office.	1 Mar. 1920	79·12 per cent.
General Administration	Subordinate Revenue Service in Sind	1 Mar. 1920	83·98 per cent.
	Office of the Commissioner, Central Division, Alienation Branch and Press.	1 Mar. 1920	30·4 per cent.
	Commissioner, Central Division's Office	1 Mar. 1920	74·86 per cent.
	Office of the Commissioner in Sind	1st Mar. 1921	45·5 per cent.
	Office establishment of the Commissioner, Southern Division.	1st Mar. 1920	77·73 per cent.
	Office establishment of the Commissioner, Northern Division.	1st Mar. 1920	71·8 per cent.
	Head Accountants in Sind	1st Mar. 1921	89·33 per cent.
	Head Accountants, Presidency Proper	1st Mar. 1921	82·19 per cent.
	Subordinate Revenue Service, Kalra	1 Mar. 1920	84·37 per cent.
	Do. Panch Mahals	1st Mar. 1920	85·66 per cent.
	Do. Broach	1st Mar. 1920	84·37 per cent.
	Do. Surat	1st Mar. 1920	84·23 per cent.
Do. Ahmedabad	1st Mar. 1920	82·47 per cent.	
Do. Thana	1st Mar. 1920	83·86 per cent.	

*The rates were first revised with effect from 1st March 1920; as the Talatis were not satisfied with the revision and went on strike, the rates were further revised with effect from 1st August 1921.

APPENDIX No. 91—*contd.*

Department.	Name of Establishment.	Date of introduction of Revised Scale.	Percentage increase over pre-war cost.
	<i>Central Division.</i>		
	Subordinate Revenue service, Satara ..	1st Mar. 1920 ..	83 per cent.
	Do. Ahmednagar ..	1st Mar. 1920 ..	84·63 per cent.
	Do. Poona ..	1st Mar. 1920 ..	82·77 per cent.
	Do. Sholsapur ..	1st Mar. 1920 ..	82·21 per cent.
	Do. West Khandesh ..	1st Mar. 1920 ..	84·79 per cent.
	Do. East Khandesh ..	1st Mar. 1920 ..	83·98 per cent.
	Do. Nasik ..	1st Mar. 1920 ..	85·1 per cent.
	<i>Southern Division.</i>		
	Subordinate Revenue service, Kolaba ..	1st Mar. 1920 ..	89·48 per cent.
	Do. Ratnagiri ..	1st Mar. 1920 ..	84·19 per cent.
	Do. Belgaum ..	1st Mar. 1920 ..	84·5 per cent.
	Do. Dharwar ..	1st Mar. 1920 ..	83·55 per cent.
	Do. Kanara ..	1st Mar. 1920 ..	88·54 per cent.
	Do. Bijapur ..	1st Mar. 1920 ..	87·33 per cent.
Stamps ..	Establishment of the Stamp Office, Bombay	1st Mar. 1920 ..	93·57 per cent.
	Establishment of the Stamp Office, Karachi	1st Mar. 1920 ..	66·24 per cent.
Excise ..	Menials of the Tobacco Department ..	1st Apr. 1922 ..	89·97 per cent.
	Tobacco Establishment, Executive and Clerical.	1st Mar. 1920 ..	79·36
	<i>Revenue Department.</i>		
Salt and Excise ..	Non-gazetted Executive Staff (excluding menials in the Presidency Proper and Aden).	1 Mar. 1920 ..	39·23 per cent.
	Clerical Establishment, Presidency Proper	1 Mar. 1920 ..	87·92 per cent.
	Salt and Excise Establishment in Aden ..	1 Mar. 1920 ..	43·45 per cent.
	Menial Establishment in the Presidency Proper.	1 Mar. 1921 ..	89·02 per cent.
	Inspecting staff of the Combined Salt and Excise Department in Sind.	1 Mar. 1920 ..	35·23 per cent.
	Clerical Establishment Combined Salt and Excise Department in Sind.	1 Mar. 1920 ..	76·43 per cent.
	<i>Legal Department.</i>		
	Clerical establishment of the Government Pleader, High Court, Bombay	1 Mar. 1920 and 1 Mar. 1921	111·17 per cent.
	<i>Educational Department.</i>		
	Assistant Lecturers ..	1 Mar. 1921 ..	81 per cent.
	Demonstrators ..	1 Mar. 1921 ..	125 per cent.
	Teachers (Shaestrics) ..	1 Mar. 1921 ..	23 per cent.
	Superintendents ..	1 Apr. 1923 ..	14 per cent.
	Laboratory Assistants ..	1 Nov. 1923 ..	68 per cent.
	Assistant Masters ..	1 Mar. 1921 ..	87 per cent.
	Head Mistresses and Assistant Mistresses ..	1 Mar. 1921 ..	77 per cent.

APPENDIX No. 91—contd.

Department.	Name of Establishment.	Date of introduction of Revised Scale.	Percentage increase over pre-war cost.
	Language Teachers	1 Mar. 1921 ..	29 per cent.
	Drawing Teachers	1 Mar. 1920 ..	77 per cent.
	Gymnasts	1 Mar. 1921 ..	17 per cent.
	Music Teachers	1 Mar. 1921 ..	73 per cent.
	Sewing Mistresses	1 Mar. 1920 ..	44 per cent.
	Maistrons	1 Mar. 1920 ..	69 per cent.
	Assistant Deputy Educational Inspectors ..	1 Mar. 1921 ..	42 per cent.
	Clerks, Bombay City	1 Mar. 1920 ..	62 per cent.
	Clerks, Mofussil	1 Mar. 1920 ..	68 per cent.
	<i>General Department.</i>		
	Office of Consulting Surveyor to the Government of Bombay.	1 Mar. 1920 ..	64.3 per cent.
	Clerical Establishment—		
	Mofussil Hospitals	1 Mar. 1920 ..	50.6 per cent.
	Bombay Hospitals	1 Mar. 1920 ..	60.6 per cent.
	Mofussil compounders	1 Apr. 1921 ..	91.5 per cent.
	Bombay Compounders	1 Mar. 1921 ..	126.6 per cent.
	Subordinate Medical Service Officers ..	1 Mar. 1921 ..	72.4 per cent. Increase over the scale of 1919. 164.3 per cent. over pre-war cost.
	Non-Gazetted Establishment of the Bombay Bacteriological Laboratory, Parel ..	1 Mar. 1920 ..	97 per cent.
	Clerical Establishment	1 Mar. 1920 ..	54 per cent.
	Stationery Stores, Bombay		
	Clerical establishment, Stationery Office, Poona	15 June 1922 ..	58.15 per cent.
	Clerical establishment, Government Book Depot, Poona	1 Mar. 1920 ..	206 per cent.
	Permanent establishment of the Yeravda Prison Press.	1 Mar. 1920* ..	
		*In some cases, the revised rates were sanctioned from 1st Mar. 1921.	
	Establishment in the Public Health Department, Ministerial.	1 Mar. 1920 ..	68.1 per cent.
	Non-Ministerial establishment Vaccine Institute, Belgaum.	1 Mar. 1920 ..	57.2 per cent.
	Public Health Laboratory, Poona	28 July 1920 ..	59.8 per cent.
	Public Health Laboratory, Karachi Temporary.	No revision ..	This staff receives T. and P. allowance in addition to pay.
	Inspectors of Sanitation and Vaccination ..	1 Mar. 1920 ..	67.5 per cent.
	Vaccinators	1 Mar. 1921 ..	127.8 per cent.
	Clerical Establishments, Factory, Boiler and Smoke Nuisances Departments.	1 Mar. 1920 ..	81.5 per cent.

APPENDIX No. 91—concl'd.

Department.	Name of Establishment.	Date of introduction of Revised Scale.	Percentage increase over pre-war cost.	
Government Central Press.	Mental Establishment, Factory, Boiler and Smoke Nuisances Departments.	No actual revision but the percentage has been calculated on the rate of pay as in force in 1st Mar. 1921.	106 per cent.	
	Assistant Managers, etc.	1 Mar. 1920	26·6 per cent.	
	Clerical Establishment	1 Mar. 1920	54·2 per cent.	
	<i>Composing Department.</i>			
	(1) Foremen, Printers, Storekeepers, etc.	1 Mar. 1920	42·1 per cent.	
	(2) Readers, Reading boys, etc.	1 Mar. 1920	51·2 per cent.	
	(3) Pressmen, Bollermen, etc.	1 Mar. 1920	50·63 per cent.	
	(4) Litho Department	1 Mar. 1920	50·7 per cent.	
	(5) Machine and Press Staff	1 Mar. 1920	46·98 per cent.	
	(6) Type Foundry	1 Mar. 1920	53·8 per cent.	
	(7) Binding Department	1 Mar. 1920	50·4 per cent.	
	(8) Engineering Department	1 Mar. 1920	50·37 per cent.	
	(9) Warehouse Department	1 Mar. 1920	51·56 per cent.	
(10) Despatch	1 Mar. 1920	50 per cent.		
(11) Piece workers	1 Mar. 1920	50 per cent.		
(12) Task Workers	1 Mar. 1920	50·97 per cent.		

APPENDIX No. 92.

*Statement showing the building grants paid to primary schools
in the Poona District.*

Name of Taluka.	Year.	Local Board schools.	Municipal schools.	Recognised schools.	Remarks.
Haveli Haveli	1923-24 1924-25	.. ..	.. 6,531	36,684 22,180*	*This includes the grant of Rs. 20,000 paid for Miss Bernard's Primary and Anglo-Vernacular School at Hadapsar.

APPENDIX No. 93.

Copy of Rule 10 of the Government Servants' Conduct Rules.

10. Holding or acquiring immoveable property.—A Government servant who is a member of the Indian Civil Service, or a military officer may not hold or acquire any immoveable property within the territories of any Native Prince or Chief.

A Government servant, who not being a native of India, is a member of the Indian Civil Service, or a military officer, or holds any office ordinarily held by members of the Indian Civil Service or by military officers, may not, directly or indirectly, hold or acquire any immoveable property within the Province in which he is employed or within any Province with the administration of which he is concerned, whether such employment or concern is permanent or temporary.

A Native of India who is a member of the Indian Civil Service, or holds any office ordinarily reserved for members of the Indian Civil Service, and any Government servant belonging to the Provincial or Subordinate Civil Services, may continue to hold any immoveable property actually held by him at the time of his entry into Government service, and may thereafter acquire any immoveable property by succession, inheritance, or bequest, or, with the previous sanction of the local Government or such heads of Departments as may be specially empowered by the local Government in this behalf, by purchase or gift.

He will, however, be liable to be debarred from employment within the district or other local limits within which such immoveable property is situated.

Any Government servant may hold or acquire immoveable property in good faith for the purpose of residence.

APPENDIX No. 94.

Statement showing the number of cases during the last two years in which the Collectors in the Presidency refused to forward proposals from local bodies to Government and the nature of every such proposal.

No.	Name of District.	Name of Local Body.	Nature of proposal not forwarded to Government.
1	Kolaba	Alibag Municipality ..	Application for a grant.
2	Do.	Uran Municipality ..	Application for remission of audit fees on account of poverty.
3	Do.	District Local Board, Kolaba.	Application for reduction in rates of tolls imposed by the District Local Board.
4	Do.	Roha Municipality ..	Application for the cancellation of Government orders prescribing higher fees in dispensaries for well-to-do persons.
5-7	Bijapur	Bijapur Municipality ..	Three applications for exchange of Municipal for private lands.
8	Dharwar	Hubli Municipality ..	Proposal to increase the Terminal Tax rate on coarse cloth to the level of the rate on fine cloth, with a view to prevent smuggling of the latter under the name of the former.
9	Do.	Yamnur Municipality ..	Proposal to pay Zalka hire to Municipal councillors for attending Municipal Meetings.
10	Kanara	Honavar Municipality ..	Application in connection with a joint committee proposed to be formed by municipalities of Kamta, Honavar and Bhatkal under section 39 of the Bombay District Municipal Acts for their being treated as a local authority under the Bombay Primary Education Act.
11	Kaira	Kapadwanj Municipality.	Application against payment of audit fees.
12	Do.	Mehemdabad Municipality.	Do. do.
13	Do.	Kaira Municipality ..	Do. do.

APPENDIX No. 94—contd.

No.	Name of District.	Name of Local Body.	Nature of proposal not forwarded to Government.
14	Thana	Thana Municipality	Application for permission to utilize the reserved open space opposite the Hindu Cremation Ground for fuel depôt.
15-20	Larkana	Larkana Municipality	<p>Proposal to curtail the annual grant of Rs. 1,500 to Rs. 300 towards the Civil Hospital, Larkana.</p> <p>Proposals to sell land for dikis, etc., from street areas.</p> <p>Proposal to sell plots from an open space.</p> <p>Proposal to sell land over which the Municipality could not establish proprietary right.</p> <p>Proposal to move the Commissioner in Sind for reconsidering his orders wherein he has refused to sanction the proposal of the Municipality to sell land from street areas.</p> <p>Proposal to appropriate to itself ground-rent which the Commissioner in Sind had ordered to be paid to Government.</p>
21	Do.	Sehwan Municipality	Proposals to confirm on payment of malkano two encroachments on street areas where the streets were already narrow.
22	Do	Retodero Municipality	Proposal of the Municipality to amend the rules under the Primary Education Act as to place the Municipality on the same footing as the District Local Board in respect of Government grant.
23	West Khandesh	District Local Board, West Khandesh.	Application for sanction to the expenditure incurred by the Board in connection with presentation of an address to H. E. the Governor of Bombay at the time of his visit to Dhulia.

APPENDIX No. 94—concl'd.

No.	Name of District.	Name of Local Body.	Nature of proposal not forwarded to Government.
24	West Khandesh ..	District Local Board, West Khandesh.	Proposal regarding occupa- tion of P.W.D. inspection and District Bungalows by Presidents, Taluka Local Boards.
25	Do. ..	Dhulia Municipality ..	Proposal for acquiring a site for the latrines for females in Old Dhulia.
26	Do. ..	Do. ..	Proposal about opening a leper asylum at Dhulia.
27	Do. ..	Do. ..	Application for transfer of control of the part of Bombay-Agra-Provincial Road situated within the Municipal limits.
28	Do. ..	Do. ..	Proposal for reducing the 7½ per cent. rate of interest on the loan of Rs. 50,000 for fire-extin- guishing purposes.
29	East Khandesh ..	Yaval Municipality ..	Proposal for moving Government to extend the provisions of the Municipal Servants Act, V of 1890, to the Yaval Municipal area.
30	Poona ..	Poona City Municipality ..	Remission of Rs. 8,779-8-0 due to Government from the Municipality as balance of an advance of Rs. 30,000 sanctioned by Government for building health camp huts.
31	Do. ..	Lonavla Municipality ..	Amending the Bombay Dis- trict Municipal Act, III of 1901 authorizing Municipalities to restrict the slaughter of bovine cattle.
32	Sholapur ..	Sholapur Municipality ..	By-law for the prohibition of the slaughter of cattle useful for agricultural and milch cattle such as cows, she-buffaloes and calves.

APPENDIX No. 95.

Statement A.

WORK DONE BY EXCISE CLERKS IN COLLECTORS' OFFICES.

1. To issue orders regarding excise arrangements.
2. To make all preliminary arrangements for the sale of Abkari shops,
e.g.,
 - (a) to find out figures for three years' sales for liquor, toddy, bhang, ganja and opium shops.
 - (b) to find out figures for three years' license fees for liquor, toddy, bhang, ganja and opium shops.
 - (c) In case of country liquor shops to work out and prepare a statement of ration to be allowed to the shops.
 - (d) to prepare and publish notices of sales with the statements (a, b and c) and the conditions.
3. To attend and record the bids at the time of auction of shops.
4. To prepare challans for earnest money at the time of auctions and see that they are credited into the treasury.
5. To prepare consolidated statements showing the results of sales for communication to the officers concerned.
6. To work out figures of license fees for fixed fee country liquor and opium shops.
7. To work out figures of license fees for foreign liquor shops.
8. To prepare statements of foreign liquor license fees for sanction of the Commissioner.
9. To prepare and issue fresh licenses every year for—
 - (1) country liquor, (2) opium, (3) halgolis, (4) ganja and bhang, (5) foreign liquor, (6) denatured spirit, (7) toddy, (8) sale of cocaine, opium, morphia, etc., by medical practitioners, (9) sale of cocaine, opium, morphia, etc., by chemists and druggists, (10) essences containing spirits, (11) tree-footbooth and (12) other temporary licenses.
10. To prepare permits to persons for the transport of morphia, cocaine, etc.
11. To prepare import permits for cocaine, morphia, opium, etc., denatured spirit and duty paid imported foreign liquors.
12. To issue prompt orders for the closure of shops at the time of Holi, Mohorrum, etc.
13. To supply information regarding revenue, etc., wanted by the Indian States.
14. To deal with correspondence for the disposal of applications regarding—
 - (a) opening of new shops of excisable articles and opium and bazar day shops.

- (b) transfer of licenses.
 - (c) changes of sites.
 - (d) refund of deposits.
 - (e) resale of shops of excisable articles and opium.
 - (f) remission of license fee.
 - (g) manufacture and sale of majum, bhoja, ghoti, etc.
 - (h) complaints from licensees in general.
15. To see that the security bonds and counterpart agreements are duly furnished by the licensees and to scrutinize them ; also to deal with correspondence, if any, relating thereto.
 16. To maintain a register of license fees and the black list and deal with correspondence relating thereto.
 17. To check reward statements and scrutinize case reports accompanying such statements.
 18. To deal with correspondence regarding repairs and alterations etc., to excise buildings.
 19. To assist at the inspection of taluka offices regarding excise matters.
 20. To issue notices and take further steps by way of calling for objections and obtaining opinions of the local advisory committee when applications for shifting an old shop and opening a new one are received.
 21. To prepare material for excise administration reports.
 22. To arrange to convene meetings of the local advisory committees and to obtain their opinion by circulars whenever required.
 23. To take steps to secure the representation on the local advisory committees whenever the Local bodies change.
 24. To compile and submit periodical returns on the due dates.
 25. To collect and supply information called for from time to time by members of the Legislative Council.
 26. To verify ration statements received from licensees and to fix the ration month by month according to rules.
 27. To dispose of applications from country liquor licensees about the deviation of ration fixed for their shops whenever required.

APPENDIX No. 96.

*Statement B.*WORKS DONE BY EXCISE CLERKS IN HUZUR DEPUTY.
COLLECTORS' OFFICES.

1. To keep the following registers of receipts :—
 - (1) Excise.
 - (2) Miscellaneous cash remittances.
 - (3) Advances recoverable—Opium.
 - (4) Customs.
2. To keep the following registers of payments :—
 - (1) Miscellaneous cash remittances.
 - (2) Customs.
3. To prepare the schedules of miscellaneous cash remittances and land Custom receipts monthly and those of payments of miscellaneous cash remittances and customs.
4. To keep separate ledgers of excise revenue (license and vend fees) in the case of liquor, ganja, opium and toddy.
5. To keep separate ledgers regarding the excise revenue relating to Indian States (each State separately).
6. To issue export, import and transport permits for—
 - (a) Intoxicating drugs.
 - (b) Country liquor.
 - (c) Foreign liquor.
 - (d) Denatured spirits.
7. Execution of security bonds by drugs and liquor licensees.
8. Preparations of all abkari licenses as detailed below :—
 - (1) Country liquor.
 - (2) Foreign liquor.
 - (3) Ganja and bhang.
 - (4) Toddy.
 - (5) Cocaine.
 - (6) Medicated wines.
 - (7) Denatured spirit.
 - (8) Essences.
 - (9) Rectified spirit.
 - (10) Short term licenses.
9. Recoveries of instalments and license fee and interest thereon.
10. To scrutinize the following documents :—
 - (1) Challans of Abkari Revenue.
 - (2) Passes received back from the Warehouse Inspector.
 - (3) Bills on account of miscellaneous cash remittances.
 - (4) Cheques received from the Superintendent and Deputy Commissioner.

11. To issue Tree-Foot-Booth licenses and short term licenses and to inform owners regarding the numbering of toddy trees.

12. To furnish information about supply of toddy, tree-tapping, hemp drug revenues required by States.

13. To deal with correspondence about excise refunds and all other matters relating to Abkari accounts.

14. To sort and file papers relating to Abkari work.

15. To prepare the following periodicals:—

(1) Monthly statement of Excise Revenue.

(2) Monthly statement of Salt and Land Custom receipts and payments.

(3) Monthly statement of opium receipts.

(4) Do. do. country liquor receipts.

(5) Monthly statement of intoxicating drugs (Bhang-Ganja) receipts.

(6) Quarterly statement of toddy revenue.

(7) Annual Imperial returns Nos. 1 to 5.

(8) Annual return of actual realizations of Abkari Revenue.

(9) Annual statement regarding coercive process used for the Excise revenue.

(10) Budget estimate of Excise receipts.

(11) Budget estimate of Excise payments.

(12) Annual report regarding probable alterations in budgeted figures of revenue and expenditure to be submitted to the Commissioner.

16. Verifying the service statements of retiring excise inspectors, peons, etc.

APPENDIX No. 97.

Statement C.

WORK DONE BY EXCISE CLERKS IN MAMLATDARS' OFFICES.

1. To prepare passes for transport of liquor from a warehouse to a shop.
2. To prepare passes for transport of ganja and opium.
3. To scrutinise challans for excise receipts.
4. To keep T. F. XI.
5. To keep register of excise revenue.
6. To keep register of interest on arrears of excise revenue.
- 7 To complete security bonds and counterpart agreements of excise licensees.
8. To prepare monthly statements of excise revenue for submission to the Treasury Officer.
9. To seal account books and visit books of excise licensees and to enter them in a register kept for the purpose.
10. To check and seal measures of excise licensees.
11. To prepare excise licenses.
12. To watch the recovery of the instalments.
13. To recover interest on overdue instalments.
14. To prepare six-monthly statements of interest on excise revenue.
15. To deal with all correspondence on excise matters.

APPENDIX No. 98.

Serial No.	(a) and (b) Names of districts or localities where the right or privilege of free grazing prevails.	(c) Whether the right or privilege is a customary one or granted by Government.	(d) If the right is granted by Government, what are the reasons for the grant.
I—IN AREAS IN CHARGE OF THE REVENUE DEPARTMENT.			
		CUSTOMARY.	
1	<i>Bombay Suburban.</i>		
2	<i>Kaira.</i>		
	All villages where the area of waste land does not exceed two per cent of the total cultivable area.	Granted by Government.	The free grant of grazing is made in the interest of the public and for the benefit of the village cattle.
3.	<i>Ahmedabad.</i>		
	All villages where the area of waste land is very small.	Do. ..	Do
4	<i>Thana.</i>		
	The people have the privilege of free grazing for the village cattle in almost all villages of the District.	Customary.	
5	<i>Surat.</i>		
	Certain lands in almost all villages of the District have been set apart by Government under section 38 of the Land Revenue Code for free pasturage for the village cattle.	(The lands are set apart for public purpose by Government.)	
6	<i>Broach.</i>		
	Do. do. ..	Do. ..	Do.
7	<i>Panch Mahals.</i>		
	Land at the rate of 15 per cent. of the occupied land has been sanctioned for free grazing if the forest and gurcharan land falls short of that limit.	Granted by Government.	In order to provide sufficient grazing for three cattle for ten acres of occupied land.

APPENDIX No. 98—contd.

Serial No.	(a) and (b) Names of districts or localities where the right or privilege of free grazing prevails.	(c) Whether the right or privilege is a customary one or granted by Government.	(d) If the right is granted by Government, what are the reasons for the grant.
8	<i>East Khandesh.</i> In <i>unassessed</i> waste lands set apart for free grazing and in <i>assessed</i> waste lands, the area of which does not exceed 20 acres and which are not reserved for grass.	The right in the unassessed wastelands is a customary one and that in assessed lands is granted by Government.	The free grant in assessed waste lands is made in the interest of the public and for the benefit of the village cattle.
9	<i>West Khandesh.</i> The people have no such right or privilege but they are allowed to graze their cattle without payment of fees in the village where the area is insignificant.	Granted by Government.	Do.
10	<i>Nasik.</i> Villages of the Peint Taluka.	Do.	Do.
11	<i>Poona.</i> The people have a right or privilege of free grazing in gurcharans. There are gurcharans in almost every village.	The right or privilege is customary which has been recognised by Government.	
12	<i>Satara.</i> The people have the right of free grazing in gurcharans assigned to some village in the Talukas of Walwa, Shirala, Man, Khatav, Koregaon, Karad and Satara.	Granted by Government.	At the time of survey a certain area was assigned as gurcharans by the Survey officer according to the requirement of the village.
13	<i>Belgaum.</i> In many villages of the Belgaum District, people have the right of free grazing in 'gairan' lands set apart for the purpose under section 38 of the Land Revenue Code; and in some villages people have been granted the privilege of free grazing in revenue waste lands.	In the case of 'gairans' the right is a customary one, while in the case of revenue wastelands, the privilege has been granted by Government.	The free grant is made in the interest of the public and for the benefit of the villagers.

APPENDIX No. 98—contd.

Serial No.	(a) and (b) Names of districts or localities where the right or privilege of free grazing prevails.	(c) Whether the right or privilege is a customary one or granted by Government.	(d). If the right is granted by Government, what are the reasons for the grant.
14	<p style="text-align: center;"><i>Bijapur.</i></p> <p>The villagers have the right of free grazing in certain Government waste lands set apart for free pasturage under section 38 of the Land Revenue Code.</p>	Granted by Government.	The free grant is made in the interest of the public and for the benefit of the villagers.
15	<p style="text-align: center;"><i>Ratnagiri.</i></p> <p>The people have the privilege of free grazing in the following localities.</p> <p>Name of Government taluka and or Khoti village</p> <p style="text-align: center;"><i>Dapoli Taluka.</i></p> <p>Camp Dapoli Government.</p> <p>Harnai Do.</p> <p>Anjarla Do.</p> <p style="text-align: center;"><i>Peta Mandangad.</i></p> <p>Velas Government.</p> <p>Vesci Do.</p> <p>Sirasinge Khoti.</p> <p>Durgavadi Do.</p> <p>Mahu Do.</p> <p>Mhapral Do.</p> <p style="text-align: center;"><i>Ratnagiri Taluka.</i></p> <p>Pomendi Khoti.</p> <p style="text-align: center;"><i>Devgad Taluka.</i></p> <p>Vizadurg Government.</p> <p style="text-align: center;"><i>Vengurla Peta.</i></p> <p>Vengurla Government.</p>	The privilege of grazing in the Khoti villages is customary and that in Government villages was granted by the Collector.	The free grant is made in the interest of the public and for the benefit of the villagers.
16	<p style="text-align: center;"><i>Dharwar.</i></p> <p>The rayats in the marginally noted</p> <ol style="list-style-type: none"> 1. Dharwar. talukas of 2. Hubli. the Dhar- 3. Karajgi. war Dis- 4. Hangal. trict have 5. Kalghatgi. the right 6. Kod. of free graz- 7. Bankapur. ing in 8. Raneben- gairan land. nur. 	The right is being exercised from ancient times.	

APPENDIX No. 98—*contd.*

Serial No.	(a) and (b) Names of districts or localities where the right or privilege of free grazing prevails.	(c) Whether the right or privilege is a customary one or granted by Government.	(d) If the right is granted by Government, what are the reasons for the grant.
17	<p style="text-align: center;"><i>Kolaba.</i></p> <p>People have been given the concession of free grazing in Protected forests and gurcharan lands under the Kolaba Wood-land Rules.</p>	<p>Granted by Government.</p>	<p>The right is granted as a measure for securing the proper cutting and preservation of tahal.</p>
18	<p style="text-align: center;"><i>Sind.</i></p> <p>In the three Upper Sind Districts of Sukkur, Larkana and the Upper Sind Frontier cattle are allowed to graze free of charge on all Government waste lands.</p> <p>In the Hyderabad, Nawabshah and Thar, Parkar Districts, however, the grazing rights over Government waste lands are disposed of under Rule 65 of the Land Revenue Code Rules. But certain areas are excluded from this arrangement, so as to admit of free grazing over them. In the Karachi District also, the grazing over Government waste lands is disposed of under Rule 65, but the contract for such grazing is subject to an arrangement whereby the local cultivators are entitled to free grazing over the Government waste lands in their deh to the extent of four pairs of bullocks or one pair of camels for every 10 acres of "lift" land held by them and one pair of bullocks for every 10 acres of "flow" land.</p>	<p>The people have no right or privilege of free grazing in the lands in charge of the Revenue Department in Sind.</p>	<p>The reasons which have led to the grant of this concession are either that the grazing rights over Government waste land are of so little value as to make it not worth while for Government to dispose of them by sale or lease to individuals, or where the bulk of such grazing rights are so disposed of that, in the interests of the cultivators, it is considered desirable that certain amount of free grazing should be reserved for their animals.</p>

APPENDIX No. 98—concl'd.

Serial No.	(a) and (b) Names of districts or localities where the right or privilege of free grazing prevails.	(c) Whether the right or privilege is a customary one or granted by Government.	(d) If the right is granted by Government what are the reasons for the grant.
II.—IN AREAS IN CHARGE OF THE FOREST DEPARTMENT.			
	<p>Free grazing is allowed in the following forest areas :—</p> <p>In Panch Mahals District—Agricultural cattle of villages which have contributed land to forest graze free.</p> <p>In Thana District—Agricultural cattle of villages which have contributed "gairan" to forest graze free.</p> <p>In Nasik District—In the Peint Taluka and the Baragaon Dangs of the Kalwan Taluka.</p> <p>In North Tapti Talukas (East and West Khandesh Districts)—All permanent inhabitants, other than professional graziers, of villages which have contributed land to forest have the privilege of free grazing for their own cattle. In Savda, Chopda and Shirpur Talukas certain Bhils are entitled to graze, free of charge in reserved forests, the number of cattle shown against their names in the register of rights.</p> <p>In Sind, in the Sukkur, Shikarpur, Larkana, Hyderabad and Karachi Divisions (Sukkur, Upper Sind Frontier, Larkana, Nawabshah, Hyderabad and Karachi Districts) inhabitants of certain villages have the privilege and certain others the right to graze their cattle free of charge in the forests concerned.</p>	<p>The right to free grazing is admitted where it has been exercised openly and peaceably by any persons claiming title thereto as an easement and as of right without interruption for a term of years prescribed by the Indian Limitation Act. The privilege of free grazing in forest is granted as a matter of favour on account of various considerations such as the customs, agricultural or domestic wants of the adjoining population and sometimes in expectation of assistance in fire-protection.</p>	

APPENDIX No. 99.

Statement relating to the Police Widow Fund.

No.	Name of officer through whom the sum was collected.	Designation and pay.	Place from which the amount was collected.	What sum collected.	Whether receipts are given to those who paid money.	Who signed the receipts.
1	2	3	4	5	6	7
				Rs. a.		
1	Mr. Siddik Haji Bokra.	S. I., Dodka, on Rs. 110.	Dodka, Angadh, Rayka.	46 0	No.	..
2	" Shabbuddin Sham Suddin.	Ag. S. I., Godhra Taluka, on Rs. 75.	Shera, Timba & villages thereunder.	28 8	No.	..
3	" Vitthalrai Motilal ..	S. I., Garbada, on Rs. 120.	Garbada and other villages.	25 8	No.	..
4	" Ahmadkhan Nathokhan.	S. I., Dohad, on Rs. 150.	Dohad ..	128 12	No.	..

Note.—A sum of Rs. 125 was voluntarily received as donation from Mr. I. G. Gajjar, a wealthy merchant of Bombay who had been to Godhra for his son's marriage in February last.

APPENDIX

Statement relating to

Serial No.	Name of officer through whom the sum was collected.	Designation and pay.	Place from which the amount was collected.	What sum collected.
1	2	3	4	5
				Rs. a.
1	Mr. Ahmedkhan Bebal-khan.	S. I., Godhra Town, on Rs. 105.	Godhra Town.	444 4
2	Mr. Ahmedkhan Nathe-khan.	S. I., Dohad, on Rs. 120.	Dohad Town.	- 505 0
3	Mr. Sikanderkhan Serjan-khan.	S. I., Kalol, on Rs. 120.	Kalol ..	243 0

No. 99—*contd.*

the Police Band Fund.

Whether receipts are given to those who paid money.	Who signed the receipts.	Remarks.
6	7	8
No		<p>Some well-to-do people of Godhra and Dohad Towns approached the D. S. P. (Mr. Leverett) and brought to his notice the difficulty and enormous expense they experienced in securing private bands from Surat, Ahmedabad, etc., for their wedding and ceremonial occasions as there were no local bands. They guaranteed donation for the purchase of new instruments and music for the Police band if the D. S. P. in his turn guaranteed to improve the quality of the Police band and afford them every facility of obtaining it when it was required by them. The D. S. P. having satisfied himself that the demand for the band would be sufficiently constant to justify the expenditure necessary to bring it up to the standard required, agreed to accept donations proffered. These donations were collected through the Sub-Inspectors mentioned, and lists showing names of the donors with amounts paid by each are on record with other band fund papers in this office but no receipts were issued, as it apparently was considered that none were necessary as these amounts were private voluntary donations by men of some standing.</p>
No		
No		

Unofficial.

APPENDIX No. 101.

From

A. O. KOREISHI, Esq., M.A., C.S.,
Collector of Broach;

To

THE SECRETARY TO GOVERNMENT,
GENERAL DEPARTMENT, BOMBAY.

SUBJECT.—Remarks on paragraph C of question no. 5 put by the Thakor of Kerwada in connection with water scarcity in the Bara tract.

Broach, 20th July 1925.

Sir,

With reference to the notes submitted to the General Department, by the Secretary to the Legislative Council and forwarded to me for remarks on the above subject, I have the honour to offer the following remarks in this connection.

The trial of a deep boring at Chanchvel, a comparatively large village in the affected tract of the Wagra Taluka was taken up in the year 1923 in consultation with the then President, District Local Board, Sardar K.B. Adarji Dalal. The work was undertaken by Mr. C. Dooris, X. N. Boring Works, Nasik. Before starting the work it was hoped that a supply of sweet water might possibly be encountered within the first 500 ft. lying between beds of clay. But this hope was not realised since all water encountered became brackish and Mr. Dooris reported that there was little hope that any sweet water would be found in the Bara tract. Further boring was thereupon recommended to be stopped and the machinery that was transported to the village at great cost was proposed to be removed after expending over Rs. 10,000 to no purpose. But, meanwhile the village people approached Mr. Cowan, the then Collector of Broach and requested him not to stop the work but to continue it and deposited Rs. 1,000 towards the cost of further boring. In order to save money and trouble in the long run the experiment at Chanchvel was to be made as conclusive as possible and so further boring was recommended up to a further expenditure of Rs. 2,000 (1,000 contributed by the village people and 1,000 Government contribution). With the sanction of the Commissioner, N. D., the work was continued though reluctantly by Mr. Dooris with the result that the rushing sand which was encountered at the depth of 695 ft. caused great difficulty and on the 18th of February while attempting to remove sand with a sand pump a sudden rush of sand occurred 20 ft. in the bore pipe entirely covering the sand pump and while endeavouring to remove it the iron

rope was broken. Further work was then discontinued. After the failure at Chanchvel the District Local Board is now in communication with Major Pogson an experienced dowser but it seems that latter has not yet visited the affected area.

The result of the Chanchvel bore is very discouraging and to sink any more deep bores to the west of Wagra and Jambusar commonly known as the Bahra tract would be mere waste of money.

As regards tanks in the affected area I doubt if more money can be profitably spent on cleaning them of silt than is now annually provided for the purpose. Excessive digging in the bed of a tank may result in making the tank less retentive of rain water and admitting salt water from the sub-soil and making the whole supply brackish. The trouble with the tanks is not that they do not hold enough water but that enough water does not flow into them. It might be ascertained by employing a competent engineer and surveyors whether anything can be done to bring into the various village tanks water from a larger catchment area.

I would further add that in a discussion between Sardar K. B. Dalal, the then President, District Local Board, and the Commissioner, N. D. in connection with deep boring, it was decided to try the experiment of calling in the services of an expert water finder who might be invited to examine the worst area and to advise if there are any sites which in his opinion seems hopeful for the purpose of deep boring. After arriving at this decision the District Local Board has begun communications with Major Pogson, who has not yet been able to visit the affected area.

Your most obedient servant,

(Signed) A. O. KOREISHI,

Collector of Broach.

Through the Commissioner, Northern Division.

APPENDIX No. 102.

The following question and answer were printed in the 2nd list of Questions and Answers but were not put by the honourable member Mr. S. S. Dev :—

SUSPENSION OF REVISED RATES OF ASSESSMENT IN
SINDKHEDA TALUKA.

4. Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state—

(a) whether they are aware that at the District Conference for West Khandesh held at Shirpur on 31st January and 1st February 1925 a resolution was passed that the revised rates should not be introduced in the Sindkheda taluka till the Committee appointed by Government in pursuance of the resolution of this Council passed in March 1924 has submitted its report?

(b) Do Government propose to take any action on this resolution?

The Honourable Mr. LALUBHAI SAMALDAS: (a) Yes.

(b) No.

APPENDIX No. 103.

The following questions and answers were printed in the 4th list of Questions and Answers but were not put by the honourable member Mr. K. F. Nariman :—

STATUS OF J.Ps.

1. Mr. K. F. NARIMAN (Bombay City, South): (a) Will Government be pleased to state whether it is a fact that justices of the peace are represented by Government officials as important persons to the general public and that many important documents and declarations are insisted upon being attested or verified by a J.P. before being accepted by them?

(b) Whether it is a fact that some of the general public look upon J.Ps. as persons fit to be made trustees or to be entrusted with their funds or those of the charities in trust?

The Honourable Sir MAURICE HAYWARD: Government accept the attestation or verification by J.Ps. of important documents and declarations, but they do not insist on such documents and declarations being attested or verified only by J.Ps. They have no information on the other points.

REMOVAL OF NAMES FROM LIST OF J.Ps.

2. Mr. K. F. NARIMAN (Bombay City, South): Will Government be pleased to state—

(a) under what circumstances they remove the names of J.Ps. from the list and on whose report or recommendation,

(b) whether it is a fact that amongst J.Ps. in the last list there are persons who have been convicted of offences by competent criminal courts,

(c) whether it is a fact that there are some against whom strictures have been passed by courts and who have been described as unreliable and untrustworthy?

The Honourable Sir MAURICE HAYWARD: (a) There is no special rule but the names of those reported to have died or left permanently are removed at the annual revision of the list.

(b) A reference is requested to the reply given to a similar question from the Honourable Member for East Khandesh.

(c) Enquiries will be made if the Honourable Member will make himself responsible for the suggestion by reporting their names and the occasions to Government.

APPENDIX No. 104.

The following question and answer were printed in the 9th list of Questions and Answers, but the question was not asked by the honourable member Rao Saheb D. P. Desai :—

JUDICIAL DECISION ON PROCEDURE ON LOCAL BOARD ELECTIONS.

4. Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

(a) whether they are aware of the decision of the District Judge, Surat, setting aside the election procedure followed by the Collector of Surat ?

(b) if the reply be in the affirmative, will they be pleased to state whether they have issued any instructions to the Collector of Kaira in pursuance of the judicial decision of the Surat District Judge ?

(c) if no such instructions have been issued to the Collector, will Government please state their reasons for not doing so ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) Yes.

(b) and (c) No instructions were issued to the Collector of Kaira because the elections were nearly complete.

APPENDIX No. A.

BILL No. XXI OF 1924.

A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles.

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members of the Select Committee appointed to consider Bill No. XXI of 1924 (a Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles), have the honour to report as follows.

2. The alterations made by us are mainly verbal, except with regard to the following two matters:—

(1) In clause 2, we have provided that the local authority for a district local board area shall be the district local board; it was felt that if the district local board could exercise the powers of the local authority with respect to village panchayat areas, it should be competent to exercise such powers with respect to areas of less importance as well.

(2) It was felt that the maximum penalty provided in the original clause 5 for the offence of giving a false warranty in writing to a purchaser with respect to an article of food sold to him was inadequate. We have accordingly increased the fines for the first offence and for every subsequent offence to Rs. 500 and Rs. 1,000 respectively.

3. A copy of the Bill as amended is appended to this Report. We recommend that this report with a copy of the Bill as amended by us be published in English and in the vernaculars of the Presidency as well as in Urdu in the *Bombay Government Gazette* and the *Sind Official Gazette*.

(Signed) B. V. JADHAV,
 (") LALJI NARANJI,
 (") G. A. THOMAS,
 (") K. E. DADACHANJI,
 (") COSMAS FERNANDEZ,
 (") S. T. KAMBLI,
 (") HOSENALLY M. RAHIMTOOLA,
 (") M. K. DIXIT (*subject to a minute of dissent*),
 (") M. M. MEHTA (*subject to a minute of dissent*),
 (") D. R. PATIL (*subject to a minute of dissent*),
 (") MUHOMED AYOUB S. KHURO,
 (") DADUBHAI P. DESAI (*Subject to a note*),
 (") PUNJABHAI THAKERSHI,
 (") M. D. KARKI (*subject to a minute of dissent*),
 (") V. A. DABHOLKAR (*subject to a minute of dissent*),
 (") L. S. CHAUDHARI.

(Minute of dissent by Dr. M. K. Dixit, M.L.C.)

In clause (6), sub-clause (1), Appointment of Analysts, any qualified person, i.e., a graduate in science or medicine is supposed to possess the necessary knowledge and skill. Further, appointment of a public analyst should be honorary, and Government should only approve of such qualified persons, who wish to undertake such analytical work. Such men will easily be found. Government need not create paid appointments and the already overburdened public exchequer should not be saddled with further burden. Besides the Act provides for a prescribed fee for analysing an article or a sample. There is room for a misgiving that the analysis done by only an approved person may not be accurate. But sub-clause (2) of clause (14) provides that the court of its own accord or at the request of the accused or the complainant may have the sample analysed by the Chemical Analyser to the Government. This provision will always keep the approved analyst on alert to do accurate analysis and not remain negligent. This is a very wholesome check. Besides this system will give an impetus to graduates in science to start private laboratories.

In clause (6), sub-clause (2), not only the Bombay Municipality, but any other major municipality may undertake to have their own approved analyst.

In clause (19), the privilege of consultation with the corporation while framing rules has been given to Bombay Municipality only. This should be extended to all the other major municipalities also, for I feel quite sure that there will be intelligent co-operation from such municipalities also.

(Signed) M. K. DIXIT.

Surat, 20th December 1924.

(Minute of dissent by Dr. M. M. Mehta, M.L.C.)

1. Section 4 (2), *Explanation*, line 53: After the words "ghae or butter" I would insert the words "or any article which includes either of these words".

2. Section 6 (1), line 5: The word "appoint" usually carries a meaning that it is a paid post, which is not contemplated by this Act. To render the meaning of the word more clear, I would substitute the word "authorise" instead.

3. Section 6 (1), line 7: After the word "possessing" I would add "a degree or a diploma in Science or Medicine of any recognised university and knowledge of analytical work required by this Act".

4. Section 6 (1), lines 8 and 9: The words "skill and experience" be omitted.

(Signed) M. M. MEHTA.

Surat, 21st December 1924.

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

1. I am of opinion that this bill should come into operation, in the first instance, only in the City of Bombay and the major municipalities, and therefore the addition of the words "and the major municipalities" after the word "Bombay" in line 3 sub-clause (3) of clause 1 and the deletion of the words "at the request of the local authority concerned" appearing in lines 9 and 10 of the same sub-clause become necessary.

2. The evil of adulteration of articles of food is there throughout the whole Presidency and the birth of this bill is meant to prevent that evil. I don't press for the immediate application of this bill to villages as there we shall experience the difficulty of having competent doctors to act as Public Analysts as contemplated by sub-clause (6). But I don't see any earthly reason as to why this bill should not be immediately extended to big cities where there will not be the least difficulty in having the services of competent doctors to act as Public Analysts.

3. I strongly object to the addition of the words "at the request of the local authority" in clause 3 as such an addition will result in postponing the immediate benefits of this bill especially to big municipalities. I ask, will any local authority in the Presidency not like the prevention of adulteration of articles of food?

4. If we admit the adulteration evil in big cities as elsewhere, and if there the services of expert doctors will be available to detect adulteration I see no reason to make the application of this bill dependent upon the wishes of any local authority. To lose the immediate advantages of this salutary bill in big cities will not be an act of wisdom.

(Signed) D. R. PATIL.

(Note by Rao Saheb D. P. Desai, M.L.C.)

I think the explanation to clause 4 requires to be so worded as to bring within its scope "ghee" imported from Holland. The objectionable practice of adulterating ghee with this stuff and giving it a name containing the word *ghee* has the effect of deluding innocent purchasers.

The mofussil local authorities should also be consulted along with the Corporation of Bombay in making rules under the Act.

(Signed) DADUBHAI P. DESAI.

(Minute of dissent by Mr. M. D. Karkhi, M.L.C.)

In my opinion, the Act should have a section authorising an allotment of a certain part of the amount of fine realised from persons accused of offences under the Act to the Local Authorities concerned.

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Appendices

The rule-making power of Government under section 19 should, in the case of other Local Areas also, be made subject to the consultation with the Local Authorities concerned or to the approval of the Local Legislative Council.

(Signed) M. D. KARRI.

6th January 1925.

(Minute of dissent by Mr. V. A. Dabholkar, O.B.E., M.L.C.)

Except clause six of the Bill, I agree with the report.

(Signed) VASANTRAO ANANDRAO DABHOLKAR.

BILL No. XXI OF 1924.

A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles.

(As amended by the Select Committee.)

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles; AND WHEREAS the previous sanction of the Governor General required by section 80A (3) (e) and (h) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

(D. B.—Surgeon General's Draft Bill.)

5 & 6 Geo. V, c. 61.

1. (1) This Act may be called the Bombay Prevention of Adulteration Act, 1924.

Cf. s. 1, Bombay Act of 1899.

(2) It extends to the whole of the Bombay Presidency.

(3) It shall come into operation in the first instance only in the City of Bombay and thereafter either in respect of any specified article of food or generally in respect of all articles of food in such other local area and from such date as the Governor-in-Council Government of Bombay may, at the request of the local authority concerned by notification in the Bombay Government Gazette direct.

2. In this Act unless there is something repugnant in the subject or context—

(a) "Food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food and also includes flavouring matters and condiments;

Cf. s. 26, 62 & 63 Vict., c. 61.

(b) "Local Area" means the City of Bombay or the area comprised within the limits of a municipality, cantonment, notified area or village or any place wherein a market or fair is held or any area which the Governor-in-Council Government of Bombay by notification declares to be a local area for the purposes of this Act;

Cf. s. 2 (f), D. B.

(c) "Local Authority" means in the case of the City of Bombay the Municipal Commissioner acting under the general or special orders of the Corporation, in the case of any other municipality the municipality, in the

Cf. s. 2 (g), D. B.

case of a cantonment the cantonment authority, in the case of a notified area the person or committee appointed under section 188 of the Bombay District Municipal Act, 1901, and in the case of a *district local board* a local area ~~For which a village panchayat has been established under the Bombay Village Panchayats Act 1920, the district local board of the district in which the local area is situate, and in the case of any other local area the district magistrate of the district in which such local area is situate or the sub-divisional magistrate in charge of the sub-division in which such local area is situate who is appointed by the district magistrate to be the local authority for the purposes of this Act.~~

Bom. III of 1901.
Bom. IV of 1920.

3. Any person who mixes, colours, stains or powders, or orders or permits any other person to mix, colour, stain or powder any article of food with any matter or ingredient so as to render the article injurious to health with intent that the same may be sold in that state or sells or offers or exposes for sale any such article so mixed, coloured, stained or powdered shall be punished for the first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees :

*Cf. s. 3, 38 & 39 Vict., c. 63.
Cf. s. 4, D. R.*

Prohibition of mixing of food with injurious ingredients or selling the same.

Provided that no person shall be liable to be convicted in respect of the sale of any article of food if he proves to the satisfaction of the Court before whom he is charged that he did not know of the article of food being so mixed, coloured, stained or powdered as aforesaid and that he could not with reasonable diligence have obtained such knowledge.

Cf. s. 5, 38 & 39 Vict., c. 63.

Exemption in case of proof of absence of knowledge.

4. (1) Any person who sells or causes to be sold or manufactures, offers or exposes for sale any article of food which is not of the nature, substance or quality which it purports to be shall be punished for every first offence with a fine which may extend to two hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

*Cf. s. 6, 38 & 39 Vict., c. 63.
Cf. s. 5, D. R.*

Prohibition of sale or manufacture for sale of food not of the proper nature, substance or quality.

(2) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say—

Cf. s. 3, Bom. II of 1899.

Protection to persons acting in good faith.

(a) where any matter or ingredient not injurious to health has been added to the article of food because such matter or ingredient is required for the production or

preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof;

(b) where—

(i) any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food, or

(ii) any article of food is composed of any matter or ingredients not injurious to health

and, before the sale thereof, the seller has brought to the notice of the purchaser, by means of a label conforming to such conditions as may be prescribed by rules in this behalf the fact that such matter or ingredient has been so added, mixed or abstracted or the article is composed of such matter or ingredients.

Explanation 1.—Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be. Cf. s. 3, Bom. II of 1899. Cf. s. 7, D. B.

Explanation 2.—The presence upon any premises used for the manufacture of any article of food of any such article shall, until the contrary is proved, raise a presumption that such article was manufactured for sale. Cf. s. 6 (2), D. B.

(3) In any prosecution under this section it shall be no defence to allege that the seller was ignorant of the nature, substance or quality of the article of food sold by him, or that the article was not defective in all three respects, namely, nature, substance and quality; Cf. s. 8, D. B. Cf. s. 3 (3), Bom. II of 1899.

What is or is not a good defence in prosecutions under this section.

Provided that the seller shall not be deemed to have committed an offence under this section if he proves to the satisfaction of the Court—

(a) that the article sold was purchased by him as the same in nature, substance and quality, as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality;

(b) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid; and

(c) that he sold it in the same state in which he purchased it.

5. Any person who in respect of an article of food sold by him as principal or agent gives to the purchaser a false warranty in writing shall be punished for every first offence with a fine which may extend to 100 *five hundred* rupees and for every subsequent offence with a fine which may extend to 500 *one thousand* rupees. *Cf. s. 20, 62 & 63 Vict., c. 51.*
- Penalty for false warranty.
6. (1) Save as provided in sub-section (2) the ~~Governor in Council~~ *Governor in Council Government of Bombay* may by notification in the *Bombay Government Gazette* appoint any *qualified* person possessing ~~competent knowledge~~ skill and experience to be a public analyst for the purpose of the Act for any local area. *Cf. s. 3, D. B. Cf. s. 10, 38 & 39 Vict., c. 63.*
- Appointment of public analyst.
- (2) The Corporation of the City of Bombay may appoint any such person to be a public analyst for the purpose of the Act for the City of Bombay.
7. Any purchaser of an article of food shall, within the seven days after the day of the purchase, be entitled, on payment to the public analyst of the local area in which the article is purchased, of such sum as the ~~Governor in Council~~ *Governor in Council Government of Bombay* may in the *Bombay Government Gazette* from time to time notify, to have such article analysed by such analyst and to receive from him in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed. *Cf. s. 12, 38 & 39, Vict., c. 63. Cf. s. 9, D. B.*
- Power to purchaser of an article of food to have food analysed.
8. A local authority may, subject to rules made by the ~~Governor in Council~~ *Governor in Council Government of Bombay* in this behalf, appoint any person to be an inspector under this Act either specially for any article of food or generally for all articles of food. *Cf. s. 10, D. B. Cf. s. 13, D. B.*
- Appointment of Inspector.
9. An inspector may, himself or by an agent, procure any ~~article or any~~ sample of food, and if he suspects that such food has been sold contrary to the provisions of this Act, shall send such ~~feed~~ *article or sample* to be analysed to the public analyst of the local area within which the food was procured; and such analyst shall, upon receiving payment of the sum specified in section 7, with all convenient speed analyse the same and deliver to such inspector in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed. *Cf. s. 13, 38 & 39, Vict., c. 63. Cf. s. 10, D. B.*
- Inspector may obtain article or sample of food and submit to analyst.

10. (1) Any person purchasing any article or sample of food with the intention of sending such article or sample for analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article or sample his intention to have such article or sample analysed by the public analyst; and shall offer to divide the article or sample into three parts to be then and there divided and each part to be marked and sealed and fastened in such manner as its nature permits, and shall, if required to do so, proceed accordingly and shall deliver one of the parts to the seller or his agent.

Dealing with the article of food or sample when purchased.

Cf. s. 14, 38 & 39 Vict., c. 63. Cf. s. 11, D.B.

(2) If the seller or his agent do not accept the offer of the purchaser to divide the article or sample purchased in his presence, the public analyst receiving the article or sample shall divide such article or sample into two parts and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the article or sample or when he supplies his certificate, to the purchaser, who shall retain such part for production in case proceedings under this Act in respect of such article or sample should afterwards be taken.

Provision when article or sample is not divided.

Cf. s. 15, 38 & 39 Vict., c. 63.

11. If any inspector duly authorised under section 8 shall apply to purchase any article or sample of food manufactured, exposed or offered for sale, whether wholesale or retail, and shall tender the price for the quantity which he shall require for the purpose of analysis not being more than shall be reasonably requisite and the person manufacturing, exposing or offering such food for sale refuses to sell such article or sample the person so refusing shall be punished with a fine which may extend to two hundred rupees.

Person refusing to sell food to inspector liable to penalty.

Cf. s. 17, 38 & 39 Vict., c. 63. Cf. s. 12, D.B.

12. No offence under this Act shall be triable by a magistrate exercising powers less than those of a magistrate of the second class.

Offence by which magistrate triable.

Cf. s. 16, D.B.

13. (1) No summons shall be issued for the attendance of a person accused of an offence under this Act unless the summons is applied for within thirty days of the date of the grant of the certificate by the public analyst of the result of his analysis.

Summons when to be applied for and what it is to contain.

Cf. s. 17, D.B. Cf. s. 1 (c), Bom. II of 1899.

(2) Every such summons shall specify the particulars of the offence charged, the name of the complainant and the date and place fixed for the hearing of the case. The case

shall not be proceeded with until at least seven clear days have elapsed from the date of the service of the summons.

14. (1) The production in any proceedings under this Act of a certificate of a public analyst in the form specified in Schedule A shall, until the contrary is proved, be sufficient evidence of the facts therein stated.

Cf. s. 13 (2), D. B. Cf. s. 21, 38 & 39 Vict., c. 63.

Certificate of public analyst to be evidence of facts therein stated. Reference to Chemical Analyser to Government.

(2) The court may, of its own accord or on the request of the complainant, or the accused, cause any article or sample of food to be sent for analysis to the Chemical Analyser to Government who shall thereupon with all convenient speed analyse the same and report the result of the analysis to the court. The cost of such analysis shall be paid by the complainant or accused as the court shall direct.

15. When any person accused of an offence under this Act proposes to produce as evidence a certificate of analysis of an analyst other than a public analyst he shall, at least three days before the date fixed for the hearing of the case, send a copy of such certificate to the person conducting the prosecution.

Cf. s. 19, D. B.

Certificate of analyst other than public analyst as evidence.

16. When any person is accused of an offence under this Act he may require the court to summon as a witness the public analyst who analysed the article or sample of food in respect of which he is accused of an offence and the court shall thereupon summon the analyst as aforesaid.

Cf. s. 18, D. B.

Public analyst to attend court in person.

17. It shall be lawful for an inspector appointed under this Act to enter for the purposes of this Act at all reasonable times into or upon any place which he has reason to believe is used for the manufacture or sale of any food ;

Cf. s. 159, Bom. III of 1901.

Entry for purposes of the Act.

Provided that ~~in the case of buildings used as human dwellings~~ in making such entry due regard shall be paid to the social and religious customs of the occupiers.

18. No person shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

Cf. s. 140 (1), Bom. IV of 1902.

Liability for acts done in good faith in discharge of duty or exercise of power.

19. The ~~Governor-in-Council~~ Government of Bombay may, after previous publication, and in the case of the City of Bombay in

Rules.

consultation with the Corporation of the City of Bombay, make rules, not inconsistent with the provisions of this Act, for—

(a) regulating the appointment of inspectors under section 8;

(b) prescribing the qualifications of inspectors;

(c) determining what deficiency in any of the normal constituents of any article of food or what addition of extraneous matter shall raise a presumption, until the contrary is proved, that such food is injurious to health within the meaning of section 3 or is not of the nature, substance or quality it purports to be within the meaning of section 4 and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act; and

(d) generally for carrying out the provisions of this Act.

20. On the coming into operation of the provisions of this Act in any local area in respect of any article of food, the enactments specified in Schedule B shall be deemed to have been repealed to the extent specified in the third column of the said Schedule in respect of such article in such local area.

SCHEDULE A.

(SEE SECTION 14.)

Form of Certificate.

To*

I, the undersigned public analyst for the _____, do hereby certify that I received on the _____ day of _____ 192 _____, from † _____

a sample of _____ for analysis (which then weighed ‡ _____), and have analysed the same, and declare the result of my analysis to be as follows :

I am of opinion that the same is a sample of genuine _____ or,

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under.

Observations. §

Dated _____

Signature _____

* Here insert the name of the person submitting the article or sample for analysis.

† Here insert the name of the person delivering the article or sample.

‡ When the article or sample cannot be conveniently weighed this passed may be erased, or the blank may be left unfilled.

§ Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

SCHEDULE B.

(SEE SECTION 20.)

ENACTMENTS REPEALED.

No. and year of Act.	Title.	Extent of Repeal.
III of 1888 ..	The City of Bombay Municipal Act, 1888.	In section 417C the number, letter and word " 417A or "
II of 1899 ..	The Bombay Prevention of Adulteration Act, 1899.	So much as remains unrepealed except section 6.
III of 1901 ..	The Bombay District Municipal Act, 1901.	Sub-section (2) of section 142.
III of 1902 ..	The Bombay District Municipal Act (1901) Amendment Act, 1902.	So much of the Schedule as relates to— (a) sub-section (2) of section 142 of the Bombay District Municipal Act, 1901; (b) sections 2, 4 and 5 of the Bombay Prevention of Adulteration Act, 1899.

APPENDIX B.

BILL No. XXV OF 1924.

A Bill further to amend the City of Bombay Municipal Act, 1888.

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members of the Select Committee appointed to consider Bill No. XXV of 1924 (A Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

2. The main alterations we have made in the Bill are three in number—

(1) We have amended the proposed section 38B so as to make it possible that when special committees are appointed by the Corporation, the Standing Committee should have the power to delegate to such committees its powers and duties with regard to any matter with which the latter are competent to deal. It is believed that this provision will enable the Standing Committee to make use of the specialised experience and knowledge which such special committees are expected to acquire in particular spheres of business (clause 13);

(2) We have regarded Rs. 3,000 as an adequate monthly salary of the Commissioner, and provided that it may be raised to Rs. 3,500 after he has held the appointment for three years. We consider this scale to be more suitable than the one provided in the original Bill (clause 15);

(3) We have added a proviso to the proposed section 62E to the effect that the liability of the Corporation for the treatment and maintenance of pauper lunatics shall be limited to half the total charges incurred in this behalf. It was felt that such limitation was necessary in view of the fact that a number of such lunatics found in Bombay come from outside areas (clause 16).

3. We have, besides, made the following minor amendments—

(1) We have provided that when the Commissioner holds a lien on the service of Government, he shall not, during the period of appointment, be removed from the office without the approval of the Corporation (clause 14);

(2) We have deleted the proposed section 313A, as we consider it inexpedient to make it obligatory to all hawkers, roadside vendors and similar other persons to take out licenses from the Commissioner (original clause 21), and we have reduced the penalty provided in sub-clause (2) of original clause 29 from Rs. 50 to Rs. 15.

(3) The following are consequential amendments: (a) deletion of clause 14; (b) deletion of clause 18; and (c) deletion of sub-clause (1) of the original clause 28.

4. We recommend that this report and the Bill, as amended, should be translated into Marathi, Gujarati and Urdu and should be published with the translations in the *Bombay Government Gazette*.

- (Signed) GHULAM HUSSAIN HIDAYATALLAH,
 („) JOSEPH BAPTISTA,
 („) MOULVI RAFTUDDIN AHMAD,
 („) HOSENALLY M. RAHIMTOOLA
(subject to a minute of dissent),
 („) K. E. DADACHANJI,
 („) COSMAS FERNANDEZ,
 („) S. K. BOLE,
 („) G. A. THOMAS,
 („) R. S. NEKALJAY,
 („) K. F. NARIMAN *(subject to a minute
 of dissent),*
 („) J. ADDYMAN *(subject to a minute of
 dissent),*
 („) D. R. PATIL,
 („) A. N. SURVE *(subject to a minute of
 dissent),*
 („) HOSEINBHOY A LALLJEE *(subject
 to a minute of dissent),*
 („) PUNJABHAI THAKERSI *(subject to
 a minute of dissent),*
 („) M. B. VELKAR *(subject to a minute
 of dissent),*
 („) VASANTRAO ANANDRAO DABHOLKAR
(subject to a minute of dissent),
 („) W. S. MUKADAM *(subject to a minute
 of dissent).*

(Minute of Dissent by Mr. Hoosenally M. Rahimtoola, M.L.C.)

I do not agree with some of the provisions of the Bill.

(Signed) HOSENALLY M. RAHIMTOOLA.

(Minute of Dissent by Mr. K. F. Nariman, M.L.C.)

I think this is a good opportunity to introduce the much-needed reform by amending section 54 (Act III of 1888) of the Municipal Act so as to transfer the powers of appointing the Municipal Commissioner to the

Corporation, that one amendment will alter the whole spirit of the present constitution and will mean a real step forward towards complete local self-government. If the power of appointment, dismissal or promotion of the Chief Executive Officer is not vested in the corporation, the local self-government becomes a mere sham, as under the Municipal Act all the real executive powers are vested in the Commissioner and he has been given in many important matters absolute discretion even independent of the corporation. In these important local affairs in which the absolute discretion is given to the Commissioner, that officer can even defy an unanimous resolution of the corporation and if the appointment, dismissal or promotion of such an important officer rests with the Government, the Corporation having no voice in them, then how could any one honestly suggest that even the first city in India enjoys complete local self-government? The Corporation in some matters becomes merely a deliberative body as helpless and impotent as the Council, against the executive. In order to make the local self-government complete and real at least in the presidency towns, it is necessary either to transfer the power of appointment and dismissal of executive officers to the corporation; or if these appointments are made independent of the corporation, then not to allow any discretion to these officers; but for the efficient and expedient management of such large and complicated affairs like that of municipality of Bombay, it is essential to vest some discretionary powers to the high and responsible executive officers, as it would be impossible to refer every matter to the corporation; hence the other alternative, *viz.*, to transfer the appointment to the corporation seems to be more expedient. Besides, it is an acknowledged principle that a person or institution who pays for a particular post should have a voice in its appointment; the Government does not contribute anything towards the salary of the Commissioner, still it has alone the power of not only of appointing, but even of fixing his salary. This principle is acknowledged, with reference to all other municipal appointments, except that of the Commissioner. The appointment of the Deputy Commissioner, whose duties and responsibilities are almost similar to that of the Commissioner and who acts for months when the Commissioner goes on leave, is made by the Corporation, so also other important appointments, such as that of the Chief Executive Engineer and the Health Officer; these appointments carry salaries almost as high as that of the Commissioner. It is therefore difficult to understand why the corporation cannot be trusted with appointing its chief executive officer; the Calcutta Corporation enjoys that privilege and if this city desires to retain its proud title of being *Urbs Prima in Indis*, then this reflection upon its representative institution must be removed.

Perhaps at the initiative stage, when the institution was new and passing through an experimental stage, it was deemed expedient to have an official control over this deliberative body of the representative, and as a measure of safety, a civilian Government officer's presence may have been deemed necessary to guide its deliberations. Therefore, the power of appointment of the Chief Executive Officer was left to the Government and hitherto for over fifty years the choice has always

fallen on a white civilian in the Government department, whose services are lent to the corporation under certain conditions.

Now, after fifty years' experience, it is essential to remove this official trammel to restore complete self-government in the city and this overcautious measure of safety should no longer be deemed necessary.

The corporation itself, has, after mature and long consideration, passed a resolution, and its President has addressed a letter to the Government, giving very cogent and important reasons why this power should be transferred to the corporation. It was expected, when the Act was amended last, and the franchise was more democratised, that this amendment, which was long overdue would be introduced, but though the constitution was altered in some other important respects, this reform was not introduced, and I think the time has now arrived, when this modest demand of the corporation can no longer be resisted, and till this demand is conceded, all the other reforms and amendments become futile. Very often a situation arises when the interest of the corporation clashes with that of the Government, and the Commissioner, who is still a Government servant, is directed by the corporation to carry out a policy which from the Government point of view is against its interests; then an embarrassing situation is created.

