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APPENDIX I

BILL No. III OF 1927

(A Bill to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency)

REPORT OF THE SELECT COMMITTEE

We the undersigned members* of the select committee appointed to consider Bill No. III of 1927 a Bill to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency; have the honour to submit the following report:—

1. We have carefully considered the provisions of the bill and have made the following changes in it:—

(1) We have decided to exclude the town of Karachi from the operation of the Act and have made the necessary changes in the preamble and in clause 2 of the bill.

(2) We have decided unanimously that cotton waste should not be included in the definition of cotton given in clause 3 (i) of the bill.

(3) We consider it desirable that the Act should contain a definition of the words "grower of cotton" in view of the fact that by clause 5 of the bill growers of cotton are given the right to elect not less than half the members of the market committee. We have, therefore, inserted the necessary definition in clause 3 (iii) so as to provide that dealers and brokers of cotton who happen also to be growers of cotton will not be treated as growers of cotton for the purposes of clause 5 of the bill.

(4) We are of opinion that it is not necessary to constitute divisional cotton committees merely for the purpose of advising or recommending to Government that cotton markets should be established. In our opinion this function can be more adequately performed by the district local boards. We have, therefore, deleted clauses 3 (iii) and 6 (r) of the bill, and have amended clause 4 by substituting "the district local board" for "the divisional cotton committee." We consider that a cotton market should be established only upon representations made by the local boards and have made the necessary change in clause 4.

(5) We think it necessary that there should be on each market committee a representative of the district local board of the area in which the market is situated, in addition to a representative of the municipality if the market happens to be in a municipal area. Clause 5 has been amended accordingly.

(6) We consider it desirable that provision should be made by rules for the preparation and revision of lists of voters and for the payment

* Note.—The signatures of Messrs. Jairamdas Doulatram, A. Duguid, W. S. Mukadam and Rao Sahab D. P. Desai will be notified when received.

[Appendix 1—*contd.*]

of expenditure in connection with elections. We think that the expenses of the elections should come from the market committee fund. The necessary amendments have been made in clauses 6 (2) (i) and 12 (iv).

(7) We have made it clear that, wherever penalties are provided for offences under the Act or rules thereunder, they can be inflicted only on conviction by a magistrate. The necessary changes have been made in clauses 6 (3), 7 and 17.

(8) We have amended clause 12 so as to provide that the market committee fund shall be expended only for the four purposes mentioned in the clause.

(9) We have added an explanation to clause 16 to make it clear that sale by an individual of his own cotton, outside the market, will not constitute the setting up of a market within the meaning of the Act.

2. We recommend that this report, together with the minutes of dissent, if any, 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*. It should be also translated into Sindhi and the translation published in the *Sind Official Gazette*.

- (Signed) G. B. PRADHAN (*subject to a minute of dissent*),
 (") BALAK RAM (*subject to a minute of dissent*),
 (") J. W. SMYTH (*subject to a minute of dissent*),
 (") N. E. NAVLE,
 (") NOOR MAHOMED,
 (") S. T. KAMBLI (*subject to a minute of dissent*),
 (") W. ELLIS JONES (*subject to a minute of dissent*),
 (") R. S. ASVALE (*subject to a minute of dissent*),
 (") V. N. JOG (*subject to a minute of dissent*),
 (") LALJI NARANJI (*subject to a minute of dissent*),
 (") H. V. PATASKAR (*subject to a minute of dissent*),
 (") M. S. KHUHRO,
 (") D. R. PATIL (*subject to a minute of dissent*),
 (") BHIMBHAI R. NAIK (*subject to a minute of dissent*),
 (") H. J. AMIN.

[Appendix 1—contd.]

(Joint Minute of Dissent by the Honourable Mr. G. B. Pradhan, LL.B.,
M.L.C., Mr. Balak Ram, I.C.S., M.L.C., Mr. J. W. Smyth,
I.C.S., M.L.C.)

Clause 4 of the Bill as originally drafted was so worded that Government would take the initiative also, if they so chose by consulting the Divisional Cotton Committee about the desirability of declaring any particular place as a cotton market. The select committee has deleted the words "after consulting, etc.," and has substituted the district local board in place of the Divisional Cotton Committee. We have no quarrel about the substitution of the district local board for the Divisional Cotton Committee, but we do think it desirable that there should be the power of initiation in the Government also. Suppose for instance that a Local Authority like a city municipality desires that their place should be declared a cotton market,—and it must be remembered that there are many municipalities in the cotton producing districts where large markets of cotton exist,—and for some reason or other the district local board does not choose to make a representation, then the Government must be able to take the initiative. Oftentimes owing to negligence or various other causes the district local board may not take the initiative by making a representation; then according to the new clause nothing can be done. We do not mean to argue that Government would be prepared to force cotton markets where they are not wanted; but it is absolutely necessary that Government should possess the power of starting inquiries with a view to see if it is desirable that a particular place should be declared a cotton market or not.

We would, therefore, propose that there should be the following amendment to clause 4:

After the words "The Local Government may" and before the words "upon a representation, etc.," add the following words:—

"After consulting the district local board and such other Local Authorities as they deem necessary or."

3rd September 1927.

(Signed) G. B. PRADHAN.

9th September 1927.

(") BALAK RAM.

9th September 1927.

(") J. W. SMYTH.

(Minute of Dissent by Rao Bahadur S. T. Kambli, M.L.C.)

The power to make a recommendation to Government for establishing a cotton market in any area in a district is given by the Select Committee solely to the District Local Board of that area. I disagree with this view. The municipalities within the area of a district are important local bodies and their views in such an important matter are worth obtaining and ought to be obtained and considered. These important local bodies are entirely ignored by the amended provisions of clause 4 of the bill. This neglect of these important local bodies is likely to lead to a friction and to a bitterness of feeling which ought to be avoided in the best interests of the Presidency.

[Appendix 1—*contd.*]

My view is that the initiative of making a recommendation should be vested in a joint body consisting of the members of the District Local Boards and of the members of the municipalities of the district concerned. Such a joint body should be constituted for the purposes of this Act and the function of such a body should be to make recommendations to Government for establishing cotton markets under the Act if and when they think fit and proper to do so. My sole object is that the municipalities and District Local Boards should always act in sympathy and not in opposition to each other.

The municipal towns in the cotton growing areas in this Presidency, especially in the Karnatak, have hitherto played an important part, and they will hereafter continue to play an important part, in the growth and development of cotton trade in this Presidency. Hence it is quite necessary that in such an important matter as the establishment of cotton markets under this Act, the municipalities and the District Local Boards should act in concert. On no account would it be prudential if the municipalities were to be excluded out of consideration in such a vital matter. To avoid friction and to arrive at a sound conclusion on such a vital and complicated subject, *viz.*, the establishment of a cotton market under this Act, a joint body or board consisting of the members of the District Local Board and of the members of the municipalities in the district should be set up and this newly constituted board or body representing both rural and urban interests should be empowered to make recommendations to the Government under clause 4 of the Bill.

I desire to add a proviso to clause 16 of the Bill to the following effect, *viz.* :—“ Provided that towns or cities which have hitherto enjoyed the right or privilege of holding cotton markets within their respective areas should not be deprived of their right or privilege to continue to hold such markets.”

In the different parts of the Presidency there are various towns or cities especially in the Karnatak which have been holding cotton markets from a pretty long period of time. Several people have invested large sums of money in erecting pressing and ginning factories within the limits of these cities. There will be found many people who have invested large sums of money in erecting godowns and warehouses in these towns for providing special facilities for the storing of cotton in case the grower of cotton thought it necessary not to sell his cotton at once or on the day when his cotton was brought into market in the expectation of getting a better price for his cotton at a future date. These and other considerations of a similar nature incline me to desire the addition of a proviso of the nature mentioned above to clause 16 of the Bill.

6th September 1927.

(Signed) S. T. KAMBLI.

(*Minute of Dissent by Major W. Ellis Jones, M.L.C.*)

The intention of the Select Committee was to provide that a person who trades in cotton but who is also a cotton grower shall not be treated as a cotton grower for the purposes of clause 5 of the Bill. The addition to

[Appendix 1—*contd.*]

clause 3 should read "a grower of cotton shall not include a dealer or broker in cotton although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final."