Other disadvantage is that the services of the Commissioner being only lent to the corporation by the Government, he is liable to revert at a short notice, thus the efficiency of the municipal administration is liable to be impaired. Instances have occurred in the past when the sudden removal of the Commissioner has often resulted in a certain amount of disorganisation and inconvenience to the municipality. But the strongest point in favour of the change is that the present arrangement permanently shuts the door against capable and deserving non-official Indians for the highest appointment under the local self-government, as the selection has always been confined to a European Civil Servant. The corporation, in consonance with the patriotic spirit prevailing in the country, has embarked upon a policy of Indianisation of its services, so long as such policy does not impair its efficiency; this restriction acts as a great bar against that policy, because the corporation very often does not find the head of its executive, under the present circumstances, in sympathy with that policy. When Indians, outside the Civil Service, are entrusted even by the Government with posts of greater responsibilities and higher salaries than that of the Municipal Commissioner, it sounds almost anomalous that only a European Civil Servant is deemed fit and qualified to hold the highest administrative and executive post in the civil administration of the city. I was grieved to find in the Select Committee some timid members of the corporation becoming rather nervous over the corporation assuming this new power. Perhaps in the beginning some disadvantages will be felt but I feel certain that it will be admitted that this important reform is long overdue and an

Honourable House. In the circumstances mentioned above, I think the only institution which should have a voice in the increment of salary is the corporation and therefore I cannot support the amendment proposed.

Bombay, 12th January 1925. (Signed) KHURSHED FRAMJI NARIMAN.

(Minute of dissent by Mr. J. Addyman, M.L.C.)

I am in agreement with this report excepting the proviso of the proposed section 62E against which I entered my objection in committee.

I then held, and still hold, that to place any portion of the responsibilities for the maintenance of lunatics in Bombay upon Government is wrong in principle. Further, I submit, to involve Government in any share of the responsibilities of maintaining lunatics who may be resident in any particular locality would prove a dangerous precedent for any or all local authorities throughout the presidency to follow.

I therefore sign the report subject to this minute of dissent.

Bombay, 15th January 1925. (Signed) J. ADDYMAN.

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

I am in general agreement with the majority report, except on one point, viz., clause 8, sub-paragraph (f) of section 28, which gives the voter an option of giving all his votes to one candidate or of distributing them among the candidates as he thinks fit. It is said that this option was given to secure representation to the minorities; but past experience has shown that the device has proved ineffective, and in several instances it has led to very undesirable results. It has resulted in securing undue and excessive representation to educated minorities at the expense of uneducated masses, with the inevitable consequence that the interests of the latter are neglected—if not altogether sacrificed—in the matter of sanitation and other amenities which a municipality is intended to provide. For this reason I consider that a voter should not be at liberty to exercise his votes cumulatively; but that he should so distribute them as to give one vote only to each of the candidates of his choice. The advantages of this proposal are that the corporation will become really democratic and it will not be a body consisting of representatives of the classes only as it at present is; it will lead to purity of elections, and the interests of the dumb masses will be better served. I am therefore of opinion that the voter should exercise his right of voting distributively only.

Bombay, 19th January 1925. (Signed) A. N. SURVE.

(Minute of Dissent by Mr. Hoosainbhoy A. Lalljee, M.L.C.)

Paragraph 19 of the amended bill. *Re* sub-section (1) of section 301 :— I do not agree to the proposal of the committee to substitute the old clause by a new one as I hold that the old clause, *i.e.*, sub-section (1), will meet the requirements of the day.

Paragraph 21 of the amended bill. *Re* section 368 of Bom. III of 1888 :—

I entirely disagree with the object of the new section which is proposed by the committee to substitute the old one, as in my opinion under the new wording of the clause, the "owner" will be unjustly held responsible along with the "occupier" who ought to be really held responsible for the proper sanitation of the place occupied by him and not by the owner. I submit the owner's duty should end with the provision and supply of dust bins, etc., of the requisite nature. He should not be dragged along with the occupier for the carelessness or indifference of his tenants over whom he would have no effectual control over those matters. I am therefore of opinion that the word "owner" should be deleted wherever it occurs in this section.

Paragraph 15 of the amended bill. Section 57 of Bom. III of 1888. *Re* Municipal Commissioner's Salary :—I do not agree with the proposal of the Select Committee as embodied in the sub-section (1) of the said section 57. I would rather go in for the graduated scale as proposed by the Honourable Minister for Local Self-Government in his original bill, *viz.*, sub-section (1) to section 57.

Bombay, 17th January 1925.

(Signed) H. A. LALLJEE.

(Minute of Dissent by Mr. Punjabhai Thakersi, M.L.C.)

Paragraph 19 of the amended bill. *Re* sub-section (1) of section 301 :— I do not agree to the proposal of the committee to substitute the old clause by a new one as I hold that the old clause, *i.e.*, sub-section (1), will meet the requirements of the day.

Paragraph 21 of the amended bill. *Re* section 368 of Bom. III of 1888 :—I entirely disagree with the object of the new section which is proposed by the committee to substitute the old one, as in my opinion under the new wording of the clause, the "owner" will be unjustly held responsible along with the "occupier" who ought to be really held responsible for the proper sanitation of the place occupied by him and not by the owner. I submit the owner's duty ends with the provision and supply of the dust bins, etc., of the requisite nature. He should not be dragged along with the occupier for the carelessness or indifference of his tenants over whom he would have no effectual control on these matters. I am therefore of opinion that the word "owner" should be deleted wherever it occurs in this section.

Bombay, 21st January 1925.

(Signed) PUNJABHAI THAKERSI.

(Minute of Dissent by Dr. M. B. Velkar, M.L.C.)

To my mind the appointment of the Commissioner should vest in the corporation subject to the approval of the Government and section 54 of Bombay III of 1888 be amended accordingly. The corporation has been demanding this power for the last so many years and I think it is a serious defect under the widened franchise, which has placed the corporation on a more democratic basis, not to vest this power in the corporation. If an institution has to be really democratic it must have its executive fully under its control. Under the present constitution, the Commissioner, as he is appointed by the Government though paid by the corporation his pay, does not consider himself the servant of the corporation to carry out its wishes faithfully. The result is that the resolutions passed by the corporation are very often not carried out by the Commissioner in their letter and spirit and the real mind of a democratised corporation is not thus seen in the municipal administration of the city. This is a most serious defect in the bill and I hope the Legislative Council will mend it.

Bombay, 25th January 1925.

(Signed) M. B. VELKAR.

(Minute of Dissent by Mr. V. A. Dabholkar, M.L.C.)

I do not agree with some of the provisions of the bill and I am sending my amendments.

(Signed) VASANTRAO ANANDRAO DABHOLKAR.

(Minute of Dissent by Mr. W. S. Mukadam, M.L.C.)

I wholeheartedly support the minute of dissent submitted by Dr. M. B. Velkar.

18th February 1925.

(Signed) W. S. MUKADAM.

BILL No. XXV OF 1924.

*A Bill further to amend the City of Bombay
Municipal Act, 1888.*

(As amended by the Select Committee.)

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

5 & 6 Geo. V. c. 61. 1. This Act may be called the City of Bombay Municipal Short title. (Amendment) Act, 192

2. In section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act,

Amendment of section 3 of Bom. III of 1888.

Bom. III of 1888.

(a) in clause (c) for the words "or appointed" the words "appointed or co-opted" shall be substituted; and
(b) after clause (y), the following clause shall be inserted, namely:—

"(yy) 'Trade refuse' means and includes the refuse of any trade, manufacture or business."

3. In section 11 of the said Act—

Amendment of section 11 of Bom. III of 1888.

(a) in sub-section (2) for the words "occupied as owner or tenant in such ward a building, or part of a building separately occupied, as a dwelling or for the purpose of any trade, business or profession, of which the monthly rental was not less than rupees ten" the words "occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied of which the monthly rental was not less than rupees ten" shall be substituted;

(b) in the second proviso to the said sub-section for the word "dwelling-house" wherever it occurs the words "building or part of a building" shall be substituted.

4. In clause (b) of sub-section (2) of section 14 of the said Act for the words "person duly authorized by power-of-attorney to represent such company or firm" the words "member of such company or firm or any one person holding a general power-of-attorney from such company or firm whose name has been duly communicated to

Amendment of section 14 of Bom. III of 1888.

the Assessor and Collector under clause (e) of section 28 " shall be substituted.

5. In section 22 of the said Act after the word "councillors" the words "other than co-opted councillors" shall be inserted.

Amendment of section 22 of Bom. III of 1888.

6. In section 23 of the said Act—

Amendment of section 23 of Bom. III of 1888.

(1) before the words "the dates" occurring in the beginning of the section the words "except as provided in section 31A" shall be inserted;

(2) the fourth paragraph shall be omitted.

7. In sub-section (2) of section 26 of the said Act—

Amendment of section 26 of Bom. III of 1888.

(a) in clause (a) after the word "election" where it occurs for the second time the words "and up to 4 p.m. on the date of election" shall be inserted; and

(b) in clause (j)

(i) after the word "nominated" where it occurs for the second time the words "dies or" shall be inserted;

(ii) for the words "three days" the words "one day" shall be substituted; and

(iii) the following further proviso shall be added, namely:—

"Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election."

8. For section 28 of the said Act, the following section shall be substituted, namely:—

Amendment of section 28 of Bom. III of 1888.

Provisions respecting contested ward elections.

"28. With respect to the contested ward elections the following provisions shall have effect, namely:—

(a) Votes shall be given by ballot and in person. No votes shall be received by proxy;

(b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (2) of section 27 as having been validly nominated;

(c) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held;

(d) when the name in the ward roll is that of a joint stock company, a vote on behalf of the said company

may be received from its secretary, agent, managing director or manager ;

(e) when the name in the ward roll is that of any company other than a joint-stock company or of a firm, a vote on behalf of such company or firm may be received from any member of such company or firm whose name has been communicated to the Assessor and Collector as the representative of the company or firm who would be entitled to vote at the election on behalf of the company or firm, or where no such name has been so communicated, from any person who produces to the polling officer a general power-of-attorney from such firm or company ;

(f) in plural councillor wards every elector shall have as many votes as there are councillors to be elected, at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit ;

(g) the person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected ;

(h) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(i) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare, for which of the wards he shall serve and the choice or declaration shall be conclusive ;

(j) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(k) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of

valid votes given for each candidate, and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid and the number of rejected votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward."

9. After section 28 of the said Act, the following section
New section 29 of Bom. shall be inserted, namely:—
III of 1888.

"29. (1) Subject to the provisions of this Act the Corporation may make Corporation shall, with the sanc-
rules for the conduct of tion of the Local Government,
elections. make rules for the conduct of
elections, and in particular providing—

(a) for the appointment of polling stations for each ward;

(b) for the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;

(c) for the hours during which polling stations shall be open for the recording of votes;

(d) for the printing and for the issue of voting papers

(e) for the checking of voters by reference to the electoral roll;

(f) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability;

(g) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors;

(h) for the scrutiny of votes;

(i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers;

and may make such other rules regarding the conduct of the elections as it thinks fit."

10. Section 30A of the said Act shall be repealed.
 Repeal of section 30A of Bom. III of 1888.

11. After section 31 of the said Act the following new section shall be inserted, namely:—
 New section 31A of Bom. III of 1888.

“31A. The election of co-opted councillors shall be held on a day fixed by the Commissioner subsequent to the elections mentioned in section 23 and the appointment of councillors by Government but prior to the day for retirement, and shall be made in accordance with rules made by the Corporation in this behalf subject to the provisions of sub-section (1) of section 5.”
 Election of co-opted councillors.

12. In sub-section (1) of section 33 of the said Act, for the words “after the result of the election has been declared” the words “from the date on which the list prescribed under clause (k) of section 28 was available for sale or inspection in the Commissioner’s office” shall be substituted.
 Amendment of section 33 of Bom. III of 1888.

13. After section 38 of the said Act the following sections shall be inserted, namely:—
 New sections 38A and 38B in Bom. III of 1888.

“38A. (1) The Corporation may from time to time appoint, out of their own body, Special Committees of Special Committees and may by the Corporation. specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting delegate any of their powers and duties to such Committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such Committee’s recommendation.

(2) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(3) The Corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any Special Committee.

(4) Every Special Committee shall appoint two of their number to be their Chairman and Deputy Chairman: Provided that no member shall, at the same time, be the Chairman of more than one Special Committee.

(5) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present

shall choose one of their number to preside over their meeting.

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation :

Provided that any Special Committee may by a resolution supported by at least one half of the whole number of members of the Committee direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of their proceedings by the Corporation, if the Committee consider that serious inconvenience would result from delay in taking such action ; but if the Corporation do not confirm the proceedings of the Special Committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable :

Provided also that, if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one half of the whole number of members of the Committee.

(7) The Corporation may make rules for regulating the constitution of Special Committees and the conduct of business at meetings of such Committees, and for the keeping of minutes and the submission of reports.

38B. (1) The Standing Committee may, from time to time, ~~appoint out of their own body Special Committees and may, by a resolution carried by a vote of at least two-thirds of the their members of the Standing Committee present at the meeting delegate to any special committee appointed under section 38-A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the Standing Committee in this behalf :~~

~~Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution to such committees, and may also by a like resolution define the sphere of businesses of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee~~

and shall be submitted to the Standing Committee with such Committee's recommendation.

(2) The provisions of sub sections (2) to (7) of section 38 A shall apply to Special Committees appointed by the Standing Committee, the words "Standing Committee" being read in place of the word "Corporation."

Amendment of section 54 of Bom. III of 1888.

14. The last seven words of sub-section (1) of section 54 of the said Act shall be omitted.

14. To sub-section (2) of section 54 of the said Act, the following proviso shall be added, namely,

"Provided that when the Commissioner holds a lien on the service of Government, he shall not, during the period of his appointment as Commissioner, be removed from office without the approval of the Corporation."

15. For sub-section 1 of section 57 of the said Act the following shall be substituted, namely:—

"57. (1) The appointment of the Commissioner shall be for a period of five years in the first instance and thereafter renewable for periods of three years: the salary of the Commissioner for the first year shall be Rs. 2,500 per mensem, for the next two years Rs. 3,000 per mensem, for the subsequent period of two years Rs. 3,500 per mensem and thereafter if his term of office is renewed Rs. 4,000 per mensem. He shall except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force."

(1) in sub-section (1) for the words "such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand as Government shall from time to time determine" the words "a monthly salary of three thousand rupees" shall be substituted; and

(2) in sub-section (3) for the words "three thousand rupees" the words "rupees three thousand and five hundred" shall be substituted.

16. In section 58 of the said Act, for the words "fifteen hundred" and "twelve hundred" the words "two thousand" and "fifteen hundred" shall respectively be substituted.

Amendment of section 58 of Bom. III of 1888.

17. 16. After section 62D of the said Act, the following New section of 62E of section shall be inserted, namely:—
Bom. III of 1888.

“62E. The Corporation shall make payments at such rates *per head* as Government from time to time by Corporation to provide for maintenance of lunatics. general or special order prescribe, for the maintenance and treatment either in the City or at any asylum, hospital or house, whether within or without the City, which Government declares by notification to be suitable for such purpose, of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the City :

V. of 1898.

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the City for at least one year:

Provided further that the rates prescribed by Government under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section.”

18 ~~In sub-section 2 of section 68 of the said Act, after the entry—“Section 311”—the Amendment of section 68 of Bom. III of 1898. entries—“Section 313A”—shall be inserted.~~

19. 17. In the proviso to section 106 of the said Act, after the word “contracted” the words “save in the case of a loan granted by the Local Government” shall be inserted.

Amendment of section 106 of Bom. III of 1898.

20. 18. To section 107 of the said Act the following proviso shall be added, namely :—

“Provided that the orders of the Governor General of India in Council shall not be required in the case of a loan granted by the Local Government.”

Amendment of section 107 of Bom. III of 1898.

20. 19. For sub-section (1) of section 301 of the said Act, the following sub-section shall be substituted, namely :—

Amendment of section 301 of Bom. III of 1898.

“(1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of

the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

New section 313A
in Bom. III of 1888.

21. After section 313 of the said Act, the following section shall be inserted namely:—

~~"313A. Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall have or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not."~~

Licenses for sale
in public places.

in this behalf, no person shall have or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not."

22. 20. In section 367 of the said Act, (1) the figures Amendment of section " (1) " and " (2) " shall be omitted. 367 of Bom. III of 1888.

(2) after clause (a) the following clause shall be inserted:—

" (b) trade refuse ;"

(3) clause (b) shall be renumbered (c) ; and

(4) clauses " (c) " and " (d) " shall be renumbered " (e) " and " (ii) " respectively.

23. 21. For section 368 of the said Act the following Substitution of a new section for section 368 of Bom. III of 1888. section shall be substituted:—

" 368. (1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depot or place provided or appointed under the last preceding section for the temporary deposit or final disposal thereof.

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to

cause the said matters to be collected and deposited accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section."

24. 22. In section 372 of the said Act for the words "and rubbish" occurring in clause (a) and the words "or rubbish" occurring in clauses (b), (c) and (e) the words "rubbish and trade refuse" and "rubbish or trade refuse" shall respectively be substituted.

25. 23. In section 373 of the said Act for the words "or rubbish" the words "rubbish or trade refuse" shall be substituted.

26. 24. After section 377 of the said Act, the following section shall be inserted, namely:—

"377A. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance, or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence."

27. 25. (1) After sub-section (2) of section 394 of the Amendment of section said Act, the following sub-section 394 of Bom. III of 1888. shall be inserted, namely :—

"(3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (ii) of clause (d) of sub-section (1) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise."

(2) Sub-sections (3), (4) and (5) of the said section shall be re-numbered (4), (5) and (6) respectively.

28. 26. In the table sub- Amendment of section joined to section 471 of the said 471 of Bom. III of 1888. Act,

(1) ~~below the entry relating to section 318 the following entry shall be inserted, namely :—~~

Section 313A.	Prohibition of hawk- ing articles for sale in a public place or street without a license.	Fifty rupees.
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(2) (1) For the entry relating to section 368 the following entry shall be substituted, namely :—

Section 368, sub- sections (1), (2), (3) and (4).	Collection, removal and deposit of refuse and provision of receptacles.	Twenty rupees.
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and

(3) (2) below the entry relating to section 377 the following entry shall be inserted, namely :—

Section 377-A, sub-sections (1) and (2).	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings.	Fifty rupees.
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Amendment of section 472 of Bom. III of 1888. 29. 27. In the table sub-joined to section 472 of the said Act,

(1) below the entry relating to section 358 the following entry shall be inserted, namely :—

Section 368, sub-sections (1), (2), (3) and (4).	Collection, removal and deposit of refuse and provision of receptacles.	Ten rupees.
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and

(2) below the entry relating to section 377 the following entry shall be inserted, namely :—

Section 377-A, sub-sections (1) and (2).	Requisition to abate or to prevent recurrence of leakage in the roofs of buildings.	Fifty Fifteen rupees.
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Amendment of section 489 of Bom. III of 1888. 30. 28. In sub-section (2) of section 489 of the said Act,

(1) for the entry "section 368, sub-section (2)" the entry "section 368, sub-sections (1), (2), (3) and (4)" shall be substituted; and

(2) after the entry "section 375" the entry "section 375A" and after the entry "section 377" the entry "section 377A" shall be inserted.

31. 29. In Part IV of Schedule M to the said Act, Amendment of Schedule M of Bom. III of 1888. after the word "Gunpowder" the word "Ice" shall be inserted.

APPENDIX C.

BILL No. XIV of 1924.

(A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee to whom Bill No. XIV of 1924 (a Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay) was referred back for further consideration, have the honour to report as follows:—

We considered the various amendments to the Bill which were received when our last report was submitted to the Council and in view of these and further suggestions made during the Committee sittings we have amended the bill wherever necessary. Reasons for the principal amendments made in the bill are given in the notes on clauses appended hereto.

The important modifications are in clauses 53, 56 and 60.

In clause 53 the procedure in respect of liquidation of Housing Societies has been modified so that the assets of the liquidated society may vest not solely in the Central Co-operative Institute as originally proposed but in a Board consisting of nominees of the Registrar, the Central Co-operative Institute and the Housing Society concerned.

In clause 56 provision has been made for reference of an appeal against the order of an arbitrator, either to the Registrar, or, if one of the parties so desires, to a Board consisting of the Registrar and nominees of the parties concerned.

Clause 60 (a) is made applicable only to societies with a working capital of over Rs. 50,000 as it is thought undesirable to make the officers or members of smaller societies punishable for failure to send returns or documents.

We recommend that this report and the Bill as amended should be translated into Marathi, Gujarati, Kanarese and Urdu and should be published with the translations in the *Bombay Government Gazette*. They should also be translated into Sindhi and be published with the translation in the *Sind Official Gazette*.

Notes on Clauses.

Preamble.—An additional clause has been introduced specifying the objects to be attained by the Co-operative Movement as well as the means through which they are to be achieved.

Clause 3 (h) (3).—The definition has been amplified.

Clause 24 (b).—The last three lines have been omitted as the provision was considered to be too wide.

* The signatures of Rao Sahab D. P. Desai, Mr. H. H. Nariawala and Mr. L. S. Chawdhari will be notified when received.

Clause 33 (b).—Exemption of Co-operative Societies from Court Fees has been provided for.

Clause 39 (2) has been modified so as to allow funds to be utilised for provincial as well as for local purposes.

Clause 50 (d).—The last sentence has been omitted as being redundant.

Clause 50 (f).—Discretion is given to the liquidator to fix instalments in repayment of dues of liquidated societies when the amount due exceeds Rs. 100 as per rules to be framed.

Clause 50 (h).—A provision has been added to facilitate winding up of societies on the lines of section 229 of the Indian Companies Act, 1913, and section 33 of the Provincial Insolvency Act, 1920.

Clause 52.—A provision has been made for the disposal of surplus assets of liquidated societies in accordance with the objects mentioned in the bye-laws of the societies and, where no object is specified in the bye-laws for the application of such assets to some object of public utility determined by the society.

Clause 54.—The words ' of inheritance ' have been omitted so that any matter involving a complicated question of law can, if necessary, be referred to the Civil Court.

Clause 65.—Reference regarding recovery of costs awarded to Government is omitted as provision for the recovery of such costs has already been made in clause 46.

Clause 71 (5).—This has been revised on the lines of a similar provision made in section 52 (4) of the Bombay Children Act, 1924.

(Signed) A. M. K. DEHLAVI.
 (") B. V. JADHAV.
 (") R. G. PRADHAN.
 (") S. T. KAMBLI.
 (") S. N. BHUTTO.
 (") L. B. BHOPATKAR (*Subject to a minute of dissent*).
 (") S. K. BOLE.
 (") V. N. JOG (*subject to a minute of dissent*).
 (") W. S. MUKADAM.
 (") M. D. KARKI.
 (") A. U. MALJI.
 (") J. A. MADAN.
 (") MAHOMED AYOOB KHUORO.

(Minute of dissent by Mr. L. B. Bhopatkar, M.L.C.)

1. I differ on the very fundamentals of the Bill. It is really a great pity that the Select Committee should not have provided in the Bill for the association of popular element in the operations of the proposed Act. The Bill, as it has emerged from the deliberations of the Select Committee, no doubt marks a great improvement upon the original Bill. Yet it has failed to prevent the co-operative movement from being one man's show. The Bill, as it stands, has concentrated all effective powers in the hands of the Registrar.

2. Furthermore, the Bill has made no provision for direct financial aid by the State to co-operative societies. The Select Committee has failed to recognize the State's obligation to finance the co-operative movement, especially when it is yet in its infant stage.

3. The provisions regarding the cancellation and liquidation of societies should have been made more strict and binding upon the Registrar. The reluctance which is generally shown by the Co-operative Department in cancelling a society has begun to disturb greatly the minds of depositors, and to create in them diffidence about the safety of their deposits.

4. The right given to the parties concerned under clause 56 of the Bill should have been extended to cases enumerated in clause 64.

5. Provision should have been made to secure priority to resolutions seeking to annul or modify any rule under clause 71.

10th June 1925.

(Signed) L. B. BHOPATKAR.

(Minute of dissent by Mr. V. N. Jog, M.L.C.)

Clauses 60, 61 and 63.—I differ. I am not in favour of any penal sections being introduced into the bill. The Government of India Acts (Act No. X of 1904 and Act No. II of 1912) did not contain such provisions. It is too early to have such clauses. The penal provisions meant to be introduced are intended to apply to societies whose working capital is Rs. 50,000 or more. Such societies are generally managed and controlled by respectable persons who do mostly honorary services and will not like the trouble and harassment to which they are likely to be subjected. These clauses, I am afraid, will deter people from coming forward to manage the societies and hamper the cause and progress of the movement. It is likely that these clauses might be misused by officers of the department with a view to trouble and harass officers and members of the societies. There is no corresponding clause making the misuse of these clauses penal.

I do not think that a necessity to enact such penal legislation is established.

I am, therefore, of opinion that the clauses 60, 61 and 63 be deleted.

20th June 1925.

(Signed) V. N. JOG.

BILL NO. XIV OF 1924.

A Bill to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help, and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act It is hereby enacted as follows :—

5 and 6 Geo.
V, c 61.

Preliminary.

1. This Act may be called the Bombay Co-operative Societies Act, 1924 .
Short title.
2. This Act extends to the whole of the Presidency of Bombay.
Extent.
3. In this Act, unless there is anything repugnant in the subject or context,
Definitions.
 - (a) " by-laws " means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws :
 - (b) " Committee " means the Committee of Management, or other directing body to whom the management of the affairs of a registered society is entrusted ;
 - (c) " Member " includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with the rules and by-laws applicable to such society : .
 - (d) " Officer " includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a registered society to give directions in regard to the business of such society : .
 - (e) " Registered Society " means a society registered or deemed to be registered under this Act :
 - (f) " Registrar " means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act :

(g) "Rules" means rules made under this Act:—

(h) (1) a "Resource society" means a registered society formed with the object of obtaining for its members the credit, goods or services required by them in the prosecution of their trade or business or with the object of facilitating the operations of such societies:

(2) a "Producers' society" means a registered society formed with the object of producing and disposing of goods as the collective property of its members and includes a registered society formed with the object of the collective disposal of the labour of the members of such society.

(3) a "Consumers' society" means a registered society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society the profits accruing from such supply and distribution;

(4) a "Housing society" means a registered society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;

(5) a "General society" means a society not falling under any of the four classes above mentioned.

The Registrar shall classify all registered societies under one or other of the above heads and his decision shall be final.

A list of all such societies so classified shall be published annually in the *Bombay Government Gazette*.

(i) A "special resolution" means a resolution,

(1) of which due notice has been given as required by the by-laws,

(2) which has been passed by a three fourth majority of the members entitled to vote either in person or by proxy at a special general meeting of a registered society, and

(3) which has been confirmed by a majority of the members entitled to vote at a subsequent special general meeting of which due notice has been given and which has been held not less than 15 days nor more than one month from the date on which the resolution was passed.

The Chairman's declaration that a resolution has been passed shall be deemed conclusive evidence of the fact.

Registration.

4. Government may appoint a person to be Registrar of Co-operative Societies for the Presidency or any portion of it, and may appoint a person or persons to assist such Registrar, and

The Registrar.

may, by general or special order, confer on any such person or persons all or any of the powers of a Registrar under this Act.

5. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability :

Societies which may be registered.

Provided that, unless Government by general or special order otherwise directs—

(1) the liability of a society of which a member is a registered society shall be limited :

(2) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists, and of which no member is a registered society, shall be unlimited and the members of such a society shall, *on its liquidation*, be jointly and severally liable for and in respect of all obligations of such a society.

Provided further that when the question whether the liability of a society is limited or unlimited has once been decided by the Registrar at the time of registration his decision shall be final.

6. Where the liability of the members of a society is

Restrictions on interest of member of society with limited liability and a share capital.

limited by shares, no member other than a registered society shall

(a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules : or

(b) have or claim any interest in the shares of the society exceeding three thousand rupees : provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rs. 10,000.

7. (1) No society, other than a society of which a member is a registered society, shall be registered under this Act, which does not consist of at least ten persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

Conditions of registration.

(a) reside in the same town or village or in the same group of villages ; or

(b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Act.

8. When any question arises whether for the purpose of the formation, or registration or continuance of a society under this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.

Power of Registrar to decide certain questions.

9. (1) For purposes of registration an application to register shall be made to the Registrar.

(2) The application shall be signed

(a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1); and

(b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society and where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

10. If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may if he thinks fit register the society and its by-laws.

Registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Evidence of registration.

12. Every registered society shall within a period of Annual general ~~two~~ *three* months after the date on meeting. ~~which fixed for making up~~ its accounts for the year are ~~made up~~ under the rules for the time being in force call a general meeting of its members.

~~The committee shall at such meeting submit a report of the previous year's working of the society. The general meeting shall elect a committee for the ensuing year and shall perform such other duties as it is required by the rules or by its by-laws to perform. The business of the general meeting shall be conducted by resolution and the decision shall go by a majority of votes.~~

13. Every registered society shall also hold a special ~~Half yearly meet~~ *general meeting annually* within ~~ings.~~ *six months of the date of the annual general meeting to consider the half yearly accounts and to perform such other duties as may be imposed upon it by the rules or by the by-laws of the society.*

A special general meeting may be called at any time by a Special general majority of the committee and shall meetings. *be called within one month—*

(1) on the requisition *in writing* of one-fifth of the members of the society, or,

(2) at the ~~orders~~ *instance* of the Registrar.

14. A registered society may, with the approval ~~in writ~~ *ing* of the Registrar and by special ~~effect.~~ *Change of name: its ing of the Registrar and by special effect. a resolution of a general meeting change* its name: but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

15. (1) Any two or more registered societies may by ~~special resolution of both or all such societies may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting~~ *Amalgamation or transfer of societies or their conversion into companies. special resolution of both or all such societies may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting* of each such society held for the purpose, amalgamate as a single registered society; *provided that each member has had clear fifteen days' written notice of the resolution and the date of the meeting.* Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating societies. The special resolution of the societies concerned shall *on such amalgamation* be a sufficient conveyance to vest the property of the amalgamating societies in the amalgamated society ~~on such an amalgamation.~~

(2) Any registered society may by special *a resolution passed in accordance with the procedure laid down in clause*

sub-section (1) transfer its assets and liabilities to any other registered society which is prepared to accept them.

VII of 1913. ~~(3) A registered society may by special resolution by which its members subscribe their names to a memorandum of association and otherwise comply with the requirements of the Indian Companies Act, 1913, convert itself into a company under the said Act; or may amalgamate with or transfer its assets and liabilities to any such company.~~

~~(4) If a registered society is registered as or amalgamates with or transfers all its assets and liabilities to any such company the registration of such society under this Act shall thereupon become void, and the same shall be cancelled by the Registrar, but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society or any penalty for the time being incurred by such society, and for the purposes of enforcing any such right, claim or penalty the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right, claim or liability to such penalty shall have priority as against the property of any such company over all other rights, claims or liabilities of any such company.~~

16. (1) No amendment of the by-laws of a registered society shall be valid until approved by the resolution of an annual or a special general meeting and registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may, if he thinks fit, register the amendment.

(3) When the Registrar registers an amendment of the by-laws of a registered society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

Rights and liabilities of members.

17. No person shall exercise the rights of a member of a registered society unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society as may be prescribed by the rules or the by-laws of such society.

18. (1) No member of any registered society shall have more than one vote in its affairs *except the chairman who shall have a casting vote in case of equality of votes.*

Votes of members.

(2) A registered society which has invested any part of its funds in the shares of another registered society, may appoint one of its members ~~or a member of some other registered society having a similar interest~~ to vote by proxy in the affairs of such a registered ~~other re,istered~~ society.

19. (1) The transfer or charge of the share or interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any registered society or any part thereof unless

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to the registered society or to a member of the registered society or to a person whose application for membership has been accepted by the society.

Duties of registered societies.

20. Every registered society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change.

Address of societies.

21. Every registered society shall keep open to inspection at all reasonable times at the registered address of the society—~~Copy of Act and by-laws,~~ *etc.*, to be open to inspection.

(a) a copy of this Act,

(b) a copy of the rules governing such society,

(c) a copy of the by-laws of such society, and

(d) a register of its members.

22. (1) The Registrar shall by himself or by some person authorized by him in writing by general or special order in this behalf audit the accounts of any registered every society once at least in every year.

Audit.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash

balance and securities, and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any registered society shall at all times have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit or inspect the accounts of a registered society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit or inspect the accounts of a registered society shall have power, *when necessary*

(i) to summon ~~and enforce the attendance~~ at the time of his audit ~~or inspection~~ of any officer, agent, servant or member of the registered society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of, or any cash belonging to, the society by the officer, agent, servant or member in possession of such book, document or cash.

Privileges of registered societies.

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

24. Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

(a) any debt or outstanding demand owing to a registered society by any member or past member shall be a first charge (i) upon crops or other agricultural produce ~~or raised in whole or in part with a loan taken from the society~~ by such member or past member, and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given him by the society; and

(b) any outstanding demands or dues payable to a registered housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to a housing such society shall be a first charge upon the property, ~~moveable or immoveable, of such member or past member his interest in the immoveable property of the society as also upon the moveable property held by him on the premises of such society.~~

25. A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

26. Subject to the provisions of section 25, the share or interest of a member in the capital of a registered society or in any provident fund established under section 41 of this Act shall not be liable to attachment or sale under any decree or order of a court of justice in respect of any debt or liability incurred by such member, and neither the Official Assignee under the Presidency Towns Insolvency Act, 1909, nor a Receiver under the Provincial Insolvency Act, 1920, shall be entitled to or have any claim on such share or interest.

27. (1) On the death of a member of a registered society such society may within a period of one year from the death of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or, if there is no person so nominated to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws :

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A registered society may pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

28. The liability of a past member for the debts of a registered society as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

Liability of past member.

29. The estate of a deceased member shall be liable for a period of one year from the date of his decease for the debts of a registered society as they existed at the time of his death.

Liability of the estates of deceased members.

30. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein :—

Register of member.

(a) the date at which the name of any person was entered in such register or list as a member ;

(b) the date at which any such person ceased to be a member.

31. (1) (a) A copy of any receipt application, plan, notice, order or other document or of any entry in a any book, register or list regularly kept in the course of business in the possession of a registered society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

Admissibility of copy of document or entry as evidence.

(2) (b) *In the case of such societies as Government by general or special order may direct, no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1) clause (a), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.*

XVI of 1908. Exemption from compulsory registration of instruments relating to shares and debentures of registered society. 32. Nothing in section 17, sub-section (1), clauses (b) and (c), of the Indian Registration Act, 1908, shall apply to—

(1) any instrument relating to shares in a registered society, notwithstanding that the assets of such the society consist in whole or in part of immoveable property ; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ; or.

(3) any endorsement upon or transfer of any debenture issued by any such society.

33. (1) The Governor General in Council, by notification in the *Gazette of India*, may, in the case of any registered society or class of registered societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.

(2) The Local Government by notification in the *Bombay Government Gazette* may, in the case of any registered society or class of registered societies, remit.

(a) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society, or any class of such instruments or awards of arbitrators under this Act are respectively chargeable ; and

(b) any fee payable under the law of registration and of court fees for the time being in force.

Property and funds of registered societies.

34. (1) *Except with the general or special sanction of the Registrar a registered society shall not make a loan to any person other than a member.*

~~Restrictions on loans. Provided that, with the sanction of the Registrar, a registered society may make loans to another registered society.~~

(2) Save with the sanction of the Registrar, a registered society with unlimited liability shall not lend money on the security of moveable property.

(3) Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immoveable property by any registered society or class of registered societies.

35. A registered society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or by the by-laws of such society.

Restrictions on borrowing.

36. (1) Consumers', Producers' and Housing Societies may to the extent permitted by their by-laws trade with persons who are not members but the transactions of a Resource society with persons other than members except as provided under section 34 or 35 shall be subject to such prohibitions and restrictions, if any, as Government may by rules prescribe.

Restrictions on other transactions with non-members.

~~(2) Except as otherwise provided in its by-laws a Consumers' society may sell to customers who are not members as well as to its members such goods as it stocks for sale provided that the purchase is made for the consumption of the customer and not for purposes of re-sale.~~

37. A registered society may invest or deposit its funds

(a) in the Government Savings Banks, or

(b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882; or

(c) in the shares or on the security of any other registered society, provided that no such investment shall be made in the shares of any society other than one with limited liability; or

(d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(e) in any other mode permitted by the rules.

38. (1) No registered society shall pay a dividend to its members at a rate exceeding 10 per cent.

Restrictions on dividend;

~~Reserve Fund.~~

(2) 39. (1) Every registered society which does or can lawfully derive a profit from its transactions shall maintain a reserve fund.

Reserve Fund.

fund.

39. (2) In the case of a Resource or Producers' society at least $\frac{1}{4}$ th of the net profits of the society each year shall be carried to the reserve fund and in the case of a Consumers' or Housing society at least $\frac{1}{10}$ th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to the provisions of section 37, as Government may by general or special order direct or may, with the previous sanction of Government, be ~~denoted used in whole or in part for some public purpose likely to promote the objects of this Act or for some purposes of provincial or local interest to some public purpose likely to promote the objects of this Act for some purposes of local or communal interest.~~

40. Subject to the provisions of section 38 (4) the balance of the profits of a registered society after making the prescribed provision for the reserve fund may together with any available profits of past years be distributed among its members, and in the case of Consumers' and Producers' societies, also among persons who are not members, to the extent and under the conditions prescribed by the rules or by the by-laws of such societies provided that:—

(a) in the case of a Resource society on a basis of unlimited liability in which the members do not hold shares no distribution of profits shall be made *without the general or special order of Government in this behalf*; and

(b) in the case of a Resource society on a basis of unlimited liability in which the members do hold shares no such distribution of profits shall be made until 10 years from the date of registration of the society have elapsed.

41. Any registered society may establish a provident fund for its members out of contributions from such members in accordance with by-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the reserve fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of section 37; and provided further, that no part of such provident fund shall be considered as an asset of the society.

42. With the sanction of the Registrar and after the Contribution to payments prescribed by *sub-section (2) of charitable purpose.* section 39 have been made to the reserve fund any registered society may—

(a) set aside a sum not exceeding 20 per cent. of its net profits, and

VI of 1890. (b) utilize from time to time the whole of such sum in contributing to any public or co-operative purpose, or to a charitable purpose, as defined in section 2 of the Charitable Endowments Act, 1890.

Inspection of affairs.

43. (1) The Registrar may of his own motion by himself or by a person duly authorised by him in writing in this behalf hold an enquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar shall hold such an inquiry as is contemplated in sub-section (1) of this section—

(a) on the requisition of a registered society, duly authorised by rules made in this behalf to make such requisition, in respect of one of its members, such member being itself a registered society,

(b) on the application of a majority of the Committee of a registered the society,

(c) on the application of 1/3rd of the members of a registered the society.

(3) All officers and members of the society whose affairs are investigated shall furnish such information in their possession in regard to the affairs of the society as the Registrar or the person authorised by the Registrar may require.

(4) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

44. (1) The Registrar may, on the application of a creditor of a registered society, inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society :
Provided that—

(a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the result of any such inspection to the creditor.

45. Where an inquiry is held under section 43 or an inspection is made under section 44 the Registrar or person authorised by him to hold the inquiry or make the inspection may apportion the costs, or such part of the costs, as he may think right, between the society, the members or creditor demanding the inquiry or

inspection, and the officers or former officers, and the members or past members of the society.

46. Any sum awarded by way of costs under section 45 may be recovered, on application by the Registrar or person holding an inquiry to a Magistrate having jurisdiction in the place where the person from whom the money is claimable actually and voluntarily resides, or carries on business, by the distress and sale of any movable property within the limits of the jurisdiction of such Magistrate belonging to such person, and such Magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

Liquidation and Arbitration.

47. If the Registrar, after an inquiry has been held under section 43 or after an inspection has been made under section 44 or on receipt of an application made by $\frac{2}{3}$ ths of the members of a registered society present at a *special* general meeting, called for the purpose or of his own motion, in the case of societies that have not commenced working, or have ceased working, or possess shares or members' deposits not exceeding Rs. 500, is of opinion that the society ought to be wound up, he may issue an order directing it to be wound up, and when necessary, may appoint a liquidator for the purpose and fix his remuneration.

48.—(1) ~~Any member of society may within two months of the date of an order under section 47 appeal from such order to Government.~~

(2) ~~If such an appeal is made the society shall not be dissolved until such order has been confirmed by Government.~~

49. 48. Where it is a condition of the registration of a society that it shall consist of at least ten members who are majors the Registrar may by order in writing direct the society to be wound up, if at any time it is proved to his satisfaction that the membership has been reduced to less than 10 such members.

50. 49. When the affairs of a society for which a liquidator has been appointed under section 47 have been wound up, or, where no liquidator has been appointed, after two months from the date of an order under section 47, or after the confirmation of such order under section 45 in appeal, the Registrar shall make an order cancelling the registration of the society, and the society shall be deemed to be dissolved from the date of such order.

51. 50. A liquidator appointed under section 47 shall have power with the sanction of the Registrar to do all or any of the following things :—

Winding-up.

Liquidation procedure.

- (a) pay any class or classes of creditors in full ;
 - (b) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable ;
 - (c) to compromise all calls or liabilities to calls and debts, and liabilities capable of resulting in debts and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof ;
 - (d) from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officer, to the assets of the society, such contribution including debts due from such members or persons. ~~In a society with unlimited liability such contributions shall be determined at the discretion of the liquidator and not necessarily in any definite proportion as between the contributories ;~~
 - (e) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office ;
 - (f) to issue requisitions under section 187 of the ~~Bombay Land Revenue Code, 1879,~~ 59 upon the Collector for the summary recovery as arrears of land revenue of any sum ordered by him to be recovered as dues from members or as a contribution to the assets of the society or to the cost of liquidation ;
- provided that if the sum is more than Rs. 100 it may be recovered in instalments in accordance with rules made in this behalf.*
- (g) ~~to move the Registrar to get disputes referred to arbitration ;~~
 - (h) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims, *and to pay rateably according to the amount of such debts. The surplus if any being applied in payment of interest from the date of liquidation at a rate not exceeding six per centum per annum ;*

Bom. V of
1879.

(i) to determine by what persons and in what proportion the cost of the liquidation shall be borne;

(j) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;

(k) to fix the time or times within which creditors shall prove their debts or claims or be included for the benefit of any distribution made before those debts are proved;

(l) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

52.—(1) ~~Where, in the course of the winding up of a society it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the managing committee or officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.~~

(2) ~~This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible.~~

53. 51. Save in so far as is expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a registered society under this Act and when a winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

54. 52. ~~After all the liabilities of a society which has been wound up, not being a housing society, have been met the surplus assets shall not be divided among its members but may either be assigned by the Registrar to After all the liabilities including the paid up share capital of a cancelled society have been met the surplus assets shall not be divided amongst its members but they shall be devoted~~

to object or objects described in the by-laws of the society and when no object is so specified to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following:—

(b) (a) to an object of public utility of local or communal interest, or

VI of 1890. (e) (b) to a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890,

(a) (c) the Central Co-operative Institute, Bombay; or may be placed on deposit with into the Bombay a Central Co-operative Bank until such time as a new society with similar conditions of registration is registered when if the Registrar thinks proper such surplus in which case with the consent of the Registrar the same may be credited to the reserve fund of such new society.

55. 53. ~~Where the society that has been wound up is a housing society all the surplus assets including both moveable and immovable property shall, subject to all existing rights and equities, vest in the Central Co-operative Institute, Bombay, until such time as a new society with similar conditions of registration is registered when with the previous sanction of Government such surplus assets may be transferred to the new society.~~

53. When a housing society is directed to be wound up, its assets, both movable and immovable, shall, subject to all existing rights and equities, vest jointly in a person nominated by the Registrar, one member named by the said Society in a general meeting specifically called for the purpose and one nominee of the Bombay Central Co-operative Institute as Joint Liquidators and with the approval of the Registrar they may continue the working of the society, or subject to his sanction and in consultation with the general meeting of the members reconstruct it or sell off the premises to the best advantage of all concerned, and when all the liabilities are met the surplus assets shall be disposed of as laid down in section 52.

56. 54. If any dispute touching the business of a registered society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent, or servant of the society or between the society or its committee, and any officer, agent, member or servant of the society, it shall be referred to the Registrar for decision, and if he so directs, to arbitration; and the Registrar on receiving notice

of such dispute may at his discretion either decide the dispute himself or may appoint an arbitrator or arbitrators to decide it.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member whether such debts or demands be admitted or not.

Provided that if the question at issue between a registered society and a claimant, or between different claimants, is one of inheritance involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the registered society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall appoint an arbitrator to decide the question.

*Of. O. N.
Rule 6, C.T.
C., 1908*

57. 55. Where a dispute has been referred to arbitration under Attachment before section 56 54 or clause (g) of section 50, award. the Registrar or arbitrator or arbitrators, as the case may be, may, if satisfied on inquiry or otherwise that a party to such arbitration with intent to delay or obstruct the execution of any award that may be made,—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

the Registrar or arbitrator or arbitrators may unless adequate security is furnished direct the conditional attachment of the said property; and such attachment shall have the same effect as if made by a competent Civil Court.

58. 56. Any party aggrieved by the award of an arbitrator or arbitrators made under section 56 of arbitrator. 54 or an order passed under section 55 by an arbitrator or arbitrators may within one month of the date of the award or order appeal to the Registrar. The Registrar shall decide the appeal himself or if either of the parties so desires shall refer it for decision to a Board consisting of the Registrar and two members of whom one shall be nominated by each of the parties concerned. Where a party fails to nominate such a person within 15 days the Registrar may himself make the nomination.

59. ~~Where the Registrar has himself under the provisions of section 56 decided a dispute~~
~~any person aggrieved by the decision may appeal to Government~~
Appeal against order of Registrar. within one month of such decision.

60. 57. An order passed in appeal under section 58 or section 59 56 shall be final and conclusive. The award of an arbitrator or arbitrators or a decision by the Registrar under section 56 54 shall not be liable to be called in question in any civil or revenue court.

61. 58. Wherever in this Act it is provided that the Registrar or person duly authorized by general or special order in writing by the Registrar in this behalf being an auditor, liquidator or arbitrator appointed under this Act, shall hold an inquiry under section 43 or shall make an inspection under section 44 or shall wind up a registered society or shall arbitrate, such Registrar, or person authorized, auditor, liquidator or arbitrator, as the case may be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of V of 1908, a civil court by the Code of Civil Procedure, 1908.

62 59. (1) ~~All money ordered by a liquidator All orders issued by a liquidator under section 51 50 or by the Registrar under section 52 or by an arbitrator or arbitrators under section 56 54 to be recovered as a debt owed to a registered society or as a contribution to the assets of such society or as the costs incurred in the determination of a dispute shall, if not paid when demanded, be recoverable carried out, be executed.~~

(a) on a certificate signed by the Registrar or a liquidator by any civil court in the same manner as a decree of such court; or

(b) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.

(2) When the property attached in execution of an order referred to in clause sub-section (1) cannot be sold for want of buyers, the same may be handed over to a society with the previous consent of the Registrar on such terms and conditions as may be agreed upon between the Collector and the said society.

Offences.

Offences. 64. 60. It shall be an offence under this Act if—

(a) a registered society with a working capital of Rs. 50,000 or more or an officer or member thereof fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, send, do or allow to be done : or

(b) a registered society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorized by him in writing in this behalf : or

(c) a registered society or an officer or member thereof wilfully makes a false return or wilfully furnishes false information in any respect false or insufficient : or

(d) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Act.

65. 61. Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a fine not exceeding

Rs. 200 50.

63. 67. (1) ~~No person other than a registered society shall without the sanction of Government trade or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part :~~

~~Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.~~

~~(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty~~

Cf. sec. 84,
Friendly So-
cieties Act.

~~rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.~~

62. (1) No person other than a registered society shall without the sanction of Government trade
Prohibition of the use of the word "co-operative". or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part :

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

66. 63. (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

V of 1898, (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall, for the purposes of the said code, be deemed to be non-cognizable.

(c) No prosecution under this Act shall be lodged without the previous sanction of the Registrar, which shall not be given except after hearing the party concerned.

Appeals.

64. An appeal against an order or decision of or sanctioned by the Registrar under section 10, 16, 45, 47, 50 or 54 may be made by any party aggrieved or affected by the order or decision to Government within two months of the date of the communication of the order.

Miscellaneous.

67. 65. (1) All sums due from a registered society or from an officer or member or past member of a registered society as such to Government, including any ~~sums awarded to Government under section 45.~~ may be recovered according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

(2) Sums due from a registered society to Government and recoverable under sub-section (1) may be recovered,

firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited; from the members or past members subject to the limit of their liability; and, thirdly in the case of other societies, from the members or past members.

(3) The liability of past members shall in all cases be subject to the provisions of section 28.

68. 66. Notwithstanding anything contained in this Act, Government may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

Power to exempt societies from conditions as to registration.

69 67. Government may, by general or special order to be published in the *Bombay Government Gazette*, exempt any registered society or class of registered societies from any of the provisions of this Act, or may direct that such provisions shall apply to such society or class of societies with such modifications as may be specified in the order; *provided that no order to the prejudice of any society shall be passed without an opportunity being given to such society to represent its case.*

Power to exempt registered societies from provisions of Act.

VII u. 1913.

70 68. The provisions of the Indian Companies Act, 1913, shall not apply to registered societies, registered under this Act.

Indian Companies Act not to apply.

69. Every Co-operative Society registered outside the Bombay Presidency, which has or establishes a branch or place of business in the Bombay Presidency shall within six months from the commencement of this Act or from the establishment of such branch or place of business, file with the Registrar a certified copy of the bye-laws and amendments and, if these are not written in the English language, a certified translation in English thereof, and shall submit to the Registrar such returns and information as are submitted by similar societies in the Bombay Presidency in addition to those submitted to the Registrar of the place province where it is registered.

Branches, etc., of Societies outside the Presidency.

70. No suit shall be instituted against a society or any of its officers in respect of any act touching the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the

Notice necessary in suits.

plaintiff and the relief which he claims ; and the plaintiff shall contain a statement that such notice has been so delivered or left.

71. (1) Government may, for the whole or any part of the presidency and for any registered society or class of such societies, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;

(b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications ;

(c) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation ;

(d) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership ;

(e) provide for ascertaining the value of a deceased member's share or interest ;

(f) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings ;

(g) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers ;

(h) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society ;

(i) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted ;

(j) provide for the persons by whom and the form in which copies of documents or entries in books of societies may be certified, and for the charges to be levied for the supply of such copies ;

(k) provide for the formation and maintenance of a register of members, and where the liability of the members is limited by shares, of a register of shares ;

(l) prescribe the payments to be made and the conditions to be complied with by members applying for loans, and the period for which loans may be made, and the amount which may be lent to an individual member ;

(m) prescribe the prohibitions and restrictions subject to which reserve societies may trade with persons who are not members ;

(n) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society ;

(o) prescribe the extent to which a society may limit the number of its members ;

(p) prescribe the conditions under which profits may be distributed to the members of a registered society and the maximum rate of dividend which may be paid by societies ;

(q) ~~subject to the provisions of section 48 determine in what cases an appeal shall lie from the orders of the Registrar and~~ prescribe the procedure to be followed in presenting and disposing of such appeals ;

(r) provide for securing that the share capital of any registered society shall be variable in such a way as may be necessary to secure that share shall not appreciate in value and that necessary capital shall be available for the society as required ;

(s) provide that persons qualified under the by-laws of a society shall not be excluded from membership without due cause ;

(t) prescribe the procedure to be followed by a liquidator appointed under section 47 ;

(u) prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators and for fixing and levying the expenses of determining the dispute ;

(v) provide for the issue and service of *summons processes* and for proof of service thereof ;

(w) provide for the writing off of bad debts ;

(x) regulate the manner in which funds may be raised by means of shares or debentures or otherwise ;

(y) provide for the withdrawal and expulsion of members and for the payments to be made to them and for the liabilities of past members ;

(z) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred ;

(aa) prescribe the cases in which an appeal shall lie from the order of a liquidator appointed under section 47 ; and;

(bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same ;

(cc) prescribe the procedure to be followed for the custody of property attached under section 55 ; and

(dd) provide for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by Co-operative societies to any provident fund which may be established for the benefit of officers and servants employed by them.

(3) Government may, subject to such conditions, if any, as it thinks fit, delegate all or any of its powers to make rules under this section to any authority specified in the order of delegation.

(4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

~~(5) All rules made under this section shall be published in the "Bombay Government Gazette" and on such publication they shall have effect as if enacted in this Act.~~

~~(5) No rules made under this section shall be issued by Government unless they have been laid in draft before the Legislative Council and have been approved by a resolution of the Council either with or without modification ; on such approval the rules in their final form shall be published in the "Bombay Government Gazette" and shall thereupon have effect as if enacted under this Act.~~

The rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session.

72. (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted, under the said Acts shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

73. The enactments specified in the Schedule are hereby repealed in so far as they apply to the Bombay Presidency to the extent specified in the fourth column of the said schedule,

Repeal.

1823

Appendices

SCHEDULE.

Enactments repealed.

(See section 73.)

Years.	No.	Short title.	Extent of repeal.
1912	II	The Co-operative Societies Act, 1912.	The whole.
1920	XXXVIII	The Devolution Act, 1920.	So much as relates to Act II of 1912.
1920	I	The Bombay Land Revenue Code (Amendment) Act, 1920.	The whole.

APPENDIX D.

BILL No. I OF 1925.

[A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918.]

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members * of the Select Committee appointed to consider Bill No. I of 1925 [A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918] have the honour to report as follows :—

2. The main alterations we have made in the Bill are explained in the following notes on the clauses of the Bill :—

Clause 1.—As the present Acts will expire on the 31st December 1925 we have thought it necessary to provide that the new Act shall come into operation on the 1st January 1926.

Clauses 2 and 6.—We think that the limit of Rs. 85 in the case of Bombay and Rs. 50 in the case of Karachi suggested in the Bill (exclusive of the additional percentage allowed by the Act) is sufficient. We believe, however, that Salsette calls for special treatment as the conditions in Salsette are not the same as in the City of Bombay. We have, therefore, recommended a basic rent of Rs. 50 in the case of premises situate within the municipal limits of Bandra and the limits of the notified areas of Andheri and Santa Cruz and a basic rent of Rs. 25 for the rest of Salsette.

We think that the duration of the Acts should be extended up to the 31st December 1927.

Clauses 3 (2).—*Vide* notes on clause 5.

Clauses 4 (1) (a).—We believe that clause 4 (1) (a) of the Bill will cause hardship as many tenants and sub-tenants who may have sub-let their premises before the 21st day of August 1922 as they were then entitled to do under the law for the time being in force may be evicted. At the same time we think that it is necessary to check profiteering in respect of premises which were sub-let before the 21st day of August 1922. We have, therefore, omitted clause 4 (1) (a) of the Bill and have inserted a new sub-section (6) of section 9 in clause 4 (2).

Clauses 4 (2) and (8).—We have revised proposed sub-section (5) of section 9 of the principal Act in clause 4 (2) and proposed sub-section (5) of section 17 of the subsidiary Act in clause 8 of the Bill as we believe that the sub-sections as they stand may cause hardship to tenants.

Clause 5.—We think that Schedule B should apply only to premises which were first let between the 1st January 1916 and the 10th April 1918 and we have altered the percentages of increase of rent so as to

* The signatures of Mr. J. Baptista, M.L.C., Mr. D. B. Adwan, M.L.C., and Mr. J. Addyman, M.L.C., will be notified when received.

allow an increase of 15 per cent. in the case of all premises of which the rental does not exceed Rs. 50 and 20 per cent. in the case of premises of which the rental exceeds Rs. 50. We have amended the schedule accordingly. A consequential amendment has been made in clause 3 (2).

Clause 7.—We believe that clause 7 of the Bill will cause hardship and that the object will be sufficiently met if the protection of the Acts is withdrawn from tenants who have not occupied their premises for six successive weeks and have failed to pay one month's rent due. We have revised clause 7 accordingly.

The other amendments made by us are consequential.

3. We recommend that this report and the Bill, as amended, should be translated into Marathi, Gujarati, Kanarese and Urdu and the translations should be published in the *Bombay Government Gazette*. They should also be translated into Sindhi and the translation should be published in the *Sind Official Gazette*.

(Signed) COWASJI JEHANGIR,
 (") MAHOMED AYOUB S. KHUARO,
 (") R. H. A. DELVES,
 (") C. W. A. TURNER,
 (") HOOSENALLY M. RAHIMTOOLA,
 (") R. D. SHINDE (*subject to a minute of dissent*),
 (") A. N. SURVE (*subject to a minute of dissent*),
 (") G. B. PRADHAN (*subject to a minute of dissent*),
 (") L. B. BHOPATKAR (*subject to a minute of dissent*),
 (") V. A. GRANTHAM (*subject to a minute of dissent*),
 (") K. F. NARIMAN (*subject to a minute of dissent*),
 (") M. B. VELKAR (*subject to a minute of dissent*),
 (") VASANTRAO A. DABHOLKAR (*subject to a minute of dissent*),
 (") H. A. LALLJEE.

(*Minute of dissent by Mr. R. D. Shinde, M.L.C.*)

Clauses 2 and 6.—I think that the Bill should have been amended so as to provide a definition of a "dwelling house" and that besides the ordinary dwelling houses, premises used for charitable or educational

purposes such as schools, hospitals or nursing institutions should be treated as dwelling houses.

I would like the wording of the clause, *e.g.*, "in respect of any premises used wholly or principally as a dwelling house" to be more clear as it is likely that it would be extremely difficult for the courts to distinguish between a large class of premises which stand midway between those principally used as a dwelling house or those used principally as a business premises. I would suggest instead such words as "used wholly or partially as a dwelling house provided such a partial use of the premises as a dwelling house does not frustrate the object of the Act".

I do not agree to the change to reduce the limit of protection from three years to two years as two years is too short a period for the present conditions to settle down.

Clauses 4 (2) and (8).—I do not in principle object to investing owners of mills and similar industrial concerns who have constructed special chawls or buildings for the residence of operatives working in them, with powers to evict such of them as have *bond fide* ceased to be in their employment, but I think such powers are apt to be misused to the detriment of the workers in times of general strike or lock-out when they may be used as a handle to coerce the workers to return to work. I suggest an amendment to 4 (2) " (4) "—" provided his ceasing to be in the employment of his landlord is not the result of a general strike or lock-out".

As regards the proposed sub-clause (5) I think its working will be extremely difficult as it would not be an easy thing to determine the exact proportionate standard rent for a portion sub-let. A small front room of a premises for instance would be worth more than all other rooms though the space would be considerably less. This will moreover encourage litigation which is undesirable.

Clause 5.—I object to the Schedule A providing an annual increase. I think that the landlords should be given only one more increase of 10 per cent. for the whole period of extension.

I would omit Schedule B altogether as it is unnecessary and not justified.

Clause 7.—I agree to the proposed change of the clause subject to the reservation that the periods should be not less than 3 months and 2 months respectively.

28th June 1925.

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

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

As regards duration.—I prefer an extension of the period for one year certain, with power to Government for extending it to any period up to two years more, by an executive order. If conditions will not improve within two years, then a fresh amending bill will have to be introduced again. That will be avoided if my suggestion is accepted and the tenants

will have the protection of the Rent Act till 1928, if it is needed. If it is not needed so long, Government will have the power to extend it up to such period only as the circumstances will justify.

As regards scale of increase.—It is regretted that Scale A recommends 30—40 and 40—50 per cent. increases which in these days will—no doubt—cause great hardship to many. I would have gladly supported lesser increases—had it not been for the fact that the Rent Acts could not be kept alive for ever. So long as there is difference between the rents in old and new premises, the agitation for prolonging the Rent Acts is bound to remain. Gradual abolition of this difference by allowing annual increments to the former and not giving any increment to the latter will in course of time equalise rent in old and new premises and thus remove the cause which is at the root of agitation for extending the Rent Acts. If this view is accepted, then Schedule B cannot be justified and it should therefore be deleted. I am aware that the Select Committee has partly accepted this view and it has allowed a uniform, instead of annual as proposed in the original bill, increase of 15 and 20 per cent. In the case of buildings built between 1916 and 1918, it must be borne in mind that for the purpose of standardising rents they were permitted to base them at the rate for which the premises were *first let*. The rent charged at the first letting must have included the heavy prices paid on account of war conditions on such articles as nails, etc. Therefore that argument cannot be advanced to secure increased percentages now. For this reason, I consider that Schedule B should be altogether *deleted*.

The fact that rooms in the Development and Improvement Trust Estates are vacant by HUNDREDS for a very long time though their rents are so low as from Rs. SIX to Rs. Thirteen brings to light one of the bad features of the Rent Acts. The loss incurred every month in vacancies falls upon the Presidency and—whether for the benefit of one section of the tenants of the City of Bombay—the Whole Presidency should be taxed is a question for the Council to decide. I think if premises fetching rent under Rs. ten are decontrolled all the vacancies in the Development and Improvement Trust Chawls will be filled up in a very short time and thereby the burden on the revenue of the Presidency will be removed at least partly.

Coming to other points—the words “Wholly or Principally” used in connection with dwelling houses in Clauses 2 and 6 of the Bill will prove a fruitful source of litigation. Moreover it will not do to forget that the Government had last year represented to the Council that it was no more necessary to control trade premises; but by employing these words Government—it appears—is trying to modify the view which it advocated last year. If the word “Solely” is used for the words “wholly or principally” it would remove vagueness and prevent litigation.

The new sub-clause (5) to clause (4) will in practice amount to nothing more than a mere pious wish. It will remain a dead letter. For fear of being ejected from the premises, a sub-tenant is never likely to admit that he pays excess or any rent, and thereby the tenant will continue to profit at the expense of the landlord. The unscrupulous tenant will

therefore be as free in future as he is to-day to pocket his ill-gotten gain. It is a pity that this clause will not prove beneficial either to the landlord or to the sub-tenant. If the sub-tenant is given the inducement of being confirmed in his tenancy, he will come forward to prove that the tenant was receiving more than standard rent and thereby an undeserving tenant who has been pocketing the profit—under the sanction of law—all this time will be punished and moreover a reproach which is very justly hurled at the Rent Acts will have been removed.

Clause 7 has undergone a complete metamorphosis in the Select Committee and that too for the worse. The new clause 7-A has—I fear—unconsciously been instrumental in creating an anomaly. It states that the premises may be excluded from the operation of the Act and thereby—I am afraid—a state of things will be brought into existence which it was not the intention of the framers of that clause to do. Let us take a concrete instance. Suppose a tenant X has not occupied his premises for six weeks and is in arrears of rent for one month. The clause declares that in respect of the premises occupied by him the Rent Act will have ceased to operate. Thus the premises will become decontrolled, *i.e.*, the Rent Act will not apply to them. The landlord recovers their possession and lets them to—say—Y. Then the question arises: will the premises in the occupation of Y be within the operation of the Rent Act or not. If it is asserted that they will be under the operation of the Act, then the further question will arise—by virtue of which clause the premises once excluded can be brought back under the Act again? This aspect of the question will have to be seriously considered, otherwise an anomalous position will arise.

Many properties are mortgaged and owing to the unfavourable condition of the money market, at each successive renewal of the mortgage the landlord is called upon to pay higher and higher rate of interest. There have been instances where owing to the exorbitant rate of interest the landlord finds that he is paying more in interest on the mortgage of his property than what he obtains from it by rent, *i.e.*, he pays a part of the interest out of his own pocket. In such cases it is a very great hardship on—not to say cruelty to—the landlord not to allow some concession to him. It must be remembered that in England the rent as well as the interest on mortgages are controlled; but in Bombay only the rent—and not the interest—is controlled.

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

53, Umerkhadi, Bombay, 28th June 1925.

(Minute of dissent by Mr. G. B. Pradhan, M.L.C.)

Bill No. I of 1925 (A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act of 1918.

The first point which I urged in the Select Committee and which I urge for the consideration of the Council is that as both the Acts whose

lives are sought to be extended are going to disappear from the Statute Book on the 31st December 1925 the Bill which seeks to extend them for a further period, though so framed as to modify only a few sections of the original Acts, being mainly intended to give the Acts a new lease of life, entitles the Council to consider all the sections of both the Acts as the Council will be justified in considering every section and amending it wherever necessary before it allowed the Acts to remain on the Statute Book. The Council is not confined in its considerations to only those amendments which the Bill seeks to make, as the main object of the Bill is to extend the period of the Acts which would otherwise disappear.

This distinction becomes more clear when we consider that an Act which is to remain on the Statute Book without an amending Bill is sought to be amended only in some particulars by a new Bill the Council is restricted to the consideration of those sections only. Nobody then can contend that the whole Act is before the Council.

My contention was over-ruled in the Select Committee. I put it for what it is worth for the consideration of the Council.

At the end of sub-clause 4 of section 1 and before the proviso I would add :—

“Except premises which are mortgaged with possession before the 1st of January 1918 and which had to be re-mortgaged or where the original mortgage had to be renewed with a higher rate of interest and where the mortgagee is still in possession.”

I want to insert this clause, because I know of cases where owing to the increase in the rate of interests and the restriction on the increase of rent the interest charges are not paid out of the income and the amount swells up with the result that the original landlords are losing their properties which would not have been the case if they had been free to increase the rent.

I would also add one sub-clause (b) to the same section, viz :—

“provided also that this Act shall not apply to chawls or dwelling houses erected by employers of labour for housing their own employees.”

This proviso becomes necessary because in many cases employers of labour were encouraged to build chawls for their employees which were rented at far below the economical rent. The same increase in wages had to be given by such employers and to put a restriction upon their power of increasing the rent for their employees is hardly justifiable.

In section 9 to the Select Committee's sub-section 6 I would make the following amendment, viz. :—

After the words “the Municipal Commissioner for the City of Bombay” and before the words “to be in a ruinous, etc.” insert the words “and within any Municipal limits by such Municipality and within the limits of a Notified Area Committee by such Committee”.

Add after the end of the sub-section "and where such notices have been issued under section 119 of the District Municipal Act or a similar section authorizing the Notified Area Committees to issue such notices to the owner or occupier of such premises".

The reason for this amendment is obvious. The powers conferred on the Municipal Commissioner, Bombay, are also conferred on the mofussil Municipalities by the District Municipal Act and such powers are also given to Notified Area Committees. One cannot understand why their decision in similar matters should be distrusted.

In other respects I agree with the report of the Select Committee.

(Signed) G. B. PRADHAN, M.L.C.

Thana, 29th June 1925.

(Minute of dissent by Mr. L. B. Bhopalkar, M.L.C.)

1. I regret that I differ from the Select Committee on several points.

2. For more reasons than one I feel that such a Bill should not have been introduced at all by the Government. A Bill of this sort is economically unsound, morally indefensible, and socially and politically unwise. But when it is introduced, it should have been tackled with by the Select Committee in a businesslike manner.

3. The problem in question is very simple and can be stated as follows :—While on one hand, the landlords at Bombay and Karachi desire to have a free hand, so far as the fixing of rental and duration of tenancy are concerned; on the other hand, the tenants at these places desire to have the rental fixed as low as possible and to reside in the property rented on the same rent as long as possible. There is thus the straining of the rope at both ends, and the consequent straining of relations between the parties concerned. Really speaking, if the problem had been left to itself, then it would have solved itself automatically but satisfactorily by the play of economic forces. But the Government has preferred to step in, and in doing so has made the confusion worse confounded. It should have framed this legislation with an eye to mete out justice to the parties concerned and to stabilize the relations between them rather than to protect either of them. The Select Committee also has failed to approach the problem from this point of view.

4. The three main questions involved are—

(a) what should be the standard of rental?

(b) what should be the period of tenancy?

(c) and should there be any progressive increase of rent? If so, how much?

5. As regards the first point, I think that the rent fixed or to be fixed should represent neither more nor less than 6 per cent. interest on the capital invested, exclusive of the charges for repairs and depreciation

of the property, municipal taxes and rates and so forth. If the present rental does not come up to net 6 per cent. interest, then the landlord should by law be given liberty to increase it to that limit. If it exceeds 6 per cent. then it should be brought down to that level. To facilitate matters, each tenement should be valued at the present market rates of property.

6. As regards the second point, I submit that the period of tenancy should be three years instead of two ; in other words, the duration of whatever Act may ultimately be passed should be extended up to the 31st December 1928, instead of 31st December 1927 as suggested by the Select Committee. As a necessary corollary of this, every present tenant should be held responsible to pay the rent for this period. If the landlord is to be debarred from evicting a tenant, except in some specified circumstances, the tenant also should be precluded from leaving the property at his sweet will except in some particular circumstances. In a word, the responsibilities of both the parties concerned should be mutual and co-extensive. Also it naturally follows that a tenant should not be permitted to sublet the rented property except with the previous concurrence of his landlord.

7. As regards the third point, I am of opinion that as there is not the least likelihood of the rate of 6 per cent. interest going up during the next three years, the landlords should not be permitted to enhance the rent as fixed above till the 31st December 1928.

8. The Bill should have been made applicable both to residential as well as to non-residential premises.

9. A bill framed on the lines mentioned above would obviate the necessity of making any artificial distinction between tenements and tenements, would considerably allay the present discontent over the question and would remove a constant source of irritation between the landlords and tenants—the two great classes of society.

(Signed) L. B. BHOPATKAR.

Poona City, 29th June 1925.

(Minute of dissent by Mr. V. A. Grantham, M.L.C.)

I consider that Schedule B unnecessarily complicates the Act and I recommend its deletion, with consequential alterations to Clause 3 (2).

(Signed) V. A. GRANTHAM.

29th June 1925.

(Minute of dissent by Mr. K. F. Nariman, M.L.C.)

I do not agree with the report as a whole. When the Bill was first introduced, it was severely criticised as a very unsatisfactory measure

from the tenants point of view and as intended more for the benefit of landlords than protection of tenants. If we read the preamble as well as the statement to objects and reasons of the Original Act, the principle of the legislation is to restrict the increase of rent and thus afford protection to tenants. But unfortunately in the recent amendments to the Original Act proposed, the original object and principle of the Bill is entirely lost sight of and the principal matter engaging the special attention of the framers of those amendments is to prevent any alleged or supposed hardship on the landlords; particularly, this last amendment, Bill No. I of 1925, can hardly be called a measure, either to restrict the increase of rent or to protect in any way the interests of tenants. On the contrary, it may well be described as a measure specially devised for the benefit of landlords to the detriment of the vital interests of the tenants.

It was natural, therefore, when such an one-sided measure was introduced in pursuance of a pledge given by the Honourable the General Member to bring in a measure to satisfy both landlords and tenants, that there should be a widespread dissatisfaction in the tenant class, but it was hoped, and expected that the Bill will emerge from the Select Committee, a better and more satisfactory measure. To the great disappointment of the tenants, instead of being overhauled in the right direction by removing some of the grave defects and drawbacks that were apparent in the Bill, as first introduced, the Select Committee has altered in some respects, so as to make it more unsatisfactory and disastrous from the tenants point of view whilst practically retaining all the objectionable clauses against which the public had been so incessantly agitating, the Select Committee as accepted one retrograde suggestion and reduced the period of extension by one year from "1928" to "1927".

Thus, the amount of rent up to which the restriction should apply is retained and the high and extraordinary annual increase of percentage is not touched, but the period of extension is reduced by one year and other minor alterations are accepted after a good deal of persistent argument. This re-actionary result though deplorable and disappointing, was expected. I regret to have to say that the Select Committee was in no sense a Committee, carefully selected, as it should have been, to represent both sides evenly and equally, but was more or less a packed committee, in which the landlords' interest was preponderating. In all questions affecting the tenants' interests the representatives of the tenants, found themselves in a hopeless minority, vainly trying and persuading to convince a pre-determined majority of the Capitalists and the limit was reached when some Government Members joined and co-operated with that majority and voted against a very important clause in the Original Bill as introduced by the Government themselves. That was a novel phenomena and I raised a point in the Committee as to whether Government Members could vote against a clause in a Government Bill and the Chairman, the Honourable the General Member, generously allowed them the liberty of conscience, although himself voted for the original clauses. The result was that though the Government had after careful inquiries

and various calculations and investigations come to the conclusion that protection was needed up till "1928", still some important members of the Government in the Select Committee thought otherwise and consented to reduce the period by one year and hence we find that in the Bill as altered by the Select Committee, that recommendation is readily accepted by Government. It seemed to be the case of a doctor prescribing exactly what the patient himself desired.

However disappointing the results of the Select Committee's deliberations may be, it is to be hoped and expected that the tenants' representatives will be able to fare better in the Council. The Bill requires complete over-hauling; first as regards the amount of rent up to which control is allowed, both in Bombay and elsewhere, is too low and with one stroke, ruthlessly removes all protection to the upper middle and lower middle classes that need protection very badly. My amendment to raise it to Rs. 200 in Bombay and Rs. 100 in Karachi including the percentage allowed was not accepted. Other important amendments proposed by me to remove the annual enormous increase of percentage allowed to the landlords in the schedule and to substitute ten or fifteen percent increase for the period of extension was also rejected. These two important amendments will have to be re-introduced in the Council and I hope that this will meet with a better fate in that more representative assembly.

As a consolation, other less important amendments, such as allowing sub-letting before August 1922 and deletion of the clause giving landlords power to re-enter unoccupied premises were after strenuous efforts partially accepted.

I hope the tenants' cause will be more sympathetically considered by the Council, so that the Rent Bill will emerge through non-official efforts, a more equitable and just measure than is enacted by the Government.

30th June 1925.

(Signed) K. F. NARIMAN, M.L.C.

(Minute of dissent by Dr. M. B. Velkar, M.L.C.)

I regret I cannot agree with the majority report of the Select Committee. That the report should be in the form submitted by the Select Committee is not at all surprising since nothing better could be expected of a Committee constituted as it was with the thumping majority of the champions of the vested interests. The Rent Bill as it stood was defective and the Select Committee with its distinct capitalist majority has accomplished the task of aggravating the defectiveness and incompleteness of the Bill in question as regards one provision thereof and leaving unaltered some other equally objectionable provisions. For instance, the period of extension of the Bombay Rent Acts as proposed by the Honourable General Member himself in his Bill is three years, that is, till 1928 and yet the Select Committee by a majority of only two votes has decided that it should be no more than two years, that is, till 1927. The popular voice

seems to have utterly failed to influence the minds of the capitalist members of the Select Committee since the people expected that the restrictive measure would be allowed to remain on the statute book until the supply of houses overtook the demand and asked for the further extension of the Act for at least a period of five years, that is, until the end of 1930. I wish the Select Committee had at least stuck to the three years' proposal in the original Bill.

Another grave defect which required to be radically changed is left to stand, as it is, absolutely unaltered, namely, the limit of rental control which is fixed at Rs. 85 in the Bill.

To my mind the restriction is arbitrary and fantastic. I do not see, on what presumption the limit is laid at Rs. 85 per month. Owing to exceptional conditions there are tenants compelled to pay more than that amount while their earnings are below Rs. 250 per month. The Rent Act to be effective and beneficial should at least protect the middle classes in the city upon whom the load of combined taxation weighs heavy. I would favour the continuation of the Rent Acts without any qualification. Empty premises in the fashionable quarters of the Ballard Estate do not give us a true measure of the scarcity of the habitable accommodation in the city. If, however, the Government are not disposed to lengthen the life of the Rent Acts equally on all premises by the amending bill, they should at least consider the enlargement of control to cover premises paying a rental of Rs. 200 per mensem. In Calcutta all tenants paying Rs. 250 per month are protected and I think Rs. 200 as suggested by some members in the Select Committee is a modest recommendation which the Council should accept.

Then again no alteration whatever is made in the percentage of increases in the rent within the limit of Rs. 85 proposed to be allowed to the landlords by the Bill. To my mind the landlord is given excessive advantages through the increases legalised in the draft bill and approved of by the Select Committee. As the scheduled increases of rent occur from 1926 to 1928 there ought to be according to the framers of the bill a corresponding rise in the earnings of each worker to cope with the enhancement. I wonder if there would be such a progressive yearly increase in the earnings of the tenants as is avowedly supposed by the framers of the Bill. I therefore ask on what principle has the annual increase of 10 per cent. as suggested in the Bill and approved of by the Select Committee been introduced. It is conveniently forgotten that during the last seven years, that the Rent Acts have remained in operation in Bombay, the landlords have pocketed the increases twice given to them amounting in all to $33\frac{1}{3}$ per cent. This fact has to be borne in mind by the Council before allowing any increase in the present rents. If at all any increase is decided upon, it should be 10 per cent. for the period of extension and not the progressive annual increase on a sliding scale as suggested in the Bill.

Similarly for *Schedule B* I am against any increase at all, since the landlords of what are called "new premises" that is the premises that

have been "first let" after January 1916—had their own choice of tenants and a free will in the matter of fixing rents : and I really do not understand why they should be given such enormous increases. But, if at all any increase is to be given, it should be 5 per cent. for the period of extension. I am also of opinion that clause 4 (4) in the Bill will give a new weapon in the hands of capitalist landlords to break the backs of their employees who may have gone on strike for the settlement of their just grievance by successfully asking them to vacate their premises through the operation of this clause. The clause ought to be so modified that its provisions should not take effect for two months if there is a dismissal of the employee during the strike.

I admit there are slight changes made in the minor and less important provisions of the Bill, which, though welcome, are not of prime importance. I am sorry to note that all the amendments submitted by some of us in the interests of the tenants were summarily and unceremoniously rejected by the capitalist majority in the Select Committee.

I am also of opinion that in the definition of *Dwelling Houses* should also be included the following so that the following should also come under the operation of the provision of the present Bill :—

Schools, Hospitals, Free Nursing Homes, Charitable Institutions.

An amendment was moved in the Select Committee but was unfortunately thrown out. To my mind protection ought to be given to all Institution whose object is to give relief to the people by way of education, medical relief, etc.

30th June 1925.

(Signed) M. B. VELKAR, M.L.C.

(Minute of dissent by Sir Vasant Rao Dabholkar, Kt., C.B.E., M.L.C.)

I did not mean to sign this report. But as I find that the question of extending the Rent Act has been much agitated on the ground of depression in trade and consequent unemployment, I feel I ought to support the Bill as amended by the Select Committee. I am, however, strongly of opinion that the Rent Act should disappear from the Statute Book as early as possible. I would therefore sound a note of warning to Government that they should before the expiry of the period proposed in this Bill take necessary steps for the housing of those who have been hit hard by the so-called high rents, as it is unfair for Government to penalise the owners of properties for a long number of years. At the same time I hope that tenants who are now under the protection of the Rent Act will before the proposed term expires cease to depend on the charity of the property owners by organising Co-operative Housing Societies to encourage which the Improvement Trust and the Development Department have been offering facilities for obtaining land at cheap rates and the Co-operative Department lending money at a low rate of interest.

(Signed) VASANTRAO ANANDRAO DABHOLKAR.

BILL No. I OF 1925.

A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay Bom. II of Rent (War Restrictions) Act, 1918, and the Bombay Rent 1918: (War Restrictions No. 2) Act, 1918, in manner hereinafter Bom. VII of appearing; AND WHEREAS the previous sanction of the 1918. Governor General required by section 80-A of the Govern- ment of India Act has been obtained for the passing of this 5 & 6 Geo. of Act; It is hereby enacted as follows:— 61.

(1.) (1) This Act may be called the Bombay Rent Short title and operation. (War Restrictions) Amendment Act, 1925.

(2.) *It shall come into operation on the 1st day of January 1926.*

(2.) In sub-section (4) of section 1 of the Bombay Rent Bom. II of Amendment of section (War Restrictions) Act, 1918, herein- 1918. 1 of Bom. II of 1918. after called the principal Act, for the figures and words " 1925, in respect of any premises used as a dwelling-house " the figures and words " 1928 1927, in respect of any premises used wholly or principally as a dwelling-house of which the standard rent exclusive of the percentage allowable under this Act does not exceed Rs. 25 in any place in the taluka of North Salsette in the district of Thana and the taluka of South Salsette in the Bombay Suburban district except the villages of Bandra, Santa Cruz and Andheri, Rs. 50 in the municipal limits of Bandra and the limits of the notified areas of Santa Cruz and Andheri in the taluka of South Salsette in the Bombay Suburban district and in the municipal district and cantonment of Karachi and Rs. 85 in any other place " shall be substituted.

3. In clause (a) of sub-section (1) of section 2 of the Amendment of section principal Act, 2 of Bom. II of 1918.

(1) in sub-clause (i) for the words " the schedule " the words " schedule A " shall be substituted;

(2) in sub-clause (ii) after the word 'let' where it occurs for the second time the words " with the addition of the percentage shown in schedule B hereto " shall be inserted; and

for sub-clause (ii) the following shall be substituted, namely:—

“in the case of any premises that were first let between the first day of January 1916 and the 10th day of April 1918 the rent at which they were first let with the addition of the percentage shown in Schedule B hereto”; and

(3) in sub-clause (iii)

(i) for the word ‘twenty’ the word ‘ten’ shall be substituted; and

(ii) after the word ‘rent’ where it occurs for the second time the words “plus the percentage shown in schedule A hereto of such rent” shall be inserted.

4. (1) (a) In sub-section (3) of section 9 of the principal Act the words ‘after the 21st day of August 1922’, and the words ‘after the said date and shall be omitted.

(b) after the word “premises” wherever it occurs in the said sub-section the words “or any part thereof” shall be inserted.

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

“ (4) the fact that a tenant who entered into possession of any premises by reason of his being *bona fide* in the employment of his landlord has ceased to be in his employment shall be deemed to be a satisfactory cause within the meaning of sub-section (2).

(5) The fact that a tenant knowingly receives whether directly or indirectly on account of the rent of any premises or any part thereof which were or was sublet prior to the 21st day of August 1922 any sum in excess of the standard rent for the whole premises or in excess of the proportionate standard rent for the part thereof so sublet shall be a satisfactory cause within the meaning of sub-section (2).

(6) Nothing in sub-section (1) shall apply in the case of any premises in the city of Bombay which appear to have been specially certified for the purposes of this Act by the municipal commissioner for the city of Bombay to be in a ruinous or dangerous condition, or likely to fall or in any way dangerous to any person occupying resorting to or passing by such premises or any other building or place in the neighbourhood thereof and in respect of which notice under section 354 of the City of Bombay Municipal Act, 1888, has been issued by the said commissioner to the owner or occupier of the said premises.”

Bom III of
1888.

5. For the schedule to the principal Act the following Schedules. schedules shall be substituted, namely:—

" SCHEDULE A.

[See section 2 (a) (i) and (iii).]

The additional percentage referred to in sub-clauses (i) and (iii) of clause (a) of sub-section (1) of section 2 shall be the percentage shown in column 3 and payable as therein specified, in respect of premises of the monthly rental shown in column 1 and situate in the area specified in column 2.

1	2	3
Rental not exceeding Rs. 50.	In any place in which the Act is in operation.	<p>From the 1st day of January 1926 up to and including the 31st day of December 1926 .. 30</p> <p>From the 1st day of January 1927 up to and including the 31st day of December 1927 .. 40</p> <p>From the 1st day of January 1928 up to and including the 31st day of December 1928. 50</p>

1	2	3
Rental exceeding Rs. 50 but not exceeding Rs. 85	In any place in which the Act is in operation except the municipal district and cantonment of Karachi.	<p>From the 1st day of January 1926 up to and including the 31st day of December 1926 .. 40</p> <p>From the 1st day of January 1927 up to and including the 31st day of December 1927 .. 50</p> <p>From the 1st day of January 1928 up to and including the 31st day of December 1928. 60</p>

SCHEDULE B.

[See section 2 (a) (ii).]

The additional percentage referred to in sub-clause (ii) of clause (a) of sub-section (1) of section 2 shall be the percentage shown in column 3 and payable as therein specified, in respect of premises of the monthly rental shown in column 1 and situate in the area specified in column 2.

Rental not exceeding Rs. 50.	In any place in which the Act is in operation.	From the 1st day of January 1926 up to and including the 31st day of December 1926. 15
		From the 1st day of January 1927 up to and including the 31st day of December 1927. 20
		From the 1st day of January 1928 up to and including the 31st day of December 1928. 30
Rental exceeding Rs. 50 but not exceeding Rs. 85.	In any place in which the Act is in operation except the municipal district and cantonment of Karachi.	From the 1st day of January 1926 up to and including the 31st day of December 1926. 20
		From the 1st day of January 1927 up to and including the 31st day of December 1927. 30
		From the 1st day of January 1928 up to and including the 31st day of December 1928. 40

Bom. VII of 1918. 6. In sub-section (2) of section 1 of the Bombay Rent (War Restrictions No. 2) Act, 1918,

Amendment of section 1 of Bom. VII of 1918. hereinafter called the subsidiary Act, for the figures and words "1925"

in respect of any premises used as a dwelling-house" the figures and words "1928 1927, in respect of any premises used wholly or principally as a dwelling-house" shall be substituted.

7. To clause (b) of sub-section (1) of section 4 of the subsidiary Act the word "and" shall be added; and after the said clause the following shall be inserted, namely:—

Amendment of section 4 of Bom. VII of 1918.

~~"(c) authorise a landlord to open and take possession of his premises when the tenant has not occupied the premises for three successive months and has failed to pay the rent due".~~

7. After section 7 of the subsidiary Act the following New section 7-A of Bom. section shall be inserted, VII of 1918. namely:—

“7-A. If in the case of any small premises of which the standard rent has been fixed the tenant has not occupied the premises for six successive weeks and has failed to pay one month's rent due in respect of the same the premises may be excluded from the operation of this Act and the principal Act.”

Premises may be excluded from the Acts if unoccupied and rent thereof not paid.

8. To section 17 of the subsidiary Act the following Amendment of section sub-section shall be added 17 of Bom. VII of 1918. namely:—

“(5) Nothing in sub-sections (1) and (2) shall apply in the case of any premises in the city of Bombay which appear to have been specially certified for the purposes of this Act by the municipal commissioner for the city of Bombay to be in a ruinous or dangerous condition, or likely to fall or in any way dangerous to any person occupying, resorting to or passing by such premises or any other building or place in the neighbourhood thereof and in respect of which notice under section 354 of the City of Bombay Municipal Act, 1888, has been issued by the said commissioner to the owner or occupier of the said premises.”

Bom. III of 1898.

APPENDIX E.

BILL No. XI OF 1925.

A Bill further to amend the Bombay Smoke-nuisances Act, 1912.

(As published in the "Bombay Government Gazette" of the 6th May 1925.)

WHEREAS it is expedient further to amend the Bombay
 Bom. VII of Smoke-nuisances Act, 1912, in manner hereinafter appearing;
 1912. It is hereby enacted as follows :—

1. This Act may be called the Bombay Smoke-nuisances
 Short title. (Amendment) Act, 192
2. After section 13 of the Bombay Smoke-nuisances Act,
 Bom VII of 1912. New section 14. 1912, the following section shall be
 inserted, namely :—
 " 14. The cost of the administration of this Act shall be
 Cost of Administration recovered by Government from the
 of the Act. municipalities, district local boards and
 notified areas committees within whose respective areas the
 Act is in operation, in such proportion and in such manner
 as Government may, from time to time, direct."

STATEMENT OF OBJECTS AND REASONS.

The cost of the administration of the Bombay Smoke-nuisances Act, 1912, is at present borne by the general revenues. The Retrenchment Committee has recommended that this cost should be borne by the municipalities and other local bodies concerned. It is the duty of such bodies to provide for the abatement of nuisances generally and smoke nuisance in particular, affecting as it does the health and comfort of persons residing within their respective areas.

2. The amendment of the Act now proposed will empower Government to levy the cost of administration on the municipalities, district local boards and notified areas committees of the cities and areas to which this Act has been extended, and which are now benefiting at public expense.

12th February 1925.

COWASJEE JEHangIR (Junior).

STATEMENTS OF OBJECTS AND REASONS.

Under the existing bye-laws of the Bombay Port Trust the Board of Trustees of the Port of Bombay do not hold themselves responsible for any goods landed within the premises of the Board at night. It is considered desirable that no discrimination should be made between the discharge of cargo by day and by night and that the Board should accept responsibility in respect of goods discharged within the premises of the Board at night. This is intended to be effected by the proposed measure. To ensure the removal of goods within a reasonable time by the owners new section 61A (2) provides that the Board shall be discharged from all liability in respect of goods which are not removed by the owner from the premises of the Board within seven days from the date of their landing.

COWASJEE JEHANGIR (Junior).

APPENDIX G.

BILL No. XIII OF 1925.

An Act to impose a tax on totalisator betting.

(As published in the Bombay Government Gazette of the 8th June 1925.)

WHEREAS it is necessary to make an addition to the public revenue of the Bombay Presidency and for that purpose to impose a tax on totalisator betting;

AND WHEREAS the previous sanction of the Governor General required by section 80-A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

1. This Act may be called the Bombay Totalisator Betting
Short title. Tax Act, 192 .

2. It extends to the whole of the Bombay
Extent. Presidency.

3. (1) It shall come into operation on the first day of
Operation. 192 . in the first instance in— Cf. Ben. V of 1922, s. 1 (2), (3) and (4).
(a) the City of Bombay, and
(b) the Cantonment of Poona.

(2) The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that this Act or any portion thereof shall come into operation in any other area in the Bombay Presidency on such date as may be specified in such notification.

Provided that no such notification shall be published in respect of any area included in a Cantonment without the previous sanction of the Governor General in Council.

4. In this Act unless there is anything repugnant
Definitions. in the subject or context— Cf. Ben. V of 1922, s. 14.

(i) 'backer' includes any person who bets at a totalisator;

(ii) 'bet' includes 'wager,' and 'betting' includes 'wagering';

(iii) 'prescribed' means prescribed by rules under this Act;

(iv) 'licensee' means a person to whom a license has been granted for horse-racing on a race-course under section 4 of the Bombay Race-Courses Licensing Act, 1912; Bom. III of 1912.

(v) 'totalisator' means a totalisator in an enclosure which the licensees have set apart in accordance with the Bombay Race-Courses Licensing Act, 1912, and includes any instrument, machine or contrivance known as the

totalisator or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.

Cf. Ben. V of 1922, s. 15.

5. There shall be charged, levied and paid to the Government of Bombay out of all monies paid into any totalisator by way of stakes or bets a tax on backers hereinafter referred to as the totalisator tax at such rate not exceeding 4 per cent. of every sum so paid as the Governor in Council may from time to time notify in this behalf; and such portion of the monies so paid into a totalisator as is equal to the amount of the totalisator tax at the rate notified as aforesaid by the Governor in Council in this behalf shall be deemed to have been paid by the backer on account of the totalisator tax and shall be received by the licensees on behalf of the Government of Bombay.

Tax on totalisator and payment thereof.

Cf. Ben. V of 1922, s. 16.

6. The licensees shall forward at such time and in the manner and to the officer prescribed in this behalf a return stating the total amount of the monies paid into the totalisator at any meeting and shall whenever required make over to the prescribed officer the amount of the tax collected at each meeting.

Totalisator tax to be paid to Government.

Cf. Ben. V of 1922, s. 17.

7. Every person having the custody or control of such accounts shall, when required in writing by an officer empowered in this behalf by the Governor in Council, permit such officer or an officer authorized in writing by him in this behalf to inspect and to take copies of them.

Inspection of totalisator accounts.

Cf. Ben. V of 1922, s. 21.

8. The totalisator tax payable under section 5 shall be recoverable from the licensees as an arrear of land revenue, and any portion of such tax which is not so recovered shall also be recoverable from such licensees jointly and severally.

Method of recovery of totalisator tax.

Cf. Ben. V of 1922, s. 22.

9. The Governor in Council may make rules for securing the payment of the totalisator tax, the production and inspection of accounts kept under this Act, and generally for carrying into effect the provisions of this Act and for dealing with such matters as are herein directed to be prescribed.

Rules.

Bom. I of 1923.

10. In sub-section (1) of section 3 of the Bombay Entertainments Duty Act, 1923, for the figures "50" the figures "25" shall be substituted.

Amendment of section of Bom. I of 1923.

STATEMENT OF OBJECTS AND REASONS.

In the areas to which the Bombay Race-Courses Licensing Act, 1912, has been applied, no horse-race may be held save on a race-course for which a license for horse-racing has been granted. By section 3 of the Bombay Prevention of Gambling Act, 1887, "gaming" includes wagering or betting except wagering or betting upon a horse-race when such wagering or betting takes place—

(a) on the day on which such race is to be run, and

(b) in an enclosure which the licensee of the race-course on which such race is to be run has set apart for the purpose under the terms of the license issued under section 4 of the Bombay Race-Courses Licensing Act, 1912, in respect of such race-course, and

(c) between any individual in person on the one hand and such licensee on the other hand in such manner and by such contrivance as may be permitted by such license :

but does not include a lottery.

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be "gaming": Provided, nevertheless, that such licensee may employ servants and persons may accept service with such licensee for wagering or betting in such manner or by such contrivance as may be permitted by such license.

The effect is, that in places where the Bombay Race-Courses Licensing Act, 1912, has been applied, wagering or betting may lawfully be carried on, on the above stated conditions and under the license by the system known as the totalisator system. Bets or wagers can only be made by persons attending the races with the licensee of the race-course, and the licensee deducts 10 per cent. of the total amount of the bets on each race, and pays the balance in dividends to the winners of the bets.

A tax on betting or gambling as one of the taxes which may be imposed under the Scheduled Taxes Rules made under section 80-A (3) of the Government of India Act, for the purposes of the Local Government.

A tax amounting to 50 per cent. of all payments made for admission to a race-course is now levied under section 3 of the Bombay Entertainments Duty Act, 1923, but nothing is taken by Government from the monies paid into any totalisator on race-courses licensed under the Bombay Race-Courses Licensing Act, 1912.

The object of this Bill is to impose a tax subject to a maximum of 4 per cent. on all such monies.

It is proposed to reduce the entertainments duty leviable under section 3 of Bombay Act I of 1923 on payment made for admission to a licensed race-course from 50 per cent. of such payment to 25 per cent. from the date on which the totalisator tax shall be leviable. This is effected by clause 10. The Bill is largely based on the Bengal Amusements Tax, Act, 1922 (Ben. V of 1922).

H. S. LAWRENCE.

26th May 1925

APPENDIX I.

BILL No. XVI OF 1925.

"A Bill to give wider powers in the management of municipal affairs in certain cities."

(As published in the "Bombay Government Gazette" of the 10th July 1925.)

WHEREAS it is expedient to amend the law relating to the management of municipal affairs in certain cities of the Bombay Presidency; And Whereas the previous sanction of the Governor-General required by section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

[Except where otherwise stated the marginal references are to sections of the Bombay District Municipal Act, 1901.]

CHAPTER I.

5 & 6 Geo. V.
c. 61.

PRELIMINARY.

1. (1) This Act may be called the Bombay City Municipal-
Short title and extent. ities Act, 1925.

(2) It extends to the whole of the Bombay Presidency.

2. In this Act and in the schedules, unless there be
Definitions. something repugnant in the subject or context—

(1) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situate therein or thereon, might reasonably be expected to let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to his tenancy.

(2) "Building" shall include any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, door-steps and the like.

(3) "Commissioner" shall mean the Commissioner of a division appointed under the Bombay Land Revenue
Code, 1879, and in Sind, the Commissioner in Sind. Bom. V of 1879.

(4) "Councillor" shall mean any person legally a member of the municipality in a municipal borough.

(5) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.

(6) "House-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cess-pool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom.

(7) "Judge" shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, or Joint Subordinate Judge.

(8) "Land" shall include land which is built upon or covered with water.

Bom. III of 1901. (9) "Municipal borough" shall mean a municipal district as defined in the Bombay District Municipal Act, 1901, included or hereafter included in Schedule I, during the period of such inclusion.

Bom. III of 1901. (10) "Municipal district" shall mean a municipal district as defined in the Bombay District Municipal Act, 1901.

Bom. III of 1901. (11) "Notified area" means an area notified under section 187 of the Bombay District Municipal Act, 1901.

(12) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(13) "Official year" shall mean the year commencing on the first day of April.

(14) "Owner" shall include the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any other person or for any society or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant.

(15) "Public securities" shall mean—

(a) securities of the Government of India and of the Local Government;

(b) stocks, debentures or shares in railway or other companies the interest whereon has been guaranteed by the Secretary of State for India in Council;

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India; or

(d) a security expressly authorized by any order which the Government makes in this behalf.

(16) "Public street" shall mean any street—

(a) over which the public have a right of way; or

(b) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds; or

(c) which under the provisions of section 113 or 114 is declared by the municipality to be, or under any other provisions of this Act becomes a public street.

(17) "Private street" means a street which is not a public street.

(18) "Salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(19) "Street." shall mean any road, footway, square, court, alley, or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings about thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not; but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(20) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Act.

(21) "Vehicle" shall include bicycles, tricycles, motor-cars and every wheeled conveyance which is used or capable of being used on a public street.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

(1) *Municipal boroughs.*

3. (1) Subject to the provisions of section 6 the Govern-*Of. n. 4.*

Extension of Act to
and withdrawal of Act
from municipal districts
and boroughs.

ment may, by notification in the *Bombay Government Gazette* and with effect from a date to be specified in the said notification, include in Schedule I any municipal district other than the municipal

district of Karachi, or exclude any municipal borough from the said schedule.

(2) The Government may, after consulting the municipality, by notification in the *Bombay Government Gazette* and with effect from a date to be specified in the said notification, extend, contract or otherwise alter the limits of any municipal borough.

(3) A notification altering the limits of a municipal borough shall clearly set forth the local limits of the area to be included in or excluded from such municipal borough.

Limits to be specified in notification altering area.

Cf. s. 2. 4. (1) The provisions of the Bombay District Municipal Act, 1901, shall not apply to any municipal district included or hereafter included in Schedule I from the date of such inclusion :
Cf. Bom. I of 1904, ss. 9 and 25. Bom. III of 1901. *not to apply to municipal boroughs. Municipal boroughs excluded from Schedule I. Continuance of acts, notifications, etc., in respect of boroughs.* Provided that—

(a) references in any other enactment or in any instrument to the Bombay District Municipal Act, 1901, shall, unless a different intention appears, be construed in respect of any municipal borough as references to this Act ;

Bom. III of 1901.

(b) any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the Bombay District Municipal Act, 1901, in respect of a municipal district included or hereafter included in Schedule I, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such district shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the municipal borough constituted by such inclusion unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Act or such other law.

Bom. III of 1901.

(2) From the date specified in a notification under subsection (1) of section 3, excluding a municipal borough from Schedule I, the provisions of this Act shall not apply to such municipal borough.

Cf. s. 4 (4). 5. The property, rights and liabilities of the municipality in a municipal district included or hereafter included in Schedule I shall vest in the municipality of the municipal borough constituted by such inclusion, from the date of such inclusion.

Transfer of rights, etc., on inclusion in Schedule I.

6. (1) Not less than two months before the publication of a notification under section 3 the Government shall cause to be published in the *Bombay Government Gazette* in English, and in at least one of the local newspapers (if any) in the vernacular language of the district in which the municipal borough or municipal district is situate, and to be posted up in conspicuous places in such municipal borough or municipal district in such vernacular language, a proclamation announcing that it is proposed to include in or exclude from Schedule I the municipal district or municipal borough, as the case may be, or to alter the limits of the municipal borough in a certain manner, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor in writing, to the Collector within two months from the date of the said proclamation; and whenever it is proposed to add to or exclude from a municipal borough any inhabited area, it shall be the duty of the municipality also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Collector shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are in its opinion insufficient or invalid.

(2) *Municipalities.*

7. In every municipal borough there shall be a municipality, and every such municipality shall be a body corporate by the name of "the Municipality of —", and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) *Election of Councillors.*

8. (1) Every such municipality shall consist of elected and nominated councillors.

- (a) elected councillors; and
- (b) nominated councillors, that is to say, such persons as from time to time are by name appointed in this behalf, or are executing the functions of any office from time to time notified in this behalf, by the Commissioner:

Provided that the number of elected councillors shall not be less than four-fifths of the whole number, and that not more than one-half of the nominated councillors shall be salaried servants of the Government:

In specified proportions.

But all councillors may be elected.

Provided also that the Government may direct that all the councillors shall be elected.

(2) Any vacancy due to failure to elect the full number of councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 27 may, notwithstanding anything in this Act, be filled up by nomination by the Commissioner.

(3) Councillors elected or nominated under the Bombay District Municipal Act, 1901, and holding office in a municipal district included or hereafter included in Schedule I, immediately prior to such inclusion, shall be deemed to have been elected or nominated, as

Bom. III of
1901.

Continuance of councillors holding office at commencement of Act. Election in case of non-continuance.

the case may be, under this Act: provided that where the Government has directed that all the councillors shall be elected, councillors nominated under the Bombay District Municipal Act, 1901, shall not be deemed to have been nominated under this Act, and councillors shall be elected under the provisions of this Act in place of such nominated councillors.

Bom. III of
1901.

Cf. s. 11.

The Government shall determine number of councillors; fix proportion of elected and nominated councillors and make rules for regulating elections.

9. (1) The Government shall, from time to time, generally or specially for each municipality,—

(a) determine the number of councillors;

(b) fix, subject to the provisions of section 8, the proportion of the councillors, if any, who shall be nominated;

(c) make rules consistent with this Act prescribing the number of Mahomedan and non-Mahomedan wards to be constituted in each municipal borough, the extent of such wards and the number of councillors to be elected by each ward, providing for the preparation and revision of the electoral roll of tax-payers, and fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected.

(2) The Government may from time to time, delegate to the Commissioner any of the powers granted to the Government by clause (c) of sub-section (1), subject to such restrictions or conditions if any, as the Government may attach to the delegation.

10. (1) Save as provided in section 14, every person whose name is entered in the current electoral roll or part thereof, prepared for a municipal borough which constitutes or forms part of a general constituency, and published under regulation 6 (3) of Part II of the Bombay Electoral Regulations, 1923, shall be qualified to vote at a municipal election in such municipal borough.

(2) (a) Save as provided in section 14, every person who in any municipal borough has paid in the year in which the election takes place municipal taxes, other than octroi or terminal tax or toll, due for the official year preceding that in which the election takes place, and whose name is entered in the municipal roll of such voters, shall be qualified to vote at a municipal election in such municipal borough :

Provided that a person who—

(i) is not a British subject or a subject of an Indian State, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(iii) is under 21 years of age, shall not be entitled to have his name entered in such electoral roll.

(b) The electoral roll of tax-payers for the time being in force shall be conclusive evidence for the purpose of determining whether any person is entitled to vote under the provisions of this sub-section at any election. If an electoral roll is not revised in accordance with the rules made under clause (c) of sub-section (1) of section 9, the roll shall continue in force until such revision has taken place.

(3) Every person so qualified to vote shall, subject to the provisions of this Act and of any other law for the time being in force, be qualified to be a candidate at a municipal election in such municipal borough.

General disqualifications for becoming a councillor. Vacation of seat. Decision of Government in case of dispute.

11. (1) No person may become a councillor—

(a) who

(i) having been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) having been dismissed from Government service, such dismissal having been notified in the *Bombay Government Gazette*, or

(iii) being a pleader whose sanad has been permanently withdrawn, or

(iv) having been removed from office under section 25, and five years not having elapsed from the date of the expiry of such sentence, or of such dismissal, withdrawal or removal, has not, by an order which the Government is hereby empowered to make, if it shall think fit, in this behalf, been relieved from the disqualification arising on account of such sentence or dismissal, or withdrawal, or removal from office ; or

(b) who is an uncertificated bankrupt or an undischarged insolvent, or

(c) who is a Judge.

(2) No person—

(a) who is a subordinate officer or servant of a municipality, or

(b) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a municipality, or in any contract or employment with or under or by or on behalf of a municipality,

may be a councillor of such municipality.

(3) A person shall not be deemed to have incurred disqualification under clause (b) of sub-section (2) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company or in any society registered or deemed to be registered under the Co-operative Societies Act, 1912, which shall contract with or be employed by or on behalf of the municipality, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipality may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipality, or

(v) being professionally engaged on behalf of the municipality as a legal practitioner, or

(vi) having a share or interest in the occasional sale to the municipality of any article in which he regularly

trades, or in the purchase from the municipality of any article, to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the municipality with the sanction of the Government may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipality or in the hiring from the municipality, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipality with the sanction of the Government may fix in this behalf, or

(vii) being a party to any agreement made with the municipality under the provisions of section 88 or of proviso (a) to sub-section (1) of section 194.

(4) If any person is elected or nominated as a councillor in contravention of the provisions of this section, his seat shall be deemed to be vacant.

(5) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

12. A person who has already been elected or appointed *Cf. s. 19.*
 Re-eligibility of coun- a councillor on one or more occasions
 cillors. shall, if otherwise duly qualified,
 be eligible at any time for re-election or re-appointment.

13. (1) If the validity of any election of a councillor *Cf. s. 22.*
 Determination of vali- is brought in question by any person
 dity of elections. qualified to vote at the election to
 which such question refers, such person may, at any time
 within ten days after the date of the declaration of the result
 of the election, apply to the District Judge of the district
 within which the election has been or should have been held,
 for the determination of such question.

(2) An inquiry shall thereupon be held by a Judge, not
 below the grade of an Assistant
 Powers or Judge hold- Judge, appointed by the Government
 ing inquiry. either specially for the case or for
 such cases generally; and such Judge may, after such inquiry
 as he deems necessary and subject to the provisions of sub-
 section (3), pass an order confirming or amending the declared
 result of the election, or setting the election aside. For
 the purposes of the said inquiry the said Judge may summon
 and enforce the attendance of witnesses and compel them
 to give evidence as if he were a Civil Court, and he may also
 direct by whom the whole or any part of the costs of any

V of 1908.

such inquiry shall be paid; such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive.

(3) (a) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

(b) If in any case to which clause (a) does not apply the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each candidate declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of sub-section (3)—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or hold out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote;

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression “a promise of individual profit”—

(i) does not include a promise to vote for or against any particular measure which may come before a municipality for consideration, but

(ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(5) If the validity of the election is brought in question only on the ground of any error by the officer or officers charged with carrying out the rules made under clause (c) of sub-section (1) of section 9, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

More irregularities and informalities not to invalidate election.

(6) If the Judge sets aside an election under clause (a) of sub-section (3) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipal borough or district for a term of years not exceeding seven, and the decision of the Judge shall be conclusive: provided, however, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification: provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Disqualification of persons committing corrupt practice.

14. Any person who has been convicted of an offence *Of. s. 22-A.* under section 171-E or 171-F of the Indian Penal Code, or has been dis- *XLV of 1860.* qualified from exercising any electoral right for a period of not less than five years on account of malpractices in connection with an election, shall be disqualified for five years from the date of such conviction or disqualification from voting at any municipal election in any municipal borough or district or at any election to a local board constituted under the Bombay Local Boards *Bom. VI of 1923.* Act, 1923.

Voter disqualified for corrupt practice.

15. The names of all councillors, finally elected to *Of. s. 20.* any municipality and the names of the nominated councillors, if any, appointed thereto shall be published, as soon as conveniently may be, in the *Bombay Government Gazette.*

Publication of names of councillors in the *Bombay Government Gazette.*

(4) *Appointment of presidents and vice-presidents.*

16. (1) A municipality shall be presided over by a president who shall be elected by the *Of. s. 23.* councillors from among their number. There shall be a vice-president similarly elected for each municipality. No salaried servant of the Government shall be eligible for election as

Election of president and vice-president. Continuance of president or vice-president holding office at the commencement of this Act.

president or vice-president of a municipality and the election of any such person shall be void.

(2) A president or vice-president holding office in a municipal district, included or hereafter included in Schedule I, at the time of such inclusion shall be deemed to have been elected under this section and shall continue to hold the office of president or vice-president as the case may be until a fresh election has been held under the provisions of this section. Such fresh election shall be held as soon as may be after the Act comes into force or the municipal district is included in Schedule I as the case may be.

- Cf. s. 23 (7).* 17. Save as otherwise provided in this Act a president or vice-president shall hold his office for such term, not less than one year and not exceeding three years, as the municipality shall, previous to the election of the president or vice-president determine, or until the expiry within the said term of his term of office as councillor, but shall be eligible for re-election :

Term of office of president and vice-president.

Provided that the term of office of such president or vice-president shall be deemed to extend to and expire with the date on which his successor is elected.

- Cf. s. 15A.* 18. A president may resign his office by tendering his resignation in writing to the municipality, and such resignation shall take effect on its acceptance by the municipality. Such acceptance shall be published in the *Bombay Government Gazette* or in the case of Sind, in the *Sind Official Gazette*. A vice-president may resign his office by tendering his resignation in writing to the president.

- Cf. s. 23 (7).* 19. A president or vice-president shall be removable from his office as such president or vice-president by the municipality by a resolution passed to that effect, provided that three-fourths of the whole number of the councillors of the municipality vote in favour of such resolution.

- Cf. s. 23 (5) and (6).* 20. (1) Every president who for a period exceeding three months and every vice-president who for a period exceeding one month, shall absent himself from the municipal borough in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the municipality.

Liability of president and vice-president to removal.

Consequences of absence of president or vice-president without leave.

(2) Leave under sub-section (1) shall not be granted for

Limit to grant of leave, and arrangement spending absence of vice-president.

a period exceeding six months, and whenever leave is granted to a vice-president under that sub-section, a councillor shall be elected by the councillors from among their number to perform all the duties and exercise all the powers of the vice-president, during the period for which such leave is granted.

21. In the event of the non-acceptance of office, death, *Cf. s. 23 (8)*

Vacancies in office of president and vice-president to be filled up.

resignation or removal from office of a president or of a vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a president or a vice-president under sub-section (1) of section 20 or a councillor under sub-section (1) of section 26, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by the election of some other councillor thereto.

(5) *Term of office of councillors.*

22. (1) Save as otherwise provided in this Act councillors

Term of office of councillors holding office prior to commencement of Act and of councillors then elected.

deemed to have been elected or nominated under sub-section (3) of section 8 shall continue to hold office for the term for which they were elected or nominated under the Bombay District Municipal Act, 1901.

Councillors elected under the said sub-section shall hold office for the same period as councillors deemed to have been elected as aforesaid.

Bom. III of 1901.

(2) The provisions of clause (b) of sub-section (2) of section 23 shall apply to such councillors.

23. (1) Councillors nominated or elected at a general

Term of office of councillors after general election.

election under this Act shall, save as otherwise provided in this Act, hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the *Bombay Government Gazette*, so to extend the same.

Cf. s. 17.

(2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and

(b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.

Of. s. 15-A. 24. Any councillor may resign his office by giving notice in writing to that effect to the president.
Resignation of councillors.

Of. s. 16. 25. The Government if it thinks fit, on the recommendation of the municipality, may remove any councillor elected or nominated under this Act, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor :

Liability of councillors to removal from office.

Provided that no resolution recommending the removal of any councillor shall be passed by the municipality unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

Of. s. 15 (2). 26. (1) If any councillor during the term for which he has been elected or nominated—
Disabilities from continuing a councillor.

(a) becomes subject to any disqualification specified in section 11, or

(b) acts as a councillor in any matter—

(i) in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clauses (i), (ii) (iii), (vi) or (viii) of sub-section (3) of section 11, whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(c) being a pleader is engaged in any case against the municipality, or

(d) departs beyond the limits of the Presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(e) not being a president or vice-president or a salaried servant of the Government, absents himself during four successive months from the meetings of the municipality, except with the leave of the municipality, he shall be disabled from continuing to be a councillor and his office shall become vacant.

(2) If any question or dispute arises whether a vacancy has occurred under sub-section (1), the orders of the Government shall be final for the purpose of deciding such question or dispute.

27. Where a vacancy occurs through the non-acceptance *Cf. s. 18.*
of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 13, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or nomination as the case may be of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or nominated would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

(6) *Municipal Government. Functions of President and Vice-President.*

28. (1) Except as in this Act otherwise expressly provided, the municipal government of a municipal borough vests in the municipality. *Cf. s. 23A.*

Municipal government vests in the municipality: Executive power vests in the Chief Officer.

(2) The executive power for the purpose of carrying out the provisions of this Act vests in the Chief Officer appointed under section 31, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipality or of the standing committee and subject also to all other restrictions, limitations and conditions imposed by this Act.

29. It shall be the duty of the president of a municipality— *Cf. s. 24.*

Functions of president.

(a) to preside, unless prevented by reasonable cause, at all meetings of the municipality, and subject to the provisions of the rules for the time being in force under clause (a) of section 55 to regulate the conduct of business at such meetings;

(b) to watch over the financial and executive administration of the municipality, and to perform such executive functions as may be allotted to him by or under this Act;

(c) to exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality; and, subject to the rules of the municipality, at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.

Cf. s. 25. Functions of vice-presidents.

30. It shall be the duty of the vice-president of a municipality—

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipality and he shall when so presiding exercise the same authority as is vested in the president under clause (a) of section 29 ;

(b) to exercise such of the powers and perform such of the duties of the president as the president from time to time deputed to him ; and

(c) pending the election of a president, or during the absence of the president on leave, to exercise the powers and perform the duties of the president.

(7) *Appointment and powers of chief and other municipal officers.*

Cf. s. 182.

31. There shall be a Chief Officer in every municipal borough. Such officer shall be appointed by the municipality and no such officer shall be removable from office, reduced or suspended unless by the votes of at least three-fourths of the whole number of councillors ; and no such officer shall be punishable with fine.

Appointment of Chief Officer. Conditions of tenure.

Cf. ss. 29, 183 and 185. Cf. s. 64 of Bom. III of 1888.

Powers and duties of Chief Officer.

32. (1) The Chief Officer shall—

(a) subject to the general control of the president, watch over the financial and executive administration of the municipality and perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act ;

(b) subject to the provisions of sub-section (4), exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality ; and subject further to the rules of the municipality for the time being in force, dispose off all questions relating to the service of the said officers and servants and their pay, privileges, leave and allowances ;

(c) subject to the provisions of sub-section (4) appoint to any post the monthly salary for which as fixed by rules made under clause (b) of section 55 does not exceed Rs. 50 and to any other post the appointment to which has not been otherwise provided for by such rules ;

(d) furnish to the Collector, or such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality ;

(e) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, grant, give and issue under his signature all licenses and permissions which may be granted or given by the municipality or the standing committee under this Act, other than licenses for markets or slaughter-houses ;

(f) receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(g) exercise the powers of the president for the purpose of calling a meeting for an election under sub-section (I) of section 16 or under section 21 when the president and vice-president are unable or for any reason fail to call such a meeting ;

(h) subject to the orders of the president, or of the standing committee or of the municipality, as the case may be, take prompt steps to remove any irregularity pointed out by the auditor appointed under section 210 ;

(i) report to the standing committee and to the auditor appointed under section 210 all cases of fraud, embezzlement, theft, or loss of municipal money and property.

(2) The Chief Officer may—

(a) subject to the provisions of sub-section (4) fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 50, and subject further to the provisions of the rules for the time being in force, any other municipal officer or servant, not being the health officer, engineer or accountant of the municipality.

Provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal either to the standing committee or, if the rules for the time being in force so provide, to the municipality.

(b) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, at his discretion suspend, withhold or withdraw any license, in any case in which he is empowered to grant or give a license and in which the municipality or the standing committee may suspend, withhold or withdraw such license ;

(c) with the sanction of the standing committee, delegate any of his powers or duties to any municipal officer or servant :

Provided that such delegation shall be subject to such limitations, if any, as may be prescribed by the standing committee, and also to control and revision by the Chief Officer.

(3) The Chief Officer shall at any time supply any return, statement, account or report or a copy of any document in his charge, called for by the municipality or the standing committee and shall comply with any orders passed by the municipality or the standing committee thereon.

(4) The powers conferred on the municipality by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the municipality, or employed in any educational institution aided by the municipality, shall not be exercised by the Chief Officer.

(5) (a) A municipality may appoint a health officer and an engineer or any one or more of such officers, or one person to discharge the duties of these two officers, whether temporarily or permanently.

Appointment of health officer and engineer.

(b) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended unless by the orders of at least three-fourths of the whole number of councillors, and no such officer shall be punishable with fine.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal Meetings.*

33. The following provisions shall be observed with respect to the meetings of a municipality :—

Provisions in regard to meetings of a municipality.

(1) There shall be held four ordinary general meetings in each year for the disposal of general business on or about the tenth day of the months of January, April, July and October, respectively, and such other ordinary general meetings as the president may find necessary. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the councillors and for a date not more than fifteen

Special general meetings.

days after the presentation of such request, call a special general meeting.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the councillors, and posted up at the municipal office or the local kacheri or some other public building in the municipal borough. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten clear days previous to the meeting, of his intention to bring forward thereat, and in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting. If, when the said notice is circulated to the councillors, any councillor is not found, a notice in writing specifying the time and place of the meeting shall be sent to such councillor by registered post in an envelope addressed to him at his usual or last known place of residence as soon as possible.

(4) Every meeting of a municipality shall, except for reasons to be specified in the notice convening the meeting, be held in the buildings used as a municipal office by such municipality.

(5) Every meeting shall, in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (a) of sub-section (1) of section 29.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipality such as should be held in private:

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought

before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

(8) Except with the permission of the presiding authority which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been entered in the notice convening such meeting or, in the case of a special general meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(9) In every municipality there shall be kept in English, and, if the municipality so resolve, in the vernacular language also, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (14), and of the proceedings at each general meeting, in a book to be provided for this purpose; such minutes shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipal borough.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 55.

(11) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(12) No resolution of a municipality shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than

one-half of the whole number of councillors and passed at a general meeting, whereof notice shall have been given fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(13) Except for reasons which the presiding authority deems urgent, no business relating to any work which is being executed for the municipality by a Government Executive Engineer or to any educational matter, shall be transacted at any meeting of a municipality unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Deputy Educational Inspector of the district, informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

(14) (a) The members of the Sanitary Board, and the Executive Engineer, Deputy Educational Inspector and the Assistant Director of Public Health, and the Civil Surgeon in a district when charge with any of the duties of a health officer therein, if not members of a municipality within the district, shall have the right of being present at any meeting of such municipality; with the consent of the municipality, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipality:

Provided that the said officers shall not unless they are members of the municipality, be entitled to vote upon any such question.

(b) If it shall appear to a municipality that the presence of the Executive Engineer, Deputy Educational Inspector, Assistant Director of Public Health or Civil Surgeon or in the district, is desirable for the purpose aforesaid at any meeting of such municipality, it shall be competent to such municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may

send him to the meeting as his representative instead of appearing thereat in person.

- Cf. s. 26A.* 34. A Chief Officer shall have the same right of being present at a meeting of the municipality or of a committee and of taking part in the discussion thereat as a councillor or member thereof; with the consent of a majority of the councillors or members present, ascertained by a show of hands without discussion, he may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon or to make any motion.
- Right of Chief Officer to be present and to speak at municipal and committee meetings.

(2) Committees.

- Cf. s. 27.* 35. (1) In every municipality there shall be a committee called the standing committee consisting of such number of councillors not being more than twelve nor less than six, as the municipality may determine. Of these such number, not being more than half, as may be prescribed by the Government, shall be nominated by the president and the remainder shall be elected by the municipal councillors in accordance with rules under clause (a) of section 55. The members so nominated or elected shall hold office for a period of one year.

(2) The standing committee shall exercise the functions allotted to it under this Act and subject to any limitations prescribed by the municipality especially in this behalf or generally by rules made under clause (a) of section 55, and to the provisions of sections 32 and 36, shall exercise all the powers of the municipality:

Powers of standing committees.

- Cf. s. 29.* 36. (1) Committees consisting of such number of councillors as the municipality may decide, may be appointed to exercise the powers and perform the duties of the standing committee in respect of any purpose. The standing committee shall not exercise any powers or perform any duties which such committee has been appointed to exercise or perform.
- Other executive committees.

(2) Of any such committee such number, not being more than half, as may be prescribed by the Government, shall be nominated by the president and the remainder shall be elected by the municipal councillors in accordance with rules under clause (a) of section 55. The members so nominated or elected shall hold office for a period of one year.

(3) The number of committees appointed under this section shall not exceed four.

37. A municipality may from time to time appoint *Cf. s. 30.*
 Consultative committees. such other committees consisting of such councillors as it thinks fit, may refer to such committees for inquiry and report or for opinion such special subjects relating to the purposes of this Act as the municipality shall think fit, and may at any time discontinue or alter the constitution of any such committee. The municipality may direct that the report of any such committee shall be made to the standing committee, or to a committee appointed under section 36, instead of to the municipality.

38. Notwithstanding anything contained in this Act, *Cf. s. 31.*
 When persons other than councillors may serve on committees. it shall be lawful for a municipality from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to elect as members of any committee appointed under section 36 or 37 any person of either sex, who is not a councillor but who in the opinion of such municipality possesses special qualifications for serving on such committee; provided that the number of persons so elected on any committee shall not exceed one-third of the total number of the members of such committee.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.
 Duties, etc., of such persons.

39. A vacancy occurring in a standing committee or *Cf. s. 32.*
 Casual vacancies; re-eligibility. in a committee appointed under section 36 shall as soon as possible, and a vacancy occurring in any other committee may, be filled up by the nomination or election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was nominated or elected. A person nominated or elected under this section shall hold office so long only as the person in whose place he is nominated or elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election or nomination as a member of any such committee on the ground that he has previously been a member of that committee.

40. (1) The president or vice-president, if nominated *Cf. s. 33.*
Ex-officio and appointed chairman. Non-attendance of chairman. or elected a member of any committee, shall be *ex-officio* chairman thereof.

(2) A municipality may appoint a chairman for a committee of which there is no *ex-officio* chairman.

(3) A committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipality, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

(4) A committee, of which there is no *ex-officio* chairman or chairman appointed by the municipality, shall appoint from time to time a chairman from the members of such committee.

Cf. s. 34.

41. (1) The provisions of sub-sections (4), (9), (10), and Procedure at meetings. (14) of section 33 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipality contained in those provisions, and as if for the word "municipality" where it occurs in the proviso to clause (a) of sub-section (14) of section 33, there was substituted the word "committee":

Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 33, a committee may record its proceedings either in English or in the vernacular language, as it may think fit.

(2) A committee may meet and adjourn as it thinks proper; but the chairman of a committee may whenever he thinks fit, and shall, upon the written request of the president of the municipality or of not less than two members of the committee and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

(3) No business shall be transacted at any meeting of a committee unless more than one-third of the members of the committee be present thereat.

Cf. s. 35.

42. (1) Notwithstanding anything contained in section 41 the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own or of any other member of the committee or of any executive officer of the municipality for the observations and votes of the members of the committee.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (13) of section 33, shall obtain thereupon the remarks, if any, which any Government officer whose presence the municipality would be entitled to require under the provisions of clause (b) of sub-section (14) of section 33, desires to record.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

Decisions how to be taken on propositions circulated.

(4) Every decision arrived at by a committee under this section shall be recorded in the minute book.

And how to be recorded.

43. (1) A committee shall conform to any instructions *Cf. s. 36.* that may from time to time be given to it by the municipality; the municipality may at any time call for any extract from any proceedings of any committee and for any return, statement, account or report in connection with any matter with which any committee has been authorized or directed to deal; every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Subordination of committees to municipality.

(2) Every order passed by a standing committee or by a committee appointed under section 36, other than orders under sub-section (3) of section 78, shall be subject to such revision and open to such appeal as may be required or allowed in respect thereof by any rules of the municipality for the time being in force under section 55.

(3) *Joint transactions with other bodies.*

Joint committees of local bodies. Joint levy of octroi.

44. (1) A municipality may from *Cf. s. 39* time to time—

(a) join with any other municipality or with any local board, cantonment authority, sanitary board, sanitary committee or committee appointed for a notified area or with any combination of such municipalities, boards, authorities or committees—

(i) in appointing out of their respective bodies a joint committee or any purpose in which they are jointly interested, and in appointing a chairman of such committee; and

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed; and

(b) enter, subject to the sanction of the Government, into an agreement with a municipality, cantonment authority, board, committee or combination as foresaid for the levy of octroi duty, whereby the octroi duties respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

Explanation.—For the purpose of clause (b) of sub-section (1) octroi duty includes a terminal tax.

(2) If any difference of opinion arises between bodies having joined or entered into an agreement for any purpose under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(4) Contracts.

Of. s. 40.

45. (1) A municipality shall be competent, subject to the restriction contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable 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 as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

(2) In the case of every lease or sale of land under sub-section (1) of section 112 and of a lease of immovable property for a term exceeding seven years and of every sale or other transfer of such property, the previous sanction of the Commissioner is required.

(3) In a municipality—

Of. s. 186 N₂

(a) every contract under or for any purpose of this Act shall be made on behalf of the municipality by the Chief Officer;

(b) no such contract for any purpose which the Chief Officer is not empowered by this Act to carry out without the approval or sanction of some other municipal authority shall be made by him until or unless such approval or sanction has first of all been duly given;

(c) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property shall be entered into by the Chief Officer except with the approval or sanction of the municipality;

(d) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the Chief Officer except with the approval or sanction of the standing committee;

(e) every contract made by the Chief Officer involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee;

(f) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

(4) No contract shall be binding on a municipality unless the requirements of this section have been complied with.

46. (1) Every contract entered into by a Chief Officer *Cf. s. 186 O.*
 on behalf of a municipality shall be entered into in such manner and form as would bind such Chief Officer if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Mode of executing contracts.

Provided that—

(a) where any such contract, if entered into by a Chief Officer, would require to be under seal, the same shall be sealed with the common seal of the municipality;

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, shall be in writing and shall be sealed with the common seal of the municipality and shall specify the work to be done or the materials or goods to be supplied, as the case may be the price to be paid for such work, materials or goods and in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipality shall not be affixed to any contract or other instrument except in the presence of two members of the standing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) A contract not executed in the manner provided in this section shall not be binding on the municipality.

47. (1) Except as is otherwise provided in sub-section *Cf. s. 186 P.*

Tenders to be invited for contracts involving expenditure exceeding Rs. 1,000.

(3), a Chief Officer shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, give notice by

advertisement in the local newspapers, inviting tenders for such contract.

(2) The Chief Officer shall not be bound to accept any tender which may be made in pursuance of such notice, but may, with the approval of the standing committee, accept any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) A municipality may authorise the Chief Officer, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

- Cf. s. 186 Q.* 48. A Chief Officer shall require security for the due performance of every contract into which he enters under section 47 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.
- Security when to be taken for performance of contract.

(5) *Compulsory acquisition of land.*

- Cf. s. 41.* 49. When there is any hindrance to the permanent or temporary acquisition by a municipality upon payment of any land or building required for the purposes of this Act, the Government may, after obtaining possession of the same for itself under the Land Acquisition Act, 1894, or other existing law, vest such land or building in the municipality on its paying the compensation awarded, and on its repaying to Government all costs incurred by Government on account of the acquisition.
- Recourse to the Land Acquisition Act, 1894.

I of 1894.

(6) *Liabilities of councillors officers and servants.*

- Cf. s. 42.* 50. Save as is hereinafter otherwise provided, no councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by or on behalf of the municipality; the funds at the disposal of the municipality shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses :

Cf. Mad. V of 1894, s. 157. U. P. III of 1906, s. 40.

Provided that every councillor shall be personally liable for the loss, waste or misapplication of any money or other property of the municipality, to which he has been a party or which has happened through or been facilitated by his misconduct or gross neglect of his duty as a councillor;

But councillors to be held responsible for lost, misapplied or wasted funds and property.

he may be sued by the municipality concerned, with the sanction of the Government, for recovery of or compensation for the moneys or other property so lost, wasted or misapplied or by the Government as if such had been the moneys or the property of the Government; any money or property so recovered by the Government shall, after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the municipality.

51. (1) Any person who has, directly or indirectly, by *Cf. s. 43.*

himself or his partner, any share or interest in any contract with, by or on behalf of a municipality, or in any employment with, under, by or on behalf of a municipality, other than a municipal officer or servant, shall be disqualified for being an officer or servant of such municipality.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be a municipal officer or servant, and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by or on behalf of a municipality, as under clauses (i), (ii) and (iv) of sub-section (3) of section 11, it is permissible for a person to have without his being thereby disqualified from becoming a councillor.

52. (a) Any councillor who knowingly acquires directly *Cf. s. 44.*

or indirectly any share or interest in any contract or employment with, under, by or on behalf of a municipality of which he is a member, not being a share or interest such as under section 11 it is permissible for a person to have without being thereby disqualified from becoming a councillor, and

(b) any municipal officer or servant who knowingly acquires directly or indirectly any share or interest in any contract, or, except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by or on behalf of a municipality of which he is an officer or servant, not being a share or interest such as under clauses (i) and (iv) of sub-section (3) of section 11 it is permissible for a person to have without being thereby disqualified from becoming a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Cf. Bom. III of 1888, s. 52.
Cf. s. 51 of U. P. Act I of 1900. 53. (1) Every municipal councillor, officer or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipality.

(7) *Validity of proceedings.*

Cf. s. 38. 54. (1) No disqualification of or defect in the election or appointment of any person acting as councillor, or as the president or presiding authority of a general meeting, or as chairman or member of a committee appointed under this Act shall be deemed to vitiate any act or proceeding of the municipality or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of municipality and committee not vitiated by disqualifications, etc., of members thereof.

(2) Until the contrary is proved, every meeting of a municipality or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Proceedings presumed to be good and valid.

(3) During any vacancy in a municipality or committee the continuing councillors or members may act as if no vacancy had occurred.

Vacancy not to affect proceedings.

CHAPTER IV.

RULES AND BY-LAWS.

Cf. s. 46. Municipalities to make rules; 55. A municipality shall make rules—

(a) regulating the conduct of its business and the delegation of any of its powers or duties to any committee or to the Chief Officer or the powers or duties of any

committee to any other committee or to the Chief Officer and the appointment and constitution of committees ;

(b) determining the staff of officer and servants to be employed by the municipality and establishment ; the respective designations, salaries, fees and absentee or other allowances of such officers and servants ;

(c) generally for the guidance of its officers and servants in all matters relating to the municipal administration ;
 general guidance of municipal servants ;

(d) fixing the amount and nature of the security to be furnished by any officer or servant amount of security ; from whom it may be deemed expedient to require security ;

(e) determining the mode and conditions of appointing, punishing, or dismissing any mode of appointing, etc., municipal servants ; officer or servant ;

(f) regulating the grant of leave to its officers or servants, and fixing the remuneration to be leave to municipal servants ; paid to the persons, if any, appointed to act for them whilst on leave ;

(g) regulating the period of service of its officers and servants, and determining the pensions, etc. ; conditions under which such officers and servants or any of them shall receive pensions, gratuities or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities or compassionate allowances ; and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such officers or servants whose death has been caused through the execution of their duty ;

(h) authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the municipality or, with the approval of the municipality, by its officers and servants ;
 provident funds ;

(i) prescribing the taxes to be levied in the municipal borough for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions will be granted, and the system on which refunds will be allowed and paid, in respect of such taxes ; the limits of the charges or payments to be fixed
 prescribing taxes ;

in lieu of any tax under section 88, the fees to be charged for licenses or permissions granted under section 87 and for giving copies and stamping weights and measures; the fees for notices demanding payments due on account of any tax and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained; and the time at which and the mode in which such taxes, charges, payments, fees or rates shall be levied or recovered or be payable and the persons authorised to receive payment of the same and the manner in which auctions of movable and immovable property under section 104 shall be held;

(g) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the standing committee: Provided that—

(a) no rule made under this section shall have effect unless and until it has been approved by the Government;

(b) if an officer serving or having served under a municipality has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipality, the municipality shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Governor General in Council in this behalf;

(c) a municipality shall not, unless with the assent of the Government, dispense with the services of any officer transferred from the service of the Government to the service of the municipality or employed partly by the Government and partly by the municipality, or finally dismiss from the service of the municipality any officer transferred from the service of the municipality to the service of the Government, without giving the Government six months previous notice.