The majority of the committee assumed that Divisional Cotton Committees were now to be created for the first time merely for the purposes of this Act. The contrary is the case as Divisional Cotton Committees have been established in the Presidency since 1922 and advise Government on cotton policy. Hence they are the bodies which naturally would be called on to advise Government in this and similar matters.

Clause 3 (iii) and clause 6 (v) merely give these committees legal recognition for the purposes of the Bill.

There is no objection to a provision in the Bill that district local boards shall be consulted but to entirely omit all reference to Divisional Cotton Committees and to leave the initiative entirely to district local boards is to ignore the wider cotton interests and to jeopardise the success of the Act. In my opinion clause 3 (iii) should be retained and clause 4 (i) should read "The Local Government may, upon a representation made by either the Divisional Cotton Committee or the District Local Board, by notification in the *Bombay Government Gazette*, declare that any place shall be a cotton market established under this Act."

6th September 1927.

(Signed) W. ELLIS JONES, Major.

(*Minute of Dissent by Mr. R. S. Asavale, M.L.C.*)

I regret to have to differ from some of my colleagues in the standpoint from which they view or examine this all important and vital question of establishment and the better regulation of cotton markets in the Bombay Presidency.

As the present Bill III of 1927 is for the benefit of the growers of cotton and indirectly the cotton trade to get better prices, fairer weighments and to prevent illegal deductions, I would suggest that the growers of cotton should have the right to elect not less than two-third members of the Market Committee and that the expenses for the preparation and revision of lists of voters and for the payment of expenditure in connection with elections should be borne by the Government.

5th September 1927.

(Signed) R. S. ASVALE.

(*Minute of Dissent by Mr. V. N. Jog, M.L.C.*)

1. I do not agree that the district local board should be the only body that can call for the establishment of a market, and I oppose strongly the view that no markets could be established unless upon a representation made by the district local board.

2. The application of such a useful measure as the establishment of open cotton markets should not be left to the sole initiation of the

[Appendix 1—*contd.*]

district local board. The district local boards as they are at present constituted are new bodies, and have been found in several cases rather slow in initiation and action. Their duties are multifarious and already burdensome, and it is doubtful whether they will keenly interest themselves in this question. I think it highly desirable that it should be open to Government who in this particular case is the Governor acting with the advice of a popular Minister, to take the initiative in consultation with important interests concerned, in the establishment of open and regulated cotton markets. The good results hoped for and anticipated by the Bill will be tardy and take a long time to materialise if the initiative be left exclusively to the district local boards.

3. Another point which I wish to emphasise is the district local boards are not the only bodies which are interested in the establishment of open regulated cotton markets. No doubt they are bodies consisting mainly of the representatives of the landowners and cultivators and are interested in saying whether they want such a market or not. It is not necessarily and often that a person who is interested and takes a real interest in the growers is elected on the boards. There are several instances in the local boards where doctors, lawyers, merchants and commission agents who have influence in the districts and talukas are returned as the representatives of the landowners and growers. The object of the bill is to secure proper and adequate price and full and true weight for the cotton sold by the cultivator, who in addition is to be freed from the many illegal and unlawful deductions to which he is subjected. Many other associations and bodies have come into being mainly with a view to improve the economic condition of the rural masses, *e.g.*, co-operative societies, taluka development and agricultural associations. I therefore think that the district local boards with their multifarious functions are not the only repositories of the interests of the agriculturists.

4. Further the object of the bill is to encourage the cultivator to grow good cotton of unmixed quality and to bring his produce in unadulterated condition to the open markets so that the person who consumes his produce may get his money's worth and help him to better his economic condition by offering him adequate price. The present position as amended altogether ignores the other interests concerned in the matters. The consumers, many of whom live in towns and cities and the dealers should in fairness be consulted in the matter. What kind of markets we can have if they are not situated in the towns and cities? Most of the cotton markets which are unregulated at present are in the cities and towns. Many of the municipalities have assigned particular sites for such markets and have granted in long leased spaces for godowns, office buildings, etc., for the conveniences of buyers and sellers. What is wanted in such places is the regulation and control to remove the many ills that are complained of. To avoid friction between rural and urban areas a mixed body composed of various interests will be necessary to be consulted before the market is declared to be open.

[Appendix I—*contd.*]

5. Of course I think that the area of the cotton market is limited to a few miles. The markets would be more than one in a single district. Considered from this point of view also, the district local board would not be the proper body to say what particular places shall be markets.

6. I would even consent to a division committee as a consulting body if its constitution would be determined by the Act and not left to the rules.

7. I am of opinion that the limit of punishments to be awarded for breaches of market laws, rules, etc., is pitched too high. The maximum punishment should not exceed two hundred rupees.

8. The explanation to clause 16 requires a slight change so as to ensure that within the limits of the markets no new place is used for practical purposes as a market by indirect means, taking advantage of this explanation.

7th September 1927.

(Signed) V. N. JOG.

(*Minute of Dissent by Mr. Lalji Naranji, M.L.C.*)

The intention of the Select Committee was to provide that a person who trades in cotton but who is also a cotton grower shall not be treated as a cotton grower for the purposes of clause 5 of the Bill. The addition to clause 3 should read—

“a grower of cotton shall not include a dealer or broker in cotton although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final.”

6th September 1927.

(Signed) LALJI NARANJI.

(*Minute of Dissent by Mr. H. V. Pataskar, M.L.C.*)

I am of opinion that ginned cotton should not also be included in the definition of cotton given in clause 3 (i) of the Bill. The Bill is intended to protect growers of cotton from being fraudulently dealt with by merchants dealing in cotton. The class of cotton growers who needs such protection are those who sell unginned cotton. Ginned cotton is generally sold either by petty traders or those rich and influential cotton growers who are not in such a position as to allow themselves to be fraudulently dealt with by merchants dealing in cotton in open markets. They need no special protection and are well able to take care of their own interests. It is not desirable that the right of individuals to sell their commodities in any way they like, and to any persons they like and at any place they like should be unnecessarily interfered with by the State. I therefore urge that ginned cotton should be excluded from the definition of “cotton” in clause 3 (i) of the Bill.

[Appendix I—contd.]

I agree to the proposal that there should be a definition of a "grower of cotton," but the definition suggested is to my mind not appropriate. The definition proposed lays down that "A grower of cotton shall not include a dealer or broker in cotton." A broker must in any case be excluded from the category of a grower of cotton. A habitual dealer must also be excluded. But the proposed definition is so worded as to exclude a *bona fide* grower of cotton who had even once in his life-time purchased cotton for some extraneous reason. There is a large class of cotton growers at least in the district of East Khandesh who occasionally lend money to other growers of cotton and in turn have to purchase on occasions cotton from them towards the satisfaction of their debts. They are not professional dealers in cotton and are mainly growers of cotton. They ought not to be excluded from the class of cotton growers. To my mind the definition should be "A grower of cotton shall not include a habitual dealer in cotton or a broker in cotton."

In clause 3 (iii) of the Bill the constitution of Divisional Cotton Committee was laid down. It had made provision for representation of the interests of dealers in cotton on that committee. By deleting this clause altogether and giving the functions of that committee to the district local boards, there has been left no provision for even the eliciting of opinions of the dealers in cotton before the establishment of a market in any particular area.

There is again another point on which I differ about the proposed amendment in clause 4. The existing cotton markets are mostly established in places situated in municipal areas and outside the jurisdiction of District Local Boards. The Act is intended mainly for regulating such markets and it is therefore of utmost importance that the municipalities concerned should also be consulted before the establishment of any markets in municipal area. Not only that, but if an existing market situated in a municipal area is likely to be affected by the establishment of a market under the proposed Act at a place near that area but outside its jurisdiction the municipality in whose area there is an existing market should be consulted. I am of opinion therefore that in clause 4 as proposed at present after the words "The District Local Board" the words "and after consulting such local bodies as are likely to be affected by the establishment of markets under this Act" should be inserted.

Clause 16 of the Bill should in my opinion be omitted altogether. If the new regulated markets are beneficial to the growers of cotton they will naturally go to those markets only for selling their cotton, and freedom should be left to any grower of cotton who would prefer other private markets even when the new regulated market is there. The setting up of a private market need not therefore be penalised.