*Cf. Bom. III
of 1915, Schd*

56. (1) Notwithstanding anything contained in clause (a) of the proviso to section 55, the approval required to be given in respect of rules framed under clause (b) of section 55 may be given by the Commissioner instead of by Government, subject to the condition that any such rules relating to Chief Officers,

Rules made with approval of Commissioner or without approval.

health officers or engineers or to the salaries, fees or absentee or other allowances of such officers shall require the sanction of the Government.

(2) Notwithstanding anything contained in clause (a) of the proviso to section 55 or in sub-section (1) of this section, a municipality shall have power to make without sanction a rule under clause (b) of section 55, creating an appointment or increasing the salary of an appointment or granting or increasing an allowance in any case where the salary of such appointment or the amount of such allowance or the amount of such increase, as the case may be, does not involve a charge on the municipal fund exceeding rupees one hundred in the month :

Provided that the Commissioner may withdraw this power from any municipality either permanently or for such period as he thinks fit to prescribe when in his opinion there are good reasons for doing so.

57. (1) Subject to the requirements of clause (a) of the *Cf. s. 47.*
 proviso to section 55 a municipality may, except as otherwise provided in clause (b) of the proviso to section 101 at any time for any sufficient reason, suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax.

Power to suspend, reduce or abolish any existing tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension alteration or rescission of any rule prescribing a tax.

58. (1) A municipality may from time to time with *Cf. s. 48.*
 the previous sanction of the Government, make by-laws —

Power to make by-laws;

(a) for the regulation and inspection of markets and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein ; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipality ;

markets and slaughter-houses, etc., etc. ;

(b) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipality—

licensing, regulating and inspecting certain businesses :

(i) as a slaughter-house ;

(ii) for the manufacture, preparation, storing, sale or supply for the purposes of trade of any animal or thing intended for human food or drink, whether such food or drink is to be consumed in such place or not ;

(iii) for any of the purposes mentioned in sub-section (I) of section 185 ;

and providing for the inspection and regulating of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

(c) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means in factories or other places for the purpose of summoning or dismissing workmen or persons employed ;

use of steam whistles,
etc. ;

(d) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of any place or building for the purpose of lodging pilgrims, and providing for the inspection and regulation of such places or buildings ;

(e) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

(f) prescribing the conditions on which licenses may be granted, refused, suspended, or withdrawn for the use, for purposes of trade, of any place for stabling milch cattle, for storing or selling milk, or for making, storing or selling butter or other milk products ;

milk shops ;

(g) for the inspection of weights and measures under section 176 and for the stamping of weights and measures and for charging fees for the same ;

(h) for defining the standard weights and measures used within the municipal borough ;

(i) for the registration of births, deaths and marriages and the taking of a census within the municipal borough and for enforcing the supply of such information as may be necessary to make such registration or census effective;

(j) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

(k) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 178 and 179.

(l) for enforcing the supply of such information by inhabitants of the municipal borough as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(m) fixing octroi limits and stations; providing for the exhibition of tables of octroi; octroi; regulating, subject to any general or special orders which the Government may make in this behalf, the system, under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipal borough; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

(n) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax;

(o) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water, whether within or without the limits of the municipal borough, and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction maintenance and control of municipal water-works, and of pipes and fittings in connection therewith, whether the property of the municipality or not;

Appendices

- (p) regulating the use of public bathing and washing public bath, etc.; places within the municipal borough;
- (q) regulating sanitation and conservancy and the disposal of the carcasses of dead animals; conservancy;
- (r) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets; temporary structures and buildings;
- (s) regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health and determining the purposes for which existing or newly erected buildings may be used in any area; buildings;
- (t) for preventing the erection of buildings without adequate provision being made for the location and laying out of streets; streets;
- (u) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air; ventilation;
- (v) prescribing the qualifications of surveyors or persons by whom plans required under section 121 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses; and for modifying the provisions of or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made except by such persons; qualified surveyors;
- (w) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals and drainage or sewerage works of every description whether the property of the municipality or not; drains;
- (x) determining the information and plans to be required requiring information by the municipality under sections and plans in certain cases; 115 and 121;

(y) prohibiting vehicular traffic in any particular controlling unwieldy street, so as to prevent danger, traffic. obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street, prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed either generally in such by-laws or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws :

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipality in conspicuous places at or near both ends of such street or portion of a street ;

(z) securing the protection of public parks, gardens and open spaces, vested in or under public parks ; the control of the municipality, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

(aa) generally for the regulation of all matters relating general regulation. to municipal administration ;

And the municipality may, with the like sanction, prescribe a fine not exceeding five hundred rupees for every infringement of any such by-law.

Fine may be imposed for infringement of by-laws.

(2) A municipality shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration ; and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed by-laws.

(3) When any by-law made by a municipality is submitted to the Government for sanction, a copy of the notice published and of every objection or suggestion received under the provisions of sub-section (2), shall be submitted for the information of the Government along with the said by-law.

(4) The Government may require a municipality to make, add to, amend, vary or rescind any by-law; on such requisition the municipality shall, after following the procedure prescribed in sub-sections (1), (2) and (3), make, add to, amend, vary or rescind the by-law in accordance with such requisition.

Cf. s. 49.

59. The rules and by-laws for the time being in force shall be kept open to public inspection at the municipal office at all reasonable times; printed copies thereof and of this Act in the vernacular language of the district and in English shall be kept on sale at cost price.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Cf. s. 50.

60. (1) A municipality may acquire and hold property both movable and immovable, whether within or without the limits of the municipal borough.

(2) All property of the nature specified in the clauses to this section, not being specially reserved by the Government, shall be vested in and belong to the municipality, and shall together with all other property of what nature or kind soever which may become vested in the municipality, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act:—

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts, and public buildings of every description.

(b) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works; and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works; and also any adjacent land, not being private property, appertaining to any public tank or well.

(c) All public sewers and drains; all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth, or rubbish of any kind collected by the municipality from the streets, houses, privies, sewers, cesspools or elsewhere.

(d) All public lamps, lamp-posts, and apparatus connected therewith, or appertaining thereto.

(e) All lands transferred to it by the Secretary of State for India in Council, or by gift or otherwise, for local public purposes.

(f) All public streets, and the pavements, stones and other materials thereof and also all trees, erections, materials, implements and things provided for such streets.

61. (1) In any municipal borough to which a survey of *Cl. s. 50A.*
lands, other than lands ordinarily used
for the purposes of agriculture only,
has been or shall be extended under
any law for the time being in force,

Decision of claims to
property by or against
the municipality.

where any property or any right in or over any property is claimed by or on behalf of the municipality, or by any person as against the municipality, it shall be lawful for the Collector after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) Any suit instituted in any civil court after the expiration of one year from the date of any order passed by the Collector under sub-section (1), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204 of the Bombay Land Revenue Code, 1879, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order: provided that the plaintiff has had due notice of such order. *Bom. V of 1879.*

(3) (a) The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer as defined in the Bombay Land Revenue Code, 1879. *Bom. V of 1879.*

(b) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(c) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government.

Cf. s. 51.

62. All moneys received by or on behalf of a municipality
 Municipal fund. by virtue of this or any other Act;
 all taxes, fines and penalties paid to
 or levied by it under this Act; all proceeds of land or other
 property sold by the municipality, and all rents accruing
 from its land or property; and all interest, profits and other
 moneys accruing by gift or transfer from the Secretary of
 State for India in Council or private individuals or otherwise,
 shall constitute the municipal fund, and shall be held and
 dealt with in a similar manner to the property specified in
 section 60:

Provided that—

(a) nothing in this section or in section 60 shall in any
 way affect any obligations accepted
 Special trusts. by or imposed upon any municipi-
 pality by any declarations of trust executed by or on behalf
 of such municipality or by any scheme settled under the
 Charitable Endowments Act, 1890, for the administration
 of any trust, or by a trust of the nature specified in clause
 (b) of this proviso;

VI of 1890.

(b) a municipality may, subject to the condition that
 reasonable provision shall be made for the performance
 of all obligations imposed or that may be imposed on it
 by or under this Act or any other law for the time being
 in force, credit to a separate heading in the municipal
 accounts any portion of the municipal fund received or
 set apart by it specially for the purposes of schools or
 dispensaries or waterworks or fire-brigades or other such
 purposes as the Commissioner in this behalf approves,
 and the municipality may apply any sums properly so
 credited exclusively to the special purposes for which
 such sums were received or set apart.

Cf. s. 52.

63. The municipal fund and all property vested in a
 Application of municipal property and funds within and without the municipal borough. municipality shall be applied for pur-
 poses of this Act within the limits
 of the municipal borough:

Provided always that it shall be lawful for the municipality,
 with the sanction of the Government or any officer duly
 authorised by it in this behalf,—

(a) to incur expenditure in the acquisition of land or
 in the construction, maintenance or repair of works beyond
 the said limits for the purpose of obtaining a supply of
 water required for the inhabitants of the municipal borough,
 or of establishing slaughter-houses or places for the dis-
 posal of night-soil or sewage or carcasses of animals, or
 for drainage works, or for any other purpose calculated
 to promote the health, safety or convenience of the in-
 habitants of the said borough; or

(b) to make a contribution towards expenditure incurred by any other local authority or out of any public funds for measures affecting the health, instruction, safety or convenience of the public and calculated to benefit the residents within the limits of the contributing municipality ;
or

(c) to create scholarships tenable outside the limits of the municipal borough :

Provided, further, that nothing in this section or in any other provision of this Act shall be deemed to make it unlawful for a municipality, when with such sanction as foresaid it has constructed works beyond the limits of the municipal borough for the supply of water or for drainage as aforesaid—

(a) to supply or extend to or for the benefit of any person or buildings or lands in any place, whether such place is or is not within the limits of the said borough, any quantity of water not required for the purposes of this Act within the said borough, or the advantages afforded by the system of drainage-works, on such terms and conditions with regard to payment and to the continuance of such supply or advantages as shall be settled by agreement between the municipality and such person or the occupier or owner of such buildings or lands, or

(b) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes or other works necessary for the purpose of such supply or for the extension of such advantages.

64. (1) It shall be lawful for a municipality to deposit *Of. s. 53.*

Power to deposit and interest with the Imperial Bank of
invest surplus funds. India or such other bank as may
hereafter be appointed to conduct the
business of His Majesty's treasury at Bombay, or with
the sanction of the Government in any bank in the Presi-
dency of Bombay, any surplus funds in its hands which may
not be required for current charges, and to invest such funds
in public securities in the name of the municipality, and
from time to time to dispose of such securities as may be
necessary.

(2) All surplus funds over and above what may be required
for current expenses, unless deposited
Surplus not so deposit- or invested as provided for in sub-
ed or invested how to be section (1), shall be deposited in the
dealt with. local Government treasury or such
other place of security as may be sanctioned in the rules of
the municipality.

CHAPTER VI.

OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPALITIES.

Cf. s. 54.

65. It shall be the duty of every municipality to make
Duties of municipalities. reasonable provision—

(I) for the following matters within the municipal borough under its authority, namely:—

(a) lighting public streets, places and buildings;

(b) watering public streets and places;

(c) cleansing public streets, places and sewers, and all spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipality or not; removing noxious vegetation; and abating all public nuisances;

(d) extinguishing fires, and protecting life and property when fires occur;

(e) regulating or abating offensive or dangerous trades or practices;

(f) removing obstructions and projections in public streets or places and in spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipality or in His Majesty;

(g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;

(h) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(i) constructing, altering and mainting public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(k) naming streets and numbering houses;

(l) registering births and deaths;

(m) public vaccination;

(n) suitable accommodation for any calves, cows or buffaloes required within the municipal borough for the supply of animal lymph;

(o) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(p) establishing and maintaining primary schools;

(q) printing such annual reports on the municipal administration of the borough as the Government by general or special orders requires the municipality to submit;

(r) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipality for the purposes of this Act or for the protection of any municipal property;

(s) erecting substantial boundary marks of such description and in such position as shall be approved by the Collector, defining the limits or any alteration in the limits of the municipal borough; and

(2) subject to such reasonable provision as aforesaid, for the following special matters, namely:—

(a) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence, of the disease;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipal borough.

66. Every municipality shall, out of the municipal property and fund make payments, Cf. Mad. of 1884, s. 114. IV.

Provision for anti-rabic treatment of indigent persons.

at such rates and subject to such conditions as the Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the Government declares by notification to be suitable for such purpose either within or without the municipal borough, and for other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institution and proceeding from the municipal borough.

Provided that the municipality shall not be liable under this section for the maintenance, treatment and other necessary expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person, previous to his admission thereto, has been resident in the municipal borough for at least one year.

67. Every municipality shall also, out of the municipal property and fund, make payments Cf. s. 55.

Provision for lunatics and lepers.

at such rates as the Government from time to time by general or special order prescribes, for the maintenance and treatment

either in the municipal borough or at any asylum, hospital or house, whether within or without such borough, which the Government declares by notification to be suitable for such purpose,—

V of 1898. (a) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, and

(b) of lepers,
resident within, or under any enactment for the time being in force removed from, such borough :

Provided that the municipality shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper, immediately previous to his admission thereto, has been resident in the municipal borough for at least one year.

Provided further that before making any order for the payment of the cost of maintenance and treatment of any lunatic under this section the court making such order shall give an opportunity to the municipality to show that the lunatic has an estate applicable to his maintenance, or that there is a person legally bound to maintain such lunatic and having the means to maintain him, or that such lunatic has not been resident in the municipal borough for at least one year as aforesaid or that the cost of maintenance and treatment of such lunatic should be borne by a State in India or by a local authority other than the municipality to whose jurisdiction the lunatic belongs or by the Local Government. The officer in charge of any asylum to which lunatics for whose maintenance and treatment a municipality is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of each lunatic detained in the asylum and shall furnish a copy thereof to the municipality on application.

Of. s. 56.

Discretionary powers of expenditure of municipalities.

68. A municipality may, at its discretion, provide, either wholly or partly, out of the municipal property and fund for—

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, and the land required for the construction of buildings or curtilages thereof, to abut on such streets ;

(b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharamsalas, rest-houses and other public buildings ;

(c) furthering educational objects other than those set forth in clause (p) of sub-section (1) of section 65 ;

(d) planting and maintaining road-side and other trees ;

(e) providing music for the people ;

(f) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(g) making a survey ;

(h) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate, or any portion of any such charges ;

(i) arranging for the destruction or the detention and preservation of dogs which may be destroyed or detained under section 156 of this Act or under section 49 of the Bombay District Police Act, 1890 ;

Bom. IV of
1890.

(j) securing or assisting to secure suitable places for the carrying on of the offensive trades specified in sub-section (1) of section 185 ;

(k) supplying, constructing and maintaining, in accordance with a general system approved by the sanitary board, receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipality ;

(l) the acquisition and maintenance of grazing grounds ;

(m) establishing and maintaining a farm or factory for the disposal of sewage ;

(n) the construction, maintenance, management, organisation or purchase of telephone lines, or for guaranteeing the payment of interest on money expended for the construction of a telephone line subject to the previous sanction of the Commissioner when the line extends beyond the limits of the municipal borough ;

(o) providing accommodation for any class of servants employed by the municipality ;

(p) the construction, management and maintenance of light-railways and tramways ;

(q) any other measure not specified in section 65 likely to promote the public safety, health, convenience or education ; and

(r) by a resolution passed at a general meeting and supported by two-thirds of the councillors present at the meeting, any public reception, ceremony, entertainment or exhibition within the municipal borough.

Of s. 57.

69. Where a municipality has entered into any arrangement or made any promise, purporting to bind it or its successors for a term of years or for an unlimited period to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipality or its successors with the sanction of the Government to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) Imposition of Taxes.

Of s. 59.

70. Subject to any general or special orders which the Government may make in this behalf and to the provisions of sections 72 and 73, a municipality may impose for the purposes of this Act any of the following taxes, namely—

(i) a rate on buildings or lands or both situate within the municipal borough;

(ii) a tax on all vehicles, boats or animals used for riding, draught or burden and kept for use within the said borough, whether they are actually kept within or outside the said borough;

(iii) a toll on vehicles and animals used as aforesaid, entering the said borough but not liable to taxation under clause (ii) of this section;

(iv) an octroi on animals or goods or both, brought within the octroi limits for consumption or use therein;

(v) a terminal tax on goods imported into or exported from the terminal tax limits;

Provided that, save as provided in clause (xv) no such tax shall be leviable in a borough in which an octroi was not levied on or before the 6th July 1917;

(vi) a tax on dogs kept within the said borough;

(vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

(viii) a general sanitary cess for the construction and maintenance of public latrines, and for the removal and disposal of refuse;

(ix) a drainage tax ;

(x) a general water-rate or a special water-rate or both for water supplied by the municipality, which may be imposed in the form of a rate assessed on buildings and lands or in any other form, including that of charges for such supply; fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of case or of any individual case ;

(xi) a lighting tax ;

(xii) a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough ;

(xiii) any other tax which under rules made under clause (a) of sub-section (3) of section 80-A of the Government of India Act, a local authority may be authorised ^{5 and 6 Geo. V, c. 61.} to impose by any law made by the local legislature without the previous sanction of the Governor General ;

(xiv) any other tax to the nature and object of which the approval of the Government and of the Governor General in Council shall have been obtained prior to the selection contemplated in clause (a) of section 72 :

Provided that—

(a) no tax imposed as aforesaid, other than a special sanitary cess, a drainage tax or a water-rate, shall, without the express consent of the Government, be leviable in respect of any building or part of any building or of any vehicle, animal or other property, belonging to His Majesty and used solely for public purposes and not used or intended to be used for purposes of profit; and no toll shall be leviable in respect of any animal or vehicle used for the passage of troops or the conveyance of Government stores or of any other Government property, or for the passage of military or police-officers on duty or the passage or conveyance of any person or property in their custody ;

(b) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds unless and until the municipality has—

(i) made provision for the cleaning thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the borough or part of the borough to be charged with such cess, one month's notice of the intention of the municipality to perform such cleansing and to levy such cess ;

(c) the municipality in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii),

(x) and (xi), may impose a consolidated tax assessed as a rate on buildings or lands or both situate within the municipal borough.

Cf. Bom. III of 1888, s. 144.

71. (1) The Government shall pay to the municipality annually in lieu of a rate on buildings from which buildings vesting in His Majesty are exempted by proviso (a) to section 70, a sum ascertained in the manner provided in sub-sections

(2) and (3).

(2) The rateable value of the buildings vesting in His Majesty and beneficially occupied, in respect of which but for the said exemption a rate on such buildings would be leviable from the Government shall be fixed by a person from time to time appointed in this behalf by the Government. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number and extent of the buildings vesting in His Majesty in the said borough materially increases or decreases.

(3) The sum to be paid annually to the municipality by the Government shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings in the said borough on account of the said rate on buildings on a rateable value of the same amount as that fixed under sub-section (2).

Cf. s. 60.

72. A municipality before imposing Procedure preliminary a tax shall observe the following to imposing tax. preliminary procedure :—

(a) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 70 and approve rules prepared for the purposes of clause (i) of section 55, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both, which the municipality proposes to make liable, and any exemptions which it proposes to make;

(ii) the amount or rate at which the municipality proposes to assess each such class;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(iv) all other matters which the Government may require to be specified therein.

(b) When such resolution has been passed, the municipality shall publish the rules so approved with a notice in the form of Schedule II prefixed thereto.

(c) Any inhabitant of the municipal borough objecting to the imposition of the said tax or to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemptions proposed may, within one month from the publication of the said notice, send his objection in writing to the municipality; the municipality shall take all such objections into consideration, or shall authorize a committee to consider the same and report thereon; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Explanation.—In the case of lands the basis of valuation may be either capital or annual letting value.

73. The Government may refuse to sanction the rules *Cf. s. 61.*
 submitted under section 72, or may return them to the municipality for further consideration; or if no objection or no objection which is in its opinion sufficient, was made to the proposed tax within the period prescribed under section 72, may sanction the said rules without modification, or subject to such modifications not involving an increase in the amount to be imposed, or to such conditions as to the application within the municipal borough to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of the tax, as it deems fit.

74. Rules sanctioned under section 73 with the modifica- *Cf. s. 62.*
 tions and conditions, if any, subject to which the sanction is given shall be published by the municipality in the municipal borough, together with a notice reciting the sanction and the date and serial number thereof; and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the date of publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipality in accordance with all conditions, if any, subject to which sanction under section 73 was given:

Provided that—

(a) a tax leviable by the year shall not come into force except on one of the following days, namely, the first day of April, the first day of July, the first day of October

or the first day of January in any year ; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing ;

(b) on or before the day on which a notice is issued under this section, the municipality shall publish such further detailed rules as may be required, and as may have been approved by the Government under clause (a) of the proviso to section 55, prescribing the mode of levying and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof shall be payable ;

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates on buildings or lands.*

Cf. s. 63.

75. (1) When a rate on buildings or lands or both is imposed, the Chief Officer shall cause Preparation of an assessment-list. an assessment-list of all buildings or lands and buildings in the municipal borough to be prepared containing—

(a) the name of the street or division in which the property is situate ;

(b) a description of the property sufficient for identification ;

(c) the names of the owner and occupier, if known ;

(d) the valuation based on capital or annual letting value as the case may be, on which the property is assessed ; and

(e) the amount of the tax assessed thereon.

(2) In assessing a tax on buildings or lands, where the valuation determined under clause (d) of sub-section (1) of this section is the annual letting value, a sum equal to ten per centum of the said valuation shall be deducted therefrom in lieu of all allowance for repairs or on any other account whatsoever.

(3) For the purpose of preparing such assessment list the Chief Officer or any person acting under his authority may inspect any building or land in the municipal borough ; and on the requisition of the Chief Officer the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature of the name and

Power to inspect and require returns.

place of abode of the owner or occupier or of both and his estimate of the value of such building or land.

76. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book, and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description. *Cf. Bom. III of 1888, s. 159.*

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book, and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Occupier liable for a rate on buildings or lands or both until he gives information.

information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

77. When the assessment-list has been completed, the chief officer shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either the owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge. *Cf. s. 64.*

Publication of notice of assessment-list.

chief officer shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either the owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

78. (1) The Chief Officer shall, at the time of the publication of the assessment-list under section 77, give public notice of a date, not less than one month after such publication, before which objections to the valuation or assessment in such list shall be made; and in all cases in which any property is for the first time assessed or the assessment is increased, he shall also give notice thereof to the owner or occupier of the property, if known, and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous position on the property. *Cf. s. 65.*

Public notice of time fixed for lodging objections.

77, give public notice of a date, not less than one month after such publication, before which objections to the valuation or assessment in such list shall be made; and in all cases in which any property is for the first time assessed or the assessment is increased, he shall also give notice thereof to the owner or occupier of the property, if known, and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous position on the property.

(2) Objections to the valuation and assessment of any property in such list shall, if the owner or occupier of such property desires to make an objection, be made by such owner or occupier or any agent of such owner or occupier to the standing committee before the time fixed in the aforesaid public notice, by application in writing, stating the grounds on which the valuation or assessment is disputed; all applications so made shall be registered in a book to be kept by the standing committee for the purpose.

Objections how to be made.

property in such list shall, if the owner or occupier of such property desires to make an objection, be made by such owner or occupier or any agent of such owner or occupier to the standing committee before the time fixed in the aforesaid public notice, by application in writing, stating the grounds on which the valuation or assessment is disputed; all applications so made shall be registered in a book to be kept by the standing committee for the purpose.

(3) The standing committee, after allowing the applicant an opportunity of being heard in person or by agent, shall—

- Hearing of objections.
- (a) investigate and dispose of the objections,
 - (b) cause the result thereof to be noted in the book kept under sub-section (2), and
 - (c) cause any amendment necessary in accordance with such result to be made in the assessment-list :

Provided that the standing committee may delegate its powers and duties under this sub-section to any sub-committee appointed from its members or with the sanction of the municipality, to any other committee appointed by the municipality or with the permission of the Commissioner, to any officer or pensioner of Government.

(4) When all objections made under this section have been disposed of and all amendments required by sub-section (3) have been made in the assessment-list, the said list shall be authenticated by the signatures of the Chairman and at least one other member of the standing committee, or if the standing committee has delegated its powers and functions under sub-section (3) to any other committee or sub-committee or to an officer or pensioner of the Government, by the signatures of not less than two members of such committee or sub-committee or of the officer or pensioner aforesaid ; the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein.

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property entered therein or to the agents of such persons, and a notice that it is so open shall be forthwith published.

(6) Subject to such alterations as may be made therein under the provisions of section 79 and to the result of any appeal made under section 108, the entries in the assessment-list so authenticated and deposited and the entries, if any, inserted in the said list under the provisions of section 79 shall be accepted as conclusive evidence—

(a) for the purposes of all municipal taxes, of the valuation, on the basis prescribed in the rules regulating the rate of buildings, lands and both buildings and lands to which such entries respectively refer, and

(2) for the purposes of the rate for which such assessment-list has been prepared, of the amount of the rate leviable on such buildings or lands or both buildings and lands in any official year in which such list is in force.

79. (1) The standing committee may at any time alter *Cf. s. 66.*

Amendment of assessment-list. Notice of new buildings. the assessment-list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made

in the assessment-list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment-list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

(2) An objection made by any person interested in any such alteration, before the time fixed

Objections how dealt with. in such notice, and in the manner provided by sub-section (2) of section 78, shall be dealt with in all respects as if it were an application under the said section.

(3) An entry or alteration made under this section shall, subject to the provisions of section

Effect of amendment. 108, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax as the case may be shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

80. (1) When any building or any portion of a building *Cf. Bom. III*

Notice to be given to the standing committee of demolition or removal of a building.

which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the standing committee, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the standing committee. *of 1888, s. 153.*

(2) Until such notice is given the person aforesaid shall continue liable to pay every such rate as he would have been

liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

Cf. s. 67.

81. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Chief Officer may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 77, 78 and 79 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

Cf. s. 68.

82. A tax imposed in the form of a rate on buildings or land or both shall be leviable primarily from the actual occupier of the property upon which the tax is assessed if he is the owner of the property, or holds it on a building or other lease from the Secretary of State for India in Council or from the municipality, or on a building lease from any person. Otherwise the tax shall be primarily leviable as follows, namely :—

(a) if the property is let, from the lessor ;

(b) if the property is sublet, from the superior lessor ;

(c) if the property is unlet, from the person in whom the right to let the same vests ;

Provided that where the tax is based on the annual letting value, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the property in respect of which it is due, as bears to the whole amount due the same ratio, which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said property or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater :

Provided, further, that for any sum paid by or recovered from any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

83. (1) Where any building or land which is assessed to *Cf. s. 69.*

Remission of tax in case of vacancies: when obligatory.

a rate based on the annual letting value and payable by the year, or in respect of which a special sanitary cess is payable by the year or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable, or throughout the period in respect of which any such instalment is payable, the standing committee shall remit or refund not less than two-thirds of the amount of the rate, or of the cess or instalment of the cess, as the case may be :

Provided that no such remission or refund shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Chief Officer, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretionary.

(2) Where any such building or land as aforesaid—

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the standing committee may remit or refund such portion, if any, of the rate, cess or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Burden of proof on claimant.

84. (1) Whenever the title of any person primarily liable *Cf. Bom. III of 1888, s. 149.*

Notice to be given to the Chief Officer of all transfers of title of persons primarily liable to payment of a rate on buildings or lands.

for the payment of a rate on buildings or lands or both to or over such land or buildings or both is transferred, the person to whom the same is transferred shall, within three months after execution of the instrument of transfer, or after its registration if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer in writing to the Chief Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise, shall give notice of such transfer to the Chief Officer within one year from the death of the deceased.

(3) If the person liable to give the notice referred to in sub-section (1) or sub-section (2) fails to give such notice he shall be punished with fine which may extend to fifty rupees.

Cf. Bom. III of 1888, s. 150.

85. (1) The notice to be given under the last preceding section shall be in the form of Schedule III or Schedule IV, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Chief Officer may, if he thinks it necessary, require the production of the instrument of transfer, if any, or a copy thereof, obtained under

XVI of 1908. section 57 of the Indian Registration Act, 1908.

Cf. Bom. III of 1888, s. 151.

86. (1) Every person primarily liable for the payment of a rate on buildings or lands or both who transfers his title to or over such building or land or both without giving notice of such transfer to the Chief Officer as aforesaid, shall in addition to any other liability which he incurs through such neglect, continue liable for the payment of the said rate on the buildings or lands or both until he gives such notice, or until the transfer shall have been recorded by the standing committee.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said rate or to affect the prior claim of the municipality on the said buildings and lands conferred by section 110, for the recovery of the rate on the lands or buildings or both.

(3) *Power to charge fees.*

Cf. s. 70.

87. (1) When any license is granted under this Act, or when permission is given thereunder for making any temporary erection or for putting up any projection or for the temporary occupation of any public street or other land vested in the municipality, the authority granting or giving such license or permission may charge a fee for the same.

(2) The municipality may charge a fee for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipality, by any person without its permission, in cases where such erection, projection, use or occupation would, if made under a license or with permission required under the provisions of this Act, be chargeable with a fee. Such fee shall be leviable irrespective of any penalty or liability to

Fees may be charged for certain licenses.

Levy of fees for unauthorized occupation or projection.

which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force.

(3) A Chief Officer may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 58, for the use of any such places mentioned in that clause as belong to the municipality and as may be fixed by by-laws under clause (g) of sub-section (1) of section 58 for stamping weights and measures.

(4) *Special provisions relating to certain taxes.*

88. (1) A municipality may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipality to or for use in connection with any private lands or buildings,—

Fixed charges and agreements for payment in lieu of taxes for water supplied.

(a) fix at rates not exceeding such as shall be specified in the rules in force under section 55, charges for such supply according to the quantity used, as ascertained by measurement; or

(b) arrange with any person on his application to supply on payment, periodical or otherwise, water belonging to the municipality, in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or any other purpose, on such terms and subject to such conditions as it shall fix by agreement with such person :

Provided that—

(a) the meters, connection-pipes and all other works necessary for and incidental to such supply, and all repairs, extensions and alterations of such works shall be under the control of the municipality, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipality, be defrayed by the persons liable for the charges or payments fixed in respect of such supply; and

(b) such supply of water shall be and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 58.

(2) Where a municipality has made provision for the cleansing of any factory, hotel or club or any group of buildings or lands used for any one purpose and under one management, it may instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate and the dates and other conditions for periodical payments thereof; such rate, dates and conditions shall be determined either,

(i) in accordance with the rules for the time being in force under section 55, or

(ii) by written agreement with the person who would have been otherwise liable for the cess: provided that in fixing the amount of such rate proper regard shall be had to the probable cost to the municipality of the service to be rendered.

(3) Where a municipality has imposed a tax on vehicles or animals used for riding, draught or burden and kept for such use within the municipal borough it may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire for the payment of a lump sum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

(4) Every sum claimed by a municipality as due under sub-section (1) as charges, payments or expenses, or as a special rate under sub-section (2) or as a lump sum payable under sub-section (3), shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of a tax recoverable under the said chapter:

Provided that nothing in this section shall affect the right or power of a municipality to contract with any person to supply for use beyond the limits of the municipal borough, at such rates and on such conditions as the municipality may think fit, any quantity of water belonging to the municipality but not required for the purposes of this Act.

Cf. s. 72.

89. Where a tax is imposed under this Act on pilgrims resorting periodically to a shrine within the limits of a municipal borough, the Commissioner may require the municipality of such borough to assign and pay to the district local board or to the taluka local board having authority in the taluka in

Taxes on pilgrims may be assigned in part to local boards.

which such municipal borough is situate, or partly to the said district local board and partly to the said taluka local board, such portion of the total collections on account of such tax as he shall deem fit; and the portion so assigned shall be expended by the said board or boards, within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims.

(5) *Octroi and Tolls.*

90. A municipality, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (m) of sub-section (1) of section 58, after observing the requirements of sub-sections (2) and (3) of that section. *Cf. s. 75.*

Octroi by-laws to be submitted with proposal for imposition of octroi.

91. A person bringing into or receiving from beyond the octroi limits of a municipal borough any animal or goods on which octroi is payable shall, when required by an officer authorized in this behalf by the Chief Officer and so far as may be necessary for ascertaining the amount of tax chargeable, — *Cf. s. 76.*

Power to examine articles liable to octroi.

(a) permit that officer to inspect, examine, weigh, and otherwise deal with such animal or goods; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods.

(2) If any person bringing into or receiving from beyond the octroi limits of a municipal borough in which octroi is leviable, any conveyance or package shall refuse on the demand of an officer authorized by the Chief Officer in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the municipality as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Power to search where octroi is leviable.

92. An officer demanding octroi by the authority of the municipality shall tender to every person introducing or receiving anything on which the tax is claimed, a bill specifying the animal or goods taxable, the amount claimed, and the rate at which the tax is calculated. *Cf. s. 77 (1).*

Presentation of bills of octroi.

Cf. s. 77 (2). 93. Where any animal or goods passing into a municipal borough are liable to the payment of octroi, any person who, with the intention of defrauding the municipality, causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of the said borough any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such octroi or to fifty rupees, whichever may be greater.

Cf. s. 78. 94. A municipality imposing any toll under this Act shall cause to be kept at each place where such toll is to be collected, a table in the vernacular language of the district, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments; and it shall be the duty of every person authorized to demand payment of a toll, to show such table on the request of any person from whom such demand is made.

Cf. s. 79. 95. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipality, any person appointed to collect such octroi or toll may seize any animal or goods on which octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in the form of Schedule VII.

(2) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

(3) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Chief Officer shall forthwith deliver to him the property seized.

(4) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Chief Officer in writing within the six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the municipality.

96. Nothing contained in sections 91, 92, 93, and 95 shall apply in respect of any postal article which, in the course of transmission by post, is brought into or received from beyond the octroi limits of a municipal borough.

97. The standing committee, if it thinks fit, instead of requiring payments of octroi due from any person, mercantile firm or public body to be made at the time when the animals or goods in respect of which the octroi is leviable are introduced within the octroi limits of the municipal borough, may at any time direct that an account-current shall be kept on behalf of the municipality of the octroi so due from such person, firm or body. Such account shall be settled at intervals not exceeding one month, and such person, firm or public body shall make such deposit or furnish such security as the standing committee or any officer authorized by it in this behalf shall consider sufficient to cover the amount which may at any time be due from such person, firm or body in respect of such dues. Any amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

98. Where any agreement such as is referred to in clause (b) of sub-section (1) of section 44 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of this Act relating to

Power to keep account current with person, firm or public body in lieu of levying octroi on introduction of goods.

Postal articles exempted.

Collection of octroi by one public body on behalf of others.

octroi shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of the body by which they are so established; and the collections made and the costs thereby incurred shall, subject to the provisions of section 44, be divided between the bodies entering into the agreement, in such proportions as shall have been determined in the agreement.

Explanation.—For the purpose of this section octroi duty includes a terminal tax.

Cf. s. 81A. 99. (1) It shall be lawful for a municipality to lease by public auction or private contract the farming of tolls. levy of any toll that may be imposed under this Act:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease execute the powers and perform the duties conferred and imposed by sub-sections (1) and (2) of section 95 on a person appointed to collect a toll, and any property seized shall be dealt with as if it had been seized under the provisions of that section:

Provided that no property seized may be sold except under the orders of the Chief Officer.

(6) *Powers of Government in respect of municipalities.*

Cf. s. 73. 100. If it shall at any time appear to the Government on complaint made or otherwise that any tax leviable by a municipality is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interest of the general public, it may require the municipality, within such period as the Government shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax; and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Bombay Government Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may at any time, by a like notification, rescind any such suspension.

101. Where it appears to the Government that the balance *Cf. s. 74.*
of the municipal fund of a municipality
Power of Government is insufficient for meeting any expendi-
to require municipalities ture incurred under section 215 or
to impose taxes. for the performance of any duties
for the performance of which the Government has directed
the Commissioner to fix a period under section 218, the Govern-
ment may by notification require the municipality to impose,
within the municipal borough, any tax specified in the noti-
fication which may be imposed under section 70 and which
is not at the time imposed within the said borough or to
enhance any existing tax in such manner or to such extent
as the Government considers fit; and the municipality shall
forthwith proceed to impose or enhance, in accordance with
the requisition, such tax under the provisions of this chapter
as if a resolution of the municipality had been passed for the
purpose under section 72 :

Provided that—

(a) the Government shall take into consideration any
objection which the municipality or any inhabitant of the
municipal borough may make against the imposition or
enhancement of such tax;

(b) it shall not be lawful for the municipality to abandon
or modify or to abolish such tax when imposed;

(c) the Government may at any time cancel or modify
any requisition made by it under this section and the levy
of the tax or the enhancement, except as to arrears thereto-
fore accrued due, shall thereupon cease or be modified
accordingly.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

Presentation of bill for taxes. 102. (1) When any amount,

(a) which, by or under any provisions of this Act, is *Cf. s. 82.*
declared to be recoverable in the manner provided by this
chapter, or

(b) which, not being leviable under sub-section (1) of
section 95 or payable on demand on account of an octroi
or a toll, is claimable as an amount or instalment on account
of any other tax which now is imposed or hereafter may be
imposed in any municipal borough,

shall have become due, the Chief Officer shall, with the least
practicable delay, cause to be presented to any person liable
for the payment thereof, a bill for the sum claimed as
due.

(2) Every such bill shall specify the period for which, and the property, occupation or thing in respect of which, the sum is claimed. Contents of bill. and shall also give notice of the liability incurred in default of payment and of the time within which an appeal may be preferred as hereinafter provided against such claim.

(3) If the sum for which any bill has been presented as aforesaid is not paid at the municipal office or to a person authorized by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Chief Officer may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of Schedule V, or to the like effect. If bill not paid within fifteen days, notice of demand to issue.

Of. s. 83.

103. (1) If the person on whom a notice of demand has been served under section 102, sub-section (3), does not, within fifteen days from the service of such notice, either—

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the Chief Officer, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 108 against the demand,

such sum with all costs of the recovery may be levied under a warrant signed by the Chief Officer in the form of Schedule VI or to the like effect, by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter: provided that where any measures, precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by Government, any proceeding under this chapter in respect of such property shall abate.

(2) Where the property is in the municipal borough the warrant shall be addressed to an officer of the Municipality. Where the property is in another municipal borough or district, the warrant shall be addressed to the Chief Officer in the municipal borough or to the vice-president in the municipal district, as the case may be; and where the property is not in a municipal borough or district, to a Government officer not lower in rank than a Mahalkari; provided that such Chief Officer vice-president or Government officer may endorse such warrant to a subordinate officer. Where the property is in the City of Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay: To whom warrant should be addressed.

Provided that the Registrar may endorse such warrant to a subordinate officer.

(3) It shall be lawful for any officer to whom a warrant issued under sub-section (1) is addressed or endorsed, if the warrant contains a special order authorizing him in this behalf, to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make any distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

(4) It shall also be lawful for any such officer, if authorized by the warrant, to distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(a) the following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood ;

(b) the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant ; and if any property has been distrained which, in the opinion of the Chief Officer or of the person to whom the warrant was addressed, should not have been so distrained, it shall forthwith be returned to the defaulter ;

(c) the officer shall on distraining or attaching the property forthwith make an inventory thereof, and give to the person in possession thereof at the time of distraint or attachment a written notice in the form of Schedule VII ;

(d) (i) When the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge ;

(ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and then upon a conspicuous part of the municipal office, and also, when the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate.

*Cf. Bom. III
of 1888, s. 210.*

(e) Any transfer of or charge on the property attached or of any interest therein made without the written permission of the Chief Officer shall be void as against all claims of the municipality enforceable under the attachment.

Cf. s. 84.

104. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Chief Officer shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once; and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold at once under sub-section (1), the property distrained or attached or in the case of movable property a sufficient portion thereof may, unless the warrant is suspended by the Chief Officer or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress or attachment and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Chief Officer, and the proceeds or such part thereof as shall be requisite, shall be applied firstly in discharge of any sum due to Government in respect of such property and secondly in discharge of the sum due and of all such incidental costs as aforesaid. Where the sum due together with costs is paid by the defaulter as aforesaid, the attachment if any of immovable property shall be deemed to have been removed. Sales of immovable property under this sub-section shall be held in the manner laid down in the rules framed in that behalf.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint or attachment; if such person shall claim the surplus by written application to the Chief Officer within one year from the date of the notice given under this sub-section, the Chief Officer shall refund the surplus to such person. Any sum not claimed within one year from

*Surplus, if any, how
dealt with.*

the date of such notice shall be the property of the municipality.

105. Where the warrant is addressed outside the municipal district, the Chief Officer may by endorsement direct the officer or Registrar of the Court of Small Causes of Bombay to whom the warrant is addressed, to sell the property distrained or attached; in such case it shall be lawful for such officer or Registrar to sell the property and to do all things incidental to the sale in accordance with the provisions of section 104, and to exercise the powers and perform the duties of the Chief Officer under section 104, sub-sections (1) and (2), in respect of such sale, except the power of suspending the warrant. Such officer or Registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Chief Officer by whom it was issued who shall dispose of the same in accordance with the provisions of section 104. *Cf. s. 84A.*

106. Fees for every notice issued under sub-section (3) of section 102, every distress or attachment made under sub-section (4) of section 103 and the maintenance of any live-stock seized under the said sub-section shall be chargeable at the rates respectively specified in such behalf in the rules of the municipality and shall be included in the costs of recovery to be levied under section 103. *Cf. s. 85.*

107. (1) If the Chief Officer shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about forthwith to remove from the municipal borough, the Chief Officer may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him. *Cf. Bom. III of 1888, s. 210.*

(2) If, on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the moveable property or the attachment and sale of the immoveable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the Chief Officer's warrant for distress and sale may be issued and executed without any delay.

108. (1) Appeals against any notice of demand issued under sub-section (3) of section 102 may be made to any Magistrate or Bench of Magistrates by whom under the directions of the District Magistrate such class of cases is to be tried. *Cf. s. 86.*

(2) No such appeal shall be heard and determined unless—

(a) the appeal is brought within fifteen days next after service of the notice of demand complained of ; and

(b) an application in writing, stating the grounds on which the claim of the municipality is disputed, has been made to the standing committee as follows :—

(i) in the case of a rate on buildings or lands or both within the time fixed in the notice given under section 78 or 79 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 102 within fifteen days next after the presentation of such bill ; and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

Cf. Bom. III of 1888, s. 219.

109. (1) Every entry in the assessment list made under

Entries in the assessment list and taxes and decisions to be final.

the provisions of this Act against which no objection is made as hereinbefore provided, and the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and the decision of the Magistrate or Bench of Magistrates upon any appeal against any such entry or tax, shall be final.

(2) Effect shall be given by the Chief Officer to every decision of the said Magistrate or Bench of Magistrates on any appeal against any such entry or tax.

Cf. s. 87.

110. All sums due on account of any tax imposed in the form of a rate on lands or buildings or both shall, subject to prior payment of land-revenue, if any, due to His Majesty thereupon, be a first charge upon the building or land, in respect of which such tax is leviable and upon the movable property, if any, found within or upon such building or land, and belonging to any person liable for such tax :

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if such arrears have been due for more than one year or for a period during which such occupier was not in occupation.

Cf. s. 89.

111. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving such payments.

Receipts to be given for all payments.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) Powers in respect of streets.

112. (1) It shall be lawful for a municipality to lay out *Cf. s. 90.*
 and make new public streets; to con-
 struct tunnels and other works sub-
 sidiary to public streets; to widen,
 open, enlarge or otherwise improve, and to turn, divert, dis-
 continue or stop up any public street; and, subject to the
 provisions of sub-section (2) of section 45 to lease or sell
 any such land, theretofore used or acquired by the muni-
 cipality for the purposes of such streets, as may not be
 required for any public street or for any other purposes of
 this Act.

Power regarding public streets, etc.

(2) In laying out, making, turning, diverting, widening,
 opening, enlarging, or otherwise improv-
 ing any public street, in addition to
 the land required for the carriage-way
 and foot-ways and drains thereof, the municipality may
 purchase the land required for the construction of houses and
 buildings to form the said street; and, subject to the provisions
 contained in sub-section (2) of section 45, may sell and dispose
 of such additional land in perpetuity or on lease for a term
 of years, with such stipulations as to the class and description
 of houses or buildings to be erected thereon as it may
 think fit.

Acquisition of adjacent land to form street.

113. (1) Where the standing committee considers that *Cf. s. 90 (3)*
 in any street not being a public *and (4).*
 street, or in any part of such street,
 within the municipal borough, it is
 necessary for the public health, convenience or safety that
 any work should be done for the levelling, paving, metalling,
 flagging, channelling, draining, lighting or cleaning thereof,
 the standing committee may by written notice require the
 respective owners of the lands or buildings fronting, adjoining
 or abutting upon such street or part thereof, to carry
 out such work in a manner and within a time to be specified
 in such notice.

Power to require repair, etc., of private streets.

(2) After such work has been carried out by such owners
 or, as provided in section 194 by the
 municipality at the expense of such
 owners, the street or part thereof
 in which such work has been done may, and on the joint
 requisition of a majority of the said owners shall, be declared
 by a public notice, put up therein by the standing committee,
 to be a public street.

And to declare such streets public.

Cf. Bom. III
of 1894, s.
181.

(3) If the notice under sub-section (1) is not complied with and such works is executed by the municipality as provided in section 194, the expenses thereby incurred shall be apportioned by the standing committee between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Apportionment of expenses in default.

Cf. s. 90 (6). 114. The standing committee, may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipality, give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of the several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the standing committee may by notice in writing put up in such street, or such part, declare the same to be a public street.

Power to declare any street a public street subject to objections by the owners.

Cf. s. 91. 115. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the standing committee, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, and such other particulars as may be required by the by-laws in force in this behalf; and save as hereinafter provided, the level, means of drainage, direction and width of every such street shall be fixed or approved by the standing committee.

New private streets.

(2) Before passing orders under sub-section (1), the standing committee may either issue a provisional order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or a demand for further particulars.

Power of municipality to pass interim orders.

(3) If—

(a) within one month from the receipt of the notice given under sub-section (1) the standing committee has neither—

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2) issued any provisional order or demand for further particulars, or if

(b) the standing committee, having issued such demand for and having received in accordance with the demand such further particulars, has issued no further orders within one month from the receipt of such particulars, then the street may be laid out and made, in such manner as may have been specified in the notice under sub-section (1) and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

(4) Whoever lays out or makes any such street, either without giving the notice required by sub-section (1) or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the standing committee, or in any manner contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred and fifty rupees; and the standing committee may cause any street so laid out or made to be altered, and any building constructed in such street to be altered or removed, and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

116. (1) The Chief Officer shall, subject to the approval of the municipality, prescribe a line on each side of every public street within the municipal borough and may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof:

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Chief Officer shall give public notice of the proposal and shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed;

(b) the Chief Officer shall comply with any orders passed by the municipality after considering any written objection or suggestion in regard to such proposal, delivered at the office of the municipality within such time as may be specified in such public or special notice.

(2) The line for the time being so prescribed shall be called "the regular line of the public street".

(3) (a) Except under the provisions of section 142, no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the Chief Officer under section 121,

(b) Where the Chief Officer refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.

(c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid by the municipality to the owner of any land added to a street under clause (b) of sub-section (3) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Chief Officer under the said sub-section :

Provided that no such compensation shall be payable in cases to which section 148 applies.

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to one thousand rupees and, in the case of a continuing contravention with an additional fine which may extend to rupees ten for every day during which such contravention continues after the conviction for the first such contravention, and the chief officer may—

(a) direct that the building be stopped, and

(b) with the previous sanction of the standing committee, by written notice, require such building or portion thereof to be altered or demolished in accordance with the provisions of such notice.

(2) Powers to regulate buildings, etc.

Of. s. 92.

117. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 116 or beyond the front of the building on either side thereof, the Chief Officer may,—

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed ; or that such building when being

rebuilt shall be set back to or towards the said regular line or the front of such building. The portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipality.

(2) If any land not vested in the municipality, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other structure external to a main building, the Chief Officer after giving the owner of the land not less than fifteen clear days' written notice of his intention, or if the land is vested in His Majesty, then with the permission in writing of the Collector, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipality.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198 shall be paid by the municipality to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Chief Officer under either of the said sub-section: provided that no such compensation shall be payable in cases to which section 148 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 148, the municipality may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

118. (1) The standing committee may, upon such terms *Cf. s. 93.* as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Setting forward to regular line of street.

(2) If the land which will be included in the premises of any person permitted under sub-section (1) to set forward a building belongs to the municipality, the permission of the standing committee to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the price to be paid to the municipality by the said owner

Cf. Bom. III of 1888, s. 301 (3).

for such land and the other terms and conditions of the conveyance shall be set forth in the said permission.

Cf. s. 94.

119. (1) The external roofs and walls of buildings constructed or renewed after the coming into force of this Act, shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable material except with the written consent of the Chief Officer which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The Chief Officer may at any time by written notice require the owner of any building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the Chief Officer.

(3) An appeal shall lie to the standing committee against any order of the Chief Officer refusing the consent under sub-section (1) or against any notice given by the Chief Officer under sub-section (2) if made within fifteen days of the receipt of such refusal or notice, as the case may be.

(4) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such material as aforesaid, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Cf. s. 95.

120. No building shall hereafter be constructed upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipality, or into some stream or river or into the sea or some cesspool or other suitable place which may be approved of by the Chief Officer.

Cf. s. 96.

121. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the standing committee is empowered by section 117 to enforce a removal or setback, or to construct or reconstruct which the Chief Officer is empowered by section 116 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the Chief Officer

notice thereof in writing and shall furnish to him at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the by-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

(2) Save as otherwise provided in this Act or the rules and by-laws thereunder, the Chief Officer may either give permission to construct alter, add or reconstruct, according to the plan and information furnished or may impose in writing conditions, in accordance with this Act and the rules and by-laws made thereunder, as to level, drainage, sanitation, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected, or the purpose for which the building is to be used, or may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to his satisfaction.

(3) The municipality may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under sub-section (2), revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and the rules and by-laws made thereunder, with reference to the matters mentioned in the said sub-section, as it thinks proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

(4) Before issuing any orders under sub-section (2) the Chief Officer may within one month from the receipt of such notice, either issue—
Or to suspend the work or require further particulars.

(a) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) may demand further particulars.

(5) A work proposed in a notice given under sub-section (1) may be proceeded with in the manner specified in such notice, provided such manner is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, namely:—

Right to proceed in certain cases.

(a) in case the Chief Officer within one month from the receipt of the notice given under sub-section (1) has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (4) any provisional order or any demand for further particulars;

(b) in case the Chief Officer having issued such demand for and having received such further particulars, has issued no further orders within one month from the receipt of such particulars.

(6) No person who becomes entitled under sub-section (2) or (5) to proceed with any intended work of which notice is required by sub-section (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (5). And no person to whom permission to erect or alter or add to any building has been granted by the municipality under section 96 of the Bombay District Municipal Act, 1901, shall be entitled to commence such work after the expiry of one year from the date on which this Act comes into force.

Bom. III of 1901.

(7) Whoever begins any construction, alteration, addition or reconstruction without giving the notice required by sub-section (1) or without furnishing any plan, information or particulars required by or under this section, or, except as provided in sub-section (5), without awaiting or in any manner contrary to such legal orders of the Chief Officer as may be issued under this section, or contrary to the provisions of sub-section (5) or (6) or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to one thousand rupees; and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention; and the Chief Officer may—

(a) direct that the construction, alteration, addition or reconstruction be stopped, and

(b) with the previous sanction of the standing committee, by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice.

(8) The Chief Officer may at any time inspect any work of which notice is required by sub-section (1) without giving notice of his intention to do so; and at any time during the execution of any such work as aforesaid, may, by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or by-law or order to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

Explanation.—The expression “to construct a building” throughout this chapter includes—

(a) any material alteration, enlargement or reconstruction of any building, or of any wall, verandah, fixed platform plinth, doorstep or the like, whether constituting part of a building or not,

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place.

(d) the conversion of two or more places of human habitation into a greater number of such places,

(e) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(f) the addition of any rooms, buildings or other structures to any building,

and a building so altered, enlarged, reconstructed, converted or added to, is throughout this chapter, included under the expression “a new building”.

122. (1) Every person who intends to erect a building or to execute any such work as is described in sub-section (1) of section 121 shall employ a person who shall be competent to the satisfaction of the Chief Officer, to supervise the erection of such building or the execution of such work.

Cf. Bom. III of 1888, s. 344 A.

(2) The Chief Officer may in each case require that the person to be so employed shall be a licensed surveyor; and

the Chief Officer shall within seven days from the receipt of the notice of intention under sub-section (1) of section 121,

(a) approve the person named therein to supervise the building or work, or

(b) return the said notice for amendment if the person so named—

(i) is not a licensed surveyor, and

(ii) is not, in the opinion of the Chief Officer, a fit and proper person to supervise such building or work.

(3) A notice of intention returned for amendment under sub-section (2) shall be deemed not to have been given until it has been re-submitted duly amended.

(4) Where the person so employed dies or ceases to be so employed before such building or work is completed the further erection of such building or the further execution of such work, shall forthwith be suspended until

(a) a licensed surveyor whose name shall be forthwith reported to the Chief Officer, or

(b) another person approved by the Chief Officer has been so employed.

(5) Whoever contravenes the provisions of this section or fails to comply with any order or requisition made thereunder shall be punished with fine which may extend to one hundred rupees and, in the case of a continuing contravention or non-compliance, with an additional fine which may extend to ten rupees for every day during which such contravention or non-compliance continues after the conviction for the first such contravention or non-compliance.

*Cf. Bom. III
of 1898, s. 353
A.*

123. (1) Every person who employs a licensed surveyor or person approved by the Chief Officer to erect a building or execute any such work as is described in sub-section (1) of section 121 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Chief Officer at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule VIII signed by the person employed under section 122, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Chief Officer all necessary facilities for the inspection of such building or of such work :

Provided that

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion ; and

(b) the Chief Officer may, not later than one month from the date of receipt of the notice of completion by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates,

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 121 intimating to the person who gave the notice under sub-section (1) of section 121 the reasons for such refusal and requiring such person, or, if the person responsible for giving notice under sub-section (1) of section 121 is not at the time of such notice the owner of such building or work, then such owner to cause anything which is contrary to any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 121 to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until,

(a) the permission referred to in proviso (b) to sub-section (1) has been received, or

(b) the Chief Officer has failed for one month after the receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.

(3) Whoever contravenes the provisions of this section or fails to comply with any order or requisition made thereunder shall be punished with fine which may extend to one hundred rupees and, in the case of a continuing contravention or non-compliance, with an additional fine which may extend to ten rupees for every day during which such contravention or non-compliance continues after the conviction for the first such contravention or non-compliance.

124. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the Chief Officer; the Chief Officer may require such

Of. s. 97.

Regulation of huts.

huts or sheds to be built so that they stand in regular lines, with a free passage or way in front of and between every two lines, of such width as the Chief Officer may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage; and may require such huts to be provided with such number of privies and such means of drainage as he may deem necessary. If any hut or shed or range or block be built without such notice being given to the Chief Officer or otherwise than as required by the Chief Officer, the Chief Officer may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Chief Officer may think fit.

Cf. s. 98.

125. (1) Where the standing committee is of opinion that any hut or shed whether used as a dwelling or as a stable or for any other purpose, and whether existing at the time when this Act comes into operation or subsequently erected, is by reason—

(a) of insufficient ventilation or of the manner in which such hut or shed is crowded together with other huts or sheds, or

(b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(c) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the standing committee in this behalf, to take down and remove such hut or shed, or to carry out such alterations or works as the standing committee may deem necessary for the avoidance of such risk.

(2) Where any such owner or occupier refuses or neglects to take down and remove such hut or shed or to carry out such alterations or works within the time appointed, the Chief Officer may cause such hut or shed to be taken down, or such alterations or works to be carried out, in accordance with the requirements of the standing committee.

(3) Where such hut or shed is taken down by the Chief Officer, the said Officer shall cause the materials of the hut or shed to be sold, if such sale can be effected; and the proceeds after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner is unknown or the title disputed,

shall be held in deposit by the municipality until the person interested therein shall obtain an order of a competent Court for the payment of the same :

Provided always that where a hut or shed, existing at the time when the land on which it is situate first became part of a municipal district or borough, is taken down and removed under this section, compensation shall further be paid to the owner or owners thereof and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 198.

(3) *Powers connected with drainage, etc.*

126. (1) All sewers, drains, privies, water-closets, house-
Municipal control over drains, etc. gullies and cesspools within the municipal borough shall be under the survey and control of the municipality. *Cf. s. 99.*

(2) All covered sewers, drains and cesspools, whether public or private, shall be provided by the municipality or other persons to whom they severally belong, with proper traps or other means of ventilation ; and the Chief Officer may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

127. (1) It shall be lawful for a municipality for any
Powers for making and repairing drains. drainage purposes to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipal borough. *Cf. s. 100.*

(2) A municipality, or any person acting under its authority, may construct a new drain in the place of an existing drain in any land wherein any drain vested in the municipality has been already constructed, or repair or alter any drain vested in the municipality.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid by the municipality to any person who sustains damage by the exercise of such power.

128. (1) If any building or land be at any time undrained,
Power to require sufficient drainage of houses. or not drained to the satisfaction of the Chief Officer, the Chief Officer, subject to the control of the standing committee, may by written notice call upon the owner *Cf. s. 101 (1).*

to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as he may think necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner and approved by the Chief Officer.

Cf. s. 101 (2) and (3).

129. (1) It shall not be lawful to construct or reconstruct any building, or to occupy any building newly constructed or reconstructed unless and until—

New buildings not to be erected without drains.

(a) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Chief Officer to be necessary for the effectual drainage of such building;

(b) there have been provided for and set up in such building and in the land appurtenant thereto, all such appliances and fittings as may appear to the Chief Officer to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place set apart by the municipality for the discharge of drainage, situate at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into a cesspool provided by the owner of such building and approved by the Chief Officer.

Cf. s. 102.

130. (1) The owner or occupier of any building or land within the municipal borough shall be entitled to cause his drains to empty into a municipal drain: provided that he first obtains the written permission of the Chief Officer, and that he complies with such conditions as the Chief Officer may prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the municipality and drains which are so vested.

(2) An appeal shall lie to the standing committee against any order of the Chief Officer under sub-section (1) if made within fifteen days of the receipt of such order.

131. (1) If the owner or occupier of any building or land *Cf. s. 103.*

Right to carry drain through land or into drain belonging to other persons.

desires to connect the same with any municipal drain by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Chief Officer.

(2) Subject to the control of the standing committee the Chief Officer thereupon, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in his opinion insufficient, by an order in writing authorize the applicant to carry his drain into, through or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains as may appear to him to be adequate and equitable.

(3) Every such order shall be a competent authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to all provisions of this Act, to do all such work as may be necessary—

(a) for the construction or connection of the drain, as may be authorized by the said order;

(b) for renewing, repairing or altering the same, as may be necessary from time to time; or

(c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section as little *Cf. s. 104.* damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall—

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

Cf. s. 105. 132. If the owner of any land into, through or under which a drain has been carried under section 131 whilst such land was un-built upon, shall at any subsequent time desire to construct a building thereon, the Chief Officer subject to the control of the standing committee shall, if he sanctions the construction of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as he may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

Rights of owner of land through which drain is carried in regard to subsequent building thereon.

Cf. s. 106. 133. (1) Where the Chief Officer is of opinion that any privy or cesspool, or additional privies or cesspools, should be provided in or on any building or land, or, in any municipal borough in which with the approval of the sanitary board a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Chief Officers, subject to the control of the standing committees, may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets at such sites as he may deem proper.

(2) The Chief Officer subject to the control of the standing committee may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals at such sites as he may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The Chief Officer subject to the control of the standing committee may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the

neighbourhood, or to alter as he may direct any privy door or trap door which opens on to any street, and which he deems to be a nuisance.

134. (1) All sewers, drains privies, water-closets house-*Cf.* s. 107.

Power to require owners to keep drains, etc., in proper order: or to demolish or close a privy or cesspool.

gullies and cesspools within a municipal borough shall, unless constructed at the cost of the municipality, be altered, repaired, and kept in proper order at the cost and charge of the owners of the lands or buildings to which they belong, or for the use of which they have been constructed or continued; and the Chief Officer subject to the control of the standing committee may by written notice require any such owner to alter, repair, and put the same in good order in such manner as he may think fit.

(2) Subject to the control of the standing committee the Chief Officer may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which in the opinion of the Chief Officer is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

135. When any building or land within a municipal *Cf.* s. 108.

Power to close existing private drains.

borough has a drain communicating with any cesspool or sewers, the Chief Officer, if he considers that such drain, though it may be sufficient for the drainage of such building or land and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the locality, may, subject to the control of the standing committee, close such drain and such cesspool or sewer, whether they are or are not on land vested in the municipality, on providing a drain or drains equally effectual for the drainage of such building or land, and the Chief Officer may, subject as aforesaid, do any work necessary for the purpose.

136. The standing committee may by written notice *Cf.* s. 102.

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within a municipal borough, constructed, rebuilt or unstopped—

(a) after such land became part of a municipal district or borough, and

(b) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipality, or contrary to the provisions of any enactment

in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped; and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Cf. s. 110. 137. (1) Whoever, without the written consent of the Chief Officer first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in a municipality, shall be punished with fine which may extend to twenty-five rupees, and the Chief Officer may by written notice require such person to demolish, alter, remake, or otherwise deal with such drain as he may think fit.

(2) No building shall be newly constructed or reconstructed over any sewer, drain, culvert or gutter vested in a municipality, without the written consent of the Chief Officer; and the Chief Officer may by written notice require any person who has so constructed or reconstructed any building without such written consent, to pull down or otherwise deal with the same as he may think fit.

Cf. s. 111. 138. (1) A Chief Officer may inspect any sewer, drain, privy, water-closet, house-gully or cesspool; and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be.

(2) The expense of such inspection and of causing the ground to be closed and made good as before shall be borne by the municipality, unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment or of any by-laws or orders thereunder in force at the time or issued in respect of such construction; in which case such expense shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

139. (1) The standing committee may, if it thinks fit, *Cf. s. 112.*

Standing committee may execute certain works under this sub-chapter without allowing option to person concerned of executing the same.

cause any work, the execution of which may be ordered by or on behalf of the municipality under any of the provisions of this sub-chapter, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom, the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done shall be paid by the

Expenses in such cases by whom to be paid.

person aforesaid, unless the municipality shall, by a general or special order or resolution, sanction as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

140. Any pipes, fittings, receptacles, or other appliances *Cf. s. 112 (3).*

Pipes, etc., constructed by municipality to be municipal property.

for or connected with the drainage of any private building or land shall, if supplied, constructed or erected at the expense of the municipality, be deemed to be municipal property, unless the municipality shall have transferred its interest therein to the owner of such building or land.

(4) Powers in respect of water-supply.

141. For the purpose of obtaining a supply or an additional *Cf. Bom. III of 1888, s. 265*

Power of carrying water mains.

supply of water or of distributing the same, the municipality shall have the same powers and be subject to the same restrictions for carrying, renewing, repairing and altering water mains, pipes and ducts within or without the municipal borough as it has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipal borough.

(5) Powers regarding external structures, etc.

142. (1) The Chief Officer, subject to the control of the *Cf. s. 113*

Permission necessary for certain projections.

standing committee, may give written permission to the owners or occupiers of buildings in public streets to put open verandahs, balconies or rooms, to project from any upper storey of such buildings at such height from the surface of the street as the municipality may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall of the building; and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) (a) Notwithstanding any proceedings which may be taken under clause (b) of his sub-section, the Chief Officer, subject to the control of the standing committee may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission or orders given or issued by or on behalf of the municipality.

(b) Any such owner or occupier putting up any projection as aforesaid without such permission or in contravention of such permission or orders, shall be punished with fine which may extend to twenty-five rupees; and if any such owner or occupier fails to remove any projection in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

(3) The Chief Officer, subject to the control of the standing committee may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether made before or after the site of such building became part of a municipal district or borough, shall have been made against or in front of such building, and which—

(a) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or

(b) projects and encroaches into, upon or over any uncovered aqueduct, drain or sewer in any such street, so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof:

Provided always that the Chief Officer shall, if such projection, encroachment, or obstruction shall have been made in any place before the date on which such place became part of a municipal district or borough or after such date with the written permission of the municipality, pay reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 198.

Of s. 114.

143. The Chief Officer may by written notice require the owner of a building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building and for discharging the same, in such manner he may think fit, so that it shall not fall upon the persons passing along the street.

144. The Chief Officer may erect or fix to the outside *Cf. s. 115.*
of any building, brackets for lamps
Fixing of lamps, brackets, etc., to houses. to be lighted with oil or gas, or subject
to the provisions of the Indian
Electricity Act, 1910, for lamps to be lighted with electricity *IX of 1910.*
or otherwise or subject to the provisions of the Indian Tele-
graph Act, 1885, for telegraph wires or telephone wires, or *XIII of 1885.*
wires for the conduct of electricity for locomotive purposes;
or such pipes as he may deem necessary for the proper
ventilation of sewers and water-works: such brackets and
pipes shall be erected so as not to occasion any inconvenience
or nuisance to the occupants of the said building or of any
others in the neighbourhood.

145. (1) The Chief Officer may from time to time cause *Cf. s. 116.*
to be put up or painted on a conspi-
Naming streets and numbering houses: penalty for defacing, etc. cuous part of any building at or near
each end or corner of or entrance
to a street, the name by which such
street is to be known, and may from time to time fix a number
in a conspicuous place on the outer side of any building, or
at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any
such name or number, or puts any name or number different
from that put up by the municipality, and any owner or
occupier of any building who shall not at his own expense
keep such number in good order after it has been put up
thereon, shall be punished with fine which may extend to
twenty-five rupees.

146. Any person—

(a) who, without the consent of the owner or occupier,
and in the case of municipal property
Penalty for defacing building, etc. without the permission in writing
of the Chief Officer affixes any
posting bill, placard or other paper or means of advertise-
ment against or upon any building, wall, board, fence, pale,
post, lamp-post or the like, or,

(b) who, without such consent as aforesaid, writes upon,
soils, defaces or marks any such building, wall, board,
fence, pale, post, lamp-post or the like, with chalk or paint
or in any other way whatsoever,

shall be punished with fine which may extend to twenty
rupees.

147. The Chief Officer may by written notice require the *Cf. s. 113.*
owner or occupier of any land so to
Removal and trimming of hedges, trees, etc. trim or prune the hedges thereof
bordering any public street that the
said hedges may not exceed the height of four feet from the

level of the street, and width of four feet; and to cut down, lop, or trim all trees or shrubs which in any way overhang, endanger or obstruct, or which such officer deems likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute, or be likely to pollute the water thereof.

(6) *Powers for promotion of public health, safety and convenience.*

Cf. a. 119.

148. (1) Where any building or anything affixed thereof is deemed by the Chief Officer to be in a ruinous state or likely to fall or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passengers, the Chief Officer shall immediately, if it appears to him to be necessary, cause a proper hoard or fence to be put up for the protection of passengers:

Ruinous or dangerous buildings: precautionary measures.

Provided that if the danger be not of hourly imminence, the Chief Officer may, instead of causing a hoard or fence to be put up, issue in the first instance notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the Chief Officer considers sufficient in the circumstances of the case, the Chief Officer shall at once cause such hoard or fence to be put up.

(2) The Chief Officer shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Chief Officer shall cause all or so much of such building or thing as he shall think necessary to be taken down, repaired or secured.

Repairs to be made by owner or occupier: default by such.

(3) All expenses incurred by the Chief Officer under this section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

149. (1) A Chief Officer may at any time by written notice require that the owner of or any person who has the control over any well, stream, channel, tank or other source of water-supply, shall, whether such source is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (a) within twenty-four hours of such notice—

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

(a) keep and maintain any such source of water-supply other than a stream, in good repair, or

(b) cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the Chief Officer may prescribe, protect any such source of water-supply from pollution by surface drainage, or

(d) repair, protect or enclose in such manner as the Chief Officer approves, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the Chief Officer dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply, other than a stream in its natural flow, which is proved to the satisfaction of the Chief Officer to be unfit for drinking, or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot in the opinion of the Chief Officer be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the Chief Officer considers sufficient to prevent such use, such source of water-supply as aforesaid, or

(g) drain off or otherwise remove from any source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Chief Officer considers is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid, fails or neglects to comply with any such requisition within the time specified by or under the provisions of sub-section (1), the Chief Officer may,

Remedy on non-compliance with directions issued.

and if in his opinion immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice; and all the expenses

incurred therein by the Chief Officer shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII :

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Chief Officer or necessarily incurred by such owner or person having such control, may, if the standing committee so direct, be paid from the municipal fund.

Cf. s. 121. 150. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags or other materials of any public street, or the fences, walls, or posts thereof or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the Chief Officer or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in such fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property, shall fail to replace or restore the same to the satisfaction of the Chief Officer after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in replacing or restoring the same; and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Cf. s. 122. 151. (1) Whoever in any place after it has become a municipal district, or borough, Obstructions and encroachments upon public streets and open spaces.

(a) shall have built or set up, or shall build or set up, any wall or any fence, rail post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or

(b) shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing, in any public street or in or over or upon any open drain, gutter, sewer, or aqueduct in such street shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence,

(2) The Chief Officer shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open space not being private property whether such space is vested in the municipality or not; provided that if the space be vested in His Majesty the permission of the Collector shall have first been obtained; the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorized in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and, in the case of encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the Chief Officer from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies or the piling of fuel in by-streets and spaces for not more than four days and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorized under sub-section (1) of section 142.

152. (1) A person intending to construct or take down *Cf. s. 123.*
 any building, or to alter or repair
 any building externally shall, if the
 position or circumstances of the work
 is or are likely to cause or may cause obstruction, danger
 or inconvenience in any street, before beginning such work—

(a) first obtain a license in writing from the Chief Officer so to do, and

(b) cause sufficient hoards or fences to be put up in order to separate the area where the work is to be carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Chief Officer during such time as the Chief Officer considers necessary for the public safety or convenience, and shall cause the same to be sufficiently lighted during the night; and shall remove the same when directed by the Chief Officer.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty

rupees, and with further fine which may extend to ten rupees for every day or night as the case may be, on which such contravention continues, after the date of such conviction for such offence.

- Of. s. 124.* 153. (1) The Chief Officer shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in the municipality, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts as he shall think fit, to be fixed across or in any street to prevent the passage of carriages, carts, or other vehicles, or of cattle or horses, while such construction or repair is being carried on and shall cause any such construction or repair work in a street to be sufficiently lighted and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light without the authority or consent of the Chief Officer, shall be punished with fine which may extend to fifty rupees.

- Of. s. 125.* 154. (1) No person shall, without the written permission of the Chief Officer or otherwise than in accordance with the conditions of such permission, make a hole in any street, or deposit on any street any timber, stone, brick, earth or other material that has been or is intended to be used for building; such permission shall be terminable at the discretion of the Chief Officer; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed to the satisfaction of the Chief Officer until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause such materials or hole to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of subsection (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction for such offence.

- Of. s. 126.* 155. (1) If in the opinion of the Chief Officer the working of any quarry or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having a right of access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Chief Officer may, by written

notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Chief Officer shall direct for the purpose of preventing the danger or of abating the nuisance arising or likely to arise therefrom :

Provided that if such quarry or place is vested in His Majesty, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government, or any person acting with the permission or under the authority of Government or of any officer of Government acting as such, the Chief Officer shall not take such action unless and until the Collector has consented to his so doing :

Provided further that the Chief Officer shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if it appears to him to be necessary in order to prevent imminent danger.

(2) Any expense incurred by the Chief Officer in taking action under this section shall be paid by such owner or the person responsible for such working or removal, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

156. (1) The Chief Officer may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3) the Chief Officer may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it, and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for 3 clear days ; provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention may be sold or destroyed, after having been detained for the said period of 3 clear days.

(5) All expenses incurred by the Chief Officer under this section may be recovered from the owner of any dog which

has been taken possession of or detained in the manner provided by chapter VIII.

(7) Powers for the prevention of nuisances.

Cf. s. 127. 157. (1) Whoever deposits or causes or suffers any member of his family or household to deposit Depositing dust, etc.; committing nuisance. any dust, dirt, dung, ashes, refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on any quay, jetty or landing-place or on any part of the seashore on the bank of a tidal river, whether above or below high-water mark, or on the bank of any river, water-course or nullah, except at such places, in such manner and at such hours as shall be fixed by the Chief Officer, and whoever commits or suffers any member of his family or household to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matters described in sub-section (1) except night-soil, or, except with the permission of the Chief Officer, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance or suffers any member of his family or household to commit nuisance in any such sewer, drain, culvert, tunnel, gutter or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Cf. s. 128. 158. Whoever causes or allows the water of any sink Discharging sewage, etc. or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Chief Officer or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Cf. s. 129. 159. Whoever, being the owner or occupier of any building Non-removal of filth, etc. or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle

to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction for such offence.

160. (1) The Chief Officer may from time to time fix *of* a. 130.
 Removal of night-soil the hours within which only it shall
 be lawful to remove any night-soil
 or other such offensive matter.

(2) Whoever,—

(a) when the Chief Officer has fixed such hours and given public notice thereof by beat of drum, removes or causes to be removed along any street any such offensive matter at any time except within the hours so fixed, or

(b) at any time, whether such hours have been fixed by the Chief Officer or not,

(i) uses for any such purpose any cart, carriage, receptacle or vessel, not having a covering sufficient for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Chief Officer by public notice,

shall be punished with fine which may extend to twenty-five rupees.

161. (1) Whoever being the owner or occupier of any *of* a. 131.
 Filthy buildings, etc. building or land, whether tenantable
 or otherwise, suffers the same to be
 in a filthy and unwholesome state, or in the opinion of the Chief Officer a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Chief Officer to cleanse, clear or

otherwise put such building or land in a proper state have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued after the date of the first conviction for such offence.

(2) Where any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby—

Deserted and offensive buildings.

(a) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(b) coming into use for any insanitary or immoral purpose, or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the standing committee, if it considers such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the municipal borough who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed; in the event of non-compliance with such requirement, the standing committee, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing; all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Cf. Bom. of 1888, s. 378.

162. (1) If, for any reason, it shall appear to the standing committee that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the standing committee shall give to the owner or occupier of such building notice

Buildings or rooms in buildings unfit for human habitation.

in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period, appears to the standing committee invalid or insufficient, the standing committee may by an order in writing prohibit the further use of such building or room as a dwelling.

(2) When any such prohibition as aforesaid has been made, the Chief Officer shall cause notice of such prohibition to be affixed to, and the letters " U.H.H. " to be painted on, the door or some conspicuous part of such building or room as the case may be; and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the standing committee certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

163. It shall be lawful for the president, vice-president, *Cf. s. 132*
 chairman of the standing committee,
 Chief Officer or any councillor or
 officer authorised by the municipality
Power to enter and inspect, etc., buildings.
 in this behalf, at any time between sunrise and sunset to enter into and inspect all buildings and lands, and by written notice to direct for sanitary reasons all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed.

164. (1) The standing committee may set apart sufficient *Cf. s. 133,*
Bathing places. public places, or any part of the
 seashore, not being private property,
 for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, or for any purpose connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use, for any purpose mentioned in this section, of any or all other public places within the municipal borough.

(2) Copies of all orders passed and notices issued by the standing committee and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

Cf. s. 134. 165. Whoever, in disobedience of any order of the municipality under section 164, or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit or aqueduct belonging to the municipality, or washes or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes or enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is or may become a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and whoever without permission of the Chief Officer steps in any tank, stream, or ditch within or on the boundary of, the municipal borough any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance shall be punished with fine which may extend to fifty rupees.

Cf. Bom. III of 1888, ss. 381, 381A. - Abatement of nuisance from wells, etc. 166. (1) If, in the opinion of the Chief Officer—

(a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Chief Officer may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the Chief Officer shall prescribe, or to take such order with the same for removing or abating the nuisance as the Chief Officer shall prescribe.

(2) (a) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Chief Officer.

(b) If any such work is begun or completed without such permission, the Chief Officer may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Chief Officer shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

Cf. s. 136. 167. Whoever, except with the written permission of the Chief Officer, and in accordance with the conditions of such permission, stores or uses night-soil or other manure or substance emitting
etc.

an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

168. Whoever tethers cattle or other animals, or causes *Cf. s. 137.*
 Tethering cattle, etc. or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper or who keeps any animals on his premises so as to be a nuisance or danger to any person shall be punished with fine which may extend to twenty-five rupees.

169. Whoever feeds any animal which is kept for dairy *Cf. s. 137A*
 Feeding animals on purposes or is intended for human food filth. on excrementitious matter, stable-refuse, filth or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

170. (1) It shall be lawful for the municipality to direct *Cf. s. 138.*
 Consumption of smoke. by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipal borough whether a steam engine be or be not used or employed therein, shall in all cases be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall after such direction use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use or permit to be used, any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, such person being the owner or occupier of the said works or buildings or an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(8) *Regulation of markets, sale of food, etc.*

171. (1) It shall be lawful for the municipality to direct
 Licensing markets and slaughter-houses. that no place other than a municipal market or slaughter-house, shall be used for any of the purposes specified in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 58 except under and in accordance with the conditions of a license from the

standing committee, which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the standing committee but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Bom. V of 1878. (4) Nothing in this section or in sub-clause (ii) of clause (b) of sub-section (1) of section 58 shall apply to any liquor as defined in the Bombay Abkari Act, 1878.

Cf. s. 140. 172. (1) The municipality may from time to time open or close any public market slaughter-
Opening, closing and letting of markets and slaughter-houses. house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in or of otherwise using any such market or slaughter-house.

(2) Any person who, without the permission of or a license from the municipality, shall sell or expose for sale any article in the said markets or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

173. It shall be lawful for the municipality to lease by
Farming of market and slaughter-house rents. public auction or private contract the collecting of any rent or fees which may be imposed under section 172:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Cf. s. 141. 174. It shall be lawful for a municipality with the
Slaughter-houses, etc., beyond municipal limits. sanction of the Commissioner or, if authorized by him, of the Collector to establish slaughter-houses or places for the disposal of carcasses of animals beyond the limits of the municipal borough, and all provisions of this Act and of by-laws in force thereunder relating to such slaughter-houses

or places within the municipal borough, shall have full force in slaughter-houses or places established under this section, as if they were within the municipal borough.

175. (1) The president, vice-president, chairman of the *Cf. s. 142.*
 standing committee, Chief Officer or
 any councillor or officers authorized
 by the municipality in this behalf—
 Search for 2nd inspec-
 tion of unwholesome
 articles.

(a) may at all reasonable times enter into any place for the purpose of inspecting and may inspect any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(b) in case any such animals, carcasses, or other articles beforementioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may under the orders of the president, vice-president, chairman of the standing committee or Chief Officer, if in his opinion it is diseased, unsound, unwholesome or unfit for human food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appear to the Magistrate upon sufficient evidence that any such animal or article is diseased or unsound or unwholesome or unfit for human food, drink or medicine the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such animal or article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human food or drink or medicine.

(2) In every municipal borough in which by virtue of a notification under sub-section (4),
 Adulterated articles
 for food or drink. of section 1 of the Bombay Prevention
 of Adulteration Act, 1899, the provisions
 of that Act are in force, and in respect of any food or drink
 to which the provisions of any section coming into force
 under sub-section (4) of section 1 of that Act are for the

time being applicable in such borough by a notification, under sub-section (5) of section 1 of that Act, the following provisions shall be in force, namely:—

If any article to which this sub-section is applicable as aforesaid, is intended for food or drink, the president, vice-president, chairman of the standing committee, Chief Officer or any councillor or officers authorized by the municipality in this behalf in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink; and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply be punished with fine which may extend to one hundred rupees.

XLV of 1860.

Explanation.—If such article having been exposed or stored in or brought to any place for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be, for the purposes of this sub-section, an article which is not what it is represented to be.

Where any article to which this sub-section is applicable appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

- (a) that such substance has been added to the article because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the article or conceal the inferior quality thereof, or
- (b) that in the process of production, preparation or conveyance of such article, the extraneous substance has unavoidably become intermixed therewith, or
- (c) that, by a label distinctly and legibly written or printed on or with the said article or by other means of public description, he has given sufficient notice that such substance has been so added, or

(d) that —

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(3) In all prosecutions under this section the Magistrate

Application for summons to be refused if not applied for within reasonable time.

shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

176. The president, vice-president, Chief Officer or any *Cf. s. 143.*

False weights and measures.

councillor authorised by the municipality in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food, and inspect the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights and measures by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(9) *Regulation of dairies and cattle sheds.*

177. (1) No person shall, for the purposes of trade, use or permit to be used any place for stabling milch cattle or for storing or selling milk or for making, storing or selling butter except under and in accordance with the terms of a license from the standing committee.

(2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever so uses or permits to be used any place for any of the aforesaid purposes without, or in contravention of any of the conditions of, or after the withdrawal of, or during the suspension of, such license, shall be punished

with fine which may extend to fifty rupees and in the case of a continuing offence with additional fine which may extend to ten rupees for each day during which such offence is continued after the date of the conviction for the first such offence.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) the Magistrate shall, on the application of the municipality but not otherwise, order such place to be closed, and thereupon, appoint persons or take other steps to prevent such place being so used.

(10) *Prevention of dangerous diseases.*

Cf. s. 144.

178. (1) The Government may at any time confer by notification on any municipality designated therein, all or any of the powers specified in sub-section (2), and such municipality shall, subject to all such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipal borough every power so conferred on it, for such period as may be specified in this behalf, in any such notifications, or if no period is so specified, then until, the power is withdrawn.

(2) The powers, all or any of which may be conferred under the preceding sub-section, are :—

(a) power by orders, which may be either of special or general application, to direct that every medical practitioner, who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under his management or control, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipality in that behalf ;

(b) power to direct or authorize the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place which may appear to the municipality, on the advice of a medical

officer, likely to endanger or cause the spread of any dangerous disease ;

(d) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorised by the municipality in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipality ;

(e) power to require by written notice the owner or occupier of any building or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipality in the circumstances of the case considers reasonable, at the expense of the municipality ;

(f) power to provide the means, and to prescribe places, for disinfecting or washing bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(g) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such persons shall be immediately disinfected ;

(h) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmshala, theatre, market or other place of public resort, or

(ii) any person in charge of any person so suffering from so exposing such sufferer ;

(i) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person

prohibited knows or has reason to believe has been exposed to infection of any kind whatsoever from any dangerous disease ;

(j) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmshala or serai, in which a person has, or in which there is reason to believe that a person has been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipality, or of such officer as the municipality may appoint in this behalf ;

(k) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from a dangerous disease.

(3) The municipality may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but, except as allowed by the municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who in a municipal borough disobeys any order which is for the time being in force therein, and which has been passed by the municipality in exercise of any power conferred on such municipality under this section, or obstructs any officer of the municipality or other person acting under the authority of the municipality in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Cf. s. 145.

179. (1) In the event of the municipal borough or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipality shall take all such measures as the Government may deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(2) In such event as aforesaid the Government may by special notification declaring that such municipal borough is threatened or visited with an outbreak of a dangerous disease, confer on the municipality all or any of the additional powers specified in the following sub-section, and such municipality shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every

Duties of municipality on threatened or actual outbreak of dangerous disease.

such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(a) power to order, subject to the conditions—

(i) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein ;

(b) power to direct the examination by a medical officer of persons, and if necessary, the disinfection of the clothing, bedding, or other articles suspected of being infected, belonging to persons either arriving from places outside the municipal borough, or residing in any building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such times and places as may be prescribed, for a period not exceeding ten days ;

(c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place or in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipality may in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section ; but except as allowed by the municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(5) If in any municipal borough in which a notification under sub-section (2) is for the time being in force, any person—

(a) knowingly disobeys any order which for the time being is in force in such borough and which has been passed by the municipality in exercise of any power conferred on it under section 178 or under this section, or

(b) obstructs any officer of the municipality or other person acting under the authority of the municipality in carrying out executively any such order, such person shall be punished with fine which may extend to one thousand rupees.

Of. s. 140.

Withdrawal and modification of powers and orders.

180. (1) The Government may at any time —

(a) withdraw any power conferred under section 178 or under section 179 ;

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power ; or

(c) cancel any order passed by a municipality in exercise of any such power.

(2) Every order passed by a municipality in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipal borough.

Of. s. 147.

181. If in any municipal borough any infectious disease amongst cattle, sheep or goats breaks out or if the introduction of any such disease appears to be likely, the municipality shall take all such measures as it may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Duties of municipality in respect of diseases among cattle, sheep of goats.

Of. s. 148.

182. (1) Whenever the standing committee considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the standing committee may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Proceedings to abate the overcrowding of the interiors of buildings.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the owner of the said building shall have sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall for the purposes of this section be deemed to be the owner of the building.

(4) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed in such requisition, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

183. (1) If the Government is of opinion that risk of *Of. s. 149.*

Special powers which may be conferred by the Government in respect of overcrowded area. disease has arisen or is likely to arise either to any occupier in, or to any inhabitant in the neighbourhood of, any area by reason of any of the following defects, namely—

(a) the manner in which either buildings or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or

(b) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected, or

(c) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

it may by notification confer on the municipality to which such area is subject, all or any of the powers specified in sub-section (2), and may, if it deems necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the municipality shall exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Government.

(2) The powers all or any of which may be conferred on a municipality under sub-section (1) are as follows :—

(a) power when any building or block already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the

municipality likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed, as the municipality deems fit, either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection that the person so addressed shall, within such reasonable time as shall be specified in the notice, either pull down or remove such building or block, or execute such works or take such action in connection therewith as the municipality deems necessary to prevent all such risk of disease ;

(b) power by municipal or other agency, to pull down or remove such building or block, or to execute such works or take such action as aforesaid, if the persons addressed in the said notice neglect so to do within the time specified therein ;

(c) power, subject to a right of appeal to the Commissioner whose decision shall be conclusive, to prohibit, by written notice addressed to the owners and occupiers of any site or space hereinafter described and by general notice published in the manner provided in sub-section (3) of section 191, the erection of any building or of any building exceeding such dimensions as may be specified in such notice :—

(i) on the site of any building which has, in whole or in part, under the provisions of this section, been pulled down, or

(ii) on any space not occupied by buildings, whether such space is private property or not and whether it is enclosed or not,

if the municipality considers that in order to prevent such risk as aforesaid, such site or space should not be built upon in whole or in part ; and either to acquire such site or space or to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof :

Provided that in every case compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid to any person whose rights are affected by such prohibition.

(3) When, in pursuance of any notice under sub-section (2), any building has been pulled down, the municipality shall, unless such building has been erected contrary to any provision of this Act or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall

in case of dispute be ascertained or determined in the manner provided in section 198.

(4) The Government may prescribe by rule a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the municipality in exercise of any powers conferred upon it under this section.

185: (1) Where the municipality is of opinion that any *Cf. s. 150.*
Closing of places for place used for the disposal of the disposal of the dead. dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Commissioner and the Commissioner thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified on that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in the vernacular of the district shall be published in the local newspapers, if any, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(11) *Nuisances from certain trades and occupations.*

185. (1) If it be shown to the satisfaction of the standing *Cf. s. 151.*
Regulation of certain trades. committee that any building or place used or intended by any person to be used—

- (a) for boiling or storing offal, blood, bones or rags,
- (b) for salting, curing, or storing fish,
- (c) for storing hides, horns or skins,
- (d) for tanning,
- (e) for the manufacture of leather or leather goods,
- (f) for dyeing,
- (g) for melting tallow or sulphur,
- (h) for washing or drying wool or hair,
- (i) as a brick, pottery or lime kiln,
- (j) for soap-making,
- (k) for oil-boiling or oil extracting,
- (l) as a manufactory of sago,
- (m) as a distillery,
- (n) for storing hay, straw, fodder, wood, coal or other combustible material,

(o) as a manufactory of snuff,

(p) for the manufacture or sale of sweetmeats,

(q) as a factory, workshop or place of business in which animals are employed or intended to be employed for doing work, or in which steam, water or any mechanical power is used or intended to be used,

(r) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells arise, or which may involve risk of fire,

is or is likely to become by reason of such use and of its situation a nuisance to the neighbourhood or is so used or is so situated as to be likely to be dangerous to life, health or property, the standing committee may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out or allowing to be carried out the intention so to use, such building or place, or

(ii) to use it in such manner or after such structural alterations as the standing committee in such notice prescribes, so that it may not become, or may be no longer, a nuisance or dangerous.

(2) Whoever after notice has been given under sub-section

Liability to penalty after notice. (1), uses any building or place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health, or property, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the Magistrate shall, on the application of the standing committee but not otherwise, order such place to be closed and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

(4) Whoever uses without a license or during the suspension or after the withdrawal of a license

Penalty for unlicensed places in district in which by-laws under section 58 (1) (b) (iii) are in force. any place for any purpose mentioned in sub-section (1) in any municipal borough in which by-laws are for the time being in force prescribing the conditions on or subject to which, the circumstances in which, and the areas or localities in respect of which, licenses for such use may be granted, refused suspended or withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine, which may

extend to ten rupees for every day on which such use is continued after the date of first conviction.

* 186. (1) No person shall use or employ in any factory *Of. s. 151A.*

or any other place any whistle or steam-whistles, etc. trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the standing committee.

(2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

187. Whoever in any street or public place within the *Of. s. 152.*

limits of a municipal borough loiters for the purposes of prostitution, or importunes any person to the commission of sexual immorality, shall be punished with fine which may extend to fifty rupees :

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person importuned, or of a Police officer not below the rank of an officer in charge of a police-station and specially authorized in this behalf by the District Magistrate or by the municipality.

Brothels.

188. In any municipal borough— *Of. s. 153.*

(a) any part of which is within three miles of a cantonment, or

(b) to which on the application of the municipality the Government may by notification have declared this section to apply,

any Magistrate of the first class, on receiving information that a house within the limits of such borough is used as a brothel, may summon the owner or occupier of such house and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it; and, if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used :

Provided that action under this section shall be taken only—

(a) with the sanction or by the order of the District Magistrate or

(b) on the complaint of three or more inhabitants of the municipal borough residing in the vicinity of the house to which the complaint refers.

(12) *Regulation of pilgrims' lodging houses.*

189. (1) No person shall, in any municipal borough which the Government shall have declared by notification to be a pilgrim centre for the purposes of this section and of clause (d) of sub-section (1) of section 58, use or permit to be used any place or building for the purpose of lodging pilgrims except under and in accordance with the conditions of a license from the standing committee.

(2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any further notice.

(3) Whoever lodges or permits to be lodged any pilgrim in any place or building without or in contravention of any of the conditions of or after the withdrawal of or during the suspension of such license, shall be punished with a fine not exceeding five rupees for each such pilgrim for each day or part of a day during which such pilgrim has been so lodged.

(13) *Powers in case of fire.*

Cf. Bom. III of 1888, s. 362.

190. It shall be the duty of all police officers and of all municipal officers and servants to aid a fire-brigade in the execution of its duties. Such officers and servants may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

(14) *Service of notices, penalties on non-compliance therewith, and execution of works on default.*

Cf. s. 154.

191. (1) The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for in this Act, be effected by a municipal officer or

Service of notices, etc., addressed, to individuals.

servant or other person authorized by the Chief Officer in this behalf—

(a) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(b) if such person is not found, by leaving the notice or bill at his last known place of abode, if within the municipal borough, or by giving or tendering the notice or bill to some adult male member or servant of his family ; or

(c) if such person does not reside within the municipal borough, and his address elsewhere is known to the President or other person directing the issue of the notice or bill, then by forwarding the notice or bill by registered post under cover bearing the said address ; or

(d) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(2) When any notice under this Act is required or permitted by or under this Act to be served

Service of notices on owners or occupiers of buildings and lands.

upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(a) by giving or tendering the notice to the owner or occupier or if there be more owners or occupiers than one, to any one of them ; or

(b) if no such owner or occupier be found, then by giving or tendering the notice to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(c) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a municipality or any municipal

Public and general notices how to be published.

authority or officer to give or to serve either as a public notice or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period and in such other public buildings and places, or is published in such local papers

or in such other manner, as the municipality in by-laws in this behalf prescribes.

Defective form not to invalidate notice.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) (a) Where any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(b) In the event of non-compliance with the terms of the notice it shall be lawful for the Chief Officer to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipality shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 199.

Cf. s. 3 (8). 192. No person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on that part of such owner, unless he have funds of or due to such other person sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of or due to such other person sufficient to defray the expense of doing the act required.

Cf. s. 155. 193. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a municipality under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by or on behalf of a municipality under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

194. (1) Where under the provisions of this Act any *Cf. s. 156.*

Municipality in default of owner or occupier may execute works and recover expenses.

work is required to be executed by the owner or occupier of any building or land and default is made in the execution of such work, the municipality, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as to the municipality may seem fit:

Provided that—

(a) where any drainage scheme or water-works scheme has been commenced by any municipality, it shall be lawful for the municipality, without prejudice to its powers under section 128 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipality shall render: and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement or in default, in the manner described in sub-sections (2) and (3);

(b) where an order or requisition has been passed under sub-section (1) of section 113, sub-section (1) of section 115, sub-section (2) or (8) of section 121 or under section 126, 128, 133, or 134 or where permission has been given under section 130, or where an arrangement has been made under proviso (a) of this sub-section, the municipality may, without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred by the municipality in the execution of such order or in the carrying out of such requisition, permission or arrangement to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipality may decide, including interest at the rate of seven and a half per cent. per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

(2) If the defaulter be the owner of the building or land, the municipality may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand and notice not to pay rent to the landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipality, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of any such expenses as aforesaid.

Of. s. 157.

195. Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipality, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier in default of owner, may execute works and deduct expenses from his rent.

196. If the occupier of any building or land prevent *Cf. s. 158.*

Proceedings if any occupier opposes the execution of the Act.

the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute any such work, such occupier shall for every day during which he so continues to refuse, be punished with a fine which may extend to fifty rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(15) Miscellaneous.

197. It shall be lawful for the president, vice-president, *Cf. s. 159.*

Entry for purposes of the Act.

Chief Officer or any councillor authorized by the municipality for such purpose, to enter, for any purpose of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land:

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier:

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

198. (1) If a dispute arises with respect to any compensation or damages which are by this *Cf. s. 160.*

Arbitration in cases of compensation, etc.

Act directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by a panchayat of five persons, of whom two shall be appointed by the municipality, two by the party to or from whom such compensation or damages may be payable or recoverable, and one, who shall be sir-panch, shall be selected by the members already appointed as above.

(2) If either party or both parties fail to appoint members, or if the members fail to select a sir-panch, within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayat shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayat not giving a decision within one month from the date of the selection of the sir-panch or of the appointment by the District Court of such members as may be necessary to constitute the panchayat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court:

I of 1894.

Provided that--

(a) no application to the Collector for a reference shall be necessary, and

(b) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayat has given a decision, either party, if dissatisfied with the decision, may within a month of the date thereof apply to the District Court, and the matter shall be determined by the District Court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building the municipality may, after the award has been made by the panchayat or the District Court, as the case may be, take possession of the land or building, after paying the amount of the compensation determined by the panchayat or the District Court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipality shall deposit the amount of the compensation in the District Court.

Cf. s. 160A.

199. If a dispute arises with respect to any costs or expenses which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the standing committee and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII,

Costs or expenses how determined and recovered.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

200. (1) The standing committee and, subject to the provisions of sub-section (3), the Chief Municipality may prosecute. Officer may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act or of any rule or by-law thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act shall be instituted except within six months next after the commission of such offence.

(2) Any prosecution under this Act or under any rule or by-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate; and every fine or penalty imposed under or by virtue of this Act or any rule or by-law thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to any Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

(3) The Chief Officer shall not, except with the previous approval of the standing committee, direct a prosecution or order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections, namely :—

section 52 ; sub-section (4) of section 116 ; section 170 ; and

sub-section (4) of section 115 ; sub-section (4) of section 183.

201. No distress levied or attachment made by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or attachment or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him ; but all persons aggrieved by such irregularity

may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Cf. s. 163.

202. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of a municipality shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Damage to municipal property how made good.

Cf. s. 164.

203. In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipality to sue in any Court of competent jurisdiction the person liable to pay the same.

Alternative procedure by suit.

Cf. s. 163.

204. (1) A municipality may sue in any Court of competent jurisdiction any person who may have in any way caused or may appear likely to cause any injury to any property, rights or privileges of the municipality.

Power to sue, compromise and pay compensation.

(2) A municipality may compound or compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient :

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(3) A municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers and servants under this Act.

Cf. s. 166

205. For the purpose of the recovery of any amount due on account of rent from any person to a municipality in respect of any land vested in or otherwise held by such municipality, the municipality shall be deemed to be a superior holder and every

Assistance for the recovery of rent on land.

such person an inferior holder of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, 1879; and the municipality as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land-revenue payable to him by an inferior holder. Bom. V of 1879.

206. No person shall commence any suit against any municipality or against any officer or servant of a municipality or any person acting under the orders of a municipality for anything done or purporting to have been done in pursuance of this Act without giving to such municipality, officer, servant or person one month's previous notice in writing of the intended suit and of the cause thereof nor after six months from the date of the act complained of; Cf. s. 167.

Limitation of suits, etc.

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

207. (1) Any Police-officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person is unknown to him, and if he declines to give his name and address or if the Police-officer has reason to doubt the accuracy of such name and address if given; and such person may be detained at the station-house until his name and address has been correctly ascertained: Cf. s. 168.

Powers of police officers.

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all Police-officers to give immediate information to the municipality of the commission of any offence against the provisions of this Act or of any by-law thereunder and to assist all municipal officers and servants in the exercise of their lawful authority.

208. Accounts of the receipts and expenditure of every municipality shall be kept in accordance with the Municipal Account Code subject to such modifications as the Government may in each case direct.

Accounts to be kept.

Appendices
CHAPTER XI.

MUNICIPAL ACCOUNTS.

Cf. s. 169. 209. (1) A municipality shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipality since the 1st day of April last preceding, and at a general meeting which shall be held on such day between the 10th January and the 1st of March as may be fixed in this behalf by the rules of the municipality, a complete account of the actual and expected receipts and expenditure for the financial year ending on the 31st March next following, together with a budget estimate of the income and expenditure of the municipality for the financial year to commence on the 1st April next following.

Presentation of accounts. Budget Estimates.

(2) The municipality shall thereupon decide upon the appropriation and the ways and means contained in the budget of the year to commence on the 1st April next following. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose.

Provided that the standing committee may, within the budget so sanctioned, sanction re-appropriations not exceeding Rs. 500 from one sub-head to another or from one minor head to another minor head under the same major head and controlled by the same committee. A statement of such re-appropriations shall be submitted to the municipality at every quarterly general meeting.

(3) The municipality shall at the general meeting in April, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year.

Cf. s. 170. 210. (1) The municipal accounts shall from time to time, and once in every year at the least, be audited by such agency as may be prescribed in the rules of the municipality, or if the Government so direct, by a Government auditor.

(2) The auditor shall, for the purposes of his office, have access to all the accounts and other records of the municipality.

Cf. s. 171. 211. A municipality shall as soon as the accounts of the past year have been finally passed by it, transmit to the Government or any officer duly authorized by it in this behalf, a copy thereof, or an account in such form as the Government may prescribe, and shall furnish such details

Transmission of accounts to Government.

and vouchers relating to the same as the Government or such officer may from time to time direct.

212. The quarterly and annual accounts, receipts and *Cf.* a. 17
 expenditure, and the budget when
 Publication of ac- sanctioned, shall be open to public
 counts. inspection, and shall be published
 in such manner as the municipality may prescribe in this
 behalf.

CHAPTER XII.

CONTROL.

213. (1) The Commissioner, Collector or any officer of *Cf.* a. 173.
 Government authorized by the Govern-
 Power of inspection ment by a general or special order
 and supervision. shall have power—

(a) to enter on and inspect, or cause to be entered on and inspected any immovable property occupied by any municipality or any institution under its control or management or any work in progress under it or under its direction ;

(b) to call for or inspect, any extract from any municipality's or any committee's proceedings and any book or document in the possession of or under the control of a municipality.

(2) The Collector shall have power—

(a) to call for any return, statement, account or report which he may think fit to require such municipality to furnish ;

(b) to require a municipality to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such municipality or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipality, and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing, or for not doing, such thing.

214. (1) If, in the opinion of the Collector, the execution *Cf.* a. 174.
 of any order or resolution of a municipi-
 Collector's powers of pality, or the doing of anything which
 suspending execution of is about to be done or is being done by
 orders, etc., of municipi- or on behalf of a municipality, is
 palities. causing or is likely to cause injury
 or annoyance to the public or to lead to a breach of the peace
 or is unlawful, he may by order in writing under his signature,
 suspend the execution or prohibit the doing thereof.

(2) When the Collector makes any order under this section he shall forthwith forward to the Commissioner and to the municipality affected thereby a copy of the order with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Collector's order to be reported to Commissioner, who may confirm or modify it.

(3) The Commissioner shall forthwith submit to the Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Every case under this section to be reported to Government for their final orders.

Cf. s. 175.

215. (1) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which may be executed or done by or on behalf of a municipality and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public; and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipality.

Extraordinary powers of Collector in case of emergency.

(2) If the expense and remuneration are not so paid, the Collector may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipality, as its officer, treasurer, banker or otherwise, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-sections (2) and (3) of section 214 shall apply, so far as may be, to any order made under this section.

Cf. s. 176.

216. If in the opinion of the Commissioner the number of persons who are employed by a municipality as officers or servants, or whom a municipality proposes to employ, or the remuneration assigned by the municipality to those persons or to any particular person is excessive, the municipality shall, on the requirement of the Commissioner, reduce the number of the said persons or the remuneration of the said person or persons:

Power of Commissioner to prevent extravagance in the employment of establishment.

Provided that the municipality may appeal against any such requirement to the Government, whose decision shall be conclusive.

217. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal borough or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall for the purposes thereof have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters :—

- (a) discovery and inspection,
 - (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
 - (c) compelling the production of documents,
 - (d) examining witnesses on oath,
 - (e) granting adjournments,
 - (f) reception of evidence taken on affidavit, and
 - (g) issuing commissions for the examination of witnesses ;
- and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

V of 1898.

Explanation.—For the purpose of enforcing the attendance of witnesses the local limits of such officer's jurisdiction shall be the limits of the Bombay Presidency.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent. per annum ; and such costs and interest shall be leviable as an arrear of land revenue.

218. (1) When the Government is informed, on complaint made or otherwise, that default has been made in the performance of any duty imposed on a municipality by or under this Act or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the alleged default has been made, may direct the Commissioner to fix a period for the performance of that duty.

Power of Government to provide for performance of duties on default by municipality.

Cf. s. 178

(2) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipality.

(3) If the expense and remuneration are not so paid, the Commissioner may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipality, as its officer, treasurer, banker, or otherwise to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

219. (1) If, in the opinion of the Government, a municipality is not competent to perform or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may, after

Power of Government to dissolve or supersede municipality in case of incompetency, default or abuse of power.

giving the municipality an opportunity to render an explanation, by an order published, with the reasons therefor, in the *Bombay Government Gazette*, declare the municipality to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipality or supersede it for a period to be specified in the order.

Of. a. 179. (2) When the municipality is so dissolved or superseded, the following consequences shall ensue :—

Consequences of dissolution or supersession.

(a) all councillors of the municipality shall, in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, vacate their offices as such councillors ;

(b) all powers and duties of the municipality shall during the period of dissolution or supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in this behalf ;

(c) all property vested in the municipality shall, during the period of dissolution or supersession, vest in His Majesty.

(d) The person or persons appointed under clause (b) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(e) When more than one person are appointed under clause (b) they may sue or be sued by any one of them who has been duly authorized to sue and be sued on behalf of the rest by a resolution duly passed by them in this behalf.

(3) On the issue of an order of dissolution under sub-section (1) elections of councillors shall be held under the provisions of this Act or of the rules made thereunder on or before a date to be specified by the Government in the order, and the municipality shall be re-established by the election or appointment of councillors under the aforesaid provisions on such date as may be specified by the Government in the aforesaid order.

(4) If, after inquiry made, the Government so directs the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipality.

(5) After the municipality is superseded it shall be re-established by the election or appointment of councillors under the provisions of this Act or the rules made thereunder applicable thereto,

(a) if no direction has been made under sub-section (4) on the expiration of the period specified in the order of supersession under sub-section (1) and

(b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the municipality.

220. In all matters connected with this Act, the Government, Commissioners and Collectors shall, respectively, have and exercise the same authority and control over Commissioners, Collectors and their subordinates as in matters of general and revenue administration.

SCHEDULE I.

(See section 3.)

MUNICIPAL BOROUGHS.

Northern Division.

1. Ahmedabad.
2. Nadiad.
3. Broach.
4. Surat.
5. Thana.
6. Godhra.

Appendices
Bombay Suburban.

7. *Bandra.*

Central Division.

- 8. *Ahmednagar.*
- 9. *Jalgaon.*
- 10. *Bhusaval.*
- 11. *Amalner.*
- 12. *Dhulia.*
- 13. *Nasik.*
- 14. *Poona City.*
- 15. *Poona Suburban.*
- 16. *Lonavla.*
- 17. *Satara City.*
- 18. *Sholapur.*
- 19. *Pandharpur.*

Southern Division.

- 20. *Belgaum.*
- 21. *Bijapur.*
- 22. *Dharwar.*
- 23. *Hubli.*
- 24. *Gadag-Bettigeri.*
- 25. *Ratnagiri.*

Sind.

- 26. *Hyderabad.*
- 27. *Sukkur.*
- 28. *Shikarpur.*
- 29. *Larkana.*

SCHEDULE II.

(See clause (b) of section 72.)

Notice is hereby given to the inhabitants of the municipal borough of _____ that the municipality desire to impose the tax, rate, toll, octroi or cess (*as the case may be*) defined in the rules appended (in lieu of the tax known as the _____ which is published

To be inserted at page _____ of the sanctioned rules).

Any inhabitant of the municipal borough objecting to the proposed tax may, within one month from the date of this notice, send his objection in writing to the municipality.

RULES.

(The rules approved by the municipality under clause (a) of section 72 are to be appended here.)

Appendices
SCHEDULE III.

(See section 85.)

**FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE
 TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.**

To

THE CHIEF OFFICER,

Municipality.

I, *A. B.*, hereby give notice as required by section 85 of the Bombay City Municipalities Act, 192 , of the following transfer of property :—

	DESCRIPTION OF THE PROPERTY.						
Date of Notice							
Date of instrument.							
Name of vendor or Assignor.							
Name of purchaser or Assignee.							
Amount of consideration.							
Of what it consists.							
Situation.							
Number in Assessment Book.							
Chief Officer's No.							
Dimensions of land.							
Boundaries.							
							If any instrument has been registered, the date of registration.
							Remarks.

Dated

(Signed)

Appendices
SCHEDULE IV.

(See section 85.)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To

**THE CHIEF OFFICER,
Municipality.**

I, *A. B.*, hereby give notice as required by section 85 of the Bombay City Municipalities Act, 192 , of the following transfer of property :

Date of notice.	Name in which the property is at present entered in the Chief Officer's records.	To whom it is to be transferred.	DESCRIPTION OF THE PROPERTY.					Remarks.	
			Of what it consists.	Situation.	Number in Assessment Book.	Chief Officer's No.	Dimensions of land.	Boundaries.	

Dated

(Signed)

Appendices
SCHEDULE V.

(See sub-section (3) of section 102.)

FORM OF NOTICE OF DEMAND.

To
A.B., residing at
Take notice that the municipality of
demand from the sum of
due from on
account of

(Here describe the property or other thing in respect
of which the tax is leviable.)

leviable under rule No. for the period of
commencing on the
day of 19 and ending on the
day of 19, and that
if, within fifteen days from service of this notice, the said
sum is not paid into the municipal office at
and sufficient cause for non-payment is not shown to the
satisfaction of the Chief Officer, a warrant of distress or
attachment will be issued for the recovery of the same with
costs.

Dated this day of 19

(Signed)
Chief Officer.

Appendices
SCHEDULE VI.

(See sub-section (1) of section 103.)

FORM OF WARRANT.

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of _____ has not paid, and has not shown satisfactory cause for the non-payment of, the sum of _____ due for the tax* mentioned in the margin for the period commencing on the _____ day of _____ 19 , and ending with the day of _____ 19 , and leviable under rule No. _____

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain attach , subject to the provisions of section 103 of the Bombay City Municipalities Act.

[.] the goods and chattels any property of the said A. B. to the amount of _____ , being the amount due from him, as follows :—
Rs. a. p.

On account of the said tax ..

For service of notice and forthwith to certify to me together with this warrant all particulars of the goods distrained property attached by you thereunder.

Dated this _____ day of _____ 19

(Signed)

Chief Officer.

Appendices

SCHEDULE VII.

See clause (c) of sub-section (4) of section 103
and sub-section (1) of section 95.)

FORM OF INVENTORY AND NOTICE

To
A. B., residing at
Take notice that I have this day distrained the
attached the
goods and chattels specified in the inventory beneath this, for
property
the value of due for the tax* mentioned in the margin * Here des-
for the period commencing with the day of scribe the tax.
19 and ending with the day of
19, together with Rs.
due as for service of notice of demand and that unless within
five days from the day of the date of this notice you pay into
the municipal office at the said amount together
with the costs of recovery, the said goods and chattels will
property be sold.

Dated this day of 19
Signature of officer executing the warrant
collecting octroi

Inventory.

(Here state particulars of goods and chattels s. ized.)
property

SCHEDULE VIII.

[See sub-section (1) of section 123.]

I do hereby certify that the following building work (*insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction, that the workmanship and the whole of the materials used are good ; and that no provision of the Act or the bye-laws, and no requisition made, condition prescribed, or order issued thereunder, has been transgressed in the course of the work.

Dated:

(Signed)

STATEMENT OF OBJECTS AND REASONS.

The principal object of the bill is to provide a more adequate basis for municipal administration in the larger cities of the Bombay Presidency. The Bombay District Municipal Act, 1901, applies to all municipalities in the Presidency except the Municipal Corporation of the City of Bombay and it has been felt, each year with increasing force, that the same Act cannot adequately provide for the needs of the larger and the smaller municipalities. Under the existing Act, save where a Chief Officer or a Municipal Commissioner has been appointed, the executive administration centres in the managing and other committees. This may still be possible in the smaller municipalities; in these the president may still be able to supervise and control the municipal staff and the municipal committee to perform the functions of an executive body. But in the larger cities the Municipality can do little more than determine questions of policy: committees can exercise only a general control over the municipal staff. The executive powers must be exercised largely by the permanent staff: it is necessary therefore to define with greater clearness the powers of the executive and to secure proper supervision and control by the appointment of a responsible executive officer, with clearly defined statutory powers, at the head of the municipal staff.

This executive officer is to be called the "Chief Officer" as the conditions of the appointment are largely similar to those of the officer of the same designation in the existing Municipal Act. He is to be appointed by the Municipality but he can only be removed from office by an adverse vote of three-fourths of the whole body of councillors. His duties and powers are clearly specified in the various sections of the Act; but generally speaking the executive power centres in him.

This process of devolution further extends to the municipal committees. The main committee has been designated the standing committee as its functions approximate more to those of the standing committee under the City of Bombay Municipal Act, 1888, than those of the managing committee under the Bombay District Municipal Act, 1901. While larger questions of policy are decided by the Municipality, questions of lesser interest are disposed of by this committee which also exercises a general control over the executive as a court of revision in respect of orders of executive officers and as an authority whose previous sanction is required to the exercise of executive powers in matters of importance.

Two further changes of major importance have been introduced in the Bill as compared with the existing Act: the Legislative Council franchise has been adopted as the main basis of the municipal franchise and the maximum number of nominated members has been reduced to one-fifth. This latter merely enacts the policy which Government has followed in recent years. The opportunity has also been taken to introduce provisions which experience has shown to be necessary or which have been recommended by the Committees and officials who have had the subject of municipal administration under review in recent years.

These provisions are noted in the remarks under the various sections. In other respects the Bill proceeds substantially on the lines of the Bombay District Municipal Act, 1901.

CHAPTER II.

Clause 2 (1).—The definition of “annual letting value” occurring in section 3 (1) of the Bombay District Municipal Act, 1901, has been amplified to make it clear that in view of the uniform rebate given under section 75 (2) the annual letting value should represent the gross rental and not rateable value.

Clause 3.—The Act will in the first place apply to the municipal districts specified in Schedule I (in the bill termed “municipal boroughs”) but may be extended by notification to other municipal districts; when experience shows that the more advanced form of municipal administration is not suitable, Government may reconstitute the municipal borough a municipal district under the Bombay District Municipal Act, 1901, by excluding it from Schedule I. Provision will be made in the proposed bill to amend the aforesaid Act for reconstituting such municipal districts.

Clause 4.—On inclusion in Schedule I the provisions of the bill will automatically apply to a municipal borough; to this extent the bill virtually repeals the provision of the existing Bombay District Municipal Act, 1901, and the appropriate provisions of the Bombay General Clauses Act, 1904, have been inserted. Proceedings of and in respect of a municipality under the existing municipal and other laws are confirmed as valid; it will not be necessary for the municipality to make fresh by-laws or reimpose taxation. The change does not therefore imply any administrative inconvenience.

Clause 5.—This provides that in respect of property, rights and liabilities a municipality will represent its predecessor.

Clause 8 (2).—This clause provides that vacancies due to failure to elect the full number of councillors whether at a general election or at a bye-election may be filled up by nomination by the Commissioner.

Clause 8 (3).—The continuance in office of the councillors of a municipal district converted into a municipal borough will facilitate the change from one system to the other. The proportion of elected and nominated members prescribed in clause 8 (1) is that now in force and fresh elections will be required only where the new municipality is wholly elected and only in respect of seats to which nominations were formerly made.

Clause 10.—As women are to be entered in the electoral roll for the Legislative Council they are no longer disabled from being councillors.

Clause 11.—Persons under 21 are not entered in the electoral roll.

Clause 14.—Act 39 of 1920 enacts certain general electoral offences in respect of all elections and fixes penalties for such offences. The provisions therefore of section 22A of the existing Municipal Act defining these

offences and prescribing the procedure in connection therewith have been omitted. Attention is invited in this respect to paragraph 2 of the Select Committee's report on the Bill which became Act 39 of 1920 (p. 178, *Gazette of India*, Pt. V, September 4, 1920). Section 13 of that Act disqualifies persons found guilty of election offences from holding certain offices; in these is included membership of any local authority. The existing provision disqualifying such persons from voting at elections to local authorities has been retained.

Clause 16.—Government servants have been made ineligible for election as presidents or vice-presidents.

Clause 17.—Under sub-section (7) of section 23 of the Bombay District Municipal Act, 1901, the term of office of a president or a vice-president of a municipality ceases on the expiry of his term of office as councillor and therefore as a rule lasts for three years. In 1917 the Bandra Municipality passed a resolution in favour of limiting the term of office of a president to one year and it appears desirable to leave the term of office of the president and vice-president to be fixed by the municipality between the existing period of three years and the period of one year proposed by certain municipalities. It is therefore proposed that the term of office of the president and vice-president should be not less than one year and not exceeding three years as the municipality may, previous to the election, determine. The amendment will apply to vice-presidents as well, for the same considerations apply to both offices. The proviso is designed to meet the difficulty that has been experienced owing to the office of president or vice-president remaining vacant after the expiry of the term of office of the outgoing members of the municipality and before the appointment of a successor.

Clause 23 (2) (b).—This is a corollary to the proviso to clause 17.

Clause 26 (1) (b).—The question has been raised under section 15 (2)(b) (1) of the Bombay District Municipal Act, 1901, whether a councillor having an interest in the purchase of an article of value less than Rs. 500 from the Municipality and voting for the sale of the same is disabled from continuing in office; it being held that he is only so disqualified if the value of the article is more than Rs. 500. An addition has been made in this sub-clause to cover any personal interest whatever the amount may be.

Clause 31.—It has been made clear that the provisions relating to the removal from office of a Chief Officer apply also to suspension and reduction. The punishment of fine in the case of such an officer is derogatory to self-respect and therefore to efficiency.

Clause 32 (1) (g).—Clause 16 (1) makes provision for the election of presidents and of vice-presidents generally and clause 21 for the filling of vacancies in the posts of presidents and of vice-presidents.

Owing to the absence of specific provision in the old Act some difficulty has occasionally been encountered in convening a meeting for the purpose of elections to these offices. The new clause is intended to overcome this difficulty.

Clause 33 (2).—Provision has been made to prevent undue delay in summoning a special general meeting.

Clause 33 (3).—As absence from meetings may entail a penalty under clause 26 ; a councillor who may be absent from home when notice of a meeting is circulated should have due intimation of the time and place of the meeting.

Clause 35.—On the standing and other committees a proportion, not being more than half, is to be nominated by the president. As the committee may consist of an uneven number of members, the number to be nominated by the president will have to be prescribed and this power is vested in Government.

Clause 36.—The status of committees to which part of the functions of the standing committee is delegated is assimilated to that of the standing committee.

Clause 39.—Under section 40 of the Bombay District Municipal Act, 1901, only a councillor may be elected to fill a casual vacancy on a committee ; provision has been made here to allow of an expert being appointed in the place of an expert.

Clause 45 (2) and Clause 112 (1).—This clause provides for a lease or sale of any public street land not required for any public street, or any other purposes of the Act, being granted subject to the previous sanction of the Commissioner. A similar provision empowering municipalities to lease or to sell such land has been made in clause 112 (1) also.

Clause 50.—The clause provides for the responsibility of a councillor in case of loss, waste or misapplication of municipal money or property ; section 42 of the Bombay District Municipal Act, 1901, provides for such liability only in case of misapplication.

Clause 51 (3).—As the effect of section 43 (2) of the Bombay District Municipal Act, 1901, is to disqualify even those employees of the municipality who *bona fide* acquire interest in land held on a municipal lease by inheritance, gift or bequest or even as members of a joint Hindu family, this clause has been framed to make it clear that municipal employees acquiring such share or interest in any contract or employment with, under, by or on behalf of a municipality as is referred to in sub-clause (3) (i) of clause 11 shall not be disqualified for being officers or servants of the municipality.

Clause 53.—As certain misconceptions have arisen as to the construction of section 45 of the Bombay District Municipal Act, 1901, this clause has been framed to make it clear that a municipal servant is to be deemed a public servant for all purposes of the Indian Penal Code.

Clause 56.—The object of this clause is to carry into effect a measure proposed by the Government of Bombay some years ago to the Decentralization Commission and recommended by the Commission. The substantive amendment is contained in clause 56 (2) ; clause 56 (1) contains the provisions of the amendment made by the Bombay Decentralization Act, 1915, in section 46 of the Bombay District Municipal Act, 1901, which have been inserted here to avoid complication.

Clause 57.—It has been made clear that a municipality cannot introduce exemptions, suspend, modify or abolish any existing tax without publishing the notice referred to in clause 72 of the Bill and following the procedure laid down in that clause.

Clause 58 (1) (b) (ii).—As municipalities cannot at present take adequate measures to ensure the supply of pure food and drink, the scope of this sub-clause has been considerably widened, *vide* in this connection new clause 171.

Clause 58 (1) (d).—With a view to secure proper sanitation and to prevent outbreaks of epidemics in municipal boroughs which are pilgrim centres, it is desirable that pilgrims' lodging houses should be brought under municipal control. Provisions have been framed under clause 58 (1) (d) and clause 189 in accordance with the recommendations of the Pilgrims' Committee, to enable municipalities to license and to make by-laws for regulating such lodging houses.

Clause 58 (1) (f).—This clause empowers municipalities to exercise greater control over dairies and cattle sheds used by persons following the trade of dairymen or milk-sellers as the existing provisions are inadequate to prevent insanitary conditions.

Clause 58 (1) (g).—This clause empowers municipalities to make by-laws requiring weights and measures to be stamped and to levy fees for the same.

Clause 58 (1) (n).—This clause empowers municipalities to fix terminal tax limits and stations as in the case of octroi and to regulate the method of recovery of such tax.

Clause 58 (1) (s).—A municipality may prescribe the use to which a building may be put in any area, *vide* also section 121 (1) and (2).

Clause 58 (1) (z).—The Bombay District Municipal Act, 1901, does not give power to municipalities to take effective measures for regulating the management of parks and open spaces under their control. It is very desirable that the municipalities should possess this power.

Clause 58 (4).—This invests the Government with power to require, if necessary, a municipality to adopt a particular by-law or amendment thereof.

Clause 66.—There is no provision in the Bombay District Municipal Act, 1901, imposing on a municipality the duty of paying out of its funds the charges incurred on account of the maintenance and treatment of indigent persons resident within the area subject to its authority, when sent for anti-rabic treatment outside such limits. The proviso makes it clear that a municipality shall be liable to defray the charges incurred on account of the maintenance and treatment of such persons only as have resided in the municipal borough for at least one year before their admission into any institution for anti-rabic treatment.

The number of patients proceeding from municipal areas to places outside the Bombay Presidency for anti-rabic treatment is steadily increasing and the contributions now made by municipalities in this

Presidency are purely voluntary and may be withdrawn at any time. The object of the amendment is to make it obligatory for a municipality to defray such charges (*cf.* section 114 of the Madras District Municipalities Act, 1884).

Clause 67.—Under the existing section 55 of the Bombay District Municipal Act, 1901, it is one of the obligatory duties of municipalities to bear the charges in respect of the maintenance and treatment of pauper lunatics and lepers "habitually resident" in the municipal area. The expression "habitually resident" is indefinite and the object of this clause is to limit the liability of the municipality, in respect of maintenance and treatment charges, to cases where the lunatic or leper has resided in the municipal borough for a period of one year. In England the expenses of a pauper lunatic who has resided for one year within a parish are ordinarily chargeable to that parish. The object of the second proviso is to give the municipality an opportunity to show why it should not be saddled with the cost of maintenance and treatment of any lunatic before any order is passed by the Court fixing the liability of the municipality under this section. In view of the steady increase of expenditure on account of the maintenance and treatment of lunatics it is thought desirable that accounts of such expenditure should be kept by the officer in charge of the asylum and a copy should be furnished to the municipality on application.

Clause 68 (n).—This clause gives power to a municipality out of the municipal property and fund at its disposal to construct and maintain or purchase a telephone line or to give a guarantee for the payment of interest on money spent by another body or person for the construction of such line. When the line extends beyond the limits of the municipal borough the previous sanction of the Commissioner is necessary before such guarantee can be given.

Clause 68 (o).—This clause is intended to empower municipalities to expend a portion of the municipal fund for the purpose of housing such classes of servants employed by the municipality as municipal sweepers, peons, establishments of fire-brigade, water-works, drainage pumping station, sewage farm and the like.

Clause 70 (i).—This clause empowers municipalities to impose a terminal tax on the import or export of goods into certain municipal boroughs. The clause has been drafted to accord with entry 8 of Schedule II to the Scheduled Taxes Rules under which only such a terminal tax is a scheduled tax as is proposed to be levied on goods imported into any local area in which an octroi was levied on or before the 6th July 1917.

Clause 70 (ii).—In the case of the Surat Municipality *vs.* Maneklal (I.L.R. 22 Bom. 1104) it was held that vehicles kept outside the municipal district but plied for hire within it are not liable to pay the wheel tax under section 59 (ii) of the Bombay District Municipal Act, 1901. It is obviously undesirable that owners of carts who ply them for hire within municipal limits should escape their liability by any such expedient.

It is, therefore, considered necessary to provide that vehicles, etc., kept outside municipal limits but plying within such limits for hire are also liable to the tax on vehicles, etc.

Clause 70 (x).—It has been contended that under clause (viii) of section 59 of the Bombay District Municipal Act, 1901, the imposition of special water rates for private water connections in addition to the general water rate in respect of the same premises is of doubtful legality. This clause is therefore intended to make it clear that municipalities may levy both a special water rate and a general water rate or either of them in respect of the same premises.

Clause 75—This clause is based on section 144 of the City of Bombay Municipal Act, 1888, which provides for the assessment of Government buildings situate within municipal limits.

Clause 72.—It has been made clear here and in clause 75 that any basis of valuation may be adopted and not only the annual letting value.

Clause 75 (2).—Several municipalities allow a deduction on account of repairs when a rate on buildings is imposed. As this allowance is based on sound principle, provision has been made to remove any doubt as to the legality of this procedure and to impose a uniform procedure in all such cases. (Cf. s. 154 (1) of the City of Bombay Municipal Act, 1888.)

Clause 76.—This clause is based on section 159 of the City of Bombay Municipal Act, 1888, which provides that when the name of the person primarily liable to pay the property taxes cannot be ascertained it will be sufficient to designate him simply as the holder of the premises in respect of which the tax is payable.

Clause 79.—Provision has been made for the levy of rates on new or reconstructed buildings for the remainder of the year in which they are constructed.

Clause 82.—As a rate may be imposed on site value, it does not appear advisable that an occupier should be made liable except where the valuation adopted is the annual letting value, as in the case of undeveloped land let for agricultural purposes the annual rent may be out of all proportion to the site value.

Clause 83.—Remission of tax in case of vacancies is logically admissible only where the land is rated on its letting value. Such remission if granted in the case of undeveloped land rated on its site value would defeat the purpose of the tax.

Clauses 84-86.—These clauses are adapted from sections 149-151 of the City of Bombay Municipal Act, 1888, which provide for a notice of transfer, etc., of premises assessable to the municipal property taxes.

Clause 87 (2).—Persons making unauthorized use, etc., of municipal land have been found to be making such use without paying the fees chargeable under the Act even after they have been legally dealt with as judicial punishments in such cases are nominal. It is therefore thought necessary to provide that such persons should be liable to pay the fees

which they would otherwise be liable to pay for such use in addition to any penalty to which they may be subject under the Act or any other law for the time being in force.

Clause 98.—This clause provides that postal articles which are in the course of transmission by post shall be exempt from the provisions of this Act regulating the levy of octroi.

Clause 103.—Municipalities have been given the power to recover arrears by attachment of the immovable property of defaulters, the prior claims of Government in respect of land revenue being respected.

Clause 107.—This clause is based on section 210 of the City of Bombay Municipal Act, 1888, and is intended to provide a summary mode of recovery of municipal taxes against persons liable to pay the same who are about to leave the borough without paying them.

Clause 109.—This clause is based on section 219 of the City of Bombay Municipal Act, 1888, and provides that entries in the assessment list and the amount of taxes claimed by the municipality and the decision of the Magistrate or Bench of Magistrates in appeal shall in certain cases be final.

Clause 113 (3).—The object of this provision is to enable the municipality to apportion the expenses incurred by them in improving any street, not being a public street, among the respective owners of the lands or buildings fronting, adjoining or abutting upon such street, in such proportions as the municipality may think fit. Under section 156 (1) of the Bombay District Municipal Act, 1901, when default is made in the execution of any work required by the municipality to be done the municipality are entitled to cause such work to be executed and to recover the expenses from the persons by whom such work ought to have been executed. This provision does not enable the municipality to recover the expenses from the owners concerned in varying proportions, for instance according to the frontage of their respective buildings or lands, or according to such other considerations as may appear to be just. It is very desirable that the municipality should have the power of apportioning the expenses incurred in such manner as they may think fit. There are analogous provisions in certain Acts of Parliament and municipal enactments in India for instance—

The Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 150 ;

The Private Street Works Act, 1892 (55 & 56 Vict. c. 57), s. 10 ;

The Bengal Municipal Act, 1884 (Ben. III of 1884), s. 181 ;

The Calcutta Municipal Act, 1899 (Ben. III of 1899), s. 361 ;

The Madras City Municipal Act, 1904 (Mad. III of 1904), s. 245 ; and

The Punjab Municipal Act, 1911 (Punj. III of 1911), s. 171.

Clause 116 (3).—This sub-clause provides that when the owner of land included in the regular line of a public street is refused permission to build thereon, he is entitled to compensation on such refusal.

Clause 118 (2).—This sub-clause provides that if the land included in the premises of a person permitted to set forward a building belongs

to the municipality the price, etc., of such land shall be settled by the standing committee and that the permission of the standing committee shall be a sufficient conveyance to the owner of the said land. See the City of Bombay Municipal Act, 1888, section 301.

Clause 121 (2).—It has been made clear that a Chief Officer cannot refuse an owner permission to build on his land except under the express provisions of the Act, or of the rules or by-laws thereunder; and further that a Chief Officer may impose conditions as to the number of storeys to be erected.

Clause 121 (3).—This sub-clause gives power to the municipality to revoke any permission granted by the Chief Officer under sub-section (2) and to substitute in lieu thereof a fresh permission on such conditions as the municipality thinks proper, provided that no work has been commenced in pursuance of the permission granted by the Chief Officer.

Clause 121 (6).—This clause prescribes a time limit for the commencement of any work with which any person is entitled to proceed under the provisions of this section. If any considerable period elapses between the grant of permission and the commencement of construction, circumstances may have so changed as to require the imposition of different conditions. It also provides that all building permissions granted under the Bombay District Municipal Act, 1901, shall be availed of within one year of the passing of this Act.

Clause 121—Explanation.—In *Emperor vs. B. H. De'Souza* (I.L.R. 35 Bom. 412) *Emperor vs. Kale-Khan Sardarkhan* (I.L.R. 35 Bom. 236) was distinguished and it was held by the High Court that the Court was not precluded from giving to the word "building" in section 96 of the Bombay District Municipal Act, 1901, its ordinary meaning and the re-erection of a wall might amount to the material reconstruction of a building under this section but did not necessarily do so. It is advisable that these provisions should apply to the alterations, enlargement and reconstruction of parts or adjuncts of a building as well as of whole buildings.