The explanation proposed to be added to clause 6 is also faulty. The explanation prevents a man from selling his own cotton to any one he likes within the limits prescribed for the cotton market, but

[Appendix 1—contd.]

outside the market itself. A man must be left free to sell his cotton to any one even within the limits of the new proposed market.

As I am opposed to the retention of clause 16, I am also of opinion that clause 17 which has been necessitated by clause 16 should also be omitted.

9th September 1927.

(Signed) H. V. PATASKAR.

(Minute of Dissent by Rao Saheb D. R. Patil, M.L.C.)

In my opinion representation given to cotton growers in the composition of the cotton market committee contemplated by clause 5 is inadequate and it ought to be increased to two-thirds as the Bill principally aims at safeguarding the interests of the cotton growers.

So far as explanation to clause 16 goes I think a cotton grower should be allowed the liberty of selling his cotton at his doors even if his house happens to be within the limits of the cotton market, as it is just possible that the village of a cotton grower may come within the limits of the cotton market. To avoid such a contingency it is necessary to substitute the words "at his doors" for the words "outside the limits of the cotton market" appearing in the last line of the explanation.

11th September 1927.

(Signed) D. R. PATIL.

(Minute of Dissent by Rao Bahadur Bhimbhai R. Naik, M.L.C.)

In my opinion the funds of the market committee will not be adequate to meet the election expenses of the election of the members of the market committee and I propose therefore that such expenses should at least, for the first five years, be borne by Government.

10th September 1927.

(Signed) BHIMBHAI R. NAIK.

BILL No. III OF 1927

(As amended by the Select Committee)

Preamble.—WHEREAS it is expedient to provide for the establishment of recognized open markets for the purchase and sale of cotton in the Bombay Presidency, excluding the City of Bombay, and Aden and the town of Karachi, and for the better regulation of such markets; And Whereas the previous sanction of the Governor-General required by section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act: It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Cotton Markets Act, 1927.

[Appendix 1—contd.]

2. *Extent*.—This Act shall apply to the whole of the Presidency of Bombay except the City of Bombay, and Aden and the town of Karachi comprising, as from time to time constituted, the municipal district of Karachi, the Port of Karachi and the Cantonments of Karachi and Manora.

3. *Definitions*.—In this Act, unless there is anything repugnant in the subject or context:—

(i) 'Cotton'.—"Cotton" includes ginned cotton, and unginned cotton and cotton waste.

(ii) 'Cotton market'.—"Cotton market" means a market established under section 4.

(iii) 'Divisional Cotton Committee'.—"A Divisional Cotton Committee shall consist of the members elected by such body or bodies and in such manner as may be prescribed in this behalf, together with such persons as may be nominated by Government to represent the interests of growers of, and dealers in, cotton."

(iii) 'Grower of Cotton'.—"A grower of cotton" shall not include a dealer or broker in cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final.

(iv) 'Prescribed'.—"Prescribed" means prescribed by rules or by-laws made under this Act.

4. *Notification of a cotton market*.—(1) The local Government may, after consulting Divisional Cotton Committee or upon a representation made by them, the District Local Board, by notification in the Bombay Government Gazette, declare that any place shall be a cotton market established under this Act.

(2) Every such notification shall define the limits of the cotton market so established, and may, for the purposes of this Act, include within such limits such local area as the local Government may prescribe.

5. *The Market Committee*.—For every cotton market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these not less than half shall be persons elected by the cotton growers of such area as the local Government may prescribe, one shall be a member nominated by the local Government, one shall be elected by the local authority District Local Board of the area in which the cotton market is situated, one by the municipality, if any, in which the market is situated, and the remainder shall be elected by the traders in the cotton market in such manner as may be prescribed.

6. *Rules*.—(1) The local Government may, either generally, or specially for any cotton market or group of such cotton markets, make rules consistent with this Act for the purpose of the management and regulation of such cotton markets under this Act.

[Appendix 1—contd.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(i) the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members ;

(ii) the powers to be exercised by the cotton market committee ;

(iii) the election of the chairman of such committee and his term of office ;

(iv) the filling of casual vacancies in the offices of members or in the office of chairman of the market committee ;

~~(v) the constitution of the Divisional Cotton Committee ;~~

~~(vi)~~ (v) the management of the cotton market and the prescribing of fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees ;

~~(vii)~~ (vi) the issue by the market committee of licenses to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the cotton market, the form in which, and the conditions under which, such licenses shall be issued, and the fees to be charged for such licenses ;

~~(viii)~~ (vii) the place or places at which cotton shall be weighed or measured and the kind and description of the scales, weights and measures to be used at such place or places ;

~~(ix)~~ (viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the cotton market ;

(*) (ix) the trade allowances which may be made or received by any person in any transaction in a cotton market ;

~~(x)~~ (x) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

~~(xi)~~ (xi) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published ;

~~(xii)~~ (xii) the preparation of an annual budget and its submission for sanction, and the reports and returns which shall be furnished by the market committee ;

~~(xiii)~~ (xiii) the disposal of any surplus fund of the market committee ;

~~(xiv)~~ (xiv) generally for the guidance of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

[Appendix 1—contd.]

(f) All rules made under this section shall be subject to previous publication and shall, when made, be laid on the table of the Bombay Legislative Council.

7. *By-laws.*—Subject to any rules made by the local Government under the last preceding section and with the previous sanction of the commissioner, the market committee may, in respect of the cotton market under its management, make by-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.

8. *Sub-committees and joint committees and delegation of powers.*—The market committee may appoint one or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or of its members such of its own powers as may be necessary.

9. *Appointments and salaries of servants of the market committee.*—

(1) The market committee may employ such officers and servants as may be necessary for the management of the cotton market and may pay such officers and servants such salaries as the committee thinks fit. The committee may, in the case of any officer or servant of Government which it employs, pay such pension contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the local Government.

10. *Contracts how executed.*—(1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in subsection (1) shall be binding on a market committee.

11. *The market committee fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure made by the market committee under or for the purposes of this Act shall be defrayed out of the said fund: any surplus remaining after such expenditure has been met shall be expended as may be prescribed in the rules made in this behalf.

12. *Purposes for which the market committee fund may be expended.*—Subject to the provisions of section 11 all fees collected by the market

[Appendix 1—*contd.*]

committee under this Act or the rules made thereunder shall be expended ~~on~~ for the following purposes only :—

- (i) the maintenance and improvement of the cotton market ;
 - (ii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it ; and
 - (iii) the pay, pensions, leave allowances and pensions or provident fund contributions of the officers and servants employed by the market committee.
- (iv) *the expenses of and incidental to elections.*

13. *No trade allowance not recognized by custom or rules allowable.*—

(1) No trade allowance, other than an allowance prescribed by rules or by laws made under this Act, shall be made or received by any person in any transaction in a cotton market established under this Act, and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such cotton market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample, or of deviation from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. *Power to borrow.*—(1) Every market committee may, with the previous sanction of the local Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the local Government.

15. *Supersession of market committee.*—(1) If in the opinion of the local Government a market committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or exceeds or abuses its powers, the local Government may, by an order published in the *Bombay Government Gazette*, declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it.

(2) When a market committee has been superseded, all members of the committee shall, as from the date of the order, vacate their offices as members.

(3) When a market committee has been superseded, all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in Government.

[Appendix 1—contd.]

Provided that if no new market committee is constituted for the cotton market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the local authority of the area in which the cotton market is situated for the purpose of any object of public utility in the said area.

16. *No private market to be opened in or near places declared to be cotton markets.*—Wherever the local Government has, by a notification under section 4, declared any place to be a cotton market, no person shall, within the area of such cotton market or within a distance thereof to be notified in the *Bombay Government Gazette* in this behalf in each case by the local Government, except with the sanction in writing of the local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued, any market for the purpose of the purchase and sale of cotton.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the limits of the cotton market.

17. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton, or violates the conditions under which he has been allowed to set up, establish or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500, and, in case of a continuing breach of the provisions of section 16, with fine which may extend to Rs. 100 for each day after the first during which the breach continues.