Clauses 122-123.—The object of these clauses is to prevent owners of buildings from allowing them to be occupied before sanitary arrangements have been made to the satisfaction of the Chief Officer. They are based on sections 344-A and 353-A of the City of Bombay Municipal Act, 1888. It is also necessary to provide that the erection of all buildings and the execution of the works described in section 121 (1) shall be done under responsible supervision and that due notice of the actual completion of the work shall be given by means of a Completion Certificate in the prescribed form by the person who was actually in charge of the execution of the work certified.

Clause 133 (1) and (2).—In any notice under these clauses the standing committee may fix the location of the privies, cesspools, water-closets, latrines or urinals required to be provided.

Clause 134 (2).—In the case of *Emperor vs. Laduram Manormal* (11 Bombay Law Reporter, 1349) it has been held that section 107 (2) of

the Bombay District Municipal Act, 1901, does not authorise a municipality to require the owner of any privy or cesspool to demolish or close such privy or cesspool.

Clause 141.—This provision enables a municipality to carry water mains, pipes and ducts through the property of private persons.

Clause 142 (2) (a).—It does not appear that a municipality can remove or order the removal of a projection constructed without permission or contrary to the terms of such permission unless such projection is at the same time an obstruction under sub-clause (3) of this clause or clause 151. It is desirable that the municipality should have this power.

Clause 151 (1).—A continuing fine has been provided in the case of obstructions and encroachments upon public streets on the lines of a similar provision in sub-clause (3), in respect of encroachments in or upon open spaces which are not private property.

Clause 156.—Clause 68 (1) empowers municipalities to provide, at their discretion, for the destruction, or detention and preservation, of unmuzzled dogs found in the streets, but gives municipalities no power themselves to destroy or detain such dogs. It is considered desirable that municipalities should have power to deal with such matters effectively. This provision confers on municipalities powers similar to those now exercised by the police under section 49 of the Bombay District Police Act, 1890.

Clause 162.—The provisions of the City of Bombay Municipal Act, 1888, which give more adequate powers for dealing with houses unfit for human habitation, have been adopted.

Clause 166.—This provision is based on sections 381 and 381-A of the City of Bombay Municipal Act, 1888; it is proposed to give to district municipalities powers similar to those conferred by Bombay Act VI of 1913 on the Municipality of Bombay, for dealing with collections of water which are likely to be breeding places of mosquitoes and for regulating the construction of new wells, etc.

Clause 171.—*Vide* note on clause 58 (1) (b) (ii).

Clause 173.—The Examiner, Local Fund Accounts, has pointed out that the right to collect slaughter house fees is commonly framed out. The practice however is not sanctioned by the provisions of the Bombay District Municipal Act, 1901, and was held by the High Court of Madras to be unauthorized by the Municipal Act of that Presidency in the case of the Municipal Council of Kumbhakonam vs. Abbas Sahib, I.L.R. 36 Madras, p. 113. The practice is however a very convenient one.

Clause 177.—*Vide* note on clause 58 (1) (f).

Clause 179.—Under the Public Health Act, 1875, sections 134—136, the Local Government Board makes regulations for combating dangerous diseases: the local authority of the district is responsible for putting these regulations into effect. On a threatened outbreak of a dangerous epidemic disease the Local Government can exercise the powers conferred on it by the Epidemic Diseases Act, 1897, to issue general regulations

to prevent the spread of the disease : but it should be the duty of the municipality to carry these regulations into effect within the municipal borough.

Clause 185.—Factories and places of business where the motive power is furnished by animals or by steam, water or any mechanical means, the process of oil extracting, and the manufacture of snuff and sweetmeats are not covered by section 151 of the Bombay District Municipal Act, 1901. These are all proper subjects for municipal regulation ; the provisions contained in paragraph (g) of sub-clause (I) of clause 185 have been framed at the request of one municipality : and it is believed that the other proposed provisions will meet local requirements.

Clause 194.—Where the municipality undertakes any works on behalf of a private owner, it may make any expenses incurred therefor a charge on the property and may recover such expenses by instalments. The rates of interest have risen in recent years ; Government income tax free loans have been raised at 6 and 6½ per cent. It is proposed therefore to increase the rate to 7½ per cent. to ensure that the municipality does not incur any loss by laying out any moneys on such works.

Clause 198 (4).—Section 160 of the Bombay District Municipal Act, 1901, provides that disputes respecting compensation or damages payable under the Act shall be referred to a panchayat constituted in the manner indicated in the section. Sub-section (3) of the section, while providing for the case where the panchayat fails to give a decision, affords no means of revision of an unsatisfactory award. As the need of some remedy for unfair decisions has been felt, it is proposed to allow a reference to be made to the District Court by either party where compensation is claimed in respect of land.

Clause 198 (5).—This sub-clause gives power to the municipality to take possession of any land or building acquired under or for the purposes of this Act after the award has been made by the panchayat or the District Court and to deposit the amount of compensation in the Court if the person to whom such compensation may be payable refuses to accept it or if there is no person competent to alienate the land or building or if there is any dispute as to the title to or the apportionment of the compensation.

Clause 208.—There is at present no uniform system of accounts for municipalities. In order to obtain uniformity Government have caused a Municipal Account Code to be prepared and the clause provides that municipal accounts shall be kept as laid down in this Code.

Clause 209 (2).—It is considered desirable that the standing committee should have power, subject to the general control of the municipality at each quarterly meeting, to sanction up to Rs. 500 re-appropriations under sub-heads and minor heads of a sanctioned budget which do not affect the budget grants of different controlling committees or the closing estimated or minimum balance.

Clause 213.—The powers conferred by section 173 of the Bombay District Municipal Act, 1901, vest in the Collector. The staff of expert officers of Government has grown since the Act was passed and Government should have complete discretion to decide to what officers powers of inspection under this clause should be delegated.

Clauses 215 (2) and 218 (3).—Under these sub-clauses it has been made clear that the municipal moneys in the custody of persons who for the time being have custody of the same on behalf of the municipality are liable to the orders under these sub-clauses whether such persons are municipal officers or not.

Clause 217.—The local Government board has full powers to make such inquiries as it may deem fit and Inspectors under that board have wide powers in respect of any inquiry directed by the board ; q.v. sections 293, 294 and 296 of the Public Health Act, 1875. If the propriety of action for which sanction or approval is required or if any alleged default, neglect or misconduct on the part of a municipality is to be investigated, it is obvious that the inquiring officer must have adequate powers for the purpose. A formal and public inquiry would be a useful preliminary to the suspension of an alleged incompetent and neglectful municipality and would give the municipality ample opportunity to defend its conduct.

Clause 219.—The only course at present open to Government in cases of grave misconduct or default on the part of local bodies is to supersede them and to replace them by committees of management. It is desirable to provide an alternative which will afford the inhabitants of the municipal borough an opportunity of electing more suitable representatives. This will not preclude the employment of the other alternative if a municipality, which has once been dissolved, does not improve its methods of municipal administration : or if in the opinion of Government, the more rigorous alternative should be adopted in the first instance.

GHULAM HUSSAIN HIDAYATULLAH.

APPENDIX J.

BILL No. XVII OF 1925.

A Bill to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in the Municipal Corporation of the City of Bombay.

(As published in the "Bombay Government Gazette" of the 11th July 1925.)

Bom. IV of 1898. WHEREAS the City of Bombay Improvement Act, 1898, was enacted with a view to make provision for the improvement and for the future expansion of the City of Bombay by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain classes of the inhabitants of the said city and for the presidency police, by laying out vacant lands and by divers other means;

And whereas a Board of Trustees endowed with special powers was constituted under the said Act for the aforesaid purposes and certain property and rights were vested in the said Board;

And whereas it is now deemed expedient that the powers conferred upon the said Board should be transferred to the municipal corporation of the city of Bombay and that the said property and certain of the said rights should vest in the said corporation and that the duty of carrying out the aforesaid purposes should, subject to the conditions and limitations hereinafter specified, be vested in the said corporation;

And whereas it is proposed that certain lands shall be vested in the corporation in the manner hereinafter appearing;

And whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans;

5 & 6 Geo. V, c. 61. And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the City of Bombay Improvement Trust Transfer Act, 1925.
2. (a) This Act extends only to the City of Bombay
Extent and operation. and

(b) it shall come into operation from such date as the Government may, by notification in the *Bombay Government Gazette*, appoint.

3. Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the Indian Railways Act, XIII of 1885, 1890. IX of 1890.
 Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

4. The City of Bombay Improvement Act, 1898, is hereby Repealed. Bom. IV of 1898.
 Repeal. repealed :—

Provided that—

(a) the said repeal shall not affect the validity or invalidity of anything already done under the said enactment; Cf. Bom. III of 1901, s. 2.

(b) all appointments, rules, orders and bye-laws made, notifications and notices issued, rents, premia and fees imposed, contracts entered into and suits and other proceedings instituted under the said Act shall, so far as may be, be deemed to have been respectively appointed, made, issued, imposed, entered into and instituted under this Act.

Nothing in this Act shall affect any present right of appeal which may have accrued to any party before the date on which this Act comes into operation.

5. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the meaning ascribed to such words under the City of Bombay Municipal Act, 1888, hereinafter referred to as "the Municipal Act"; Cf. Bom. IV of 1898, s. 2. Bom. III of 1888.

Provided that the definition of the word "street" shall be read as if the words following the words "thoroughfare or not" were omitted:
 "Street."

Provided also that the term "public securities" shall include securities issued under this Act:
 "Public Securities."

Provided also that in the construction of the provisions of Chapter III of this Act and of sections 77 and 78, the word "land" shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in clause (1) of section 61 of this Act.

"Chief Officer" means the Chief Executive Officer of the Board appointed under section 25 and includes an acting Chief Officer appointed under sub-section (2) of section 28.
 "Chief Officer."

Appendices
CHAPTER II.

OF THE BOARD OF TRUSTEES—CONSTITUTION OF BOARD.

*Cf. Bom. IV
of 1898, s. 3.*

6. The duty of carrying out the provisions of this Act Corporation charged with shall, subject to such conditions and execution of this Act. limitations as are hereinafter contained, be vested in the Municipal Corporation of the City of Bombay which shall, for the purposes of this Act, be called "The Trustees for the Improvement of the City of Bombay" hereinafter referred to as "the Board", and such Board shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name aforesaid.

*Cf. Bom. III
of 1888, s. 36.*

7. (1) The Municipal Commissioner and the Chief Officer shall have the same right of being Municipal Commissioner and Chief Officer may present at a meeting of the Board and attend meetings of Board. of taking part in the discussions thereat as any member of the Board but they shall not be at liberty to vote upon, or to make any proposition at such meeting.

(2) The President of the Corporation shall be the President of the Board.

8. The Board of Trustees in existence when this Act comes into force shall, so far as is Existing Board to continue pending formation of Improvements Committee. not inconsistent with the provisions of this Act, continue to exercise all the powers and to perform all the duties vested in or imposed on them

*Bom. IV
1898.*

of under the City of Bombay Improvement Act, 1898, until the Improvements Committee to be formed in accordance with the provisions of this Act shall have been so formed.

*Bom. IV
1898.*

The Chairman appointed under the City of Bombay Improvement Act, 1898, shall continue to officiate as Chief Officer under this Act till the date on which the Chief Officer to be appointed under section 25 shall enter upon his duties.

PROCEEDINGS OF THE BOARD.

*Cf. Bom. IV
of 1898, s. 18.*

9. The following provisions shall be observed with respect to the proceedings of the Board the Board's proceedings. namely:—

(1) during any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred;

(2) the Board shall meet together and shall, from time to time, make such arrangements not inconsistent with this Act, with respect to the place, day, hour, notice,

management, and adjournment of such meetings, and generally with respect to the transaction of business, as they may think fit, subject to the following provisions, namely :—

(a) an ordinary meeting shall be held at least once in every quarter. The first meeting after the general elections shall be held in the month of April on a day not later than the 20th day of that month to be fixed by the President ;

(b) the President, may, whenever he thinks fit, and shall upon the written request of not less than twenty Trustees, call a special meeting ;

(c) three clear days' notice of all ordinary and special meetings shall be given to all Trustees ; every such notice shall specify the time and place at which the meeting is to be held and shall be sent by post to the last known addresses of the Trustees ;

(d) no business shall be transacted at any meeting unless at least thirty Trustees are present from the beginning to the end of such meeting ;

(e) every meeting shall, if the President be present, be presided over by him ; if he be absent by such one of the Trustees present as may be chosen by the meeting ;

(f) all questions shall be decided by a majority of votes of the Trustees present, the President of the meeting having a second or casting vote in all cases of equality of votes ;

(g) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute book shall, unless a poll be demanded at the time of such declaration by not less than four Trustees, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition ;

(h) when a poll is taken the vote of each Trustee present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the Trustees voting respectively for or against the proposition shall be recorded in the minute book ;

(i) minutes shall be kept of the names of the Trustees present and of the proceedings of each meeting in a book to be provided for this purpose which shall be signed at the next ensuing meeting by the President of such meeting and shall be open to inspection by any Trustee during office hours.

THE IMPROVEMENTS COMMITTEE.

Cf. Bom. IV of 1898, s. 4. 10. (1) The Board shall, at their first meeting after this Act comes into force, and thereafter

Constitution of Im-
provements Committee. at their first meeting after each general election of councillors of the corporation appoint, fifteen persons to be members of the Improvements Committee (hereinafter) called " the Committee) of whom eleven shall be elected by the Board from among their own members and three shall be co-opted from a panel consisting of the Director of Development, Bombay, the Chairman of the Bombay Port Trust, the Collector of Bombay, and the Executive Engineer, Presidency District. The elections and co-option of members shall be made by the Board by ballot under rules to be framed by them in this behalf.

(2) The Municipal Commissioner shall be an ex-officio member of the Committee but he shall not be at liberty to vote upon any proposition at any meeting of the Committee.

Cf. Bom. III of 1888, s. 44. 11. (1) The Committee shall, at their first meeting in each official year, appoint one of their Chairman of the Com-
mittee. own number not being an ex-officio or co-opted member to be their Chairman until their first meeting in the next following official year.

(2) A member of the Committee who ceases to be Chairman shall be re-eligible.

Cf. Bom. III of 1888, s. 44 (3). (3) If any casual vacancy occurs in the office of Chairman the Committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number not being an ex-officio or co-opted member to fill such vacancy and every Chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Cf. Bom. III of 1888, s. 45. 12. (1) One half of the members of the Committee elected by the Board, the selection of the Members of the Committee to retire by said members being made by lot at rotation. such time previous to the first day of March and in such manner as the Chairman shall determine, shall retire from office at noon on the twentieth day of April next following the date of their election.

(2) The remaining members of the Committee shall retire from office at noon on the twentieth day of April next following the twentieth day of April aforesaid.

13. The Board shall, at their ordinary meeting in the month of April, elect fresh members of the Committee to fill the offices of those previously elected by them who retire from time to time as aforesaid.

Cf. Bom. III of 1888, s. 46.

Appointment of members to replace those who retire.

14. In the event of non-acceptance of office by a person elected or co-opted to be a member of the Committee or on the death, resignation or disqualification of a member of the said Committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election, or co-option by the Board of a person thereto who shall hold office so long as the member in whose place he is elected or co-opted would have been entitled to hold it if the vacancy had not occurred.

Cf. Bom. III of 1888, s. 47.

Casual vacancies in the Committee how to be filled up.

15. The Committee in existence on the day for the retirement of the Trustees shall continue to hold office until such time as a new Committee is appointed under section 10 notwithstanding that the members of the said Committee or some of them may no longer be Trustees.

Cf. Bom. III of 1888, s. 48.

The Committee to continue in office till a new Committee is appointed.

16. Any member of the Committee who absents himself during three successive months from the meetings of the Committee, except from temporary illness or other cause to be approved by the Committee; shall cease to be a member and his office shall thereupon be vacant.

Cf. Bom. IV of 1898, s. 16 (6).

Member of Committee to vacate office if absent for three successive months.

DISQUALIFICATION OF TRUSTEES AND OF MEMBERS OF THE COMMITTEE.

17. (1) A person shall be disqualified to be a Trustee or a member of the Committee who

Cf. Bom. IV of 1898, s. 14.

General disqualification for being a Trustee or a Member of the Committee.

(a) holds any office or place of profit under the Board ;

or

(b) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Board :

Provided that a person shall not be so disqualified, or be deemed to have any share or interest in any such contract or employment, by reason only of his having a share or interest in

(a) any lease, sale, exchange or purchase of immovable property or any agreement for the same ; or

(b) any agreement for the loan of money, or any security for the payment of money only ; or

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted ; or

(d) any joint stock company which shall contract with, or be employed by, or on behalf of the Board ; or

(e) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

Any person who ceases to be a Trustee shall cease to be a member of the Corporation.

Cf. Bom. IV of 1898, s. 15.

(2) Any person who—

(a) becomes disqualified for any of the reasons mentioned in sub-section (1), or

(b) is absent from or unable to attend the meetings of the Committee for a period exceeding eight consecutive months, or is absent without the permission of the Committee from all the meetings of the Committee for a period of three months, or

(c) acts in contravention of the provisions of sub-section (3)

shall cease to be a member of the Committee and his office shall thereupon become vacant.

(3) A Trustee or a member of the Committee shall not at any meeting of the Board or of the Committee or of any sub-committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Board or in which he is interested either professionally on behalf of a client or as agent for any person.

Cf. Bom. IV of 1898, s. 17.

18. Every member of the Committee who shall attend a meeting of the said Committee at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

Rs. 30 for every ordinary meeting of the Committee, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any member for his attendance at all such meetings during that one week ;

Rs. 30 for every special meeting of the Committee convened under clause (b) of sub-section (2) of section 19 ;

Rs. 15 for every meeting of a sub-committee of which such member attending is a member, convened under sub-section (2) of section 20 :

provided that the aggregate amount of fees payable to any member in respect of meetings held during any

month shall not exceed Rs. 200 or such sum as may be fixed by any bye-law from time to time made in this behalf by the Board.

PROCEEDINGS OF THE COMMITTEE.

19. The following provisions shall be observed with respect *Cf. Bom. IV of 1898, s 18;*

Provisions concerning to the proceedings of the committee, proceedings of the Committee. namely:—

(1) during any vacancy in the committee the continuing members may act as if no vacancy had occurred;

(2) the committee shall meet together and shall, from time to time, make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they may think fit, subject to the following provisions, namely:—

(a) (i) an ordinary meeting shall be held once at least in every month;

(ii) the first meeting of the committee shall be held on a day and at a time to be fixed by the President and, if not held on that day, shall be held on some subsequent day to be fixed by the President. All subsequent meetings shall be called by the Chairman;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting;

(c) no business shall be transacted at any meeting unless at least eight members are present from the beginning to the end of such meeting;

(d) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the members present as may be chosen by the meeting;

(e) All questions shall be decided by a majority of votes of the members present, the Chairman of the meeting having a second or casting vote in all cases of equality of votes;

(f) if a poll be demanded, the names of the members voting and the nature of their votes and also the names of those abstaining from voting shall be recorded by the Chairman of the meeting;

(g) minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting, by the Chairman of such meeting, and shall be open to inspection by any member during office hours.

Cf. Bom. IV of 1898, s. 18.

20. (1) The Committee may, from time to time, appoint sub-committees consisting of such members not less than six in number as they think fit and may—

Appointment of sub-committees.

(a) refer to such sub-committees, for enquiry and report any subject relating to the purposes of this Act,

(b) delegate to such sub-committees by a specific resolution in this behalf, and subject to any bye-laws made under clause (a) of section 110 any of their powers or duties.

Any sub-committee so appointed shall conform to any instructions that may, from time to time, be given to them by the Committee, and the Committee may at any time alter the constitution of any sub-committee so appointed or rescind any such appointment.

(2) Sub-Committees may meet and adjourn as they think proper, but the Chairman of any sub-committee and, in his absence, the Chief Officer may, whenever he thinks fit, and shall, upon the written request of not less than three members of the sub-committee call a special meeting of such sub-committee.

(3) The Chairman of the Committee shall be the Chairman of every sub-committee of which he may be appointed a member. In the event of the Chairman of the Committee not being a member of a sub-committee, the members of such sub-committee shall elect their own Chairman. Every meeting of a sub-committee shall, if the Chairman of such sub-committee be present, be presided over by him; if he be absent, by such one of the members present as may be chosen by the meeting.

(4) Questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the Chairman of the meeting shall have a second or casting vote; but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof.

(5) No act of the Board, or of the Committee or of any sub-committee, or of any person acting as Trustee or member shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, sub-committee, Trustee, or member or on the ground that they, or any of them, were disqualified for the office of Trustee or member.

(6) Minutes shall be kept of every meeting of a sub-committee in the same manner as prescribed in clause 2 (g) of section 19 for a meeting of the Committee.

21. (1) The Chief Officer may, on behalf of the Board *Cf. Bom. IV of 1898, s. 19.* and of the Committee, enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, or a contract of tenancy (other than a demise for a term exceeding thirteen months or in perpetuity) of immoveable property, the annual rental whereof at a rack rent shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement (other than a contract for a monthly tenancy) shall be reported to the Committee at the next ordinary meeting thereof.

(2) Every other contract and agreement on behalf of the Board shall require the previous approval of the Committee shall be in writing, and shall be signed by the Chief Officer, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding on the Board or on the Committee. In special cases a contract or an agreement in writing may be dispensed with the approval of the Committee.

(3) The Common seal of the Board, which shall remain in the custody of the Chief Officer, shall not be affixed to any contract or other instrument except in the presence of two members of the Committee who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members of the Committee shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

22. Notwithstanding anything contained in the last preceding section, the signature of the Chief Officer may be engraved, lithographed or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signatures so engraved, lithographed or impressed shall be as valid as if the same had been subscribed in the proper handwriting of the Chief Officer. *Cf. Bom. IV of 1898, s. 19A.*

23. The Committee may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient. *Cf. Bom. IV of 1898, s. 20.*

*Cf. Bom. III
of 1898, s. 26.*

24. The Government may at any time call upon the Board to furnish them with any extract from any proceedings of the Board or of the Committee or from any record under the control of the Board and with any statistics concerning or connected with the administration of this Act; and the Board shall furnish the same without unreasonable delay.

Power of Government to call for extracts from proceedings, etc.

THE CHIEF OFFICER.

*Cf. Bom. III
of 1898, s. 74.*

25. The Chief Executive Officer of the Board shall be styled the Chief Officer and he shall be appointed by the Board, subject to confirmation of Government, for a renewable period of three years; provided that he may be removed from office for misconduct or for neglect of or incapacity for the duties of the office if, at a meeting of the Board, not less than sixty-four trustees shall vote in favour of a proposition in this behalf.

Appointment of Chief Officer.

*Cf. Bom. IV
of 1898, s. 16.*

26. The Chief Officer shall receive such monthly salary not exceeding Rs. 3,500 as the Board shall, from time to time, determine; provided that such salary shall not be less than Rs. 2,500 for the first two years of service and Rs. 3,000 for the next two years. He shall hold no other salaried office and, save in so far as he may be otherwise permitted by the Board, shall devote his whole time and attention to his duties under this Act.

Remuneration of Chief Officer.

27. The Chief Officer shall—

Right of Chief Officer to attend meetings. Duties of Chief Officer.

*Cf. Bom. III
of 1898,
ss. 36 and
49.*

(1) have the same right of being present at a meeting of the Board and of the Committee or of a sub-committee and of taking part in the discussions thereat as a member of the said Board or Committee or Sub-Committee; but he shall not vote upon, or make any proposition at such meeting. He shall attend every meeting of the Board, Committee, and sub-committee unless prevented by sickness or other reasonable cause;

*Cf. Bom. IV
of 1898, s. 21
(2).*

(2) exercise general supervision in matters concerning the accounts and records of the Board, exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and shall be directly responsible to the Board and the Committee for the due performance thereof, and to the extent specified in sub-section (2) of section 109 shall dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.

23. (1) Leave of absence may be granted, from time to time, to the Chief Officer by the Board, provided that if the Chief Officer be a Government servant the rules of Government applicable to officers in foreign service shall be followed.

(2) During the absence of the Chief Officer the Board, subject to confirmation of Government, shall appoint another person to act as Chief Officer.

Any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the Chief Officer and shall be subject to the same liabilities, restrictions, and conditions to which the Chief Officer is liable and shall receive such monthly salary within the limits prescribed in section 26 as the Board may determine.

(3) The Chief Officer may, with the previous approval of the Committee, by general or special order in writing delegate to any officer of the Board any of his powers, duties or functions under this Act or any bye-law or rule made hereunder. The exercise or discharge by any officer of any powers, duties or functions delegated to him by the Chief Officer shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to control and revision by the Chief Officer.

Unless the contrary is expressly stated in the order of delegation, the powers, duties and functions delegated by the said order shall vest in the holders for the time being of the posts specified in the order.

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

The Committee may make improvement schemes. 29. Whenever the Committee are of opinion—

Cf. Bom. IV of 1898, ss. 23 and 30.

- (1) That within certain limits in any part of the city,
 - (a) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or
 - (b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation, or proper conveniences, or other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings; and that the evils connected with such

buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by a scheme for the re-arrangement and reconstruction of the streets and buildings within such area or of some of such streets, or buildings, or

(2) that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter existing streets in any part of the City,

the Committee may pass a resolution to the effect that an improvement scheme should be made and shall then proceed to make an improvement scheme for such area as may seem to them expedient.

Of. Bom. IV
of 1898, as
25 and 35.

Particulars to be provided for in an improvement scheme.

30. The improvement scheme--

(1) shall, within the limits of the area comprised in the scheme, provide for

(a) the acquisition of any land which will, in the opinion of the Committee, be necessary for or affected by the execution of the scheme;

(b) re-laying out all or any land including the construction and re-construction of buildings and the formation and alteration of streets;

(c) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewerage of streets so formed or altered;

(d) the lighting of streets so formed or altered;

(2) may, within the limits aforesaid, provide for (a) raising any land vested in or to be acquired by the Board which the Committee may deem expedient to raise for the better drainage of the locality; (b) forming open spaces for the better ventilation of the area comprised in the scheme, or of any area occupied by buildings constructed under clause (3); and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes. Such accommodation shall be deemed to include buildings and works of any description that may be necessary or desirable to provide for such classes, and shall also be deemed to include shops, godowns, and three room tenements.

Of. Bom. IV
of 1898, s. 24.

31. In making an improvement scheme for any area, regard shall be had to the conditions

Considerations which shall prevail in making a scheme.

and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement

schemes being required for the neighbouring and other parts of the City.

32. (1) Upon the completion of an improvement scheme *Cf. Bom. IV of 1898, s. 27.*

Procedure on completion on the scheme.

the Committee shall draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the land proposed to be acquired, may be seen at all reasonable hours; and shall,

(a) communicate a copy of such notification together with full particulars of the scheme and plan and estimates of the cost of executing the scheme to the Board;

(b) once in each of three consecutive weeks publish as near as possible simultaneously in the *Bombay Government Gazette* and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a copy of the said notification.

(2) During the thirty days next following the first day on which such notification is published the Committee shall serve a notice on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within thirty days from the date of service of the notice.

(3) Such notice shall be signed by, or by the order of the Chief Officer and shall be served—

(a) by delivery of the same personally to the person required to be served or, if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or,

(b) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or

(c) by post addressed to the usual or last known place or abode or business of such person.

33. (1) If any land is included in any statement specifying the land proposed to be acquired *Cf. Bom. IV of 1898, s. 27A.*

Right of owner to demand acquisition on issue of notification when building operations are in progress.

made in accordance with any notification drawn up under section 32, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of such notification building operations were in progress on such land or

on any part thereof and the building was structurally complete up to the first floor level the Collector shall call upon the Committee to acquire such land.

(2) On receipt of such notice the Committee shall resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the Board who shall within one month after receipt thereof communicate to the Committee the decision of the Board in the matter, and thereupon the Committee shall forthwith in accordance with such decision either decide to acquire such land or shall give written notice to the owner that they have withdrawn the proposal to acquire.

(3) If the Board decide to acquire the land the Committee shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894;

(4) If the Board withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired, made in accordance with any notification drawn up under section 32 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

Cf. Bom. IV
of 1898, s.
27B.

34. (1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 32 may at any time before the publication of a declaration under section 36 and after the expiry of one year from the date of such notification by written notice setting out the particulars of such land call upon the Committee to acquire such land.

(2) On receipt of such notice the Committee shall resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire, and shall communicate their resolution within two months to the Board who shall within three months after the receipt thereof communicate to the Committee the decision of the Board in the matter, and thereupon the Committee shall forthwith in accordance with such decision either decide to acquire such land or shall give written notice to the owner that they have withdrawn the proposal to acquire.

(3) If the Board decide to acquire the land the Committee shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894;

(4) If the Board withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 32 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

35. (1) Upon compliance with the foregoing provisions *Cf. Bom. IV of 1898, s. 28.* with respect to the publication and

The Committee to forward the scheme to Government for sanction after approval by the Board.

service of notices of the scheme, the Committee shall, after consideration of any answer received under section 32 and after inserting in the scheme such modifications as they may think

fit, submit the scheme to the Board for approval.

(2) On the approval of the scheme by the Board, the Committee shall apply to Government for sanction to the scheme.

(3) The application for sanction shall be accompanied by—

(a) a description with full particulars of the scheme ;

(b) complete plans and estimates of the cost of executing the scheme ;

(c) a statement specifying the land proposed to be acquired ;

(d) a list of the names of the persons, if any, who in answer to the notices mentioned on sub-section (2) of section 32 dissented, with the reasons, if any, stated by such persons for dissent, in respect of the acquisition of their land.

36. (1) (a) On receipt of the sanction of Government, *Cf. Bom. IV of 1898, s. 29.* the Chief Officer shall forward a

On receipt of sanction the Chief Officer to publish the declaration and the Committee to proceed to execute the scheme.

declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

(b) The declaration shall be published in the *Bombay Government Gazette* and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the time and place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Committee shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) (a) If at any time after the publication of the said declaration it appears to the Committee that an improvement can be made in any part of the scheme, the Committee may alter the scheme for the purpose of making such improvement and shall, subject to the provisions contained in the

next three clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the scheme as altered involves the acquisition by agreement of any land other than that specified in the statement accompanying the scheme under section 35, the Committee shall not, without the previous approval of the Board, proceed to execute the scheme as altered.

(c) If the estimated outlay on the scheme as altered exceeds by more than ten per cent. the estimated outlay on the scheme as sanctioned, the Committee shall not, without the previous sanction of the Board, proceed to execute the scheme as altered.

(d) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the statement accompanying the scheme under section 35, the provisions of sections 32 and 35 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

(e) If at any time it appears probable to the Committee that the outlay on the scheme will exceed the sanctioned estimate by more than ten per cent. the Committee shall, as soon as may be, submit a revised estimate for the approval of the Board.

*Cf. Bom. IV
of 1898, s. 23*

37. When an official representation as hereinafter mentioned is made to the Committee that within certain limits in any part of the City an improvement scheme should be made, the Committee shall take such representation into their consideration and if satisfied that a scheme ought to be made and also of the sufficiency of their resources shall pass a resolution that an improvement scheme should be made for such area, and after passing such resolution, they shall forthwith proceed to make a scheme for the improvement of such area.

Provided that any number of such areas may be included in one improvement scheme, and provided also, that the improvement scheme may include any neighbouring land if the Committee are of opinion that such inclusion is expedient.

*Cf. Bom. IV
of 1898, s.
23A.*

38. When an official representation as mentioned has been made to the Committee and the Committee are of opinion that it is inexpedient forthwith to proceed to make a scheme for the area indicated in such representation, they shall record their reasons for such opinion and inform the Board accordingly, and the Board shall thereupon take such opinion into their consideration and may require the Committee to frame a scheme for such area as the Board may think fit, and

The Board may direct the Committee to make a scheme.

the Committee shall be bound to carry out such requisition, and on the completion of the making of such a scheme, the provisions of sections 32 to 36 inclusive shall be applicable to the scheme in the same manner as if the scheme were an improvement scheme made under section 29.

39. An official representation for the purposes of this Act shall mean a representation made to the Committee by the Board on a resolution being passed by the Board in that behalf.

Cf. Bom. IV of 1898, s. 24.

Meaning of "official representation".

Poorer Classes Accommodation Schemes.

40. (1) Any person employing members of the poorer classes in the course of his business may make an application to the Committee stating that he wishes to provide accommodation for the use of all or some of such members and desiring the Committee to make a scheme for such purpose. Such person is hereinafter called "the employer", which term includes his heirs, executors, administrators, assigns and successors.

Cf. Bom. IV of 1898, s. 3:B.

Application by employer of Poorer Classes Accommodation Scheme.

(2) The Committee on consideration of the said application, if they are of opinion that it is expedient to provide the said accommodation, may pass a resolution to that effect and proceed to make a scheme for that purpose.

(3) The poorer classes accommodation scheme shall provide for—

(a) the construction of dwellings consisting of tenements containing not more than three rooms—

(i) by the Board,

(ii) by the employer under the supervision of the Committee and in accordance with plans and specifications approved by the Committee, and

(b) the letting on lease to the employer of the dwellings so constructed and of the other accommodation provided in the scheme.

(4) Such scheme may provide for all matters incidental to the scheme, including the acquisition, raising, lowering or levelling of land required for the execution of the scheme and the provision of recreation grounds and of buildings and works of any description that may be necessary or desirable in connection with the scheme.

41. The poorer classes accommodation scheme may provide for the accommodation being on land—

Cf. Bom. IV of 1898, s. 3:C.

Land on which dwellings may be constructed.

(a) acquired by the Board or vesting absolutely in the Board; or

(b) vesting in the employer either absolutely or for a sufficient number of years :

Provided that the scheme shall not provide for the accommodation being on land alleged to vest in the employer until the employer has proved to the satisfaction of the Committee that he has such title to the land as shall be good and sufficient for the purposes of the scheme.

*Cf. Bom. IV
of 1898, s.
32D.*

42. Upon the completion of a poorer classes accommodation scheme, the provisions of sections 32 to 36 inclusive shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

*Cf. Bom. IV
of 1898, s.
32E.*

43. When such scheme includes land forming part of any of the lands specified in Schedule C or Schedule D, the Board shall, on the scheme being sanctioned by Government, pay in cash to Government or to the Corporation, as the case may be, a sum equal to the market value of the interest of Government or the Corporation in the land as determined by the Collector under the Land Acquisition Act, 1894, and thereupon the right of Government or the Corporation to resume such land under sub-section (9) of section 77 shall cease.

*Cf. Bom. IV
of 1898, s.
32F.*

44. (1) (a) Where the land vests in or is to be acquired by the Board the employer shall, on the scheme being sanctioned by Government and before it is declared under section 36, deposit in cash with the Board as security a sum equal to twenty per cent. of the estimated cost of the scheme to the Board ;
(b) where the land vests in the employer the construction of the buildings or works in connection with the scheme shall not be commenced until the employer has submitted to the Committee a proposal in writing that the land shall be transferred to the Board for the purpose of a poorer classes accommodation scheme and until the Committee shall have served a notice in writing upon the employer signifying their acceptance of such proposal ; provided that if in the opinion of the Committee the value of the land to be transferred falls short of twenty per cent. of the estimated cost of the scheme to the Board the shortage shall be made good by the employer by a deposit in cash.

(2) On the service upon the employer of the notice referred to in clause (b) of sub-section (1), all the estate, right, title and interest of the employer in and to the land referred to in the proposal shall forthwith vest in the Board.

(3) Save as provided in clause (a) of sub-section (1), the employer shall be entitled at any time after payment of the

deposit and prior to the grant of the lease under the next following section to pay to the Board the whole or any part of their cost of the scheme.

45. (1) The Committee shall then proceed to execute the *Of. Bom. IV*
 Term of lease and scheme. *of 1898, s.*
 amount of rent. *32G.*

(2) Upon completion of the execution of the scheme the Committee shall make up an account showing the cost to the Board of the scheme, after giving credit to the employer of the sums, if any, already deposited or paid by him under the last preceding section. The cost shall include—

- (a) the cost of the land if, and so far as, the land has not been provided by the employer,
- (b) the cost of the buildings and works,
- (c) preliminary expenses and an allowance for management and establishment up to the date of completion of buildings and works, and
- (d) compound interest with half-yearly rests on all sums charged to the scheme under clauses (a), (b) and (c).

The rate or rates of interest shall be fixed by the Committee with reference to the cost of raising the capital required for the scheme from year to year. In any year in which the Board raise a loan the rate for the capital expended in that year shall be the same as the rate at which the loan is actually raised by the Board in that year. In case the sanctioned budget estimate of the Board for any particular year does not provide for the raising of a loan during that year the Committee shall intimate to the employer the rate proposed to be fixed by them on the expenditure of that year so as to enable the employer, should he so desire, to exercise the option of providing the capital sum himself, under the last preceding section.

(3) The cost of the land for the purpose of this section shall be deemed to be—

- (a) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition ;
- (b) in all other cases the market value of the land at the date of the notification of the scheme under section 32.

(4) Upon completion of the aforesaid account the Board shall grant a repairing lease of the premises to the employer for a term of not less than 28 and not more than 50 years as may be agreed upon between the Committee and the employer.

(5) The lessee shall during the said term pay to the Board as rent a sum equal to the total of—

- (a) interest on the cost of the scheme to the Board based on the rate or rates fixed by the Committee under clause (d) of sub-section (2) ; and

(b) sinking fund charges at such rate as may be fixed by the Committee and so calculated that at the end of the term of the lease the aggregate in the sinking fund shall amount to the total cost of the scheme to the Board :

Provided that in the event of the employer having paid to the Board under the last preceding section the whole of the cost of the scheme, the rent shall be Rs. 1 per annum.

Cf. Bom. IV
of 1898, s.
32H.

46. The lease shall commence from such date subsequent to the completion of the execution of the scheme as may be fixed by the Committee and shall be subject to the following conditions :—

(a) the lessee shall be liable for the payment of all rates and taxes ;

(b) the lessee shall sublet the rooms and tenements prescribed by the Committee to be used as dwellings only to persons employed by him in the course of his business or their families except in so far as there may not be sufficient numbers of such persons willing to occupy the same and in any case only to members of the poorer classes. No such room or tenement shall be used otherwise than as a dwelling except with the previous consent in writing of the Committee.

(c) The maximum rent of each room or tenement shall be fixed by the Committee after consulting the lessee and such maximum rent shall be written or painted up by the lessee in a conspicuous position in each such room or tenement. Such maximum rent shall not be subject to alteration save with the consent of the Committee.

(d) The lessee shall not demand or receive in respect of any such room or tenement any premium or any rent in excess of the maximum rent fixed and in force for the time being ;

(e) The lessee shall not assign or sublet the demised premises or any part thereof without the previous consent in writing of the Committee. Any assignee or sub-lessee shall be bound by the conditions contained in this Act and in the lease.

47. The lessee may at any time with the consent of the Committee commute the rent payable under the lease and in such event the rent shall be Re. 1 per annum for the remainder of the term.

48. The Committee shall not without the previous sanction of the Board and of Government permit the lessee to make any substantial variation in the user of the premises so as to reduce the accommodation prescribed by the Committee to be used as dwellings.

49. (1) On default being made by the lessee in any of the conditions of the lease, the Board may re-enter upon the demised premises or any part thereof in the name of the whole and immediately thereupon the lease shall absolutely determine.

Default and determination of the lease.

Cf. Bom. IV of 1898, s. 321.

(2) Where no default is made by the lessee in the conditions of the lease, then on determination of the lease at the end of the term thereof, the Board shall convey the premises to the lessee at his cost and free of all restrictions and liabilities imposed by the lease and by this Act or by the City of Bombay Improvement Act, 1898.

Bom. IV s. 1898.

Police Accommodation Schemes.

50. (1) When a representation is made by Government to the Board that within any part of the City accommodation is required for housing any part of the Police of the City, the Board shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall direct the Committee to forthwith proceed to make a Police accommodation scheme.

The Board to have power to make a police accommodation scheme.

Cf. Bom. IV of 1898, s. 38.

(2) The Police accommodation scheme may provide for constructing dwellings and accessory buildings (including stables for horses) for any or all classes of such Police, and for acquiring raising and levelling any land required for the execution of the scheme.

51. Upon completion of a Police accommodation scheme, the provisions of sections 32 to 36 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Procedure on completion of a scheme.

Cf. Bom. IV of 1898, s. 39.

52. (1) When such scheme is sanctioned by Government, in the case of land specified in Schedule C or Schedule D or land reclaimed within the limits specified in Schedule E Government or the Corporation, as the case may be, shall resume the land.

Vesting of land in Board.

Cf. Bom. IV of 1898, s. 40.

In the case of land specified in Schedule C or land reclaimed within the limits specified in Schedule E the land shall thereupon vest in the Board.

In the case of land specified in Schedule D the Board shall pay to the Corporation the market value of the land as on the date of resumption as aforesaid, as determined by the Collector under the Land Acquisition Act, 1894. The land shall thereupon vest in the Board.

I of 1894.

(2) The Committee shall then proceed to execute the Police Accommodation Scheme.

(3) Any building constructed under this section shall with the site be leased to Government for police purposes on a repairing lease for a term of sixty years from the date of the completion of the building, and Government shall, during the period of such lease, pay yearly to the Board by way of rent a sum equal to the total of—

(a) the annual interest payable by the Board on all moneys, which they have spent on the scheme, and

(b) sinking fund charges so calculated that at the end of the term of the lease the aggregate in the sinking fund shall amount to the total sum spent on the scheme.

Such total sum shall include:—

(i) all moneys spent on Interest and Sinking Fund charges up to the date of the commencement of the lease.

(ii) if and so far as the land included in the scheme is not part of the land specified in Schedule C or reclaimed within the limits specified in Schedule E, the cost of such land;

(iii) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the lease.

(4) The cost of such land for the purposes of this section shall be deemed to be:—

(a) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition,

(b) if and so far as the land is vested in the Board as being part of the lands specified in Schedule D, the sum paid by the Board to the Corporation under sub-section (1), and

(c) in all other cases the market value of the land at the date of the declaration of the scheme.

(5) On the expiration of the lease the building and the land forming the site thereof shall vest absolutely in His Majesty.

Schemes hitherto sanctioned.

53. (1) From the date on which this Act comes into operation there shall vest in the Board all the rights and liabilities of the Board dissolved by this Act in respect of any Improvement scheme, Street scheme, Deferred Street scheme, Poorer Classes Accommodation Scheme, Reclamation scheme or Police Accommodation scheme duly sanctioned or executed before the said date in accordance with the City of Bombay Improvement Act, 1898.

Bom. IV of
1898.

(2) The Board shall subject to the provisions of this Act, proceed with due diligence in the execution of any scheme

specified in sub-section (1) which remains unexecuted on the date specified in the said sub-section until the completion of the scheme.

Vesting of streets, etc.

54. (1) Whenever under any scheme of the Board the whole or any part of an existing public street vested in the Corporation is required for the purpose of such scheme, or whenever the whole or any part of any vacant land vested in the Corporation is required to be included in the site of any street to be formed or altered by the Committee under such scheme, the Committee shall give notice to the Commissioner, which notice shall be signed by the Chief Officer with the sanction of the Committee and put up in or near so much of such existing street or vacant and as is required by the Board, that the whole or a part, as the case may be, of such existing street or vacant land (hereinafter called the 'part required') is required by them as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (2) of section 59, be vested in the Board free of all rights and incumbrances: provided that nothing in this section contained shall be deemed to affect the rights or powers of any municipal authority, under Chapters IX and X respectively of the Municipal Act, in or over any municipal drain or water work:

Cf Bom. IV
of 1868, s.
41.

Provided further that—

(i) the Committee shall not take over the part required until three months have elapsed after the publication on or near the part required of a notice to the effect that the said part is required by the Board and until the objections, if any, made in writing to the proposal and received before the date prescribed in this behalf in the notice have been considered and decided.

(ii) unless the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, the Board shall provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the part required and shall pay such compensation for loss of or damage to any private rights occasioned by the closing of the part required as may appear reasonable after taking into consideration such other means of access, and shall pass a resolution in such behalf and communicate it to the party concerned.

(2) If any question or dispute arises between the Committee and any person entitled to use the part required otherwise than as a mere licensee as to whether the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents

in the neighbourhood, or whether the other means of access substituted or proposed to be substituted, or whether the compensation paid or proposed to be paid, by the Board under the provisos to sub-section (I) are reasonably sufficient, it shall be determined by the Collector :

Provided that such question or dispute shall be referred to the Collector for determination within three months of the communication of the resolution of the Committee upon which such question or dispute has arisen. Otherwise the decision embodied in such resolution of the Committee shall be final.

*Cf. Bom. IV
of 1898, s.
41A.*

55. In respect of any such part required which is or forms part of land acquired by the Corporation subsequently to the 9th November 1898 under the provisions of section 298 of the Municipal Act and not forming part of any open space or street to be formed by the Board under such scheme, the Board shall pay to the Corporation the actual cost incurred by the Corporation in acquiring such land, or such portion thereof as shall bear to the whole actual cost so incurred, the same proportion that the area of the part required bears to the whole area of the land so acquired.

*Cf. Bom. IV
of 1898, s.
42.*

56. The provisions of sections 289 to 296 (both inclusive) and 308 to 329 (both inclusive) and section 489, of the Municipal Act shall, so far as may be consistent with the tenor of this Act, apply to streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and for the purposes of this Act, the several municipal authorities referred to in any of the said sections of the Municipal Act shall respectively mean the Committee who in respect of any streets, or parts of streets so vested, may alone exercise and perform all or any of the powers and functions which by any of the said sections might have been exercised or performed by any municipal authority either with or without the sanction, authority or approval of any other municipal authority. The expression "municipal officer or servant" occurring any of the said sections of the Municipal Act shall mean officer or servant of the Board.

*Cf. Bom. IV
of 1898, s.
43.*

57. The provisions of section 334 of the Municipal Act shall, so far as may be consistent with the tenor of this Act, apply to any streets or parts thereof which may become vested in the Board under this Act, during such periods as the same may respectively remain so vested, and for the purposes of this Act, the expression

"Commissioner" occurring in the said section of the Municipal Act shall mean the Committee who, during such periods as aforesaid, shall alone exercise and perform all or any of the powers and functions which might, under the said section of the Municipal Act, have been exercised or performed by the Commissioner; and the expression "Municipal fund" shall mean the funds of the Board.

58. The provisions of sections 3, 4, 10, 11, 12, 13, 14, 15 *Cf. Bom. IV of 1898, s. 44.*
 27, 28 and 29 of the Bombay Tramways Act, 1874, shall, so far as may be consistent with the tenor of this Act, apply to public streets or parts thereof which may become vested *Bom. I of 1874.*

The Board may exercise certain powers under the Bombay Tramways Act, 1874.

in the Board under this Act; during such periods as the same shall respectively remain so vested, and for the purposes of this Act, the expressions "Municipal Commissioner", "Commissioner" and "Corporation" occurring in any of the said sections of the said Act shall mean respectively the Committee, and the expressions "Executive Engineer of the said Corporation" and "Executive Engineer", shall mean respectively the Engineer of the Board.

59. (1) No new street, if made for carriage traffic, shall be less than 40 feet in width, nor, if made for foot traffic only, shall be less than 20 feet in width: *Cf. Bom. IV of 1898, s. 45.*

Minimum width of new streets.

Provided that where in an improvement scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street, on such terms as to preclude such space being built over, when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

(2) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme duly sanctioned in accordance with this Act and that such lamps, lamp posts and other apparatus as are in his opinion necessary for the proper lighting thereof, and, in his opinion, should be provided by the Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the Corporation, and the Corporation shall thenceforward maintain, keep in repair, light and cleanse such street.

(3) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and

in the case of such passages, the Committee may enter into an agreement with the Commissioner or any other person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this Act.

(4) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any scheme sanctioned under this chapter shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereupon vest in the Corporation: Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose and, if necessary, provide lamps or other apparatus for lighting any such open space.

(5) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section shall be determined by the Corporation whose decision shall be final.

Acquisition of Land.

*Of. Bom. IV
of 1898, s.
46.*

60. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land needed by the Board for the purposes of this Act, or with the owners of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interests in such land, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

*Of. Bom. IV
of 1898, s.
47.
I of 1894.*

61. Notwithstanding anything contained in the Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof subject to the provisions of this chapter and to the provisions following, namely:—

(1) a reference to any section of the said Act shall be deemed to be a reference to such section, as modified by the provisions of this chapter, and the expression "land", as used in the said Act, shall, in addition to the meaning included therein under clause (a) of section 3 of the said Act be deemed for the purposes of this Act, to include rights

created by legislative enactment over any street; and clause (b) of section 3 of the said Act shall, for the purposes of this Act, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

(2) in the construction of sub-section (2) of section 4 of the said Act and the provisions of this chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under section 29, 40 or 50 and the expression "Local Government" shall be deemed to include the Board, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution;

(3) in the construction of the sections of the said Act deemed to form part of this chapter and the provisions of this chapter, the publication of a declaration under section 36 or 42 shall be deemed to be the publication of a declaration under section 6 of the said Act: provided that the date of publication of the notification under section 32, 42 or 51 shall be deemed to be the date of the publication of the declaration under section 6 of the said Act for the purposes of section 23 first and sixthly and section 24 fourthly and seventhly of the said Act:

Provided also that where land is acquired under section 33 or sub-section (2) of section 34 the date of the notification under section 32 shall be deemed to be the date of publication of a declaration under section 6 of the said Act:

Provided further that the provisions of sub-section (2) of section 23 of the said Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of section 29 is acquired specially under this Act for the purpose of a poorer classes accommodation scheme or of a police accommodation scheme.

(4) In the construction of sub-section (2) of section 50 of the said Act and the provisions of this chapter, the Board shall be deemed to be the local authority or company concerned.

62. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:—

*Cf. Bom. IV
of 1898, s.
49.*

(1) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;

(2) when any addition to, or improvement of, the land or building has been made after the date of the publication under section 32, 42 or 51 of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building ;

(3) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under section 32, 42 or 51 the Court shall have due regard to the nature and the condition of the property and the probable duration of the building if any in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section ;

(4) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding ;

Explanation.—For the purposes of this clause overcrowding shall be interpreted as in sub-sections (4) and (5) of section 379-A of the Municipal Act ;

(5) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair ;

(6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition.

*Cf. Bom. IV
of 1898, s.
50.*

f3. When the Collector has made an award under section 11 of the said Act, as applied by this chapter, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Committee and, the land shall

Collector to take possession after making an award and transfer land to Corporation.

thereupon vest in the Board subject to the liability of the Committee to pay on behalf of the Board any further costs which may be incurred on account of the acquisition of the land.

64. Notwithstanding anything contained in sections 60, 61, 62 and 63 in respect of all appeals made to the Tribunal of Appeal or the High Court under the City of Bombay Improvement Act, 1898, before the date on which this Act comes into operation and the said Tribunal of Appeal or the High Court, as the case may be, shall continue to perform the functions assigned to it under the said Act and every such appeal shall, so far as may be, be decided in accordance with the provisions of the said Act as if this Act had not been passed.

Bom. VI of 1898.

Resumption of Lands from the Board.

65. Whenever any land specified in Schedule C or Schedule D is resumed by Government or the Corporation, respectively, under the provisions of this Act, the market value of the land as at the date of resumption, as determined by the Collector, or in appeal by the High Court, shall be paid to the Board by Government or by the Corporation as the case may be.

Cf. Bom. IV of 1898, s. 51.

Compensation to Board on land resumed.

CHAPTER IV.

BORROWING POWERS.

66. The Board may, from time to time, borrow or borrow and take up at interest from the Secretary of State for India in Council, or, with the previous sanction of Government, from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under section 86 :

Cf. Bom. IV of 1898, s. 25.

Power to borrow from the Secretary of State for India in Council or other persons.

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be raised by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India.

67. Whenever the sanction of Government has been obtained to the raising of money by the Board from any person other than the Secretary of State for India in Council Government shall, subject to the provisions of the last preceding section, direct and

Cf. Bom. IV of 1898, s. 53.

Government to direct manner in which money shall be borrowed from other persons.

appoint the manner in which and the time at which such money shall be raised.

Cf. Bom IV
of 1898, s.
55.

68. (1) The Board shall either pay off the money borrowed under the provisions of the last two preceding sections by equal yearly or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed within the period sanctioned for the loan or within such other period as may be approved by Government.

(2) In respect of any sinking funds which by this Act the Board are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Board are empowered to invest in like securities, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of Government shall have been duly obtained under section 66, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(3) The issue of any such debentures direct to and in the name of "The Trustees for the Improvement of the City of Bombay" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(4) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

Cf. Bom. IV
of 1898, s.
56.

69. The investment every year or every half year of any sum set apart as part of the principal of a sinking fund shall be made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established; and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

Cf. Bom. IV
of 1898, s.
57.

70. Except with the previous sanction of Government—

(1) the period for the repayment of any loan shall not exceed sixty years, and

(2) when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned.

71. (1) When money is raised by the Board on debentures, *Cf. Bom. IV of 1898, s. 58.*
 the debentures shall be in the form of Schedule B, or in such other form as Form of securities.
 the Board, with the previous consent of Government shall, from time to time determine.

(2) The holder of any debenture in the form of Schedule B, or in any form duly authorised under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorised.

(3) Every debenture issued by the Board shall be transferable,—

(a) if it is in the form of Schedule B, by endorsement, and,

(b) if it is in any other form, in such manner as shall be therein expressed.

(4) The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

72. (1) Notwithstanding anything in section 45 of the *IX of 1872.*
Cf. Bom. IV of 1898, s. 58-A.
 Indian Contract Act, 1872, when any Payment to survivors of joint payees.
 debenture or security issued under the provisions of this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture or security jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

73. Notwithstanding anything in section 45 of the Indian *IX of 1872.*
Cf. Bom. IV of 1898, s. 58-B.
 Contract Act, 1872, where two or more persons are joint holders of Power of one or more joint holders to grant receipts.
 any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security unless notice to the contrary has been given to the Board by any other of those persons.

Cf. Bom. IV
of 1898, s.
59.

74. Notwithstanding anything contained in section 66 the Board may take from any bank credit on a cash account to be opened and kept with such Bank in the name of the Board to the extent of any loan sanctioned under section 66, and may, with the sanction of Government grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

75. Notwithstanding anything contained in section 66 the Board may also borrow, for the purpose of this Act, from any bank or banks prescribed by Government under section 104, against any Government promissory notes or other securities in which for the time being the Board's cash balance may be invested.

Cf. Bur. VI
of 1922, s.
56.

Bom. IV
of 1898.

76. In the case of all loans raised by the Board of Trustees under and in accordance with the provisions of the City of Bombay Improvement Act, 1898, before this Act comes into force the following provisions shall apply :—

(i) if when such loans were raised the loans were made repayable from sinking funds, the Board shall establish sinking funds for the repayment of such loans and shall pay into such Funds such sums on such dates as may have been fixed when the loans were raised ;

(ii) all securities and cash held by the Board of Trustees in existence when this Act comes into force in sinking funds established for the repayment of such loans shall be transferred to the Board and shall be held by them as part of the sinking funds established under clause (i) ;

(iii) the provisions of section 68 shall apply to such sinking funds ;

(iv) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Board shall make such payments or annual drawings, on such dates and in such manner as may have been fixed when the loans were raised ;

(v) the provisions of section 93 shall apply to such loans.

CHAPTER V.

PROPERTY AND LIABILITIES.

77. (1) Subject to the provisions hereinafter contained *Cf. Bom. IV*
 and to all charges and liabilities *of 1898, s.*
 affecting the same there shall vest in *60.*
 the Board from the date on which this
 Act comes into operation all the immovable and other property of the Board dissolved by this Act, to be held in trust for the purposes of this Act, including all the estate, right, title and interest of the Board dissolved by this Act in and to the lands specified in Schedule C and Schedule D, and in the reclaimed lands specified in Schedule E and shown on the deposited plans.

(2) (a) In respect of the lands referred to as the Flats, specified in Schedule C as plots 1 (b), 1 (c) and 1 (d), the Board may, subject to the power of resumption reserved by sub-section (9) at any time lay out the whole or any part or parts of these plots as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.

(b) The lands specified as plot 1 (a) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the Board from letting the said lands from time to time on lease for a term not exceeding one year, or with the previous sanction of Government and on such conditions as may be approved by Government for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(c) All the lands specified as plots 1 (a) and 1 (e) to 1 (m) both inclusive, shall vest absolutely in the Board.

(3) The lands respectively referred to in Schedule C as the Cooperage Plot and the Marine Lines Maidan shall be permanently maintained as open spaces, provided that any part of the said lands may at any time be occupied by Government for any temporary purpose, subject to the provisions of any by-laws made by the Board, under clause (b) of sub-section (1) of section 110.

(4) The Board shall be responsible for the maintenance and management of any area forming part of the lands referred to in sub-sections (2) and (3), which may, from time to time, remain unsurrendered, unappropriated to building purposes or unresumed as aforesaid, and shall do, or cause to be done, all acts necessary for the preservation of all existing rights in and over such area and subject to the provisions of this Act, the Board shall have power to let the whole or any part of such area for any temporary purpose on sufferance lease, at such nominal or other rent as the Board may approve.

(5) All the estate, right, title and interest of the Board to and in any land specified in Schedules C and E vested in the Board, under this section, with the exception of the lands specified in clause (c) of sub-section (2) shall, subject to the provisions of this section, remain so vested until, such time as the whole of the lands so specified except those appropriated as open spaces, shall have been let on a building lease by the Board or as to any part thereof until such time as such part shall have been so let, and thereafter as to the whole, except as aforesaid, or any such part, for a further period, which shall be determined,

(a) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease ;

(b) where the lease granted by the Board contains a clause for the renewal of the lease ;

(i) when a renewed lease shall have been entered into, upon the expiration of such renewed lease ;

(ii) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable :

Provided that no unrenovable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease and of the term for which such lease shall be renewed or be expressed to be renewable, exceed 99 years.

(6) All lands specified in Schedule D shall vest absolutely in the Board.

(7) It shall be lawful for the Board from time to time with the sanction of Government in the case of land specified in Schedule C, and with the sanction of the Corporation in the case of land specified in Schedule D, to take any land out of the said Schedules in exchange for any freehold land, the property of the Board, which they wish to bring on to the said schedules. An exchange made under this section shall operate to transfer the land taken out of the schedules to the Board free from all conditions of resumption and reversion created by this Act and free from all encumbrances and to vest the land brought on to the schedules in the Board as if it were part of the property originally entered in Schedule C or Schedule D, as the case may be, to the said Act.

(8) Without prejudice, and in addition to the powers conferred on the Board by section 79, it shall be lawful for the Board to take over and hold any other lands within the City of Bombay of which they may be put in possession by the Secretary of State for India in Council or by the Corporation, to the intent that such lands shall vest in the Board in the same manner and subject to the same conditions as if such lands, if taken over from the Secretary of State for India in Council,

were included in Schedule C, or, if taken over from the Corporation, were included in Schedule D, and such vesting shall in every such case take effect, upon delivery to the Board of possession of the land.

(9) Any land, other than land specified in clause (c) of sub-section (2) and the lands referred to in Schedule C as the Cooperage Plot and the Marine Lines Maidan and also other than land leased or agreed to be leased by the Board, specified in Schedule C, which shall be required by Government for a public purpose, or specified in Schedule D which shall be required by the Corporation for a public purpose, may at any time, after giving six months' notice to the Board, be resumed by Government or by the Corporation as the case may be.

(10) Government may, with the concurrence of the municipality in the case of land specified in Schedule D, by notification in the *Bombay Government Gazette* from time to time add to or amend the entries in Schedule C or Schedule D so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules, or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule C or Schedule D include a notification of the whole schedule or schedules as so altered.

73. Upon the determination of the further period mentioned in sub-section (5) of section 77 the property vested in the Board, under the said section in any part of the lands specified in Schedule C [except those appropriated as open spaces, and the plots 1 (a) and 1 (e) to 1 (m) of the Flats], and of the lands specified in Schedule E, shall be forthwith divested and such part of such lands shall vest or re-vest absolutely in His Majesty.

Cf. Bom. IV of 1898, s. 62.

Vesting of property in His Majesty and the Corporation on the termination of leases granted by the Board.

General Powers as to Property.

79. (1) The Board shall, for the purposes of this Act, have power to acquire and hold movable and immovable property, whether within or without the City.

Cf. Bom. IV of 1898, s. 63.

(2) The Committee on behalf of the Board shall, subject to the provisions of this Act, have power—

(a) to let on hire, or lease any movable or immovable property which may have become vested in or been acquired by the Board ;

(b) to sell or otherwise convey any movable or immovable property which may have become vested in or been acquired by the Board other than the lands specified in Schedules C and E with the exception of the lands referred to in clause (c) of sub-section (2) of section 77 except with the sanction of Government ;

(c) to delegate to the Chief officer, subject to such conditions and limitations as the Committee may impose, any of the powers, duties and functions required for the management of all immovable and other property vesting or to vest hereafter in the Board under the provisions of this Act, and the powers, duties and functions so vested in the chief officer may be exercised, performed or discharged, under his control and subject to his revision and to such conditions and limitations, if any as he shall think fit to prescribe, by any officer of the Board, whom he generally or specially empowers in writing in this behalf ; and the expression " Chief Officer " shall, to the extent to which any officer of the Board is so empowered, be deemed to include such Officer.

Cf. Bom. IV
of 1898, n.
85.

80. The Board shall have power, subject to the provisions of section 74 to apply any of the lands specified in Schedules C, D and E for the purposes of any scheme under this Act.

Power to apply certain lands vested in the Board to the purposes of any scheme under this Act.

Cf. Bom. IV
of 1898, n.
71A.

81. (1) When the Corporation are satisfied that there is no longer any necessity for the continuance of the Board of Trustees, they shall make a representation to Government in that behalf and Government, may by notification in the *Bombay Government Gazette*, with the previous sanction of the Government of India, dissolve the Board from a date to be specified in the notification.

(2) Thereupon, notwithstanding anything contained in any section of the said Act,

(a) all the right, title and interest of the Board on that date in the lands specified in Schedules C, D, E and F shall vest in the Corporation ;

(b) the Corporation shall take over all the assets and liabilities of the Board.

CHAPTER VI.

REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

Cf. Bom. IV
of 1898, n.
72.

82. The Commissioner shall pay from the Municipal Fund to the Board on the first day of May in each year a lump sum equal to double the amount of the actual net realizations of the Corporation in the

Amount of payment to be made by the Commissioner to the Board on the first day of May.

preceding financial year, under the head of General Tax or payments made in lieu of General Tax (including arrears and payments in advance), divided by the rate fixed for the General Tax for the said financial year.

Municipal Taxes.

83. The rateable value of all buildings and lands in the City vesting in the Trustees for the Improvement of the City of Bombay, in respect of which property taxes would be primarily leviable from the said Trustees, shall with respect to each Trust Estate, be determined by the Municipal Commissioner in accordance with the provisions of section 154 of the Municipal Act, and the said Commissioner shall allow from time to time, having regard to the provisions of sub-section (2) of section 158 and section 175 of the Municipal Act, such deduction as he may deem fit on account of vacancy, not being less than the actual percentage of vacancy as ascertained from the Trust's accounts of the preceding year.

Assessment of municipal taxes in respect of property of the Board.

Payments by Government.

84. Government shall pay to the Board, from the date on which this Act comes into force and until the ninth day of November 1997 all rents and profits derived by Government from the lands specified or referred to in Schedule F.

Payment to be made by Government.

Cf. Bom. IV of 1892, s. 7.

Division of Accounts.

85. The Board shall keep a Capital Account and a General Account.

Accounts: Application of proceeds of sale and exchange of property.

Cf. Bom. IV of 1892 ss. 64 and 79.

There shall be credited to the Capital Account—

- (a) all moneys received on account of loans taken by the Board other than on monies temporarily borrowed in accordance with section 75;
- (b) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, I of 1894 for the acquisition by Government of any portion of the lands or buildings vested or vesting in the Board under this Act;
- (c) the proceeds of the sale or exchange of any movable property of the Board purchased by debit to the Capital account;
- (d) fines or premia levied on granting leases, and sums paid in composition or part composition of rents under leases;
- (e) any surplus which the General Account shall disclose at the end of each financial year;

(f) any other sums granted by Government and directed by them to be credited thereto ;

(g) any other sums which the Board direct to be credited thereto.

Cf. Calcutta Improvement Trust Act, s. 132, and Bom. IV of 1898, ss. 64 and 79 (2).

Application of 86. The moneys credited to the monneys credited to Capital Account shall all held by the Capital Account. Board in trust and shall be applied to—

(1) meeting the costs of framing and executing schemes in accordance with this Act, including the costs of acquiring lands and the cost of constructing buildings required for carrying out any of the purposes of this Act ;

(2) the repayment of all loans credited to the Capital Accounts ;

Cf. s. 79 (2), Bom. IV of 1898.

(3) making good the deficit, if any, in the General Account at the end of the financial year, provided that the net aggregate amount (after setting off all the surpluses on the General Account which have been credited to the Capital Account before the date in which this Act comes into force and also all the surpluses which are credited under clause (e) of section 85) which may be so debited to the Capital Account shall not exceed 15 per centum on the aggregate Capital debt of the Board ;

(4) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plants and transport equipment, required generally for the execution of any scheme under this Act.