18. *Offences to be triable only by First Class Magistrates.*—No offence under this Act or under any rule made under section 6 shall be triable by a magistrate other than a magistrate of the first class.

All fines and damages recovered from an offender shall be paid to the market committee.

Prosecutions under this Act may be instituted by any person duly authorized in writing by the market committee in this behalf.

APPENDIX 2

BILL No. XXI OF 1927

(A Bill to amend the law relating to the University of Bombay)

REPORT OF THE SELECT COMMITTEE

We, the undersigned members* of the Select Committee appointed to consider Bill No. XXI of 1927 (an Act to amend the law relating to

* Note.—The signatures of Messrs. J. B. Petit, Noor Mahomed, Jairamdas Doulatram, R. G. Pradhan, Dr. M. D. Gilder and Dr. B. R. Ambedkar will be notified when received.

[Appendix 2—contd.]

the University of Bombay), have the honour to submit the following report :—

2. We have carefully considered the Bill and have made several changes in it.

3. We have amended clause 2, so as to give Government the power of fixing by notification in the *Gazette* the date on which the new Act should come into force.

4. We have amended the definition of "teacher" in clause 3 (h), so as to leave it to the Senate to decide by a statute who are to be treated as teachers for the purposes of the Act.

5. We have, after careful consideration, decided that it is desirable to retain the provisions for the appointment of a Rector if at any time the creation of such a post appears necessary. We think that the appointment should be made by a majority of at least three-fourths of the whole number of Fellows. The necessary amendment has been made in clause 12.

6. As suggested by the Government of India, we have inserted a new clause 5 providing that the Governor General shall be the Visitor of the University and defining his powers. The clause which we have inserted is based on section 8 of the Andhra University Act (Madras Act II of 1926).

7. As suggested by the Government of India, we have deleted clause 7, sub-clause (5), which provided for the school-leaving examination board. In consequence of this amendment, original clauses 24 and 31-(2) (k) become unnecessary and have been deleted. We have provided for a board of post-graduate studies.

8. We have made a formal amendment in clause 8 deleting sub-clauses (a), (b) and (c). As the three posts of Chancellor, Vice-Chancellor and Rector are mentioned under the heading of *ex-officio* Fellows in clause 13, it is unnecessary to mention them specifically here.

9. We have amended clause 11, so as to make it clear that the Vice-Chancellor shall be responsible for the proper administration of the University and shall when present preside at the meetings of the Syndicate and exercise, in addition to the powers specifically conferred on him, such other powers as may be conferred on him by this Act and by the Statutes, Ordinances and Regulations.

10. We have considered the question whether it is necessary to provide for the appointment of a Pro-Vice-Chancellor and have decided that it is not necessary.

11. We have made the following amendments in the constitution of the Senate as laid down in clause 13 :—

(a) We have transferred the Registrar of the University to the class of *ex-officio* Fellows mentioned in class (I) A.

(b) We have amended B (vi) and provided that only the Secretary to the Government of Bombay, Public Works Department, shall be an *ex-officio* Fellow as it is possible that the two posts of Chief Engineer

[Appendix 2—contd.]

and Secretary to Government, Public Works Department, which are at present held by the same officer may in the future be held by two different officers.

(c) In B (vii) we have provided that the Vice-Chancellors of only such other Universities as are established by law shall be *ex-officio* Fellows.

(d) We consider it undesirable that the principals of all colleges which are permitted to send up candidates for degree examinations should be *ex-officio* Fellows. In our opinion, only a certain number of the principals elected by themselves should be on the Senate. We have therefore removed them from the class of *ex-officio* Fellows and transferred them to II-A under the class of Ordinary Fellows. We have provided 13 seats for them and, in order to ensure that the various territorial divisions of the Presidency and also the various kinds of colleges should be adequately represented, we have provided that out of the eight seats allotted by us to principals of Arts colleges, at least one should be held by a principal of a college in each group in the Presidency and that colleges teaching pure science, medicine, agriculture, engineering and law should each have one seat for each type of college.

(e) We have increased the number of seats allotted to University teachers from 5 to 10.

(f) We have provided that the elections by the principals, by University teachers, teachers and by head masters shall be from among themselves.

(g) We have further provided that the five seats allotted to head masters should be distributed, one being allotted to each of the five groups.

(h) The groups have been arranged on the basis of the present educational divisions of the Presidency, and power has been given to the Senate to decide to which groups the schools and colleges in Indian States should be attached. The substitution of these for the Revenue Divisions involves the giving of two groups to the municipalities and local boards. The members of the municipalities and local boards need not, in our opinion, be from among themselves.

(i) We have considered the question in this connection, necessarily prescribe some educational qualification for the representatives of the municipalities and local boards and whether it is desirable that a qualification should be prescribed for the representatives of the municipalities and local boards.

(j) We have decided that one seat should be assigned to the Bombay Millowners' Association and one to the Ahmedabad Millowners' Association.

(k) We think it desirable that of the five representatives allotted to the Legislative Council of the Governor of Bombay, one should necessarily be the representative of the University on the Council if he is

[Appendix 2—*contd.*]

not already a member of the Senate. We have made the necessary amendment in II-A-vii.

12. We have made a small amendment in clause 15 (2) excepting Life Fellows from the operation of that clause.

13. We have amended clause 17 so as to provide that the recommendation of the Senate for cancelling the appointment or election of any Fellow should be supported by at least two-thirds of the whole number of the Fellows of the University. We have deleted the provision in this clause which made a person whose appointment or election had been cancelled ineligible for re-appointment or re-election.

14. We have made the following amendments in clause 18 :—

(a) Slight verbal amendments have been made in sub-clauses (1) and (2) (b).

(b) We have deleted the existing sub-clause (e) and have transferred this power to the Syndicate under clause 21 (q). We have inserted a new sub-clause (e) giving the Senate the power to make provision for the physical and military training of students.

(c) We have deleted sub-clause (h) as we consider that this power should be given to the Syndicate and have given the power to the Syndicate under clause 21 (p).

15. We have amended clause 19 (3) to make the assigning of a Fellow to a Faculty optional.

We have also amended clause 19 (5).

16. The following amendments have been made in clause 20 :—

(a) We have provided that the Vice-Chancellor must be in the Syndicate.

(b) We think it desirable that the seven persons to be elected by the Faculties should be elected not by the Faculties themselves but by the Academic Council from among themselves, each Faculty being represented by at least one member. We have amended sub-clause (1) (d) accordingly.

We have amended sub-clause (1) (e) so as to provide that nine persons shall be elected by the Senate from among the Fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head Masters.

(c) We have inserted a new sub-clause (2) providing that members of the Syndicate must be Fellows of the University and should hold office for three years.

17. We have made the following amendments in clause 21 :—

(a) The proviso in sub-clause (b) governs other clauses besides (b). We have therefore relegated it to the end of the clause.

(b) We have amended sub-clause (c) so as to give the Syndicate the power to deal with all regulations framed by the Academic Council and not merely the regulations laying down courses of study.

[Appendix 2—*contd.*]

(c) We have amended sub-clause (f) so as to provide that appointments shall be made on the recommendation of a committee of selection where such a recommendation is required by the Act or Statutes.

(d) We have amended sub-clause (h) so as to give to the Syndicate the power to issue instructions for maintaining the efficiency of colleges and to take action against them in case such instructions are disregarded.

(e) We have inserted a new sub-clause (i) giving the Syndicate the power to require reports, returns and other information from the colleges.

(f) We have deleted sub-clause (l) which gave the Syndicate power to appoint the Board of Post-Graduate Studies, as we have provided for such a Board in clause 7.

(g) We have inserted two sub-clauses (m) and (n) giving the Syndicate power to provide for buildings, furniture, apparatus, etc., needed for carrying on the work of the University and the power to enter into, vary, carry out and cancel contracts on behalf of the University.

(h) We have transferred to the Syndicate (in sub-clauses (p) and (q) of clause 21) the powers mentioned in sub-clauses (e) and (h) of clause 18.

18. In clause 22 we have provided that, so long as there is no Rector, the Vice-Chancellor shall be a member of the Academic Council. We have amended sub-clauses (iii), (v) and (vi).

19. We consider it desirable that the Academic Council should have the power to elect its own Chairman, and have amended clause 24 (1) accordingly.

We have made some verbal amendments in sub-clause (2) (b) of clause 24 and have inserted two new sub-clauses (j) and (k).

20. Clause 24 of the original Bill has been deleted as suggested by the Government of India. We have inserted a new clause 25 providing for the constitution and functions of the Board of Post-Graduate Studies.

21. We consider that a Committee of Selection is necessary to advise the Syndicate as regards appointments of whole-time University Professors or University Teachers and have inserted a new clause 28 to provide for such a committee.

22. We do not consider it desirable that the consent of the Vice-Chancellor should be necessary for the conferring of honorary degrees, and have amended clause 30 accordingly.

23. We think it necessary that before any person's degree, diploma, license, title or mark of honour is cancelled, he should be given an opportunity to explain. We also think that such cancellation should only be made by a decision of not less than two-thirds of the total number of the Fellows of the Senate. We have made the necessary amendments in clause 31.

[Appendix 2—*contd.*]

24. We have inserted two new sub-clauses in clause 31 providing for the restoration on good cause shown of any degree, diploma, license, title or mark of honour which may have been cancelled.

25. We have deleted from clause 32 (1) the words "under the direction and regulation of the Government of Bombay."

26. The following amendments have been made in clause 33 :—

(a) We consider that the functions of the Faculties should be determined by the Syndicate, not by the Senate, and have amended clause (g) accordingly.

(b) The original sub-clause (k) has been deleted as provision for the School-Leaving Examination Board has been deleted. We have inserted a new sub-clause (k) providing for the holding and control of the Matriculation Examination.

(c) We have deleted sub-clauses (n), (p), (q), (r), (t), (u) and the latter portion of (o) (renumbered as (n)) from this clause as we consider that these powers should be given to the Syndicate. We have also deleted sub-clause (s) as we consider that this power should be transferred to the Academic Council.

We have deleted sub-clause (r).

27. We have deleted sub-clause (1) of clause 34 and have inserted a new clause 44 (1) making provision for the contingencies referred to in the original clauses 32 (1) and 42 (1).

28. The following amendments have been made in clause 35 :—

(a) In sub-clause (e) we have substituted the Matriculation Examination for the School-Leaving Examination.

(b) We have amended sub-clause (g).

(c) We have inserted new sub-clauses (l) and (u) and have amended the proviso.

(d) We have made small verbal amendments in sub-clause (2).

29. The following amendments have been made in clause 36 :—

(a) We have added some words to sub-clause (1) to make it clear that the regulations of the Academic Council must be submitted to the Syndicate for approval and have made some consequential and verbal changes in sub-clause (2).

(b) We have added a new sub-clause (3) providing for cases in which the Academic Council and the Syndicate may not be able to agree.

30. We have made a slight verbal amendment in clause 38.

31. We have amended sub-clauses (2) and (3) of clause 39, leaving the decision as regards the affiliation of colleges to the Senate instead of to Government. A consequential amendment has been made in sub-clause (3).

32. We have made a slight verbal amendment in clause 42 (1).

33. We have amended clause 47 so as to save the existing jurisdiction of the High Court.

[Appendix 2—contd.]

34. We have made some verbal alterations in clause 48 and have re-drafted clause 49.

35. We recommend that this Report, together with the minutes of dissent if any, and the Bill as amended should be published in English in the *Bombay Government Gazette*. We do not consider it necessary to translate them into any vernacular language.

(Signed) HARILAL DESAIBHAI DESAI.

(„) MOULVI RAFIUDDIN AHMAD (*subject to a minute* of dissent*).

(„) C. W. A. TURNER (*subject to a minute of dissent*).

(„) JETHALAL CHIMANLAL SWAMINARAYAN (*subject to a minute of dissent*).

(„) H. HAMILL (*subject to a minute of dissent*).

(„) FARDUNJI M. DASTUR (*subject to a minute* of dissent*).

(„) B. G. PAHALAJANI.

(„) B. V. JADHAV (*subject to a minute* of dissent*).

(„) P. R. CHIKODI (*subject to a minute of dissent*).

(„) K. M. MUNSHI (*subject to a minute* of dissent*).

(„) S. N. BHUTTO.

(„) V. N. JOG.

(„) S. C. JOSHI.

(„) BALAK RAM (*subject to a minute of dissent*).

(„) G. B. PRADHAN.

(„) GHULAM HUSSAIN HIDAYATALLAH (*subject to a minute* of dissent*).

(„) R. R. KALE (*subject to a minute* of dissent*).

(„) S. T. KAMBLI.

(*Joint Minute of Dissent by Mr. H. Hamill, M.L.C., Mr. Balak Ram, I.C.S., M.L.C., and Mr. C. W. A., Turner, I.C.S., M.L.C.*)

We dissent from the following decisions of the Select Committee:—

(1) Paragraph 5.—The majority demanded by this paragraph virtually makes it impossible for the University to create the office. We think that a majority of 2/3rds of the Fellows present at a meeting of the Senate should be enough to authorise the University to create the office of Rector. The appointment of the individual should, as in the case of a University Professor, be left to the Syndicate. This body should be compelled by the Act when appointing a Rector to follow a procedure similar to that laid down for the appointment of University Professors.

[Appendix 2.—*contd.*]

(2) Paragraphs 9 and 16.—We think that these amended clauses 10* and 19* of the Bill will require to be modified to provide for the position of the Rector on the Syndicate. If a Rector is appointed he ought to preside over the Syndicate, and the Vice-Chancellor in consequence ought not then to be a member of the Syndicate.

(3) Paragraph 11 (*d*).—We consider it essential that every affiliated full grade College should be represented on the Senate and that the proper representative of a College is the Principal. We therefore suggest that the original provision of the Bill in this respect be restored.

(4) Paragraph 16 (*b*), last sub-paragraph.—We think it unwise to prevent the Senate from electing to the Syndicate Principals of Colleges if it desires to do so. We therefore think that the word "Principals" be deleted from the amended clause 19 (1) (*e*) of the Bill.

(5) Paragraphs 18 and 19.—We consider that the Rector, if any, should be *ex-officio* Chairman of the Academic Council, and that till a Rector is appointed the Vice-Chancellor should perform this duty. Clause 23 of the Bill should be amended accordingly.

(6) Paragraph 31.—We think that the power of affiliation should remain with Government as at present and that clause 37, sub-clauses (2), (3) and (4) of the Bill should remain as in the original draft. We also think that clause 37 (1) (*h*) should be restored.

(Signed) H. HAMILL.

(") BALAK RAM.

(") C. W. A. TURNER.

9th September 1927.

(*Minute of Dissent by Mr. J. C. Swaminarayan, M.L.C.*)

The discussions in the Select Committee were conducted in a great hurry and in many cases popular amendments were thrown out only by the casting vote of the Chairman. Hence it follows that those proposals did not emanate only from the extremist members of the Committee. Almost half the Committee endorsed some of the important proposals and, had it not been for the Chairman exercising his right of vote twice, they would have been carried.

The proposal that the Vice-Chancellor should be elected from among the Fellows was supported by ten members of the Select Committee and it was thrown out by the casting vote of the Chairman. The Rector, against whom there is a good deal of opposition in the public and the Press, remained only by the casting vote of the Chairman. I am strongly of opinion that under the present circumstances it is absolutely unnecessary to saddle the University with a salaried officer costing 36,000 rupees per annum. When the post-graduate departments increase in number and the necessity of a permanent officer arises, it would be very easy to make a small amendment in the Act at that time. It is simply futile to

* Original numbering.

[Appendix 2—*contd.*]

keep the provision on the Act at present and give temptation of canvassing as soon as the Act is passed. Though the Select Committee has provided that a majority of at least three-fourths of the whole number of Fellows will be necessary for the creation of the post of a Rector, the section should not be allowed to stand even in that form. In that form, the section will preclude the creation of the post of a Rector almost for all time to come. Even if the amended section is allowed to stand, it will be necessary to amend it further when the necessity of a Rector really arises. So at present the section for the creation of the post of a Rector must be thrown out altogether. These important matters of the election of the Vice-Chancellor and the deletion of the provision for the creation of the post of a Rector will have to be fought out on the floor of the House at the time of the second reading and amendments to that effect will have to be tabled.