87. The scheduled values of the lands specified in Schedules C and D shall be included in the Capital Account both under receipts and expenditure, the scheduled values of the lands resumed in any year being reduced from both sides of the said account in that year.

88. The Capital account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Board on each scheme separately, and, shall also distinguish between the expenditure incurred on—

(a) the improvement of lands vested in the Board and specified in Schedule C ;

(b) the improvement of lands vested in the Board and specified in Schedule D ;

(c) lands referred to in Schedule E.

General Account. 89. There shall be credited to the General Account—

(1) all interest on the Boards' investments other than interest on securities in which the sinking fund balances are invested ;

- (2) All sums contributed from the Municipal funds and received by the Board under section 82 ;
- (3) all fines and damages recovered under section 117 ;
- (4) all rents of lands vested in the Board ;
- (5) the net profit at the close of the year, if any, on sales securities held by the Board ;
- (6) all other receipts of the Board which are not required to be credited to the Capital account.

90. (1) The moneys credited to the General Account shall be held by the Board in trust and shall be applied by them in payment of the following charges, namely :—

- (a) all payments for interest and sinking fund charges due on account of any loan ;
- (b) the amount of the cost of management apportioned to General Account as provided in section 92 ;
- (c) all sums payable by the Board in respect of rates and taxes levied under the Municipal Act upon lands and buildings vested in the Board ;
- (d) all other sums due by the Board other than those required to be debited to the Capital Account.

(2) The surplus, if any, remaining at the end of each financial year after making the payment referred to in subsection (1), shall be credited to the Capital Account.

(3) The Committee shall have power to advance any sums standing to the credit of the General Revenue Account to meet current Capital Expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

91. The General Account shall distinguish between all items included in the General Account according as such items as in respect of—

- (1) lands vested in the Board and specified in Schedule C ;
- (2) lands vested in the Board and specified in Schedule D ;
- (3) lands situate within the limits specified in Schedule E ;
- (4) other lands and buildings vesting in the Board.

The cost of Management to be first debited to General Account and thereafter to be apportioned between Capital Account and General Account.

92. The net cost of management including—

- (a) the salaries and allowances of the Trustees, the Chief Officer, Acting Chief Officer, and the scheduled staff ;

(b) the expenses in connection with the Land Acquisition Officer ;

(c) pensions, gratuities and contributions by the Board to the Provident Fund ;

(d) office expenses, cost of audit, expenses of loans, losses on investments and other incidental expenses ; shall in the first instance be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the Committee shall determine.

Guarantee for fulfilment of Liabilities.

Of. Bom. IV Procedure in event of 93. (1) If the Board
of 1898, s. 50. default by Board in pay-
ment of interest or investment of sinking fund charges. fail—

(a) to pay any interest due in respect of any loan taken in pursuance of section 66 ;

(b) to pay or to set aside and invest any sum as required by section 68 or section 76 ;

the Accountant-General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under section 68 or section 76 ; and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant-General a sum equivalent to the sum so paid or invested by him ; and Government may attach the rents and other income of the Board and thereupon the provisions of sub-sections (2) and (3) of section 99 of the Municipal Act shall with all necessary modifications be deemed to apply.

(2) Whenever the Commissioner has made any payment to the Accountant-General under sub-section (1) Government shall reimburse the Corporation out of the rents and income attached under that sub-section, and if such rents and income prove insufficient for the purpose, the Corporation may with the previous sanction of Government levy any such special tax as may be sufficient to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid. Such special tax shall be in addition to the taxes from time to time leviable under the Municipal Act.

Of. Bom. IV 94. If the Commissioner fails to make any payment as
of 1,898 s. 51. Procedure in case of required by section 82 or section 93
default by Commis- Government may attach the Municipal
sioner. funds or any tax leviable by the Cor-
poration and thereupon the provisions of sub-sections (2)
and (3) of section 99 of the Municipal Act, shall with all
modifications be deemed to apply and Government may
further require the Corporation to levy a special tax as
provided in the last preceding section.

95. All moneys paid by the Commissioner under sub-section (1) of section 93 and not

Certain sums to be a charge upon the property of the Board.

reimbursed by the Local Government under sub-section (2) of that section and all moneys payable under sub-section (1) of sections 93 and levied under section 94 shall constitute a charge upon the property of the Board.

Cf. Bom. IV of 1898, s. 52.

Annual Estimates.

96. (1) The Chief Officer shall, at a special meeting to be held in the month of January in

Chief Officer to frame an annual estimate of income and expenditure.

each year, lay before the Committee an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing in such detail and form as the Committee shall from time to time direct.

Cf. Bom. IV of 1898, s. 53.

(2) Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each member of the Committee at least ten clear days prior to the meeting before which the estimate is to be laid.

97. The Committee shall consider the estimate so submitted to them and shall approve

The Committee to sanction or amend such estimate.

think fit.

the same either unaltered, or subject to such alterations as they shall

Cf. Bom. IV of 1898, s. 54.

98. The estimate, as approved by the Committee, shall

Estimate to be submitted to the Board for sanction.

be submitted to the Board before the 15th February who may, if they think fit, at any time refer the whole or any part thereof back to the Committee for further consideration, or adopt the estimate or any revised estimate submitted to them, either as it stands or subject to such alteration as they deem expedient.

Provided that if the Board do not pass the estimate before the 31st of March, the estimate approved by the Committee shall be held to be in force till the estimate is finally adopted by the Board.

99. When this Act comes into force, the latest Budget

Latest Budget estimate sanctioned under Bombay Act IV of 1898 to be considered as sanctioned under this Act.

estimate duly sanctioned in accordance with Bombay Act IV of 1898 shall be considered as having been sanctioned in accordance with this Act.

*Cf. Bom. IV
of 1898, s. 87.*

100. The Committee may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and approved by the Committee and submitted to the Board for sanction in the same manner as if it were an original annual estimate.

*Cf. Bom. IV
of 1898, s. 88.*

101. (1) Save in cases of pressing emergency no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally sanctioned by the Board, or is included in an amount payable by the Board under a decree of the High Court of Bombay.

(2) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Committee to the Board together with an explanation of the manner in which it is proposed by the Committee to cover such extra expenditure.

Audit of Accounts.

*Cf. Bom. IV
of 1898, s. 89.*

102. (1) There shall be a pre-audit and a post-audit of Accounts. The pre-audit shall be conducted by the Chief Accountant under the supervision of the Chief Officer.

(2) Whenever any difference of opinion arises between the Chief Officer and the Chief Accountant as to whether any sum is or is not covered by some estimate which has been sanctioned under section 98 or 100, the same shall be reported by the Chief Officer who shall forward the opinion of the Chief Accountant together with his own to the Committee whose decision shall be final.

103. (1) The accounts of the receipts and expenditure of the Board shall be post-audited and examined by such auditor as shall, from time to time, be appointed by Government.

(2) For the purposes of such audit and examination the auditor may, by summons in writing, require the production before him of all books, deeds, contracts, vouchers and all other documents and papers which he may deem necessary and may require any person holding or accountable, for any such books, deeds, contracts, accounts, vouchers, documents or papers, to appear before him at

any such audit and examination or adjournment thereof and to make and sign a declaration with respect to the same.

(3) The auditor shall forthwith report to the Committee any material impropriety or irregularity which he may observe in the expenditure or in the recovery of moneys due to the Board or in accounts.

(4) Within fourteen days after the audit and examination of the accounts of each half-year shall have been completed the auditor shall forward his report upon the accounts to the Committee who shall cause an abstract of the audited accounts to be published in the *Bombay Government Gazette*. The Committee shall submit a copy of the auditor's report and of the abstract of the accounts to Government and also forward a copy of the said report and of the abstract to the President of the Board.

(5) The auditor shall be paid by the Board such remuneration as Government may from time to time determine.

Banking and Investments.

104. (1) All moneys payable to the Board shall on receipt *Of. Bom. IV*
 be forthwith paid into the Bombay *of 1898, s. 89*
 Head Office of the Imperial Bank of ^{A.}
 India to the credit of an account which
 shall be styled 'The Account of
 the Trustees for the Improvement of
 the City of Bombay'.

All moneys to be deposited in Imperial Bank of India or other prescribed Bank.

(2) Surplus moneys at the credit of the said account may, from time to time, be deposited by the Board at interest in the Imperial Bank of India, or in such other bank or banks and subject to such conditions as may, from time to time, be prescribed by the Government or may be invested in any of the securities mentioned in section 20 of the Indian Trusts II of 1882. Act, 1882.

105. Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque and not in any other way.

Mode of payment.

106. All orders for making any deposit, investment or withdrawal of a deposit and disposal of any securities, and all cheques, shall be signed—

Orders for making deposit, etc., by whom to be signed.

(1) by the Chief Officer and the Chief Accountant, and

(2) in the event of the illness or occasional absence from Bombay of the Chief Officer or the Chief Accountant, as the case may be, by the Chairman in his place.

CHAPTER VII.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

*Cf. Bom. IV
of 1898, s. 90.*

107. The Committee shall, from time to time, prepare and sanction a schedule of the staff and servants of the Board whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall set forth the amount and nature of the salaries, fees and allowances which the Committee sanction for each such officer or servant.

Provided always that—

(a) artisans, porters and labourers and muccadams of porters and labourers and

(b) persons in temporary employment other than those who are in receipt of a monthly pay exceeding Rs. 150 or other than those who are engaged for a definite period of six months,

shall not be deemed to be officers and servants within the meaning of this section or of section 108 (except clauses (2) and (3) thereof) or section 109.

*Cf. Bom. IV
of 1898, ss.
91, 94 (1)(b);
Bom. III of
1888, s. 91
(1), (b).*

108. The Committee may, with the approval of the Board, from time to time make regulations for—

(1) regulating the grant of leave of absence, leave allowances and acting and other allowances and the conditions of service, discipline and conduct of the officers and servants of the Board;

(2) determining the conditions under which the officers and servants of the Board or any of them, shall on retirement or discharge or death receive pensions or gratuities or compassionate allowances and under which the widows or other relations dependent on any of the said officers and servants shall after their death receive compassionate allowances or gratuities, and the amounts of such pensions, gratuities or compassionate allowances;

(3) authorising the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants;

(4) the guidance of persons employed by them under this Act.

Powers of Appointments, etc.

109. (1) The Engineer, Estate Agent, Chief Accountant *Cf. Bom IV*
 and Land Manager shall be appointed *of 1898, s. 92*
 by the Board and shall be removable *and Bom. III*
 at any time from office for misconduct *of 1898, s. 74*
(d).

or for neglect of, or incapacity for the duties of the office on the votes of not less than 53 Trustees present at a meeting of the Board and voting in favour of a proposition in this behalf.

(2) Subject to the provisions of this section and of the regulations and of the schedule for the time being in force framed by the Committee under section 107 the power of appointing, promoting, suspending, dismissing, fining, reducing, discharging, accepting the resignation of, or granting leave to the officers and servants of the Board shall be exercised by the Chief Officer in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Committee.

(3) The power of dispensing with the services of any officer or servant of the Board having a lien on a permanent post otherwise than by reason of such officer's or servant's own misconduct, or of permitting any officer or any servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Committee alone.

(4) In this section the word "Engineer" means the engineer of the highest grade on the Board's ordinary staff.

CHAPTER VIII.

BY-LAWS.

110. The Committee may, from time to time, *Cf. Bom. IV*
of 1898, s. 94.
 The Committee may make by-laws—
 make by-laws.

(a) for regulating the delegation of the powers and duties of the Board to committees;

(b) for the management and use of the lands vested in the Board under sub-sections (2) and (3) of section 77;

(c) for fixing the maximum amount of fees payable to any Trustee under section 18;

(d) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(e) generally for carrying out the purposes of this Act.

111. (1) No by-law or alteration or revocation of a by-law *Cf. Bom IV*
 shall have effect until the same shall *of 1898, s. 95.*
 have been approved by the Board
 and Government, and such approval
 shall have been published in the *Bombay Government Gazette,*

Approval and publication of the by-laws.

and no by-law or alteration or revocation of a by-law shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.

(2) It shall be lawful for Government at the request of the Board at any time by notification in the said Gazette to cancel any by-law or regulation made and published under the provisions of this and of the last two proceeding sections.

Cf. Bom. IV of 1898, s. 96. 112. The Committee may, in the by-laws made under section 110, prescribe such penalties

Penalty for breach of by-laws. as they shall deem fit for the infringement of the same. Provided that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

Cf. Bom IV of 1898, s. 97. 113. The Committee shall cause the said by-laws to be

By-laws to be printed. printed in the English, Marathi, Gujarati and Urdu languages, and to be hung up at convenient places.

CHAPTER IX.

PENALTIES.

Cf. Bom. VI of 1898, s. 98. 114. Any person who being a Trustee, or an officer or servant of the Board, shall acquire,

For being interested in contracts with the Board. directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the

XLV of 1860. Indian Penal Code ;

Provided that nothing in this section shall apply to a person who is declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by sub-section (2) section 17.

Cf. Bom: IV of 1898, s. 99. 115. Any person employed under this Act, not being

XLV of 1860. For obtaining illegal gratification. a public servant within the meaning of section 21 of the Indian Penal Code

who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person any gratification whatever, other than legal remuneration as a reward for doing, or forbearing to do, any official act or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service, to any person with the Board or with any public servant as or with Government shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

116. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, document or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under sub-section (2) of section 103 shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

117. All offences against this Act or against any by-law made under section 110 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender shall be paid to the Board.

CHAPTER X.

MISCELLANEOUS.

118. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the next day after such Sunday or public holiday.

119. The distances mentioned in this Act shall be measured of in a straight line on a horizontal plane.

120. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act with out giving to such person one month's previous notice in writing of the intended suit or other proceeding and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

121. Act XIV of 1904 (An Act to supplement certain provisions of the City of Bombay Improvement Act, 1898), is hereby repealed.

Provided that such repeal shall not affect any appeal made to the High Court from any award or any part of the award of the Tribunal of Appeal under sub-section (11) of section 48 of the City of Bombay Improvement Act, 1898, before the date on which this Act comes into operation, but every such appeal shall, so far as may be, be decided by the High Court accordance with the provisions of the City of Bombay Improvement in Act, 1898, as supplemented by Act XIV of 1904 as if this Act had not been passed.

*Appendices***SCHEDULE A.***(See section 61.)**Portions of the Land Acquisition Act, 1894, regulating the acquisition of lands under this Act.*

- Part I—Preliminary, except clauses (e) and (f) of section 3.
- Part II—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.
- Part III—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.
- Part IV—Apportionment of compensation.
- Part V—Payment.
- Part VI—Temporary occupation of land.
- Part VIII—Miscellaneous.

SCHEDULE B.*(See section 71.)***FORM OF DEBENTURE.****THE TRUSTEES FOR THE IMPROVEMENT
OF THE CITY OF BOMBAY.**

The 19 . . .

By virtue of "The City of Bombay Improvement Trust Transfer Act, " we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of Rupees paid to us by A. B. of , promise to pay to the said or order, the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of

Given under our common seal this day of 19

Common Seal.

(Signature of two members of the Committee and the Chief Officer).

Appendices

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SCHEDULES C AND D.

(See section 77.)

[Enter details.]

SCHEDULE E.

(See section 77.)

Showing reclaimed lands resting in the Board.

[Enter details.]

SCHEDULE F.

(See section 84.)

Locality.	Description of Plot.	Area	Term of Lease.
The Hornby Road Plot.	Bounded on the North by the John Connon High School; on the South and East by the Connon Road, and on the West by the Esplanade Road.	Sq. yds. 3,268.33	Ninety-nine years, at a ground rent of one shilling per square yard per annum, renewable for a further term of 99 years.

STATEMENT OF OBJECTS AND REASONS.

The City of Bombay Improvement Act, 1898 (Bom. IV of 1898), enacted with a view to make provision for the improvement and future expansion of the City of Bombay by means enumerated in the preamble to that Act was avowedly of a temporary nature and the Act itself contains a provision for the dissolution of the Board of Trustees created by the Act and for the transference of the Trust property to the Corporation.

2. While, however, it is now considered that the time has come for the dissolution of this specially constituted board as an organization apart and distinct from the Municipal Corporation, it is recognised that the work this Board was constituted to do is not yet done and that while the Trust itself should come to an end the Trust work should continue.

3. The object of this Bill is, therefore, to transfer to the Corporation the property of the Board, not absolutely for the general purposes of the Corporation but specially for the purpose of the improvement of the city and to confer upon the Corporation certain of the rights conferred upon the Board, while a specially constituted committee of the Corporation called an "Improvements Committee" will carry on, subject to the control of the Corporation, the work of the Improvement Trust. This Improvements Committee is to be, in fact, an executive committee of the Corporation in regard to matters which appertain to the work of city improvement as the Schools Committee is the executive committee of the Corporation in matters which appertain to schools.

4. The property vesting in the Corporation (which is hereinafter and in the Bill referred to as "the Board") under the Bill is not to be merged in the general property of the Board but is to be kept distinct and apart while the revenues from all such property are to be applied for the purpose of city improvement.

5. The rights and liabilities of the Board dissolved by the new Act in respect of any Improvement Scheme, Street Scheme, Deferred Street Scheme, Poorer Classes Accommodation Scheme, Reclamation Scheme, or Police Accommodation Scheme duly sanctioned or executed under the City of Bombay Improvement Act, 1898, are to be transferred to the new Board while the power of the Improvement Trust as regards Improvement Schemes, Poorer Classes Accommodation Schemes and Police Accommodation Schemes are to be transferred to the Improvements Committee. The provisions of the City Improvement Act as regards Deferred Street Schemes and Reclamation Schemes are not re-enacted in this Bill as it is considered no useful purpose will be served by their re-enactment.

6. The Special Tribunal of Appeal established by the City of Bombay Improvement Act, 1898, for land acquisition cases is to be abolished as it is considered its retention is no longer necessary. With this exception the special provisions regulating the acquisition of land under the City Improvement Act are re-enacted and the acquisition of land for the purposes of the Act is to be regulated by the provisions of the Land Acquisition Act, 1894, as applied and modified by the special provisions in the Bill. In order to prevent speculation in land values in the interval which may

elapse between the date of the making of a scheme and the date of its sanction and declaration it is provided that the value prevailing on the former and not on the latter date shall be the criterion of value in estimating the award. Provision has also been made in the Bill empowering the Tribunal of Appeal and the High Court to decide, so far as may be, all pending appeals under the City of Bombay Improvement Act, 1898.

7. The Board is, under the Bill, to have power to raise loans for the purposes of city improvement and the provisions of the City of Bombay Improvement Act, 1898, relating to the borrowing powers of the Board have been re-enacted with slight modifications. Power is also given to the Board to borrow for the purposes of the Act from any bank or banks prescribed by Government against any Government promissory notes or other securities in which the Board's cash balance may be invested. Provision is also made in the bill for the repayment by the Board of the loans already contracted by them while the re-enactment in the Bill of the provisions of the City of Bombay Improvement Act, 1898, relating to the guarantee of liabilities will retain for the security-holders after the transfer, the guarantee which is necessary for loans.

8. It is intended that in all matters of executive administration the Chief Officer should be the chief executive officer of the Board. Provision is also made for the appointment of an Engineer, Estate Agent, Chief Accountant and Land Manager.

9. The Bill also contains provision for the dissolution of the Board when their work is done and for the transfer to the Corporation for the general purpose of municipal administration of the property now vesting in the Board for the special purpose of improvement.

10. The City of Bombay Improvement Act, 1898, is to be repealed but such repeal is not to affect anything already done and any appointments, rules, bye-laws, etc., already made under the City of Bombay Improvement Act, 1898. To ensure continuity of administration it is also provided that the Board of Trustees constituted under the City of Bombay Improvement Act, 1898, shall continue to exercise all the powers and duties vested in them under that Act until the Improvements Committee to be formed as provided in the Bill shall have been formed and that the Chairman of the Improvement Trust shall continue in office until the Chief Officer to be appointed under clause 25 of the Bill has taken charge of the duties of his office.

11. Lastly, Act XIV of 1904 (an Act to supplement certain provisions of the City of Bombay Improvement Act, 1898) has been repealed as the repeal of the provisions of the City of Bombay Improvement Act, 1898, relating to appeals to the Tribunal of Appeal and the High Court renders its continuance unnecessary. Provision has, however, been made that such repeal shall not affect any pending appeals before the Tribunal of Appeal and the High Court and that all pending appeals shall be decided by the Tribunal of Appeal or the High Court, as the case may be, under Bombay Act IV of 1898 as supplemented by Act XIV of 1904 as if this Act had not been passed.

GHULAM. HUSSAIN HIDAYATULLAH.

APPENDIX K.

BILL No. XV OF 1925.

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

(As published in the "Bombay Government Gazette"
of the 14th July 1925.)

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

1. This Act may be called the Bombay Local Boards (Amendment) Act, 1925.

Amendment of section 15. 2. In section 15 of the Bombay Local Boards Act, 1923.

Bom. VI of 1923. (1) in sub-section (1) for the word "taluka" where it occurs for the second time and in sub-section (2) for the word "district" where it occurs for the second time the word "constituency" shall be substituted; and

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

"Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one constituency of the same taluka local board or of more than one constituency of the same district local board."

STATEMENT OF OBJECTS AND REASONS.

Clause 2.—Under section 6 of the Bombay Local Boards Act, 1923, the members of the boards are to be elected by general and Mahomedan constituencies and the extent of these constituencies and the number of members to be returned by each constituency are matters to be prescribed under section 133 (a). One of the qualifications for being an elector in a constituency prescribed under section 6 is residence within the taluka or district in which the constituency is included. When the constituency is conterminous with the taluka or district no difficulty can arise; but when a taluka or district includes several constituencies, as will often happen, residence within that taluka or district (with other qualifications) entitles a person to be enrolled as a voter on the electoral roll of every constituency for which he is otherwise qualified, within such taluka or district. This result was not intended and has in practice led to confusion and difficulties in framing the electoral rolls. The substitution of the word "constituency" for "taluka" and "district" in section 15 will make it clear that the residential qualification required is one within the constituency, in each case.

Sub-clause (2) of clause 2 has been drafted on the lines of proviso 3 to rule 7 (1) of the Bombay Electoral Rules and will ensure that a voter's name is not entered on the roll of more than one constituency in the same taluka or district.

14th May 1925.

GHULAM HUSSAIN HIDAYATULLAH.

APPENDIX L.

BILL No. XVIII OF 1925.

A Bill to amend the Bombay Children Act, 1924.

(As published in the "Bombay Government Gazette" of the 17th July 1925.)

WHEREAS it is expedient to amend the Bombay Children Act, 1924, in manner hereinafter appearing; AND WHEREAS Bom. XIII of 1924. the previous sanction of the Governor-General required by section 80A of the Government of India Act has been obtained 5 & 6 Geo. V, c. 61. for the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Children (Amendment) Act, 1925.

Insertion of new ss. 10A, 10B, 10C, 10D, 10E and 10F in Bom. XIII of 1924.

2. After section 10 of the Bombay Children Act, 1924, hereinafter called Bom. XIII of 1924. the said Act, the following sections shall be inserted, namely:—

"10A. If any person is found drunk in any highway or Cf. 2 Edw. 7, c. 28, s. 2. other public place whether a building or not or on any licensed premises, while having the charge of a child apparently under the age of seven years and if such person is incapable by reason of his drunkenness of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

10B. Whoever gives or causes to be given to any child Cf. 8 Edw. 7 c. 67, s. 119. apparently under the age of seven years any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or apprehended sickness, or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

10C. For the purposes of sections 10A and 10B a child shall be deemed to be under the age of seven if it appears to the Court to be under that age unless the contrary is proved.

10D. (1) Whoever sells to a child bidis, cigarettes, tobacco or any smoking mixture intended Cf. 8 Edw. 7 c. 67, s. 39. as a substitute for tobacco, whether for his own use or not, shall be punishable with fine which may extend to fifty rupees.

Penalty for selling tobacco to a child or young person: forfeiture of tobacco.

(2) It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government; and every such police officer shall be authorized to search any boy so found smoking but not a girl.

*Cf. 55 Vic.,
c. 4, ss. 1 & 2.*

10E. Whoever by words, either spoken or written or by signs, or otherwise, incites or attempts to incite a child or young person to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child or young person to borrow money or to enter into any transaction involving the borrowing of money shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

*Cf. 8 Edw. 7.,
c. 67, s. 117.*

10F. Whoever takes an article in pawn from a child or young person whether offered by that person on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both".

3. In sub-section (1) of section 51 of the said Act after the figures "10" the figures and letters "10E, 10F" shall be inserted.

Amendment of s. 51 of
Bom. XIII of 1924.

STATEMENT OF OBJECTS AND REASONS.

Amendments to the Bombay Children Act, 1924 on the lines of the appended draft Bill were moved in the Bombay Legislative Council by Mr. S. K. Bole and Mr. H. A. Laljee, but were withdrawn by those Members on the assurance given by the Home Member on the 16th October 1924 that he would do his best to introduce a Supplementary Bill on the lines proposed as early as possible after obtaining the sanction of Government and of the Governor-General.

The appended Bill has been drafted accordingly. The clauses closely follow the amendments moved by Mr. Bole—*vide* p. 339 of the proceedings of the 16th October 1924 of the Bombay Legislative Council Debates. The provisions of the Bill are based on 2 Edw. 7, c. 28, s. 2; 8 Edw. 7, c. 67, s. 119; 55 Vic., c. 4, ss. 1 and 2; 8 Edw. 7, c. 67, s. 117 and 8 Edw. 7, c. 67, s. 39, though the wording is not so elaborate as the wording of the corresponding English Acts.

M. H. W. HAYWARD.

30th June 1925.

APPENDIX M.

BILL No. XXII OF 1924.

(A Bill to amend the Bombay District Police Act, 1890.)

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner herein after appearing; Bom. IV of 1890.
It is hereby enacted as follows:—

1. This Act may be called the Bombay District Police (Amendment) Act, 192 .

2. ~~In sub-section (2) of section 25 of the Bombay District Police Act, 1890, after~~
~~Amendment of the word "Government" the~~
~~sub-section (2) of words "with the approval of the~~
~~section 25. Legislative Council expressed by~~
~~a resolution" shall be inserted.~~

After clause (b) of sub-section (2) of section 25 of the Bombay Amendment of section District Police Act, 1890, the following Bom. IV of 1890.
25 of Bom. IV of 1890. proviso shall be inserted, namely:—

Provided that a copy of every direction given by Government under this sub-section shall be laid on the table of the Bombay Legislative Council at the commencement of the session next following the date of such direction, and the question whether the said cost or any part thereof shall be defrayed in the manner specified in this sub-section or whether it shall be defrayed out of the general revenues of Government shall, if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the said Council; and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session.

BILL No. XXII OF 1924.

(A Bill to amend the Bombay District Police Act, 1890.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. XXII of 1924 (A Bill to amend the Bombay District Police Act, 1890), have the honour to report as follows :

2. We find that the object of the Bill is not to put obstacles in the way of the employment of additional police when required but to enable

* Note.—The signature of Mr. P. E. Percival, C.I.E., I.C.S., who was appointed a member of the Select Committee on this Bill, was not obtained as he resigned before the meeting of the Select Committee.

the Legislative Council to decide, if it so desires, whether the cost of additional police shall be defrayed out of a tax imposed on some or all of the inhabitants of the local area in question, or whether it shall be defrayed out of the general revenues of Government. The necessity for the appointment of additional police often arises suddenly, for instance in the case of serious riots, and it is necessary that prompt action should be taken without waiting to obtain the approval of the Legislative Council. But the question of the incidence of the cost can be decided finally if necessary at a subsequent meeting of the Legislative Council.

3. We have therefore provided that the existing power to appoint additional police under sub-sections (1) and (2) of section 25 shall remain, but that the direction given as to the cost shall be laid on the table at the next following session of the Legislative Council. It will then be open for any member to raise the question whether the cost of the additional police or any part of such cost shall be borne either by all or some of the inhabitants of the area in question, or whether it shall be borne by the general provincial revenues. If the Council adopt the latter course, then the cost or part thereof shall be borne by Government.

4. We recommend that the Standing Orders be so amended as to provide for statutory resolutions moved by non-official members being treated as official business before the Council.

5. We recommend that this report and the Bill as amended should be translated into Marathi, Gujarati, Sindhi, Kanarese and Urdu, and should be published with the translations in the *Bombay Government Gazette* and the *Sind Official Gazette*.

(Signed) M. H. W. HAYWARD,

(„) A. N. SURVE,

(„) RAFIUDDIN AHMAD,

(„) R. G. PRADHAN,

(„) A. MONTGOMERIE,

(„) S. T. KAMBLI,

(„) L. B. BHOPATKAR (*subject to a
minute of dissent*),

(„) NOOR MAHOMED.

11th June 1925.

(*Minute of dissent by Mr. L. B. Bhopatkar, M.L.C.*)

I differ. *Firstly*, because I feel that it is not right and proper to remark in the report, "We find that the object of the Bill is not to put obstacles in the way of the employment of additional police when required," when evidently the object is not so. On the face of the Bill itself, the object clearly appears to be to entitle the Council to go into the facts

and merits of the case and to determine whether the levy of additional police was justifiable or not, and in consequence to decide the incidence and direction of cost. *Secondly*, I do not agree as to the amendment proposed to be made by the Select Committee in section 25 of the Bom. Act No. IV of 1890. In fact, the proposed amendment knocks out the bottom of the Bill, and practically leaves the powers of the Government where they are under the present Act. The amendment should have been so worded as to make it obligatory upon the Government to approach the Council in the first instance before any directions are issued for defraying the cost of additional police.

4th June 1925.

(Signed) L. B. BHOPATKAR.

APPENDIX N.

BILL No. XXVI OF 1924.

A Bill to alter the Constitution and to widen the Powers of Municipalities.

(As introduced on the 23rd October 1924 and published in the "Bombay Government Gazette" of the 17th November 1924.)

WHEREAS it is expedient to amend the law relating to the constitution of Municipalities, the powers and management of Municipal affairs in the Bombay Presidency, including Sind, and Whereas the previous sanction of the Governor-General required by section 80-A of the Government of India Act for the passing of this Act has been obtained; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Municipal Short title. (Amendment) Act, 192 .
2. In sub-section (1), clause (a), of section 3, of the Bombay District Municipal Act, 1901, hereinafter called the principal Act, for the words "is one of those specified in Schedule E" the words "contains within its municipal district a population of not less than fifteen thousand inhabitants" shall be substituted.

Amendment of section 3 of Bombay Act III of 1901.
3. In sub-section (1) of section 181 of the principal Act the word "not" shall be omitted.

Amendment of section 181 of Bombay Act III of 1901.
4. In sub-section (1) of section 10 of the Municipal Act after the words "every such Municipalities" the words "except a City Municipality" shall be inserted; and for words "one half" after the words "less than" the words "four-fifths" shall be substituted.

Amendment of section 10 of Bombay Act III of 1901
5. A new section shall be added after section 10 of the principal Act as "10-A. Every City Municipality shall exist wholly of elected Councillors".

Addition of a new section after section 10 of Bombay Act III of 1901.
6. In sub-section (1) of section 15 of the Municipal Act after the words "section 16" and before the words "has not" shall be added the words "and five years not having elapsed from the date of the expiry of such sentence, or of such dismissal, suspension or removal".

Amendment of section 15 of Bombay Act III of 1901.

Bom. III of 1901.

7. In sub-section (1) of section 23 of the principal Act for the word "selected" shall be substituted the words "elected by the Councillors".

Amendment of section 23 of Bombay Act III of 1901.

8. The whole of sub-section (2) of section 23 of the principal Act shall be omitted.

Amendment of section 23.

9. In sub-section (3) of section 23 of the principal Act the words beginning with "but" and ending with "Commissioner" shall be omitted, and in their place shall be substituted the words "no salaried servant of the Government shall be eligible for election as President or Vice-President of a Municipality and the election of any such person shall be void" and instead of the figure "(3)" shall be substituted the figure "(2)".

Amendment of section 23 of Bombay Act III of 1901.

10. The whole of sub-section (4) of section 23 of the principal Act shall be omitted.

Amendment of section 23 of Bombay Act III of 1901.

11. In sub-section (5) of section 23 of the principal Act for the figure "(5)" shall be substituted the figure "(3)"; and the words beginning with "except" and ending with "Ex-Officio President" shall be deleted; and after the word "granted" shall be added the words "by the Municipality" and Clauses (a) and (b) of sub-section (5) shall be omitted, and the figure "(6)" in sub-section (6) of section 23 of the principal Act shall be substituted by the figure "(4)".

Amendment of section 23 of Bombay Act III of 1901.

12. In sub-section (7) of section 23 of the principal Act for the words "Governor in Council" the word "Government" shall be substituted; and the figure "(7)" shall be substituted by the figure "(5)".

Amendment of section 23 of Bombay Act III of 1901.

13. In sub-section (8) of section 23 of the principal Act after the words "In the event of" shall be added the words "the non-acceptance of office" and after the word "office" shall be added the words "under sub-section (6) of this section or otherwise". And the figure "(8)" shall be substituted by the figure "(6)".

Amendment of section 23 of Bombay Act III of 1901.

14. In section 41 of the principal Act after the word "when" shall be added "the Government are satisfied that a Municipality has complied with the provisions of section 160, and that"; and for the words "Governor in Council" shall be substituted the word "Government".

Amendment of section 41 of Bombay Act III of 1901.

15. In sub-section (m) of section 56 of the principal Act the words "with the previous concurrence of the Collector" shall be deleted.

Amendment of section 56 of Bombay Act III of 1901.

16. The proviso to section 58 of the principal Act shall be deleted.

Amendment of section 58 of Bombay Act III of 1901.

17. In sub-section (3) of section 160 of the principal Act for the words "the matter shall, on application by either party, be determined by the District Court which shall in cases in which the compensation is claimed in respect of land" shall be substituted the words "the Municipality shall in all cases in which compensation is claimed refer the matter for the determination of the District Court".

Amendment of section 160 of Bombay Act III of 1901.

STATEMENT OF OBJECTS AND REASONS.

The Bill is intended to meet the growing public demand to alter the constitution of the Municipalities within the Presidency including the Province of Sind in such a way as to enhance their usefulness and to widen their powers, and by making them more self-reliant and free of official control, to contribute to the growth and advancement of representative institutions in the Presidency including Sind.

Notes on Clauses.

Clause 2.—Under the present Law only 14 Municipalities (as mentioned in Schedule E) throughout the Presidency are denominated as City Municipalities. This Clause proposes to extend the scope of such Municipalities to those which contain a population of 15,000 or more.

Clause 3.—It is only a consequential amendment.

Clauses 4 and 5.—These Clauses propose to make all City Municipalities wholly elected, and to confine the nomination on the other Municipalities only to one-fifth of the whole number of Councillors.

Clause 6.—Under the present Act persons coming within the description given in section 15, sub-section (1) are debarred for ever from being Councillors of a Municipal Board. The Clause seeks to confine the bar only to a period of five years, after the lapse whereof the bar will cease to exist, and such persons will be fully competent to be Councillors.

Clauses 7 to 13.—These clauses relate to the amendment of section 23 of the present Act. Clause 7 proposes to amend the Act in a way whereby all the Municipalities will be presided over by elected Presidents. Clause 9 proposes to debar any salaried servant of the Government to be either the President or Vice-President of any Municipality. Clauses 8, 10, 11 and 22 are more or less consequential amendments. Clause 13 makes non-acceptance of office as one more ground for filling up the post of either the President or Vice-President.

Clauses 14 and 17.—These Clauses propose to make it obligatory upon the Government to satisfy themselves about any Municipality having complied with the provisions of section 160, before applying the Land Acquisition Act. Clause 17 is aimed at discouraging the growing tendency on the part of the Municipalities to move the Government in the first instance to acquire land together with its appurtenances under the Land Acquisition Act without first endeavouring to exhaust the special procedure provided for by section 160 for this purpose. It makes it incumbent upon a Municipality to move by application the District Court for the purposes of acquisition.

Clause 15.—This Clause is intended to do away with the necessity of securing the previous concurrence of the Collector for the discharge of functions mentioned in sub-section (m) of section 56 of the Act.

Clause 16.—This Clause, by proposing to delete the proviso, intends to make municipalities independent of all official control and supervision in matters educational, when they have decided to maintain all Municipal Educational Institutions exclusively out of Municipal funds.

6th September 1924.

L. B. BHOPATKAR.

APPENDIX O.

BILL No. IV OF 1925.

A Bill to enable the Hindus of the province of Sind to restrict themselves to monogamous marriages.

(As introduced on the 18th March 1925 and published in the "Bombay Government Gazette" of the 6th April 1925.)

WHEREAS it is expedient to enable those Hindus of the province of Sind who desire to restrict themselves to monogamous marriages, to do so; It is hereby enacted as follows :—

Short title and extent. 1. (1) This Act may be called the Sind Hindu Marriage Act of 1925.

(2) It applies to the Hindus of the province of Sind.

Declaration regarding monogamous marriages. 2. Any male Hindu

(a) who has attained the age of majority, and

(b) is a permanent resident of the province of Sind, may by declaration in the form prescribed in Schedule I of this Act and filed in any subordinate civil court in the province of Sind, declare that he shall not marry another wife during the life-time of his wife, except under the circumstances laid down in section 5 of this Act.

3. Any declaration made under section 2 of this Act shall be binding on the declarant during his life-time notwithstanding any custom or provision of law to the contrary.

4. Every declarant who during the life-time of his wife and in the absence of a certificate granted to him under section 5 of this Act contracts any other marriage shall be subject to the penalties provided under section 494 or section 495 of the Indian Penal Code for the offence of marrying again during the life-time of a wife, whatever may be the religion which he professed at the time of such second marriage.

5. It shall however be competent for a District Court to grant a certificate permitting a husband who has made a declaration under this Act, to remarry during the life-time of his wife if he satisfies such Court,

(a) that his wife is unable to render him conjugal rights on account of any chronic and incurable disease, or,

(b) that she is incapable of bearing any children; and on such certificate being granted, such person may remarry, and such marriage shall be valid.

6. The procedure provided in the Code of Civil Procedure V of 1898. Procedure under section 5. in regard to suits shall be followed as far as it can be made applicable in proceedings taken by a declarant for permission to remarry during the life-time of his wife; and an order passed in such proceedings either refusing or granting such permission shall be appealable.

7. Every declaration under this Act, filed in any subordinate civil court in Sind, shall be kept in a file to be maintained in such court, and the full name and address of the declarant and the date as shown on the declaration shall, on payment of a fee of Re. 1, be entered in a register to be kept for the purpose. Filing and registry of declarations.

8. The register mentioned in section 7 shall, at all reasonable times, be open for inspection, and certified extracts therefrom relating to any particular declaration shall, on application, be given by the subordinate civil court in which the declaration was filed, on payment by the applicant of two rupees for each such abstract. Register to be open for public inspection.

SCHEDULE I.

Form of declaration under Act No. of 192, the Sind Hindu Marriage Act.

I, A. B.,* hereby declare as follows:—

1. I am a permanent resident of the province of Sind.
2. I profess the Hindu religion.
3. I have completed the age of 18 years.
4. I declare that I shall not have more than one wife at any time except as provided in section 5 of this Act, and that any marriage held in contravention of the said Act shall be void and shall render me liable to the provisions of section 494 or section 495 of the Indian Penal Code as the case may be.

5. I am aware that if any statement contained in paragraphs 1 to 3 of this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment and also to fine.

Witness to signature _____

Signature _____

Address _____

* Full name to be given.

STATEMENT OF OBJECTS AND REASONS.

The necessity for the legislation embodied in this bill has arisen from the fact that although the custom of monogamous marriages exists among the Hindus of Sind, there have been cases in which several persons have, during the last few years, defied the custom and resorted in the face of public opposition, to marriages during the life-time of their wives without any justifying cause, and the punchayats of the communities concerned have, in the absence of any legislation, been unable to exercise any effective control. There is undoubtedly a strong public feeling in favour of a measure of this kind.

The proposed bill provides for voluntary declaration to be made by the male Hindus of Sind, and as such it will not work any hardship on them, and will secure for the Hindu women of the province of Sind, who according to the Hindu Law and custom cannot marry during the life-time of their husbands, a guarantee that their husbands will in their turn be monogamous. The bill however preserves in section 5 the right of the husband to marry during the life-time of his wife, under certain circumstances which are recognised by the customs prevailing in Sind as justifying him in doing so.

D. B. ADWANI, M.L.C.

APPENDIX P.

BILL No. VIII OF 1925.

*A Bill further to amend Bombay Act VIII of 1867
being an Act for the Regulation of the Village
Police in the Presidency of Bombay.*

(As introduced on the 18th March 1925 and published
in the "Bombay Government Gazette" of the
6th April 1925.)

WHEREAS it is expedient further to amend Bombay Act
No. VIII of 1867 being an Act for the Regulation of the ^{Bom. VIII of} Village Police in the Presidency of Bombay in manner herein-^{1867.}
after appearing ; It is hereby enacted as follows :—

1. This Act may be called **Bombay Village Police**
Short title. **Amendment Act, 1925.**
2. In this section after the words "to punish" and
before the words "with confinement"
Amendment of section
14 of Bombay Act No.
VIII of 1867. in line 2 the words "with fine not
exceeding five rupees or" shall be
added.

STATEMENT OF OBJECTS AND REASONS.

The Bill is intended to remove the anomaly that exists as regards the punishment prescribed for petty assault or abuse under section 14 as compared with the punishment for offences more serious than petty assault or abuse contemplated by section 15.

Notes on clause 2.

This clause proposes to give the Police Patil an option of fine for petty assault or abuse.

D. R. PATIL, M.L.C.

APPENDIX Q.

BILL No. IX OF 1925.

A Bill further to amend the Bombay Town Planning Act, 1915.

(As introduced on the 18th March 1925 and published in the "Bombay Government Gazette" of the 6th April 1925.)

WHEREAS it is expedient further to amend the law relating to the making and execution of Town Planning Schemes AND WHEREAS the previous sanction of the Governor General required by section 80-A of the Government of India Act for the passing of this Act has been obtained; It is hereby enacted as follows:—

Bom. I of 1915.

1. This Act may be called the Bombay Town Planning Short title. Amendment Act, 192 .

2. It shall come into force on such date as the Governor Commencement. in Council may declare.

Bom. I of 1915.

3. In section 5 of Bombay Act No. I of 1915, hereinafter Amendment of section called the Principal Act, at the end 5 of Bombay Act I of add "and shall give adequate com- 1915. pensation to such owner, occupier or other interested person for any damage caused to his property by such entry, survey, marking out or other necessary acts done for this purpose."

4. In section 15, sub-section (1) for the words "when.... Amendment of section scheme" substitute "within two years 15 of Bombay Act I of next before the making of the final 1915. scheme".

In section 15, sub-section (2) for the words "before scheme" substitute "at the date next two years before the making of the final scheme" and for the words "at the time.....to make a scheme" substitute "at the date next two years before the making of the final scheme".

5. In section 16, sub-section (1), clause (d), for the words Amendment of section beginning with "at the date of" 16 of Bombay Act I of and ending with "scheme" substitute 1915. "at the date next two years before the making of the final scheme".

6. In section 17 for the words "the declaration..... Amendment of section scheme" substitute "next two years 17 of Bombay Act I of before the making of the final scheme." 1915. And for the words "estimated on the assumption that the scheme has been completed" substitute the words "estimated on the basis of the improvements

actually effected"; and for the words "the declaration of intention to make a scheme" substitute the words "next two years before the making of the final scheme".

7. Add a new clause to the proviso to section 18 as follows:—“(iii) if the owner so desires, the local authority shall be liable to purchase the original plot with all the buildings or other works erected or in the course of erection thereon at the value as settled under section 17”.

Amendment of section 18 of Bombay Act I of 1915.

8. In section 19 for the words “declaration of intention to make a scheme” substitute “next two years before the making of the final scheme”.

Amendment of section 19 of Bombay Act I of 1915.

9. In the proviso to section 21 for the words “declaration of intention to make a scheme” substitute “next two years before the making of the final scheme”.

Amendment of section 21 of Bombay Act I of 1915.

10. In section 24, sub-section (1), for the words “on the assumption that the scheme has been completed” substitute “on the basis of the improvements actually effected”.

Amendment of section 24 of Bombay Act I of 1915.

In sub-section (2) for the words “declaration of intention to make a scheme” substitute “next two years before the making of the final scheme”.

11. In section 27, sub-section (1), after the word “person” add “or institution” and delete the words “or disallow”.

Amendment of section 27 of Bombay Act I of 1915.

In sub-section (2) delete the words “the duties of the Arbitrator or of the Tribunal of Arbitration as described in Chapter IV or” and substitute for the words “notwithstanding any decision that may be passed by the Arbitrator or by the Tribunal of Arbitration” “and on the Arbitrator and the Tribunal of Arbitration”.

12. In the second proviso to section 30 of the Principal Act for the words “Governor in Council” substitute “Tribunal of Arbitration”.

Amendment of section 30 of Bombay Act I of 1915.

13. Delete the whole of it.

Amendment of section 31 of Bombay Act I of 1915.

14. In section 32 of the Principal Act delete the words “Clause (4), (5), (6) and (9) of”.

Amendment of section 32 of Bombay Act I of 1915.

15. For sub-section (3) of section 33 of the Principal Act substitute the following:—

Amendment of section 33 of Bombay Act I of 1915.

“(3) One of the assessors shall be a person elected by the Local Authority concerned.”

In sub-section (4) of section 33 for the words "the arbitrator" substitute the words "the person elected by the owners occupiers or other persons interested in any land included in the Town Planning Scheme".

In sub-section (5) for the words "be appointed" substitute the words "shall hold office as"; and delete the words "clauses (4), (5), and (9) of".

In sub-section (6) for the words "appointed" substitute "elected" and for the "the Arbitrator" substitute "sub-section (4)".

In sub-section (7) for the words beginning with "the authority" to "member" substitute the words "in the case of the President he shall be forthwith appointed in the manner described in sub-section (2) and in the case of any other member, a person shall forthwith be elected in the manner described in sub-section (3) or (4)".

Amendment of section 36 of Bombay Act I of 1915.

16. For section 36 substitute as follows:—

"All questions shall be decided by the President and the Assessors or by the majority of them."

Amendment of section 37 of Bombay Act I of 1915.

17. Delete the words "clauses (4), (5), (6) and (9) of" from section 37.

Amendment of section 38 of Bombay Act I of 1915.

18. For section 38 substitute the following:—

"38. The Tribunal of Arbitration shall be deemed to constitute a Court, and in matters of procedure shall be governed by the provisions of the Code of Civil Procedure, 1908."

V of 1908.

19. In section 39, sub-section (1), for the words "the arbitrator" to "assessor" substitute the words "the President and the other members of the Tribunal of Arbitration".

Amendment of section 39 of Bombay Act I of 1915.

In sub-section (2) for the words "the salary" to "assessor" substitute the words "the salary of the President or any other member of the Tribunal of Arbitration".

Amendment of section 40 of Bombay Act I of 1915.

20. In section 40, sub-section (1), delete the words "clauses (4), (5), (6) and (9) of".

Amendment of section 41 of Bombay Act I of 1915.

21. In section 41, clause (b), for the word "arbitrator" substitute the words "Tribunal of Arbitration".

Amendment of section 43 of Bombay Act I of 1915. 22. In section 43, sub-section (3), for the words "Governor...his" substitute "Tribunal of Arbitration and its".

Amendment of section 44 of Bombay Act I of 1915. 23. Add "or" after "4" and delete "or a Tribunal of Arbitration".

24. "51A. An appeal against an order or decision of the Tribunal of Arbitration may be made by any party aggrieved thereby, as an appeal against the order of decision of the District Judge".
Addition of a new section.

Amendment of section 52 of Bombay Act I of 1915. 25. Delete clause (f) of section 52. And for clause (3) substitute the following:—

"All rules made under this Act shall be published in the *Bombay Government Gazette*, and shall be laid on the table of the Council at least one month before the next session thereof; and shall be liable to be annulled or modified by the Council by a special resolution of the Council."

STATEMENT OF OBJECTS AND REASONS.

The Bombay Town Planning Act (Act No. I of 1915), as it exists today, has already proved itself to be a source of grave danger to the rights of those persons whose lands happen to be included in a Town Planning Scheme; and it is apprehended that it will prove to be still more dangerous in future if it is permitted to stand unamended. The Arbitrator, brought into existence by the Act, is to all intents and purposes the monarch of all he surveys. He is invested with such autocratic powers by the Act as to make him practically the absolute dispenser of the rights and interests of the persons concerned, in any way he chooses. The Tribunal of Arbitration is a veritable travesty of all such Tribunals, and is proposed by the Act to be so constituted as to make it a mere tool in the hands of the Arbitrator. The most surprising feature of this Tribunal is that the Arbitrator, upon whose decision the Tribunal is to sit in judgment, is to be himself a member thereof. Another surprising feature is that the owners concerned are given no representation on the Tribunal. In such circumstances, one can easily conceive the sort of justice the poor land-holders are likely to get at the hands of such a Tribunal. The whole constitution of the Tribunal of Arbitration and its rights and powers under the existing Act are sure to stink in the nostrils of those who have some regard for justice and fair play.

The whole Act, from start to finish, is so conceived and framed as to benefit the Local Authority at the cost of the land-holders within its jurisdiction. All sorts and kinds of restrictions are imposed upon the land-holders without the corresponding liabilities put upon the Local

Authority concerned. To take only one instance, the contribution to be levied by the Local Authority on each plot is to be calculated on the basis of the market-value of such plot "at the date on which such Local Authority made a declaration of intention to make the Town Planning Scheme", and the market-value of such plot "estimated on the assumption that the Town Planning Scheme has been completed"; and the owner is to give half of such excess to the Local Authority towards meeting the costs of the scheme. It has happened, as for instance in the case of the Poona City Municipality, that though it declared its intention of making the Town Planning Scheme in 1916 in regard to land situated at Bhamburda, yet up till now practically nothing has been done towards the making of the final scheme; and still the owners of land at Bhamburda will be pinned down to its market-value in 1916 for the purpose of assessment of contribution, though in point of fact the value of the land has considerably increased within the last eight years. Furthermore, the Act provides at the other end that in order to settle the contribution to be levied on each plot, the increment in the market-value thereof is to be estimated on the assumption that the scheme has been completed, though as a matter of fact the Local Authority might not have executed any of the matters mentioned in section 3, and without which it is simply ridiculous to call a scheme as a Town Planning scheme. It is to remedy evils like these that this amending Bill is proposed to be introduced in the Council.

Notes on Clauses.

Clauses 1 and 2.—These clauses are formal.

Clause 3.—It proposes to give compensation to the person concerned for any damage done to his property by entry, survey, marking out, etc.

Clauses 4, 5, 6, 8, 9 and 10.—The amendment proposed is that the market-value of the original plot should be estimated at the date next ~~two~~ years before the making of the final scheme. The period of two years is a sufficiently long period for an Arbitrator or Tribunal to make a Town Planning Scheme final. Otherwise, the result will be that while a Town Planning Scheme will take years to be made final, the owners will be restricted to the market-value of their plots at the date on which a Local Authority made its declaration of making a Town Planning Scheme in respect of them.

Clause 7.—This clause is proposed with a view to hold the scales of justice even between the Local Authority on one part and the land-holder on the other. If the Local Authority is to be held entitled to claim contribution from a land-holder, it should be made to bear the liability of purchasing the land and buildings thereon, if the land-holder is unwilling to or cannot pay the contribution.

Clause 11.—This clause is inserted in order to give liberty to a Local Authority to enter into an agreement with an institution. The present section contemplates an agreement with a person only. The clause

further reserves to the Government the power to modify such an agreement, and takes away the power of disallowing it.

The second part of this clause is intended to make the agreement binding upon the Arbitrator and the Tribunal of Arbitration.

The whole clause is thus aimed at widening the powers of Local Authorities, for whose benefit the Town Planning Schemes are primarily undertaken, and who may be trusted to exercise their rights and powers justly and properly.

Clause 12.—This clause is intended to take away the right of hearing appeals from the Governor in Council and to confer it on the Tribunal of Arbitration. This will greatly facilitate the execution of the Town Planning Schemes and the disposal of the contentions of persons aggrieved with any decision of the Arbitrator.

Clause 13.—The deletion of section 31 as proposed by this clause is only a consequential amendment.

Clause 14.—This clause proposes to make all matters contemplated by section 30 referable to the Tribunal of Arbitration. It is really hard to conceive the reasons which might have induced the framers of section 32 to exclude certain matters from the cognisance of the Tribunal of Arbitration. The matters so excluded are equally important with, though not more important than, the matters brought within the jurisdiction of such Tribunal.

Clause 15.—The constitution of the Tribunal of Arbitration as enacted at present by section 33 is, to say the least of it, most unhappy. To smoothen the making of the Town Planning Schemes final, it is but right and proper to constitute the Tribunal on the basis of representation of all the interests concerned in a Town Planning Scheme.

The clause proposes to constitute the Tribunal in a way whereby the interests of the Government, Local Authority and the land-holders will be equally represented. It has taken away the Arbitrator as a constituent member thereof, and rightly so. For, to keep the Arbitrator on the Tribunal means practically to ask a person to sit in judgment upon his own acts, a policy which is discountenanced by every civilized system of law.

The remaining parts of the clause contain but consequential amendments.

Clause 16.—It is an invidious distinction which has been brought about by section 36. When a Tribunal is constituted, it is inadvisable to reserve certain questions for the decision of the President thereof. The clause proposes to put all the members of the Tribunal on the same level, and to leave all questions arising before it to the decision, either unanimous or by majority, of the members of the Tribunal.

Clause 17.—This clause contains only a consequential amendment.

Clause 18.—In view of the large interests that will be involved in a Town Planning Scheme, it is not only essential that the Tribunal of Arbitration should be deemed to be a Court, but it is also necessary that there should be a statutory obligation for it to follow the Civil Procedure

Code, 1908, so far as its procedure is concerned. For, otherwise it is sure to degenerate into a body of Judges, subject to no restrictions and limitations.

Clause 19.—This clause embodies only consequential amendments.

Clause 20.—It is consequential in nature.

Clause 21.—As the rights are to be ultimately settled by the Tribunal the clause proposes to substitute “Tribunal of Arbitration” for “Arbitrator”.

Clause 22.—In view of the fact that all matters contained in section 30 are proposed to be brought within the Tribunal’s jurisdiction, the amendment proposed by this clause comes to be absolutely necessary.

Clause 23.—When the Tribunal is proposed to be invested with all the powers of a Court, the deletion of certain words as proposed by this clause is necessary as the retention thereof will be redundant. The clause keeps intact the power to compel attendance of witnesses granted by section 44 to the Arbitrator or to any other officer.

Clause 24.—This clause proposes to give the aggrieved party the right of appeal against the order or decision of the Tribunal of Arbitration.

Clause 25.—Deletion of clause (l) of section 52 is merely consequential in nature.

Sub-section (3) of section 52 is most unhappily worded. The proposed clause embodies a safeguard against whittling down any provisions of the Act by an improper use of the rule-making power.

L. B. BHOPATKAR, M.L.C.

APPENDIX R.

BILL No. X OF 1925.

A Bill further to amend Bombay Act No. III of 1874.

(As introduced on the 13th March 1925 and published in the "Bombay Government Gazette" of the 6th April 1925.)

WHEREAS it is expedient further to amend Bombay ^{Bom. III of} Hereditary Offices Act being Bombay Act No. III of 1874 in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called Bombay Hereditary Offices Short title. (Amendment) Act, 192 .
- Amendment of sec- 2. The words "or any deputy
tion 60 of Bombay Act or substitute appointed by him"
No. III of 1874. shall be deleted.
3. The word "when" shall be substituted for the word
Amendment of sec- "whether" before the words "the
tion 61 of Bombay Act officiator guilty of misconduct" and
No. III of 1874. the words "or a deputy appointed
by him" shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

The bill is intended to remove an unjustifiable hardship resulting in the forfeiture of the whole or of any part of any Watan in which any representative watandar has an interest on account of a particular offence proved against a deputy or a substitute appointed by him.

Notes on clauses.

Clause 1.—This clause proposes to save a representative Watandar from any loss of his Watan for the misconduct of his deputy or substitute.

Clause 2.—This clause seeks to prevent the forfeiture of the life interest in the Watan of the representative Watandar entitled to officiate for proof of misconduct referred to in section 58 on the part of a deputy appointed by him.

D. R. PATIL, M.L.C.

Appendices
APPENDIX S.

APPENDIX TO THE AGENDA.

AMENDMENTS TO BILLS.

Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879) as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover.
Clause 3	"Delete section 3 of the Bill and renumber the following sections."	Mr. P. G. Joshi.
Do.	<p>(1) Add a proviso in sub-clause (2) of clause 3 (above the present proviso) as under :— "Provided that no such declaration or assignment or delegation shall be made in respect to any land held prior to July 1879 without the written consent of the owner or occupant thereof and"</p> <p>(2) Add also another proviso immediately below the above proviso and above the present proviso of the clause 3, sub-clause 2, as under :— "Provided that no such assignment or delegation or declaration shall be made to any other person except the owner or occupant holding the land below which such minerals have been found to exist if he is prepared to pay to Government such royalty or fees as may be levied under the rules in force for the removal of minerals or in the case of discovery of such minerals by a person under a prospecting license such assignment or delegation shall not be made without the consent of the owner or occupant of the land and"</p>	Rao Sahab D. P. Desai.
Do.	<p>(1) In sub-clause (3) of clause 3 of the Bill, delete all the words in line 15 after "compensation" and substitute the following words :— "or annual rent at the option of such person for such destruction or diminution of value and the amount of such compensation shall be calculated by the Collector or in the case of rent it shall be fixed subject to revision every fifty years by the Collector in consultation with the Panchas nominated in accordance with the rules framed in this behalf." "In case his award is not accepted the amount of compensation shall be determined by the civil court in accordance</p>	Rao Sahab D. P. Desai.

Clause.	Amendments.	Name of the mover.
<p>Clause 3</p>	<p>with the provisions of section 18 of the Land Acquisition Act, 1894, or in the case of rent by such court in accordance with local usage."</p> <p>.. After sub-clause (5), Add a sub-clause 6 in clause 3 "In the case of failure to pay the annual rent to the occupant through the Collector as provided under sub-section (3) the Collector shall recover such rent from the assignee as if it were an arrear of Land Revenue."</p>	<p>Rao Saheb D. P. Desai.</p>
<p>Clause 4</p>	<p>.. Insert after "may" in the 8th line the following words:— "with the written approval of the occupant."</p>	<p>Rao Saheb D. P. Desai.</p>
<p>Do.</p>	<p>.. In section 4 insert the word "unalienated" at the end of line 15</p>	<p>Mr. R. G. Soman.</p>
<p>Do.</p>	<p>.. In clause 4 add the following words at the end:— "and the lands constituting the new village shall at the discretion of the occupant be deemed for all purposes of fixing and revising assessments as if they have not been removed from the old village."</p>	<p>Rao Saheb D. P. Desai.</p>
<p>Clause 6</p>	<p>.. In clause 6 insert the words "of revenue" after the word "share" in line 31.</p>	<p>Mr. R. G. Soman.</p>
<p>Do.</p>	<p>.. In clause 6 insert the word "only" after the word "Revenue" in line 37.</p>	<p>Mr. R. G. Soman.</p>

AMENDMENTS TO BILLS.

Bill No. XXI of 1924 (A Bill to make better provision in the city of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles) as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover.
Clause 4 (2) Explanation 1.	After the words "ghee or butter" insert the words "or any article which includes either of these words."	Dr. M. M. Mehta.
Clause (4) (3)	In clause 4, sub-clause (3), proviso (a) line 2, add the words "or obtained as agent" after the word "purchased".	Mr. R. G. Soman.
Clause 6	In clause 6, line (7), substitute "Declare" for "Appoint".	Mr. R. G. Soman
Clause 6 (1)	Substitute the word "authorise" for the word "appoint."	Dr. M. M. Mehta.
	After the word "possessing" add "a degree or a diploma in Science or Medicine of any recognised University and knowledge of analytical work required by this Act".	Dr. M. M. Mehta.
	The words "skill and experience" be omitted	Dr. M. M. Mehta.
Do.	And in line (8) delete "possessing skill and experience".	Mr. R. G. Soman.
Do. Clause (9)	and in line (9) insert "fit" before "public" In clause 9, substitute "Any" for "The".	Mr. R. G. Soman. Mr. R. G. Soman.
Clause 10	In clause 10, line (12) substitute "a" for "the."	Mr. R. G. Soman.
Clause 12	The existing portion of clause No. 12 should be numbered (1) and sub-clause (2) to the following effect should be added:— " (2) Out of the amount of fine recovered from persons accused of any offence under this Act, a certain portion as fixed from time to time by the rules made by the Government of Bombay in this behalf shall be paid to the Local Authorities within whose Local Areas the offence is committed."	Mr. M. D. Karki.
Clause 15	In clause 15, line (7), substitute "The one who has analysed" for "A public analyst".	Mr. R. G. Soman.
Do.	In line (10), substitute "defence" for "case".	Mr. R. G. Soman.

Clauses.	Amendments,	Name of the mover.
Clause 19	.. <i>Substitute</i> "consultation with the local authority or authorities of the local areas to be affected by such rules" for the words beginning with "the case" and ending with "Bombay".	Mr. R. G. Soman.
Do.	.. In clause 19 before the words "make rules" and after the word "Bombay" the words "and in the case of other Local Areas in consultation with the Local Authorities concerned" should be added. Sub-clause (d) should be made (e) and a new clause (d) as shown below should be added. "(d) fixing the amount to be paid to the Local Authorities under section 12, clause 2."	Mr. M. D. Karki.

AMENDMENTS TO BILLS.

Bill No. XXV of 1924 (City of Bombay Municipal Act Amendment Bill) as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover
Clause 8	Section 28 (a) of the Act. <i>Delete</i> words " by ballot and ".	Mr. Hoesenally M. Rahimtoola.
Do.	<p><i>Add</i> at the end of section 28 (d) of the Act :— "whose name has been communicated to the Assessor and Collector and whose name appears on the roll."</p> <p>In 28 (e) <i>substitute</i> for the words— "or where no such name has been so communicated from any person who produces to the polling officer a general power-of-attorney from such firm or company. the words — "and whose name appears on the Roll."</p> <p>.. In clause (8) sub-paragraph (f) <i>omit</i> all the words following the word "may" where it occurs for the first time and <i>substitute</i> the following words in their place :— "distribute all such votes among the candidates whom he thinks fit by giving one vote only to each of them. in the alternative, <i>substitute</i> the word "distribute" for the word "give" and <i>omit</i> the following words "to one candidate, or may distribute them."</p>	Mr. Hoesenally M. Rahimtoola. Mr. A. N. Surve.
Clause 9	Section 29 (1) (i). <i>Substitute</i> for the word "ballot" the word "voting".	Mr. Hoesenally M. Rahimtoola.
Clause 13	<p><i>Add</i> the following new clause as Section 38-A (8) :— "The Corporation may whenever they think fit and necessary resolve to pay every member of a Special Committee appointed under the section a fee of not less than ten rupees and not more than fifteen rupees for each meeting of the said committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: Provided that not more than two fees shall be paid to any member for his attendance in one calendar month in respect of the meetings of one Special Committee and that no member shall be paid fees for attendance at more than two special Committees ;"</p>	Mr. Hoesenally M. Rahimtoola.

Clauses.	Amendments.	Name of the mover.
Clause 14	<p>.. Delete Clause 14 of the Bill and substitute the following— Clause 14 of the Bill. Delete whole of Sec. 54 of the said Act and substitute the following— Section 54. (1) "Subject to the confirmation by the Governor in Council the Corporation shall from time to time appoint the Municipal Commissioner for the City of Bombay for a renewable period of three years." (2) " But he shall be forthwith removed from office, if at a meeting of the Corporation, not less than three-fourths of the Councillors present shall vote in favour of proposition in this behalf."</p>	Mr. K. F. Nariman.
Clause 14	<p>.. In sub-section (1) of section 54 of the said Act for the words "the Governor in Council" substitute the words "the Bombay Municipal Corporation with the approval of the Governor in Council."</p>	Dr. M. B. Velkar.
Clause 15	<p>.. Delete Clause 15 of the Bill and substitute following :— Clause 15 of the Bill. Delete whole of Section 57 of the said Act and substitute the following :— Section 57. (1) "The Commissioner shall receive such monthly salary, not exceeding Rupees three thousand and five hundred and not less than Rupees two thousand and five hundred, as Corporation shall from time to time determine, in return whereof, he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any enactment for the time being in force." (2) " Provided that he may at any time (a) with the sanction of the Corporation hold the office of a Trustee of the Port of Bombay, (b) with the sanction of the Corporation, serve on any Committee constituted for the purpose of any local inquiry or for the furtherance of any object of Local importance or interest. "</p>	Mr. K. F. Nariman.
After Clause 10 ..	<p>.. Add new Clause 19A. after Clause 19. 19A. After Sec. 313 of the said Act the following section shall be inserted :— Section 313A. "The Corporation may from time to time prepare a schedule prescribing the public streets or public places on which no person shall sell or expose for sale any article mentioned in the schedule without a license." New Section 313A in Bom. III of 1938. Licenses for sale in public places.</p>	Mr. K. F. Nariman.