Coming to the constitution, I have to say that though the Select Committee has kept up the large number of nominated Fellows originally provided in the Act, it is necessary to reduce that number. Nominated element should not be more than twenty per cent. and the number of nominated Fellows should not be more than thirty. Again, while city municipalities and district local boards have been given the right of franchise, town municipalities have been left out altogether. If instead of the city municipalities we mention the word "municipalities" only, all the municipalities, whether city or town, will be included and the difficulty will be removed without increasing the number of Fellows.

The powers of affiliation and disaffiliation must be vested in the Senate and the provisions about reference to Government and final decision vesting in Government must be removed. The decision of the Select Committee is inconsistent. The power of affiliation is given to the Senate but in the case of disaffiliation, Government approval is retained. This defect, I hope, will be removed at the time of the second reading. At the same time, no additional powers should be given to the Syndicate about curtailment of affiliation or disaffiliation but those important matters must remain solely in the hands of the Senate.

(Signed) JETHALAL CHIMANLAL SWAMINARAYAN.

9th September 1927.

BILL No. XXI OF 1927

An Act to amend the law relating to the University of Bombay

(As amended by the Select Committee)

WHEREAS by Act XXII of 1857 a University was established and incorporated at Bombay;

And whereas the law relating to the said university was amended by VIII of 1904, the Indian Universities Act, 1904;

And whereas it is necessary to reconstitute the said University to enable it to provide greater facilities for higher education and to

[Appendix 2—contd.]

conduct post-graduate teaching and research in all branches of learning, including technology, while continuing to exercise due control over the teaching given by colleges affiliated to it from time to time; *And whereas the previous sanction of the Governor General required by section 80A (3) of 5 and 6 of the Government of India Act has been obtained for the passing of this Act; V, c. 61.* It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY

1. *Short title.*—This Act may be called the Bombay University Act, 192 .

2. *Commencement.*—~~Subject to the provisions of "Chapter XIII Transitory Provisions", this Act shall come into force at once.~~ *Cf. Mad. VI of 1923, s. 1* This Act shall come into operation on such date as Government may, by notification in the "Bombay Government Gazette," appoint in this behalf.

3. *Interpretation.*—In this Act, unless there is anything repugnant in the subject or context— *Cf. VIII of 1904, s. 2. Mad. VII of 1923, s. 2.*

(a) "College" means an affiliated college;

(b) "Fellow" means an *ex-officio* Fellow or an ordinary Fellow of the University appointed under the provisions of this Act but does not include an Honorary Fellow;

(c) "Head Master" means the head of a High School registered by the University;

(d) "Prescribed" means prescribed by the Act or by any Statutes, Ordinances or Regulations made thereunder;

(e) "Principal" means the head of a college;

(f) "Registered Graduate" means a graduate registered under the provisions of this Act or of the Indian Universities Act, 1904; *VIII of 1904.*

(g) "Statutes," "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances, and Regulations of the University made or deemed to have been made under this Act and for the time being in force;

(h) "Teacher" ~~includes a~~ means such Professor, Reader, Lecturer and such person giving instruction in any college as may be declared by the Statutes to be a teachers;

(i) "University" means the University of Bombay as reconstituted under this Act;

(j) "University Department" means any collegiate institution or post-graduate or research department maintained by the University;

(k) "University Professor" means a person appointed as such by the University; and

(l) "University Teacher" means a person appointed by the University to give instruction on its behalf.

[Appendix 2—contd.]

CHAPTER II.—THE UNIVERSITY

Cf. VIII of
1904, s. 3.
U. P. III of
1921, s. 5.

4. *Incorporation and powers of the University.*—(1) The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and University teachers, to hold and manage educational endowments, to erect, equip and maintain University laboratories and museums, to make regulations relating to the residence and conduct of students, to lay down courses of instruction for the various examinations, to guide the teaching in colleges, to inspect colleges and to take measures to ensure that proper standards of teaching are maintained in them, to hold examinations, to confer degrees, to undertake post-graduate teaching and to promote research, and to do all acts, not inconsistent with this Act, which tend to the promotion of study and research.

Cf. Mad.
XXII of
1857, s. 1.

(2) The Chancellor, Vice-Chancellor, the Rector (if any), the Fellows and all persons who may hereafter become or be appointed or elected to be Chancellor, Vice-Chancellor, Rector or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, Rector or Fellows, are hereby constituted and declared to be one Body Corporate by the name of the University of Bombay; and such Body Corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

Cf. XXII of
1875, s. 2.

(3) The University shall be competent to acquire and hold property, both moveable and immovable to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and do all other things necessary for the purposes of this Act.

5. *The Visitor*—(1). *The Governor-General shall be the Visitor of the University.*

(2) *The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.*

(3) *The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinions of the Senate and Syndicate thereon, advise the University upon the action to be taken.*

(4) *The Syndicate shall, within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon.*

[Appendix 2—*contd.*]

(5) *The Chancellor may where action has not been taken by the University within a reasonable time to his satisfaction, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the University shall comply with such directions.*

5. 6. *Religious and other tests.*—No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof. Cf. Mad. VII of 1923, s. 5 (1).

6. 7. *Authorities of the University.*—The following shall be the authorities of the University:— Cf. Mad. VII of 1923, s. 13.

(1) The Senate,

(2) The Faculties,

(3) The Syndicate,

(4) The Academic Council,

(5) The School Leaving Examination Board,

(5) *The Board of Post-graduate Studies.*

(6) Such other bodies as the Senate may declare by Statutes to be authorities of the University.

CHAPTER III.—THE SENATE. ITS POWERS, CONSTITUTION AND DUTIES

7. 8. *Constitution of the Senate.*—The Senate shall consist of Cf. VIII of 1904, s. 4 (1).

(a) ~~The Chancellor,~~

(b) ~~The Vice-Chancellor,~~

(c) ~~The Rector (if any), and~~

(d) the Fellows of the University (*ex-officio* and ordinary).

8. 9. *The Chancellor.*—(1) The Governor of Bombay for the time being shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University. Cf. XXII of 1857, s. 4. Mad. VII of 1923, s. 9.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

9. 10. *The Vice-Chancellor.*—The Chancellor shall appoint a Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years, and shall be eligible for reappointment. Cf. XXII of 1857, s. 5.

[Appendix 2—contd.]

10. 11. *Powers of the Vice-Chancellor.*—The Vice-Chancellor shall be responsible for the proper administration of the University and shall

(a) in the absence of the Chancellor, preside at the convocation and meetings of the Senate;

(b) convene the Senate;

(c) *preside when present at the meetings of the Syndicate and exercise such other powers as may be conferred on him by this Act, and the Statutes, Ordinances and Regulations.*

11. 12. *The Rector.*—(1) The Senate may by statute, create the office of the Rector by a statute to be framed by a majority of at least three-fourths of the whole number of Fellows.

(2) The Rector shall be a whole-time salaried officer of the University. He shall, subject to the approval of the Government, be appointed by the Senate and shall have rank and precedence next after the Chancellor and the Vice-Chancellor.

(3) The Senate may, subject to the provisions of this Act, frame Statutes prescribing the manner of appointment of the Rector, the salary and conditions of his office and his powers and duties.

12. 13. *Fellows.*—(1) The Fellows of the University shall be—

I. *Ex-officio.*

(A) (i) The Chancellor,

(ii) The Vice-Chancellor,

(iii) The Rector (if any),

(iv) *The Registrar of the University.*

(B) (i) The Chief Justice of Bombay,

(ii) The Minister of Education, Bombay,

(iii) The Director of Public Instruction, Bombay,

(iv) The Surgeon General with the Government of Bombay,

(v) The Director of Agriculture, Bombay,

(vi) ~~The Chief Engineer with the Government of Bombay and Secretary to the Government of Bombay, Public Works Department,~~

(vii) ~~The Registrar of the University,~~

(viii) Vice-Chancellor of other Universities, if any, established by law in the Bombay Presidency, and holders of such other offices as are prescribed by Statutes: provided that the number of such Fellows shall not exceed five.

~~C Principals of all Colleges permitted to send up candidates for degree examination.~~

(D) (C) ~~All University Professors~~ *Heads of University Departments.*

[Appendix 2—contd.]

II. Ordinary.

(A) Elected as prescribed below :—	
(i) By University teachers and teachers ...	5
(ii) By Head Masters ...	5
(iii) By public associations or bodies as under ...	11
(a) Municipal Corporation of the City of Bombay ...	1
(b) Indian Merchants' Chamber, Bombay ...	1
(c) Bombay Chamber of Commerce ...	1
(d) City Municipalities of Northern Division and Bombay Suburban Division ...	1
(e) City Municipalities of Central Division ...	1
(f) City Municipalities of Southern Division ...	1
(g) City Municipalities of Sind ...	1
(h) District Local Boards of Northern Division and Bombay Suburban Division ...	1
(i) District Local Boards of Central Division ...	1
(j) District Local Boards of Southern Division ...	1
(k) District Local Boards of Sind ...	1
(iv) By Registered Graduates ...	25
(v) By the Faculties ...	10
(vi) By the Legislative Council of the Governor of Bombay ...	5

II. Ordinary

(A) Elected as prescribed below :—	
(i) By one electorate of principals of colleges entitled to send up students for degree examination from among themselves as under :—	13
(a) Principals of arts colleges including at least one principal of a college in each group as hereinafter defined ...	8
(b) Principals of colleges of pure science ...	1
(c) Principals of colleges of medicine ...	1
(d) Principals of colleges of agriculture ...	1
(e) Principals of colleges of engineering ...	1
(f) Principals of colleges of law ...	1
(ii) By University teachers and teachers from among themselves	10
(iii) One by head masters of schools in each group from among themselves ...	5
(iv) By public associations or bodies in British India as under :—	15
(a) Municipal Corporation of the City of Bombay ...	1
(b) Indian Merchants' Chamber ...	1
(c) Chamber of Commerce ...	1
(d) Millowners' Association, Bombay ...	1
(e) Millowners' Association, Ahmedabad ...	1
(f) City municipalities of the Gujarat Group ...	1
(g) City municipalities of the Deccan Group ...	1
(h) City municipalities of the Karnatak Group ...	1
(i) City municipalities of the Konkan Group (except Bombay City) ...	1

[Appendix 2—contd.]

(j) City municipalities of the Sind Group	1
(k) District local boards of the Gujarat Group	1
(l) District local boards of the Deccan Group	1
(m) District local boards of the Karnatak Group	1
(n) District local boards of the Konkan Group	1
(o) District local boards of the Sind Group	1
(v) By registered graduates	25
(vi) By the Faculties	10
(vii) Five by the Legislative Council of the Governor of Bombay, of whom one shall be the representative of the University on the Council if he is not already a member of the Senate.	5

Explanation.—For the purposes of this section the Schools and Colleges in the Bombay Presidency (excluding Aden) shall be divided into the following groups :—

Name of group	Territorial extent of the group
1. Gujarat group	Ahmedabad, Surat, Panch Mahals, Kaira and Broach districts.
2. Konkan group	The City of Bombay and the Nasik, Thana, Bombay Suburban, Ratnagiri and Kolaba districts.
3. Deccan group	Poona, Satara, Sholapur, Ahmednagar, West-Khandesh and East-Khandesh districts.
4. Karnatak group	Belgaum, Dharwar, Bijapur and Kanara districts.
5. Sind	Province of Sind.

The Senate shall, by statute, determine to which of the groups above-mentioned schools and colleges in Indian States shall be attached.

(B) Nominated by the Chancellor 40

(C) Donors to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees, if willing to serve, to be subject to the provisions of sections 14, 15 and 17 Fellows for life.

(D) One nominee of each of the bodies giving a donation to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees : provided that the right of making any such nomination and, subject also to the provisions of sections 13, 14, 15, 16 and 17, the tenure of any such nominee shall not extend beyond a period of twenty years from the date of the acceptance by the University of any such donation.

Explanation.—For the purposes of this section the value of any property offered as a donation to the University shall mean the market value of such property on the date of acceptance of the donation by the Senate.

[Appendix 2—*contd.*]

(2) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or University teacher or Head-master or a teacher the question shall be decided by the Vice-Chancellor.

13. 14. *Office vacated by leaving India.*—(1) If any person being Cf. XXII of
Chancellor, Vice-Chancellor, or Fellow of the said University shall leave 1857, s. 2.
India without the intention of returning thereto, his office shall thereupon become vacant.

(2) If the Vice-Chancellor is temporarily absent from India the Chancellor may appoint another person to act as Vice-Chancellor during the absence of the absent Vice-Chancellor.

14. 15. *Vacating of office.*—(1) Any Ordinary Fellow may, by letter Cf. VIII of
addressed to the Chancellor, resign his office and on the acceptance of 1904, s. 11.
the resignation the office shall become vacant.

(2) If for a period of twelve consecutive months any ordinary Fellow *except a fellow for life*, has not attended a meeting of the Senate, other than a convocation the Chancellor may declare his office to be vacant.

15. 16. *Term of office of ordinary Fellows.*—(1) The Ordinary Fellows Cf. VIII of
shall save as herein otherwise provided, hold office for five years. 1904, s. 4
(2).

(2) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

16. 17. *The appointment of a Fellow may be cancelled.*—The Local Cf. XXII of
Government may, on the recommendation of the Senate supported by 1857, s. 7.
at least two-thirds of the *whole number of Fellows*, cancel the appointment of any person appointed or elected a Fellow of the University. As soon as such order is notified in the *Bombay Government Gazette*, the person so appointed or elected shall cease to be a Fellow; and he shall not be eligible for reappointment or reelection until the disqualification has been removed by the Local Government by a notification in the *Bombay Government Gazette*.

17. 18. *Powers of the Senate.*—(1) The Senate shall be the supreme Cf. Mad. VII
governing body of the University and shall exercise all powers of 1923,
and perform all duties conferred or imposed on it by or under this ss. 15 and
Act as well as all powers of the University not mentioned provided for 16;
in this Act. U. P. III of
1921, s. 19.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Senate may—

(a) *save as provided in section 44* make, amend, or repeal Statutes and accept, reject or refer back but not amend draft Statutes submitted by the Syndicate;

(b) *Subject to the provisions of this Act* consider and cancel or refer back but not amend ordinances of the Syndicate and regulations of the Academic Council, and decisions of other University authorities;

[Appendix 2—contd.]

(c) consider and pass resolutions on the Annual Report, Accounts and Estimates ;

(d) consider the Annual Financial Statement placed before it by the Syndicate and pass it with such modifications as the Senate may think fit ;

(e) ~~make provision for postgraduate instruction and research ;~~

(e) *make provision for the physical and military training of students ;*

(f) institute and maintain professorships and other teaching posts, University Departments and hostels, found scholarships and prizes, and encourage the pursuit of learning by other means ;

(g) grant and confer degrees ;

~~(h) with the approval of the Government fix, demand and receive such fees for the degrees to be conferred by it and upon admission into the University and for continuance therein and for other purposes of a like nature as may be prescribed by Statutes ;~~

(i) *(h)* elect office bearers and authorities provided in this Act and Statutes ;

(j) *(i)* accept donations and endowments, and, if the interests of the University so require, give up any donation or endowment it has accepted ;

(k) *(j)* consider and decide appeals in cases where such appeal is provided for in the Statutes ;

(l) *(k)* delegate any of its powers to such authority or authorities as it may deem fit ; and

~~(m)~~ *(l)* generally do all such other acts and things as may be necessary or desirable to further the objects of the University.

CHAPTER IV.—FACULTIES

Cf. VIII of 1904, s. 14. 18. 19. (1) The University shall include such Faculties as are constituted by the Senate by Statutes from time to time.

Mad. VII of 1923, s. 25. (2) The Senate shall frame Statutes prescribing the constitution and functions of each Faculty.

U. P. III of 1921, s. 24. (3) ~~Every member of the Senate shall~~ *A fellow* may be assigned on the recommendation of the Syndicate, to one or more Faculties.

(4) The Syndicate shall frame Ordinances governing the conduct of business of each Faculty and the appointment by each Faculty of its Chairman (to be called the Dean).