Clauses.	Amendments.	Name of the mover.
After Clause 19 ..	<p>Insert the following clause after clause 19; and re-number the clauses that follow :—</p> <p>“ 20. After section 313 of the said Act, the following</p> <p style="padding-left: 40px;">New section 313-A in Bom. section shall be inserted, namely :—</p> <p style="padding-left: 40px;">“ 313-A. Except under and in conformity License for sale in public with the places. terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.”</p>	Mr. A. N. Surve.
Clause 26 ..	<p>In clause 26, before sub-clause (1), add the following sub-clause as sub-clause (1) and re-number sub-clause (1) as sub-clause (2); and sub-clause (2) as sub-clause (3) :—</p> <p>“ (1) below the entry relating to section 313 the following entry shall be inserted, namely :—</p> <p>“</p> <p>Section 313A Prohibition of Fifty rupees. hawking articles for sale in a public place or street without a license.</p>	Mr. A. N. Surve.
Clause 27 ..	<p>Clause 27 of the Bill (original clause 29), sub-clause (2), delete “fifteen Rupees” and substitute “fifty rupees.”</p>	Mr. K. F. Nariman.

AMENDMENTS TO BILLS.

Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay) as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover.
Clause 3 (h) (1) ..	In clause 3, sub-clause (h) in line 10, <i>substitute</i> the words "societies governed by this Act" in place of the words "such societies".	Mr. R. G. Soman.
Do. 3 (h) (5) ..	In sub-clause (h), paragraph 5, line 2, <i>add</i> the word "exclusively" after the word "falling".	Mr. R. G. Soman.
Do. 5 (2) ..	In sub-clause (2), line 5, <i>insert</i> the words "on the register of such society at the time of registration" after the word "members".	Mr. R. G. Soman.
Do. 5 (2) ..	In clause 5, sub-clause (2), line 6, <i>substitute</i> the word "or" for the word "and".	Mr. R. G. Soman.
Do. 6 (b) ..	In clause 6 (b) <i>substitute</i> the words "five hundred" for the words "three thousand", and <i>substitute</i> "3,000" for "10,000".	Mr. P. G. Joshi.
Do. 7 (1) (a) ..	In clause 7, paragraph (a), <i>substitute</i> the word "and" for the word "or" at the end.	Mr. R. G. Soman.
Do. 8 ..	<i>Delete</i> "whose decision shall be final" ..	Mr. L. B. Bhopatkar.
Do. 9 (2) (a) ..	In clause 9, sub-clause (2), paragraph (a), line 2, <i>delete</i> the word "registered".	Mr. R. G. Soman.
Do. 9 (2) (b) ..	Also <i>delete</i> the word "registered" in paragraph (b), line 2.	Mr. R. G. Soman.
Do. 10 ..	In clause 10, line 7, <i>substitute</i> "shall" for "may".	Mr. R. G. Soman.
Do. 13 ..	<i>Add</i> "managing" before "Committee" ..	Mr. L. B. Bhopatkar.
Do. 13 (1) ..	In clause 13 (1) <i>insert</i> the words "twenty-five, or" before "one-fifth" and <i>insert</i> the words "whoever may be less" between "Society" and "or".	Mr. P. G. Joshi.
Do. 16 (2) ..	In clause 16, sub-clause (2), <i>substitute</i> the word "shall" for "may" in line 4.	Mr. R. G. Soman.
Do. 18 (1) ..	Put a comma after the word " affairs ", and <i>substitute</i> the following for the words "except the Chairman who shall have a casting vote in case of equality of votes" :— " Provided that in the case of an equality of votes, the Chairman shall have a casting vote.	Mr. J. A. Madan.

Clauses.	Amendments.	Name of the mover.
Clause 18 (2) ..	<i>Delete</i> "registered" in the last line ..	Mr. L. B. Bhopatkar.
Do. 22 (4) .	In clause 22, <i>delete</i> the whole of sub-clause No. 4.	Mr. R. G. Soman.
Do. 22 (4) (i) ..	<i>Delete</i> (i) of sub-clause (4) of clause 22 and <i>delete</i> the figure (ii) from the same sub-clause.	Mr. P. G. Joshi.
Do. 22 (4) (ii) ..	After the word "cash", <i>add</i> the words "or securities", in two places.	Mr. J. A. Madan.
Do. 24 (a) ..	In clause 24, sub-clause (a), <i>delete</i> the words in italics, and <i>substitute</i> the word "of".	Mr. R. G. Soman.
Do. 25 ..	In clause 25, line 10, <i>substitute</i> the words "contracted by" for the words "due from". In line 11, <i>substitute</i> "from" for "to".	Mr. R. G. Soman.
Do. 26 ..	From clause 26, <i>delete</i> the words "in the capital of a society or".	Mr. P. G. Joshi.
Do. 27 (1) ..	In clause 27, paragraph 1, line 18, <i>delete</i> the words from "or may" up to the end of that paragraph.	Mr. R. G. Soman.
Do. 27 (1) proviso.	At the end of the proviso to paragraph 1 <i>add</i> —"or any monies due to the deceased member".	Mr. R. G. Soman.
Do. 27 (2) ..	<i>Substitute</i> "shall" for "may" ..	Mr. L. B. Bhopatkar.
Do. 27 (2) ..	In paragraph 2, line 3, <i>drop</i> the word "other" and at the end of the paragraph 2, <i>add</i> — "On the production of a certificate countersigned by a magistrate I class or on production of an order of a civil court declaring him to be such nominee, heir or legal representative".	Mr. R. G. Soman.
After Clause 27 (2) new sub-clause.	<i>Add</i> the following as sub-clause (3) to clause 27, and renumber the existing sub-clause (3) as sub-clause (4): "On the attachment and sale by a Court of Justice, of a share or interest of a member in the capital of a society, such society shall within one year from such sale pay into court a sum representing the value of that member's share or interest, as ascertained in accordance with the rules or by-laws".	Mr. P. G. Joshi.
Clauses 28 and 29.	For the present clauses 28 and 29, <i>substitute</i> the following clause :— "The estate of a past or deceased member shall be liable for the debts of a society".	Mr. L. B. Bhopatkar.
Clause 28 ..	In clause 28, line 5, after the word "Member" <i>insert</i> the words "other than those borrowed by him from the society or the liability for contribution or costs".	Mr. R. G. Soman.

Clauses.	Amendments.	Name of the mover.
Clause 29	.. In clause 29, <i>substitute</i> the word "two" for the word "one".	Mr. P. G. Jo hi.
Do. 29	.. In clause 29 at the end <i>add</i> — "other than those borrowed by him from the society, or for contribution or costs."	Mr. R. G. Soman.
Do. 31	.. <i>Omit</i> the words 'document or' from the marginal note.	Mr. J. A. Madan.
Do. 33 (2) (a) ..	<i>Substitute</i> 'the' for 'such'	Mr. J. A. Madan.
After clause 33, new clause.	<i>Add</i> the following clause after clause 33 of Co-operative Societies Bill :— "33. a. With such safeguards as may be prescribed by rules in this behalf Government may give loans to registered societies or guarantee the payment of interest on debentures issued by such societies".	Rao Sahab D. P. Desai.
Clause 34 (3)	.. <i>Delete</i> sub-clause (3) of clause 34	Mr. P. G. Joshi.
Do. 35	.. <i>Substitute</i> 'the society' in place of 'such society'.	Mr. J. A. Madan.
Do. 38	.. <i>Delete</i> it	Mr. L. B. Bhopatkar.
Do. 38	.. In clause 38, <i>substitute</i> "12½" for "10"	Mr. P. G. Joshi.
Do. 39 (2)	.. In clause 39, sub-clause 2, line 2, after "society" <i>add</i> "or a General Society".	Mr. R. G. Soman.
Do. 39 (2)	.. Instead of 'a Consumers or Housing' <i>substitute</i> 'any other'.	Mr. J. A. Madan.
Do. 42	.. In Clause 42 <i>delete</i> the first two lines.	Mr. R. G. Soman.
Do. 43 (2)	.. In clause 43 (2), <i>insert</i> the words "if he is not satisfied with the explanation of the Society concerned" between the words "Registrar" and "shall".	Mr. P. G. Joshi.
Do. 45	.. In clause 45 <i>delete</i> the words in italics in lines 11 and 12.	Mr. R. G. Soman.
	At the end <i>add</i> the following proviso :— "Provided the former officers have ceased to be officers or members within one year next before the date on which such enquiry was ordered."	
Do. 47	.. <i>Substitute</i> 'a society' instead of 'societies' in line 10 and make consequential amendments in the clause.	Mr. J. A. Madan.
Do. 50 (f)	.. <i>Omit</i> the proviso: "provided that if the sum is more than s. 100 it may be recovered in instalments in accordance with rules made in this behalf".	Mr. J. A. Madan.

Clauses.	Amendments.	Name of the mover.
Clause 50 (i) ..	<i>Omit</i> the words in italics " and to pay rateably according to the amount of such debts. The surplus if any being applied in payment of interest from the date of liquidation at a rate not exceeding six per centum per annum ".	Mr. J. A. Madan.
Do. 50 (k) ..	Instead of 'debts or claims' <i>substitute</i> 'debts and claims'. <i>Add</i> 'or claims' in the last line after the word 'debts'.	Mr. J. A. Madan.
Do. 50 ..	In clause 50, add the following proviso at the end : " Provided that no liquidator shall determine the contribution debt or dues to be recovered from a past member or the representatives of a deceased member unless opportunity has been given to such past member or to such representative to answer the claim."	Mr. R. G. Soman.
Do. 51 ..	In clause 51 in line 10 <i>delete</i> the words " or be proceeded with ".	Mr. R. G. Soman.
Do. 51 ..	<i>Add</i> the following proviso to this clause : " Provided that any person aggrieved by an order of the liquidator in respect of contribution under sub-clause (d) may institute a suit to get the extent of his liability determined in a civil court against such liquidator within a period of six months from the date of such order."	Mr. R. G. Soman.
Do. 52 ..	<i>Add</i> the word 'any' before 'object or objects'. <i>Substitute</i> 'specified' for 'described'. <i>Substitute</i> 'when' for 'in which case'. <i>Substitute</i> 'such surplus' for 'the same'.	Mr. J. A. Madan.
Do. 53 ..	Re-draft as follows :— " Where the Society directed to be wound up is a housing society its assets both moveable and immoveable shall, for the purpose of winding up or dissolution of the Society jointly vest, subject to all rights and equities, in three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said society in a general meeting specially called for the purpose and one shall be nominated by the Bombay Central Co-operative Institute. Such persons shall, for the purpose of winding up or dissolution of the society, be joint liquidators and shall have all the powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the	Mr. J. A. Madan.

Clauses.	Amendments.	Name of the mover.
	working of the society or may, subject to his sanction and in consultation with the members of the society in a general meeting, reconstruct the society or may sell off the premises of the society to the best advantage of its members and when all the liabilities of the society are met may dispose of the surplus assets of the society if any, as provided in section 52."	
Clause 55	.. <i>Omit</i> " the Registrar or arbitrator or arbitrators " where they occur for the second time. Also the word ' may ' in line 7.	Mr. J. A. Madan.
Do. 56	.. <i>Substitute</i> " to be " for " of whom one shall be ".	Mr. J. A. Madan.
Do. 58	.. <i>Omit</i> " registered "	Mr. J. A. Madan.
Do. 59 (1) (b).	.. <i>Omit</i> ' said '	Mr. J. A. Madan.
Do. 60	.. <i>Delete</i> clause 60 whole including sub-clauses..	Mr. V. N. Jog.
Do. 61	.. <i>Delete</i> clause 61 whole	Mr. V. N. Jog.
Do. 63	.. <i>Delete</i> clause 63 whole including sub-clauses..	Mr. V. N. Jog.
After clause 6 heading.	After clause 63, change the heading ' Appeals ' into ' Appeals and Revision '.	Mr. J. A. Madan.
Clause 64	.. <i>Add</i> " 8 " before " 10 " and <i>add</i> after " order " " which shall decide it itself or if the party concerned so desires shall refer it for decision to a Board consisting of three members of whom two shall be nominated by the Government and one by the party appealing. Where the party appealing fails to nominate the third member within 15 days the Government shall itself make the nomination ".	Mr. L. B. Bhopatkar.
After clause 64, new clause.	<p><i>Add</i> a new clause 65 as follows, and re-number the remaining clauses:—</p> <p>" 65. The Government and the Registrar may call for and examine the record of any inquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit."</p>	Mr. J. A. Madan.

Clauses.	Amendments.	Name of the mover.
After clause 70, new clause.	<i>New clause.</i> —Add a new clause after clause 70 as :— “70-A. The Government shall advance to each Co-operative Bank a sum equal to its share-capital at a rate of interest not exceeding 4 per cent. per annum.”	Mr. L. B. Bhopatkar.
After clause 71 (dd), new Sub-clause.	<i>Add in clause 71 a sub-clause (ee)</i> :— “(ee) Prescribe the period and terms under which Government aid will be given to co-operative societies and the terms under which the Government may guarantee the payment of interest on debentures issued by registered societies.”	Rao Sahab D. P. Desai.
Clause 71 (4)	.. In clause 71, sub-clause (4) <i>insert</i> the words— “in <i>Bombay Government Gazette</i> ” at the end.	Mr. R. G. Soman.
Clause 71	.. <i>Add</i> at the end “and treated as official resolution for the purpose of priority.”	Mr. L. B. Bhopatkar.
Clause 72 (2)	.. In clause 72 sub-clause (2) line (1) <i>substitute</i> the word “and” for the comma and <i>delete</i> the words “and orders”.	Mr. R. G. Soman.
Schedule	.. Before the first entry enter :— “I. <i>Acts of the Governor General in Council.</i> ” After the second entry enter :— “II. <i>Act of the Governor of Bombay in Council.</i> ”	Mr. J. A. Madan.
Preamble	.. In the preamble in the seventh line <i>delete</i> “so as” and <i>substitute</i> the words “and also.”	Rao Sahab D. P. Desai.

AMENDMENTS TO BILLS.

Bill No. 1 of 1925 [A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918] as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover.
Clause 2 ..	(1) In clause 2 for "1927" substitute "1928".	Mr. L. B. Bhopatkar.
Do. ..	In the ninth line delete figures "1927" and substitute figures "1928".	Mr. K. F. Nariman.
Do. ..	In line 9 for the figure 1927, the figure 1928 be substituted.	Dr. M. B. Velkar.
Do. ..	In line 9 for the figures "1927" substitute the figures "1928".	Mr. A. N. Surve.
Do. ..	In line 11 delete the word "Principally" and substitute the word "Partly".	Mr. K. F. Nariman.
Do. ..	In line 20 delete figure "50" and substitute figure "75".	Mr. K. F. Nariman.
Do. ..	In line 25 insert the words and figure "Rs. 100" before the words "in the Municipal District and Cantonment of Karachi".	Dr. M. B. Velkar.
Do. ..	In line 26 substitute the words and figure "Rs. 200" for the words and figure "Rs. 85".	Dr. M. B. Velkar.
Do. ..	In line 26 delete figure "85" and substitute figures "150".	Mr. K. F. Nariman.
Do. ..	In line 26 for the letters and figures "Rs. 85" substitute the following clause, namely, "Exceeds Rs. 8, but does not exceed Rs. 150".	Mr. A. N. Surve.
Do. ..	At the end of clause 2, add the following proviso, namely: "provided that if the Governor in Council considers it expedient so to do, he may by notification direct that the Act shall be in force for such additional period not being less than six months and not exceeding two years after 31st December 1926: and also."	Mr. A. N. Surve.
Do. ..	Add one sub-clause (b) to the clause, viz. :— "Provided also that the words dwelling house shall apply to premises used for schools, hospitals, maternity homes, nursing houses and charitable institutions."	Dr. M. B. Velkar.

Clauses.	Amendments.	Name of the mover.
Section 2 of the Principal Act.	<p>For sub-clause (i) and (ii) of clause (a) of sub-section 2 of the principal Act <i>substitute</i> :</p> <p>"(i) The rent which represents nett 6 per cent. interest, exclusive of the charges for repairs and depreciation of property municipal taxes and rates, income-tax, and charges for supervision of the property and for collection of rents and profits".</p> <p>"(ii) with a view to ascertain the value of premises, each property shall be valued at the present market rates of properties."</p>	Mr. L. B. Bhopatkar.
Do.	<p>In clause (c) of sub-clause (1) of Section 2 of the principal Act, after "who" and before "sub-lets" insert "with the previous concurrence of his landlord".</p>	Mr. L. B. Bhopatkar.
Section 3 of the Principal Act.	<p>For section 3 of the principal Act <i>substitute</i> :</p> <p>"(1) The rent of no premises shall exceed the standard rent till 31st December 1928."</p> <p>"(2) Every tenant shall be liable to pay standard rent till 31st December 1928 unless he leaves the rented premises with his landlord's previous concurrence".</p>	Mr. L. B. Bhopatkar.
Clause 3	<p>At the end of sub-clause (1), <i>add</i> the word "and"; <i>delete</i> sub-clause (2) and re-number sub-clause (3) as (2).</p>	Mr. A. N. Surve.
Section 4 of the Principal Act.	<p>In section 4 of the principal Act <i>omit</i> "since the 1st day of January 1916"; and for " at a rate not exceeding 10 per cent. per annum on the amount so expended " <i>substitute</i> " at a rate not exceeding clear 6 per cent. interest per annum on the amount so expended ".</p> <p>All such amendments in the remaining sections of the Act as would be in consonance with the amendments explicitly suggested above.</p>	Mr. L. B. Bhopatkar.
Clause 4	<p><i>Delete</i> sub-clause (4) and re-number sub-clause (5) as (4).</p>	Mr. A. N. Surve.
Do.	<p>In line 9 in clause (2) (4) after the words "within the meaning of sub-section (2)" <i>add</i> the words "provided the provisions of the clause do not take effect for two months if there is a dismissal during a general strike or lock-out."</p>	Dr. M. B. Velkar.
Clause 5, Schedule A.	<p>In column 1 <i>substitute</i> for all the words and figures, the words and figures, <i>viz.</i> :</p> <p>"Rental exceeding Rs. 50 but not exceeding Rs. 200."</p>	Dr. M. B. Velkar.

Clauses.	Amendments.	Name of the mover.
Clause 5, Schedule A.	In column 1 <i>delete</i> figures "85" where they occur after the words "not exceeding" and <i>substitute</i> figures "150".	Mr. K. F. Nariman.
Do.	In column 3 for all the words and figures <i>substitute</i> the words and figures, viz.: "from the 1st day of January 1926, up to and including 31st day of December 1928" and "figure '10' as the percentage in place of the one shown in the column".	Dr. M. B. Velkar.
Do.	II. (a) In column 3 <i>delete</i> figure "30" and <i>substitute</i> figure "20".	Mr. K. F. Nariman.
	(b) In column 3 <i>delete</i> the figures "1927" where they occur for the second time, i.e., after "31st day of December" and <i>substitute</i> the figures "1928".	Mr. K. F. Nariman.
	(c) In column 3 <i>delete</i> the figures "40" and <i>substitute</i> the figures "30".	
	(e) In column 3 <i>delete</i> the figures "40" where they occur for the second time and <i>substitute</i> the figures "30".	
	(f) In column 3 <i>delete</i> figures "1927" where they occur after the words "31st day of December" and <i>substitute</i> the figures "1928".	
	(g) In column 3 <i>delete</i> figures "50" and <i>substitute</i> the figure "35".	
Clause 5, Schedule B.	Omit the schedule	Dr. M. B. Velkar.
Do.	Delete Schedule "B"	Mr. A. N. Surve.
Do.	In column 1 <i>delete</i> figures "85" where they occur after the words "not exceeding" and <i>substitute</i> figures "150".	Mr. K. F. Nariman.
Do.	In column 3 <i>delete</i> the figures "15" and <i>substitute</i> the figures "10".	Mr. K. F. Nariman.
Do.	(e) In column 3 <i>delete</i> the figures "20" and <i>substitute</i> the figures "15".	Mr. K. F. Nariman.
Clause 6	In line 9 <i>delete</i> the figures "1927" and <i>substitute</i> the figures "1928" Amendment of Section 1 of Bom. VII of 1918.	Mr. K. F. Nariman.
	In line 11 <i>delete</i> the word "principally" and <i>substitute</i> the word "partly".	Mr. K. F. Nariman.
Clause 7	<i>Delete</i> clause 7	Mr. A. N. Surve.
Do.	In clause 7A, in line 7 for the words "six successive weeks" <i>substitute</i> the words	Dr. M. B. Velkar.

Clauses.	Amendments.	Name of the mover.
Clause 7 ..	In line 7 and 8 <i>delete</i> the words "six successive weeks" and <i>substitute</i> the words "two months."	Mr. K. F. Nariman
Do. ..	In clause 7-A in line 9 for the words "one month's" <i>substitute</i> the words "two months."	Dr. M. B. Velkar.
Do. ..	In line 9 <i>delete</i> "one" and <i>substitute</i> "two",	Mr. K. F. Nariman.
Preamble ..	<i>Substitute</i> the following for the preamble of the Bill. "Whereas it is expedient to declare that the Hindus of the province of Sind are by custom monogamous and that marriage with another woman during the life-time of the first wife is permitted to a male only under certain special circumstances and it is expedient to provide for penalties against any person contravening the said custom; it is hereby enacted as follows :—"	Mr. P. G. Joshi.
Do. ..	<i>Substitute</i> the following for the preamble of the Bill :— "Whereas it is expedient to declare that the Hindus of the Province of Sind are by custom monogamous and that marriage with another woman during the life-time of a wife is permitted to a male Hindu only under certain special circumstances, and it is expedient to provide for penalties against any person contravening the said said custom: it is hereby enacted as follows :—"	Mukhi Jethanand Pritamdas.
Do.	<i>Substitute</i> the following for the Preamble of the Bill :— "Whereas it is necessary in the interests of married women to restrict a second marriage by a Hindu male of Sind without reasonable grounds during the continuance of the first marriage, it is hereby enacted as follows :—"	Mr. R. G. Soman.
Do. ..	<i>Substitute</i> the following for the Head note of the Bill :— "A Bill to declare the custom of and to make monogamous marriage legally compulsory for the Hindus of the Province of Sind."	Mukhi Jethanand Pritamdas.
Do. ..	"A Bill to make the monogamous marriages legally compulsory for the Hindus of the Province of Sind."	Mr. P. G. Joshi.

AMENDMENTS TO BILLS.

Bill No. XIII of 1925 (A Bill to impose a tax on Totalisator Betting).

Notice has been received of the following amendments from Mr. A. N. Surve, M.L.C. :—

1. *Preamble, paragraph, 1, line 3.*—After the word “presidency” insert the following words, namely :—

“in order to enable Government to meet the growing expenditure on compulsory education.”

2. *Clause 3 (1), line 3.*—After the figures “192” insert the following words, namely :—

“and shall be in force for two years thereafter.”

3. *Clause 3 (1), line 4.*—For the words “in the first instance in—” substitute the following clause, namely :—

“(2). Its operation in the first instance shall extend to—”.

4. *Clause 3 (2).*—For the figure 2 enclosed within the bracket substitute the figure 3.

5. *Clause 5, line 9.*—Substitute the figures “50” for the figure “4”.

6. *Clause 10, line 6.*—Substitute the figure “51” for the figures “25”.

AMENDMENTS TO BILLS.

Bill No. XXII of 1924 (A Bill to amend the Bombay District Police Act, 1890) as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover.
Clause 2	<p>For the amendment suggested by the Select Committee, the following is proposed :—</p> <p>After the word "Government in sub-section (2) of section 25" add "with the approval of the Legislative Council expressed by a resolution;" and after the word "direct" add "be defrayed out of the general revenues of Government, or,"</p>	Mr. L. B. Bhopatkar.
Do.	<p>In line 9, delete the words beginning with "said" and ending with "direction" in line 13 and substitute "immediately circulated to the members of the Bombay Legislative Council".</p>	Mr. R. G. Soman.
Do.	<p>In clause 2, line 15, delete the words "in the manner specified in" and substitute "consistently with".</p>	Mr. R. G. Soman.
Do.	<p>In line 16, at the end, add "in the manner directed or in any other manner".</p>	Mr. R. G. Soman.
Do.	<p>In line 20, substitute the words "the next" for the word "that".</p>	Mr. R. G. Soman.
Section 25 of the main Act.	<p>As I feel that under the rules and standing orders the whole of the section 25 is opened for amendment by the present bill, I further propose that sub-section (3) of the Act should stand as follows :—</p> <p>"It shall be lawful for Government to extend the period for the payment of such tax or rate only so far as to cover cost of such additional police."</p>	Mr. L. B. Bhopatkar.
Do.	<p>3. From sub-section (4) delete the words "The amount of the charge shall be paid by the municipality from the municipal fund or". And for the word "municipality" substitute the word "Commissioner."</p>	Mr. L. B. Bhopatkar.
Do.	<p>4. Delete sub-section(5)</p>	Mr. L. B. Bhopatkar.

AMENDMENTS TO BILL.

Bill No. IV of 1925 (A Bill to enable the Hindus of the Province of Sind to restrict themselves to monogamous marriages).

Clause.	Amendments.	Name of the mover.
Clause 2	<p><i>Delete</i> from section 2 of the bill the word "any" appearing before the words "male Hindu" and <i>substitute</i> the word "no" for it; and <i>delete</i> all the words beginning from "may by declaration" and ending with "section 5 of this Act" and <i>substitute</i> the following in their place:—</p> <p>"shall marry another woman during the lifetime of his wife, notwithstanding any provision of law to the contrary, except under the circumstances laid down hereafter."</p>	Mr. P. G. Joshi.
Do.	<p><i>Delete</i>, from section 2 of the Bill, the word "any" appearing before the words "male Hindu" and <i>substitute</i> the word "No" for it; and <i>delete</i> all the words beginning from "may by declaration" and ending with "section 5 of this Act" and <i>substitute</i> the following in their place:—</p> <p>"Shall marry another woman during the lifetime of his wife, notwithstanding any provision of law to the contrary, except under the circumstances laid down hereafter".</p>	Mukhi Jethanand Pritaldas.
Do.	<p>At the end of section 2 <i>add</i> the following proviso:—</p> <p>"Nothing in this Act shall affect the validity of any custom enjoining monogamy, prevailing among the Hindus of any particular community in Sind."</p>	Mukhi Jethanand Pritaldas.
Clause 3	<p><i>Delete</i> section 3 of the Bill and re-number the succeeding sections.</p>	Mr. P. G. Joshi.
Do.	<p><i>Delete</i> section 3 of the Bill and re-number the succeeding sections.</p>	Mukhi Jethanand Pritaldas.
Clause 4	<p><i>Delete</i> from the present section 4 of the Bill the words "every declarant" and the figure "5" and <i>substitute</i> therefor the words "any such male Hindu" and figure "4"</p>	Mr. P. G. Joshi.
Do.	<p><i>Delete</i> from the present section 4 of the Bill the words "every declarant" and the figure "5" and <i>substitute</i> therefor the words "Any such male Hindu" and figure "4"</p>	Mukhi Jethanand Pritaldas.
Clause 5	<p><i>Delete</i> from the present section 5 of the Bill the words "a husband who has made a declaration under this Act" and <i>substitute</i> therefor the words "any such male Hindu." At the end of sub-clause (b) of the same section <i>add</i> the words "and has consented to his marrying again during her lifetime."</p>	Mukhi Jethanand Pritaldas.

Clauses.	Amendments.	Name of the mover.
Clause 5	<i>Delete</i> from the present section 5 of the Bill the words "a husband who has made a declaration under this Act" and <i>substitute</i> therefor the words "any such male Hindu".	Mr. P. G. Joshi.
Do.	(1) In clause 5 of the bill <i>Add</i> the following sub-clauses after sub-clause (b), (c) that since the solemnisation of the marriage she has exchanged the profession of Hinduism for the profession of some other religion, (d) or has been guilty of adultery, (e) or has wilfully separated herself without reasonable excuse for two years and upwards, (f) that she was a lunatic or an idiot at the time of the marriage. (g) that the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity, (h) that notwithstanding the decree of a competent civil court for the restitution of conjugal rights—the wife fails to remain with the husband."	Mr. A. N. Surva.
Do.	After clause 5, <i>add</i> the following clause, namely:— "5A. Upon any such petition for the grant of a certificate of absence the court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to or conniving at the adultery, or has condoned the same, and shall also inquire into any counter charge which may be made against the petitioner."	Mr. A. N. Surva.
Clauses 7 and 8 and schedule I.	<i>Delete</i> the present sections 7 and 8 and <i>delete</i> schedule I.	Mr. P. G. Joshi.
Do.	<i>Delete</i> the present sections 7 and 8 and <i>delete</i> schedule I.	Mukhi Jethanand Pritamdas.
Statement of Objects and Reasons.	In the second paragraph of the statement of objects and reasons <i>delete</i> the words "voluntary declaration to be made" and <i>substitute</i> therefor the words "legislation to make monogamy compulsory for the" In the same paragraph <i>delete</i> the words "and as such it will not work any hardship on them" and <i>substitute</i> therefor the words "in conformity with the prevailing custom." (To be moved if the proposed amendments relating to compulsory provisions are not carried):—	Mukhi Jethanand Pritamdas.

AMENDMENTS TO BILLS.

Bill No. VIII of 1925 (A Bill further to amend Bombay Act VIII of 1867, being an Act for the Regulation of the Village Police in the Presidency of Bombay.)

Clauses.	Amendments.	Name of the mover.
<p>Clause 2</p>	<p><i>Delete the present section 2 of the Bill, and substitute the following as section 2 in its stead :—</i></p> <p>“ 2. In section 14 of the Bombay Village Police, Act, Amendment of section 14 of 1867, <i>substitute</i> the words, ‘with fine not exceeding rupees five’ for the words ‘with confinement in the village chavdi, for a period not exceeding twenty-four hours.’ ”</p> <p><i>(In case the above amendment is not accepted.)</i></p> <p>2. Add the following at the end of section 2 of the Bill :—</p> <p>“ And the words ‘The confinement shall be awardable only on a failure to pay the fine’ shall be added at the end.”</p>	<p>Mr. P. G. Joshi.</p>
<p>Do.</p>	<p>For clause (2) of the Bill the following clause shall be substituted :—</p> <p>In section 14 of the said Act after the words</p> <p>Amendment of section 14 of the Bom. Act No. VIII of 1867. “to punish” the words “with fine not exceeding five rupees or” shall be inserted.</p>	<p>Mr. A. N. Surve.</p>

AMENDMENTS TO BILLS.

Bill No. IX of 1925 (A Bill further to amend the Bombay Town Planning Act, 1915).

Notice has been received of the following amendments from Mr. A. N. Surve, M.L.C.

1. *Clause 3, lines 4-5.*—Substitute the word “said” for the word “principal”.

N. B.—Should this amendment be accepted, then, similarly,—Substitute the word “said” for the word “principal” in

Clause 12, line 3,

Clause 14, line 1,

Clause 15, line 3.

2. *Clause 4, line 1.*—Insert the figure “1” enclosed within a bracket between the figure “4” and the word “In”.

3. *Clause 4, line 7.*—Insert the figure “2” enclosed within the bracket before the word “In”.

4. *Clause 5, line 6.*—Add the following words, namely, “the words” after the word “substitute”.

5. *Clause 7, lines 3-4.*—Substitute the word “namely” for the words “as follows”.

6. *Clause 16.*—Substitute the following clause for clause 16, namely :—

Amendment of Sec. “16. For section 36 of the said Act, the following section shall be substituted, namely :—

“36. All questions shall be decided by the president and the assessors or by the majority of them.”

7. *Clause 23.*—Substitute the following clause for clause 23 :—
“23. In section 44 of the said Act the word ‘or’ shall be inserted after the word and figure ‘section 4’, and the words ‘or a tribunal of arbitration’ shall be omitted.”

8. *Clause 24.*—Substitute the following clause for clause 24 :—
New section 51A of “24. After section 51 of the said Act the following section shall be inserted, namely.

“51A. An appeal against an order or decision of the Tribunal of Arbitration may be made by any party aggrieved thereby, as an appeal from the order or decision of the District Judge.”

9. *Clause 52.*—Substitute the following clause for clause 25 :—
Amendment of section “25. (1) In sub-section (2) of section 52 of the said Act clause (t) shall be omitted.

(2) The following sub-clause shall be substituted for sub-clause (3) of section 52 of the said Act, namely :—

“(3) All rules made under this Act shall be published in the *Bombay Government Gazette* and shall be laid on the table of the Council at least one month before the next session thereof and shall be liable to be annulled or modified by the Council by a Special resolution’.”

AMENDMENTS TO BILLS.

Bill No. X of 1925—A Bill further to amend Bombay Act No. III of 1874 (Bombay Hereditary Offices Act).

Notice has been received of the following amendments from Mr. A. N. Surve, M.L.C. :—

1. For clause 2 of the bill, the following clause shall be *substituted* :—

“2. In section 60 of the said Act the words ‘or any deputy or substitute appointed by him’ following the words
Amendment of section 60 of Bom. III of 1874. ‘representative watandar’ shall be omitted.”

2. For clause 3 of the bill the following clause shall be *substituted* :—

“3. In section 61 of the said Act for the last clause, namely, ‘whether the officiator, guilty.....a deputy appointed
Amendment of section 61 of Bom. III of 1874. by him’, the following clause shall be *substituted*, namely :—

‘when the officiator guilty of misconduct is such representative watandar himself’.”

APPENDIX T.

The following questions and answers were printed in the 8th list of questions and answers of the February-March 1925 Session :—

Non-Brahmans in Clerical Service.

1. Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state—

(a) how many appointments of clerks were made in each Government Department, since the passing of a resolution by the Council recommending to Government that out of the clerical appointments to be made thenceforward, 50 per cent. should be given to non-Brahmans, and

(b) how many of those appointments have been given to non-Brahmans ?

The Honourable Sir MAURICE HAYWARD : A statement* showing the number of non-Brahmans given permanent or temporary appointments during the periods from—

(1) 3rd August 1923, and

(2) 17th September 1923,

to 31st January 1924 is laid on the Council table.

For purposes of this statement the term "non-Brahman" means "all except Brahmans", in accordance with the original orders of Government issued in Government Resolution No. 2610, dated 17th September 1923.

Government have, however, revised their orders as per Government Resolution No. 2610, dated 5th February 1925, a copy † of which is laid on the Council table.

* Kept in Secretary's Office.

† Appendix V.

APPENDIX U.

Public Service.

Measures to achieve fair representation of
all castes and communities in—

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2610.

Bombay Castle, 5th February 1925.

Read Government Resolution No. 2610, dated 17th September 1923.

RESOLUTION.—The Government of Bombay in furtherance of their policy of securing the fair representation of all castes and communities in the public services are pleased to prescribe a minimum percentage of recruitment from members of the Backward Communities to the clerical staff of all Departments in the Presidency proper. A schedule is attached* showing against each locality the classes which are considered by Government to be advanced within that locality and the prescribed minimum percentage of recruitment to the clerical staff from members of communities other than those so mentioned. The standard of qualification should be the same for all candidates ; but appointments should be so made that a minimum recruitment of *at least* the percentage shown in the final column from members of communities other than those shown in the second column should be secured.

2. The percentage shown in each case is a minimum and should not prevent recruitment above that minimum, where a sufficient number of well qualified candidates is forthcoming to make it possible, having due regard to efficiency, to select a higher number, with a view the sooner to render the prescribed percentages the minimum representation of Backward Communities in the clerical staff of all departments in the Presidency proper. The minimum representation should include a fair proportion of Mahomedans in the Presidency proper. The minimum recruitment should be 50 per cent. Mahomedans in Sind with a view to the eventual representation of at least that percentage of Mahomedans in the clerical staff of all Departments in Sind.

By order of the Governor in Council,

J. E. B. HOTSON,

Chief Secretary to Government.

* Printed as an accompaniment to this Resolution.

APPENDIX U—*contd.*

To

<p>The Judicial Commissioner in Sind The Private Secretary to His Excellency the Governor, The Accountant General The Audit and Accounts Officer, Bombay Development Scheme, The Audit Officer, Lloyd Barrage, and Canals Construction, The Meteorologist, Bombay, The Protector of Emigrants, Bombay, The Protector of Emigrants Karachi, The Mint Master, The Assay Master, Bombay Mint, The Deputy Controller of the Currency, The Government Examiner of Accounts, G. I. P. Railway, The Government Examiner of Accounts, B.B. & C.I. Railway, The Government Examiner of Accounts, M. S. & M. Railway, The Post Master General, Bombay Circle,</p>	<p>The Deputy Post Master General, Railway Mail Service and Storing, Western Circle, The Director, Telegraph Engineering, Western Circle, Bombay. The Prothonotary and Registrar of His Majesty's High Court or Judicature, Original Jurisdiction, Bombay, The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay, The Superintendent, Government Printing and Stationery, Bombay. The Manager, Government Central Press, Bombay, All other Heads of Offices under the several Departments of the Secretariat (including Executive Engineers), All Departments of the Secretariat.</p>
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APPENDIX U—contd.

Accompaniment to Government Resolution, Finance Department
No. 2610, dated 5th February 1925.

Schedule.

Locality.	Advanced Communi- ties.	Minimum percentage of recruitment from Backward Communities.
Ahmedabad ..	{ Brahmans .. Banias .. }	50 per cent.
Broach ..	Do. ..	50 "
Panch Mahals ..	Do. ..	33 "
Surat ..	Do. ..	33 "
Kaira ..	{ Brahmans .. Banias .. Patidars .. }	50 "
Thana ..	{ Brahmans .. Prabhus .. Parsis .. Christians .. }	33 "
Central Division ..	{ Brahmans .. Prabhus .. Parsis .. Marwaris .. Banias .. Christian .. }	50 "
Southern Division ..	{ Brahmans .. Prabhus .. Parsis .. Christians .. }	40 "
Bombay Suburban Division ..	{ Brahmans .. Prabhus .. Christians .. Brahmans .. Prabhus .. Parsis .. }	33 "
Bombay City ..	{ Banias .. Marwaris .. Patidars .. Madrasis .. Christians .. }	33 "

Note.—For the purposes of this order Saraswats and Shenvis are to be regarded as Brahmans.

AMENDMENTS TO BILL.

Bill No. XVI of 1925 (A Bill to give wider powers in the management of Municipal affairs in certain cities).

Notice has been received of the following amendments :—

From Mr. A. N. Surve, M.L.C.

1. *Clause 9 (1), (c), line 3.*—Between the words ' Non-Mahomedan ' and ' wards ' *add* the following words, namely, " comprising of Hindu Backward and Depressed classes and other communities ".
2. *Clause 10 (2), (a), proviso (iii), line 1.*—For the figures " 21 " *substitute* the figures " 18 ".

N. J. WADIA,
Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 15th July 1925.

AMENDMENTS TO BILLS.

Bill No. XIV of 1924 (Co-operative Societies Bill) as amended by the Select Committee.

Clauses.	Amendments.	Name of the mover.
Clause 3 (c)	Clause 3 (c), line 15, after the word "person" add the words "above the age of 18 years" and in line 17 after the words "society or" insert the word "such".	Mr. H. H. Narielvala.
Clause 3 (A) (4)	Deletes the word "registered" from clause 3, sub-clause (4).	Mr. S. S. Dev.
After clause 4, New clause.	Add the following as clause 4A — "4A. Government may take steps to educate the public and spread knowledge of the principles underlying the Act and the rules made thereunder, that people may come to realize that co-operative movement is not merely a moneylending concern, but is intended to bring about better living, better business and better methods of production.	Mr. S. S. Dev.
Clause 5 (1)	In Clause 5, sub-clause (1), for "a member is a registered society" substitute "another society is a member".	Mr. S. S. Dev.
Clause 5 (2)	Clause 5 (2), line 23 omit the words "And of which no member is a registered society".	Mr. H. H. Narielvala.
Clause 5 (2)	In clause 5, sub-clause (2), delete "on liquidation" and add at the end of that sub-clause and before the proviso "and such liability can be enforced at any time".	Mr. S. S. Dev.
Clause 7	Clause 7, line 7, delete the words "above the age of eighteen years".	Mr. H. H. Narielvala.
Clause 9 (2) (a)	In clause 9, sub-clause (2) (a) for "a registered" substitute "another".	Mr. S. S. Dev.
Clause 9 (2) (b)	In clause 9, sub-clause (2) (b) for "a registered" substitute "another" and for "registered" substitute "other".	Mr. S. S. Dev.
Clause 14	Clause 14 omit the words "A society with the approval of the Registrar and by a resolution of the general meeting", and substitute for them the words "A society may by a resolution of a general meeting and with the approval of the Registrar".	Mr. H. H. Narielvala.
Clause 15 (1)	In clause 15, sub-clause (1) for "the property" substitute "the assets and liabilities."	Mr. S. S. Dev.
After clause 15 (2); new sub-clause.	In clause 15, add the following sub-clause, as sub-clause (3)— (3) In the case of liabilities such amalgamation or transfer be not made without the consent of the creditors.	Mr. S. S. Dev.

Clauses.	Amendments.	Name of the mover.
Clause 18 (2) ..	Clause 18 (2), line 10, <i>add</i> after the word "may" the words "by a resolution of a general body".	Mr. H. H. Narielvala.
After clause 21 (d); new sub-clause.	In clause 21, <i>add</i> the following sub-clause, as sub-clause (e):— (e) A register of its proceedings and resolutions.	Mr. S. S. Dev.
Clause 24 (i) ..	In clause 24 (a) <i>delete</i> "raised in whole or in part with a loan taken from the society by" and <i>substitute</i> in its stead "of".	Mr. S. S. Dev.
Clause 24 (a) (i) ..	Clause 24 (a) (i), line, 13 before the word "loan" <i>substitute</i> the word "any" instead of "a".	Mr. H. H. Narielvala.
Clause 24 (a) (ii).	Clause 24 (a) (ii), line 16, after the word "any cattle" <i>insert</i> the word "other than for agricultural use" and in the same line <i>delete</i> the word "agricultural".	Mr. H. H. Narielvala.
Clause 24 (a) (ii)	In clause 24 (a) <i>delete</i> the words from "supplied to or purchased by" to "by the society."	Mr. S. S. Dev.
Clause 26	In clause 26, after "or liability incurred by such member", add "except under a decree obtained by a financing bank or creditor of such society".	Mr. S. S. Dev.
Clause 27 (1) ..	In clause 27 (1) for "as may appear to the committee to be" <i>substitute</i> "who produces a probate or letters of administration or succession certificate or otherwise satisfies the committee that he is".	Mr. S. S. Dev.
After clause 37; new sub-clause.	Make clause 37 as clause 37 (1) and introduce the following as sub-clause (2):— (2) Any investments or deposits made before the commencement of this Act which would have been valid if this Act had been in force are hereby ratified and confirmed.	Mr. S. S. Dev.
Clause 45 ..	In clause 45, <i>add</i> the following proviso at its end:— Provided that no order for payment of cost shall be made against any person unless opportunity is given to such person of being heard. The registrar shall record his reasons in support of his order of apportionment.	Mr. S. S. Dev.
After clause 47; new clause.	After clause 47, <i>add</i> the following as clause 47A:— 47A. (1) Government may place at the disposal of the liquidator such sum as may be necessary for payment of his remuneration and for other expenses connected with liquidation and may recover such amount as arrears of land revenue from those who under section 50 (i) are liable for costs.	Mr. S. S. Dev.

Clauses.	Amendments.	Name of the mover.
	<p>(2) The liquidator shall be entitled to pay his remuneration and other costs of liquidation out of the Society's assets in his hand.</p> <p>(3) Any financing co-operative bank being the creditor of a society under liquidation may pay out of its funds sums required for purposes specified in subsection (1) and the amount so paid may be recovered as arrears of land revenue from those who under section 50 (i) are liable for costs of liquidation.</p>	
Clause 50	In clause 50, <i>delete</i> the marginal note "liquidation procedure" and <i>substitute</i> "powers of a liquidator".	Mr. S. S. Dev.
Clause 50	In clause 50 <i>delete</i> the words "with sanction of the Registrar".	Mr. S. S. Dev.
Clause 52	Retain the original clause 52 which has been dropped by the Select Committee and give it its proper number in the order of clauses.	Mr. S. S. Dev.
Clause 52	In clause 52, after the word "capital" <i>add</i> "with interest".	Mr. S. S. Dev.
Clause 52	In clause 52, for "and approved by the Registrar" <i>substitute</i> "and approved by Government".	Mr. S. S. Dev.
Clause 52	In clause 52, <i>delete</i> the whole portion that follows "and approved by the Registrar".	Mr. S. S. Dev.
Clause 52	In clause 52 (c), line 29, <i>add</i> after the word "Bombay" the words "or any of its branches".	Mr. H. H. Nariel- vata
Clause 54	In clause 54, <i>delete</i> the words from "and if he so directs" to "or arbitrators to decide it" and <i>substitute</i> the following :— "or if either of the parties so desires, to arbitration consisting of the Registrar and two members of whom one shall be nominated by each of the parties concerned".	Mr. S. S. Dev.
Clause 54	In clause 54, <i>delete</i> the proviso altogether	Mr. S. S. Dev.
Clause 55	In clause 55, for the words from "where a dispute" to "section 50" <i>substitute</i> "where a dispute arises under section 54 or is referred to arbitration under clause (g) of section 50".	Mr. S. S. Dev.
Clause 55	In clause 55, (b) for the word "Registrar" where it first occurs, <i>substitute</i> "civil court or the Collector before whom an application for execution would ordinarily lie under section 59".	Mr. S. S. Dev.
Clause 56	<i>Delete</i> clause 56	Mr. S. S. Dev.

Clauses.	Amendments.	Name of the mover.
Clause 59 ..	<p>In clause 59, <i>delete</i> the first portion of sub-clause (1) and <i>substitute</i> the following for it :—</p> <p>“ 59 (1). All orders issued by a liquidator under section 50, all decisions given by the Registrar under section 54 or section 56, all awards passed by the arbitration under section 54 or section 56 or section 50 (g) and all decisions passed by Government in appeals under section 50 or section 54 shall, if not carried out, be executed.”</p>	Mr. S. S. Dev.
Clause 60 ..	<i>Delete</i> clause 60	Mr. S. S. Dev.
Clause 61 ..	<i>Delete</i> clause 61	Mr. S. S. Dev.
Clause 63 ..	<i>Delete</i> clause 63	Mr. S. S. Dev.
Clause 63 ..	<p>If clause 63 be not <i>deleted</i>, for the words “except after hearing the party concerned” <i>substitute</i> “without giving the party concerned an opportunity of being heard”.</p>	Mr. S. S. Dev.
Clause 65 ..	<p>For clause 65 (3) <i>substitute</i> the following :—</p> <p>“ 65 (3). The liability of past members or the liability of the property of deceased members shall in all cases be subject to the provisions of section 28 or of section 29, as the case may be.”</p>	Mr. S. S. Dev.
Clause 70 ..	<p>In clause 70 for the words :—</p> <p>“delivered to the Registrar or left at his office” <i>substitute</i> the words “delivered to the society or left at its office”.</p>	Mr. S. S. Dev.
Clause 71 (2) ..	<p>In clause 71 (2) <i>delete</i> the sub-clause (p) and make the necessary alphabetical changes.</p>	Mr. S. S. Dev.
Clause 71 (2) ..	<p>In clause 71 (2) for sub-clause (aa), <i>substitute</i> the following :—</p> <p>(aa) Prescribe the cases in which and the authority to which appeals shall lie from orders of liquidators appointed under section 47 ;</p>	Mr. S. S. Dev.
Clause 71 (5) ..	<p>In clause 71, for the last clause which has been added by the Select Committee, <i>substitute</i> the following as sub-clause (5).</p> <p>(5) Any member of the Bombay Legislative Council may, at any time, move a resolution for rescinding, modifying altering or adding to any of such rules. Such resolution shall be subject to the provisions contained in sub-section (4) and shall always get a priority over other resolutions.</p>	Mr. S. S. Dev.

AMENDMENTS TO BILLS.

Bill No. I of 1925 (Rent Acts Amendment Bill) as amended by the Select Committee.

Notice has been received of the following amendments from Mr. J. C. Swaminarayan, M.L.C.

1. In *clause 2*, retain the words 1928 and drop the words 1927 inserted by the select committee.
2. In *clause 3*, delete sub-clause (1) and (2) and retain only sub-clause (3) without any number.
3. After the words "in his employment" in *clause 4 (4)*, add the words "except as a result of a general strike or lock-out".
4. Substitute the word "Schedule" for the words "Schedule A" and delete Schedule B altogether.
5. In column 3 of the first table of Schedule A, substitute 1928 for 1926 at the end of the first paragraph; substitute 20 for 30 in the column of percentages; and delete the succeeding paragraphs.
6. In column 3 of the second table of Schedule A, substitute 1928 for 1926 at the end of the first paragraph; substitute 30 for 40 in the column of percentages and delete the succeeding paragraphs.
7. Retain the *clause 7* of the original Bill and delete clause 7 inserted by the select committee.

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 17th July 1925.

AMENDMENTS TO BILL.

Bill No. IV of 1925 (A Bill to enable the Hindus of the Province of Sind to restrict themselves to monogamous marriages).

Clauses.	Amendments.	Name of the mover.
Clause 2	<p><i>Delete from section 2 of the bill the word "any" appearing before the words "male Hindu" and substitute the word "no" for it; and delete all the words beginning from "may by declaration" and ending with "section 5 of this Act" and substitute the following in their place :—</i></p> <p><i>"shall marry another woman during the life-time of his wife, notwithstanding any provision of law to the contrary, except under the circumstances laid down hereafter."</i></p>	Mr. P. G. Joshi.
Clause 2	<p><i>Delete from section 2 of the Bill, the word "any" appearing before the words "male Hindu" and substitute the word "No" for it; and delete all the words beginning from "may by declaration" and ending with "section 5 of this Act" and substitute the following in their place :—</i></p> <p><i>"Shall marry another woman during the life-time of his wife, notwithstanding any provision of law to the contrary, except under the circumstances laid down hereafter."</i></p>	Mukhi Jethanand Pritamdas.
Clause 2	<p><i>At the end of section 2 add the following proviso :—</i></p> <p><i>"Nothing in this Act shall affect the validity of any custom enjoining monogamy, prevailing among the Hindus of any particular community in Sind."</i></p>	Mukhi Jethanand Pritamdas.
Clause 3	<p><i>Delete section 3 of the Bill and re-number the succeeding sections.</i></p>	Mr. P. G. Joshi.
Clause 3	<p><i>Delete section 3 of the Bill and re-number the succeeding sections.</i></p>	Mukhi Jethanand Pritamdas.
Clause 3	<p><i>In clause 3, instead of the words "during his life time" insert the words "so long as he follows the Hindu religion".</i></p>	Mr. Noor Mahomed.
Clause 4	<p><i>Delete from the present section 4 of the Bill the words "every declarant" and the figure "5" and substitute therefor the words "any such male Hindu" and figure "4".</i></p>	Mr. P. G. Joshi.
Clause 4	<p><i>Delete from the present section 4 of the Bill the words "every declarant" and the figure "5" and substitute therefor the words "Any such male Hindu" and figure "4".</i></p>	Mukhi Jethanand Pritamdas.
Clause 4	<p><i>In clause 4, instead of the words "Every declarant" insert the words "Any Hindu who has made a declaration under clause 2".</i></p>	Mr. Noor Mahomed.

Clauses.	Amendments.	Name of the mover.
Clause 4	In clause 4, take away the words "whatever may be the religion which he professed at the time of the second marriage".	Mr. Noor Mahomed.
Clause 5	Delete from the present section 5 of the Bill the words "a husband who has made a declaration under this Act" and substitute therefor the words "any such male Hindu". At the end of sub-clause (b) of the same section add the words "and has consented to his marrying again during her life-time".	Mukhi Jethanand Pritamdas.
Clause 5	Delete from the present section 5 of the Bill the words "a husband who has made a declaration under this Act" and substitute therefor the words "any such male Hindu".	Mr. P. G. Joshi.
Clause 5	(1) In clause 5 of the said Bill add the following sub-clauses after sub-clause (b). " (c) that since the solemnisation of the marriage she has exchanged the profession of Hinduism for the profession of some other religion ", (d) or has been guilty of adultery, (e) or has wilfully separated herself without reasonable excuse for two years and upwards, (f) that she was a lunatic or an idiot at the time of the marriage, (g) that the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity, (h) that notwithstanding the decree of a competent civil court for the restitution of conjugal rights—the wife fails to remain with the husband".	Mr. A. N. Surve.
Clause 5	In clause 5, add a sub-clause " (c) that she has changed her religion".	Mr. Noor Mahomed
After clause new clause.	After clause 5, add the following clause, namely:— "5-A. Upon any such petition for the grant of a certificate, the court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to or conniving at the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner."	Mr. A. N. Surve.
Clauses 7 and 8 and Schedule 1.	Delete the present sections 7 and 8 and delete Schedule 1.	Mr. P. G. Joshi.
Clauses 7 and 8 and Schedule 1.	Delete the present sections 7 and 8 and delete Schedule 1.	Mukhi Jethanand Pritamdas.
Schedule 1	In Schedule 1, between the words "I declare more than one wife" and "at any time except.....etc." add the words "so long as I continue to profess the Hindu religion".	Mr. Noor Mahomed.

Clauses.	Amendments.	Name of the mover.
Preamble	<p><i>Substitute</i> the following for the preamble of the Bill :—</p> <p>“Whereas it is expedient to declare that the Hindus of the province of Sind are by custom monogamous and that marriage with another woman during the life-time of the first wife is permitted to a male Hindu only under certain special circumstances and it is expedient to provide for penalties against any person contravening the said custom ; it is hereby enacted as follows :—”</p>	Mr. P. G. Joshi.
Preamble	<p><i>Substitute</i> the following for the preamble of the Bill :—</p> <p>“Whereas it is expedient to declare that the Hindus of the province of Sind are by custom monogamous and that marriage with another woman during the life-time of a wife is permitted to a male Hindu only under certain special circumstances and it is expedient to provide for penalties against any person contravening the said custom ; it is hereby enacted as follows :—”</p>	Mukhi Jethanand Pritamdas.
Preamble	<p><i>Substitute</i> the following for the preamble of the Bill :—</p> <p>“Whereas it is necessary in the interests of married women to restrict a second marriage by a Hindu male of Sind without reasonable grounds during the continuance of the first marriage, it is hereby enacted as follows :—”</p>	Mr. R. G. Soman.
Heading	<p><i>Substitute</i> the following for the Head-note of the Bill :—</p> <p>“A Bill to declare the custom of and to make monogamous marriages legally compulsory for the Hindus of the Province of Sind.”</p>	Mukhi Jethanand Pritamdas.
Heading	<p><i>Substitute</i> the following for the Head-note of the Bill :—</p> <p>“A Bill to make the monogamous marriages legally compulsory for the Hindus of the Province of Sind.”</p>	Mr. P. G. Joshi.
Statement of Objects and Reasons.	<p>In the second paragraph of the statement of objects and reasons <i>delete</i> the words “voluntary declaration to be made” and <i>substitute</i> therefor the words “legislation to make monogamy compulsory for the”. In the same paragraph <i>delete</i> the words “and as such it will not work any hardship on them” and <i>substitute</i> therefor the words “in conformity with the prevailing custom”.</p> <p>(To be moved if the proposed amendments relating to compulsory provisions are not carried.)</p>	Mukhi Jethanand Pritamdas.

*Resolution proposed to be moved by the Honourable
Mr. Cowasji Jehangir :—*

“This House recommends to Government to approve the scheme for sending two Indian Graduate apprentices in the Government Central Press for training in England according to the details given in the printed statement laid on the table.”

*Resolution proposed to be moved by the Honourable Khan
Bahadur Shaikh Ghulam Hussain Hidayatallah :—*

“This House recommends to Government that the scale of pay of Rs. 100-10-270-30—5-36⁰ proposed by the Auditor General and recommended by the Government of India for Divisional Accountants be accepted and introduced with effect from 1st March 1925.”

*Resolution proposed to be moved by the Honourable
Mr. A. M. K. Dehlvi :—*

“This Council recommends to Government that a chair of agricultural economics be created in this Presidency.”

*Resolution proposed to be moved by the Honourable
Mr. A. M. K. Dehlvi :—*

“This Council recommends to Government that the proposals for the increase in the Preventive staff of the Excise Department, contained in the note already circulated to all Honourable Members, be adopted.”

*Resolution proposed to be moved by the Honourable
Sir Maurice Hayward, K.C.S.I., I.C.S. :—*

“This Council recommends that the salary of the Solicitor to Government and Public Prosecutor, Bombay, be raised from Rs. 2,500 to Rs. 3,000 per mensem.”

*Resolution proposed to be moved by the Honourable
Sir Maurice Hayward, K.C.S.I., I.C.S. :—*

“This House recommends that the pay of the Judge of the Small Causes Court, Karachi, be fixed at Rs. 1,000-50-1,500.”

Resolution proposed to be moved by the Honourable Mr. B. V. Jadhav :—

“This House recommends to Government to approve the scheme for increasing the staff of the Karnatak College for the teaching of English and History as detailed in the printed statement laid on the table.”

Resolution proposed to be moved by the Honourable Mr. B. V. Jadhav :—

“This House recommends to Government to approve the appointment of a Demonstrator in Biology at the Karnatak College, Dharwar, specified in the printed statement laid on the table.”

**MOTIONS NOS. III TO VIII OF 1924 TO AMEND STANDING
ORDERS OF THE BOMBAY LEGISLATIVE COUNCIL.**

(As read clause by clause on the 19th March 1925.)

AMENDMENTS TO STANDING ORDERS.

Chapter IV, (i) In Order 4 (i) add after the words "Select Committee" the words "or of any resolution moved in Council";

Chapter IV, Order 6 : After the words "every meeting" add the words "except during voting of demands of the annual budget when half an hour shall be allowed".

Chapter VIII, Order 1 (1) : Substitute the following for the existing Order 1 (1) :—

"On the motion for leave to introduce a Bill, the mover may make a brief explanatory statement. If the motion is opposed, the President may permit a brief explanatory statement from the member who opposes and a brief reply from the mover; he may then without further debate put the question thereon; if leave to introduce the Bill is granted, the member who gave notice of the motion shall forthwith introduce the Bill."

Chapter X, Order 5 (2) : Substitute the following for the existing Order 5 (2) :—

"If the member when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the President, move the resolution standing in his name. But if no member has been so authorized, or such permission is not granted, the resolution shall be deemed to have been withdrawn."

Chapter X, Order 12 : Re-number the existing Standing Order X 12 as X 12 (1) and add the following clause to it :—

"(2) When a resolution has been disallowed under the Rules or Standing Orders or has been withdrawn with the leave of the Council, no resolution raising, substantially the same question shall be moved during the same session."

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay.

**SUPPLEMENTARY AGENDA FOR THE SECOND SESSION OF THE
BOMBAY LEGISLATIVE COUNCIL WHICH COMMENCED ON
THE 20th JULY 1925.**

(Vide Standing Orders IV, 2 (2) and X, 1 (d)).

PRIVATE BILLS.

A Bill further to amend the Cattle-trespass Act, 1871. Motion for leave to introduce the Bill.—Mr. J. C. Swaminarayan, M.L.C.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolutions by Mr. H. H. Narielwala, M.L.C.

1. This Council recommends to Government that the present system of appointing honorary magistrates and benches of honorary magistrates in the mofussil be forthwith abolished and in future such magistrates or benches of honorary magistrates be appointed only on the recommendation of the municipality or district local board concerned.

2. This Council recommends to Government that they may be pleased to vest all wells and tanks not constructed by the Irrigation Department and situated within the district local board limits in the local boards concerned.

Resolutions by Mr. G. M. Kalbhor, M.L.C.

1. This Council recommends to Government to exercise their power of appointing trustees to Devasthanans, the management of which is entrusted to trustees, and in exercising such power to make the appointments from the Non-Brahmin communities.

2. This Council recommends to Government to reimpose tolls on the imperial roads passing through the Satara District and to hand over the income of these tolls together with the income of tolls on provincial roads in the district to the district local board of Satara District with an order to spend it on improvement of village communications.

3. This Council recommends to Government to make transfers of revenue officers from prant officers to talatis at least every fourth year.

Resolutions by Mr. M. D. Karki, M.L.C.

1. This Council recommends to Government that the proprietary rights over the " Bettas " assigned to the gardeners be conceded to them on conditions that they (" Bettas ") should go with the land for the benefit of which they have been assigned and that the living trees therein should not be cut without the permission of the mamltdar or mahalkari as the case may be.

2. This Council recommends to Government that in view of the fact that the present assignment of " Bettas " to the gardeners of the above-

ghat talukas of Kanara has in many cases given rise to trouble and has thereby given a set-back to the garden industry, they should be pleased to call upon the said gardeners to submit their objections to the said assignment and after necessary enquiries reassign proper, sufficient and convenient "Bettas" wherever necessary.

Resolutions by Mr. J. Baptista, M.L.C.

1. That this Council recommends that Government do take early steps to bring into operation the recommendations of the majority contained in Report of the Bombay Stock Exchange Enquiry Committee.

2. This Council recommends to Government that the Budget Estimate of Rs. 2,26,080 as grants in aid of non-Government Arts Colleges be allotted to the various colleges in proportion to the number of pupils in the respective colleges.

Resolutions by Rao Saheb D. P. Desai, M.L.C.

1. This Council recommends to Government that the scale of pay suggested by the Honourable Messrs. Sathe and Paranjpye for teachers in the primary schools in the report of the committee appointed to advise Government in the matter of the revision of their salaries be brought into force immediately.

2. This Council recommends to Government that the teachers serving in the island of Salsette, Kalyan and Bassein towns should get an allowance of 20 per cent. of their salaries owing to the dearness of living in these places.

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

1. This Council recommends to Government to appoint a committee of educationists to consider and to report to this Council on the feasibility of curtailing the middle and high school courses from seven to five years.

2. This Council recommends to Government that the admission to Government services be confined as far as possible to candidates who are *bona fide* natives of the Bombay Presidency.

3. This Council recommends to Government to appoint a committee containing a non-official majority to draw up a progressive scheme for improving communications to and in the Ratnagiri District.

Resolutions by Mr. N. R. Gunjal, M.L.C.

1. This Council recommends to Government that the photo-copying system introduced recently in the Registration Department of this Presidency be abolished forthwith.

2. This Council recommends to Government that they should be pleased to issue directions to all heads of departments to reply directly to members of this Council, if they ask for any information of public interest.

3. This Council recommends to Government that for the better conduct of the criminal and revenue administration of the Bombay Presidency the following changes should be made :—

(1) Revenue officers should exercise no powers under the laws relating to crimes ;

(2) Commissionerships should be abolished ;

(3) The prant officers, that is, the sub-divisional officers, should be abolished, the Collector being given a personal assistant where necessary ;

(4) The number of mamlatdars should be reduced by one-half, one mamlatdar being put in charge of two talukas and the pay and prospects of the mamlatdars be improved.

4. This Council recommends that Government be pleased to give substantial help to the Shrimathi Nathibai Damodar Thackersey Indian Women's University as a mark of appreciation of their efforts in conducting for the last eight years, the very useful and important experiment of imparting secondary and higher education to women through the medium of the vernaculars and that this help be given without imposing any such restriction as may interfere with the administration of the said university or affect their independence.

5. This Council recommends to Government to reduce to one-half the minimum rates of house-taxation, prescribed in Government Notification No. 55A, dated 7th March 1922, regarding the village panchayats with a view to increasing the number of panchayats in the presidency and to popularising them and to substitute for the words " capital value " occurring in the said resolution the words " market value ".

6. This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to inquire into the grievances of agriculturists in the presidency regarding forced labour-being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice.

7. This Council recommends to the Governor in Council to appoint a committee with a non-official majority to enquire into the grievances and the present condition of the aboriginal tribes in this presidency and to suggest means for their uplift and amelioration.

Resolution by Mr. B. R. Nanak, M.L.C.

1. This Council recommends to Government that the scale of pay for primary teachers as laid down in the Sathe-Paranjpye scheme be brought into force from March 1923 and before their services are transferred to the various local boards in the presidency.

Resolution by Khan Bahadur D. B. Cooper, M.L.C.

1. This Council recommends to Government that with a view to relieve the agriculturists of the eastern talukas, namely, Khatao, Man, Khanapur, Tasgaon and Khandala Petha, of the Satara district, from the evil effects of famine, adequate steps be immediately taken.

Resolution by Mr. N. E. Narle, M.L.C.

1. This Council recommends to Government that grants to local authorities, whether municipalities or local boards, be given on the express condition that they keep in their service persons, either teachers, supervisors or any other staff, at least 50 per cent. of whom belong to the intermediate and backward classes.

Resolution by Mr. B. G. Pahalajani, M.L.C.

1. This Council recommends to His Excellency the Governor in Council that a mixed committee of the official members of the Council nominated by the Government and non-official members elected by the House, with a clear non-official majority, be appointed to hold an open enquiry and to take evidence with a view to investigate the entire question of the application of the Fallow Rules in Sind, and to make the necessary recommendations about the advisability or otherwise of abrogating or modifying such of the aforesaid rules as are operating harshly on the zamindars of Sind and of restoring to the original holders on the original terms of occupancy all lands that have hitherto been forfeited and are being either withheld or granted under restrictions.

Resolution by Mr. N. R. Gunjal, M.L.C.

2. This Council recommends to Government that early orders be issued to count the service of clerks on Rs. 15 in Judicial Department from 1920 to 1924 for the purpose of granting increments.

Council Hall, Poona,
7th August 1925.

N. J. WADIA,
Secretary to the Legislative Council
of the Governor of Bombay

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