(5) The Senate may empower any Faculty to co-opt *as members to serve on Boards of Studies controlled by it* persons who possess special knowledge of the subjects of study represented by the Faculty, but who are not Fellows, in such manner and for such period as may be prescribed by the Syndicate by ordinance :

Provided that the number of persons so co-opted by any Faculty shall not exceed half the number of ~~members~~ *fellows* assigned to that Faculty.

[Appendix 2—contd.]

CHAPTER V.—THE SYNDICATE

19. 20. *The Syndicate.*—(1) The executive government of the University shall be vested in the Syndicate, which shall consist of Cf. VIII of 1904, s. 15. Mad. VII of 1923, s. 18. constituted as follows from among the fellows :

- (a) ~~the Rector, or if there be no Rector, the Vice-Chancellor ;~~
- (b) ~~the Rector, if any ;~~
- (c) ~~the Director of Public Instruction, Bombay ;~~
- (c) ~~seven persons elected by the Faculties from among the Principals, University Professors, University Teachers and teachers ;~~
- (d) ~~nine persons, including at least one Head Master, to be elected by the Senate from among the Fellows ;~~
- (d) ~~seven persons elected by the members of the Academic Council from among themselves, provided that each faculty shall be represented by at least one member ;~~
- (e) ~~nine persons to be elected by the Senate from among the Fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head-Masters.~~

~~Provided that of the Syndics elected under clauses (c) and (d) not less than three and not more than six shall be members of the Academic Council.~~

(2) ~~Every member of the Syndicate shall hold office for three years, or until he ceases to be a fellow whichever period is shorter.~~

(2) (3) The Senate shall frame Statutes prescribing the manner of election of elected members of the Syndicate and the conditions governing their term of office.

(3) (4) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or a University Teacher or teacher or head-masters, the question shall be decided by the Vice-Chancellor.

20. 21. *Powers and duties of the Syndicate.*—The Syndicate shall Cf. Mad. VII of 1923, ss. 19-21. have power—

(a) to direct the form, custody and use of the common seal of the University ;

(b) subject to the powers conferred by this Act on the Senate, the Vice-Chancellor and the Rector (if any), to regulate and determine all matters concerning the University in accordance with the provisions of this Act, the Statutes and the Ordinances ; ~~provided that no action shall be taken by the Syndicate in respect of the fees paid to examiners and the member, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council ;~~

(c) to accept, reject, return to the Academic Council for reconsideration, but not amend regulations ~~laying down courses of study framed by the Academic Council ;~~

[Appendix 2—*contd.*]

(d) to frame the budget of the University for the consideration of the Senate;

(e) to administer the funds and property of the University;

(f) save as otherwise provided by this Act or the Statutes, to appoint on the recommendation of a committee of selection if any as required by the Act or Statutes the officers (other than the Chancellor; the Vice-Chancellor and the Rector), University Professors, University Teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts;

(g) to accept, subject to the direction of the Senate, transfer of any moveable or immoveable property on behalf of the University;

(h) to arrange for and direct the inspection of colleges and hostels, and to issue instructions for maintaining the efficiency of the Colleges, and in case of disregard of such instructions, to recommend modification of the conditions of affiliation and to take such other steps as it deems proper;

(i) to call for reports, returns and other information from the Colleges;

(j) to appoint examiners, after consideration of the recommendations of the Academic Council, and to make ordinances for the conduct of University examinations;

(k) to publish the results of the University examinations and other tests;

(l) to control the University library and to appoint a library committee: provided that at least half the members of the Committee shall be appointed from the Academic Council;

~~(l) to appoint Boards of Postgraduate studies;~~

(m) to provide for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;

(n) to enter into, vary, carry out, and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes;

(o) to make, amend and cancel ordinances; and

(p) to fix, demand and receive such fees for the degrees to be conferred by it and upon admission into the University and for continuance therein and for other purposes of a like nature as may be prescribed by Statutes;

(q) to make provision for post-graduate instruction and research;

(r) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes:

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (b) and (j) without inviting and receiving a report thereon from the Academic Council.

[Appendix 2—*contd.*]

CHAPTER VI.—THE ACADEMIC COUNCIL

21. 22. *Constitution of the Academic Council.*—The Academic Council shall consist of the following members, all of whom need not be Fellows :—

(i) The Rector, if any, otherwise the Vice-Chancellor ;

(ii) Deans of Faculties ;

(iii) such number of representatives not exceeding five of the Principals, University Professors and whole-time University teachers, as may be determined by Senate by Statute ;

(iv) two Headmasters to be elected by the Senate from among the Fellows ;

~~(v) such number of persons not exceeding fifteen as may be determined by the Senate by Statute, to be elected by the Faculties ; provided that each Faculty shall have at least one representative ; and~~

(v) twenty representatives of the Boards of Studies or groups of Boards of allied Studies as may be determined by Statute ; and

~~(vi) five persons elected by the Senate from among Fellows who are not eligible for election under clauses (iii) and (iv).~~

22. 23. *Election of the Academic Council.*—(1) The Senate shall frame a Statute prescribing the manner of election of the elected members of the Academic Council, and the conditions governing their term of office.

(2) If in the case of any election the question is raised whether any *Cf. VIII of* person is or is not a Principal or a University Professor or a whole-time teacher or head-master, the question shall be decided by the Vice-Chancellor. ^{1904, s. 15 (3).}

23. 24. *Powers of the Academic Council.*—(1) ~~The Rector, if any, shall be the Chairman of the Academic Council.~~ If there is no Rector, The Academic Council shall elect its own Chairman consistently with the provisions of the Act.

(2) The Academic Council shall frame regulations as provided in this Act and shall have the following powers ;—

(a) to regulate teaching and examinations within the University ;

(b) to determine and maintain the standards of examinations, remaining responsible for the maintenance of such standards ;

(c) to make regulations laying down courses of study subject to the approval of the Syndicate ;

(d) to propose to the Syndicate institution of new University teaching appointments, their duties and emoluments ;

(e) to propose to the Syndicate schemes for the constitution of University Departments, Faculties and Boards of Studies ;

(f) to make regulations for the award of University scholarships and prizes ;

(g) to recommend to the Syndicate appointment of examiners ;

[Appendix 2—contd.]

- (h) to make regulations prescribing equivalence of examinations ;
- (i) to arrange for co-ordination of studies and inter-collegiate lectures ; and
- (j) to make regulations prescribing the conditions to be complied with by candidates, not being students of any College for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University ;
- (k) to exercise such other powers as may be conferred on it by statutes ;
- (l) generally to advise the University on all academic matters.

CHAPTER VII.—~~The School Leaving Examination Board~~
The Board of Post-graduate Studies

24. (1) ~~The Senate shall constitute a School Leaving Examination Board of twelve members.~~

(2) ~~The School Leaving Examination Board shall conduct the School Leaving Examination and shall lay down the syllabuses shewing the nature of the examination in each subject, subject to the approval of the Syndicate. The Senate shall make Statutes for the constitution, functions and powers of the Board and generally with regard to all such other matters as may be considered necessary for the proper working of the Board.~~

25. *The Board of Post-graduate Studies.*—(1) *The Board of Post-graduate Studies shall consist of :*

- (1) *The Vice-Chancellor so long as there is no Rector ;*
- (2) *four members appointed by the Syndicate ;*
- (3) *four members appointed by the Academic Council one of whom shall be a University Professor.*

(2) *The Board shall subject to the Act, and Statutes, Ordinances and Regulations framed thereunder control and co-ordinate post-graduate teaching and research in the University Departments and the Colleges and shall recommend to the Syndicate what teachers in the Colleges shall be recognised as University teachers for post-graduate instruction and research.*

CHAPTER VIII.—OTHER UNIVERSITY BODIES

Cf. Mad. VII of 1923, s. 26. 25. 26. *Boards of Studies.*—(1) The Senate may, from time to time, frame Statutes constituting Boards of Studies, defining their functions, and attaching each Board to one or more Faculties.

(2) The Senate may abolish any Board of Study so constituted.

Cf. Mad. VII of 1923, s. 25. 26. 27. *Other bodies.*—The Senate may by Statutes constitute and define the functions of such other bodies as it may from time to time deem necessary for the purpose of carrying out the work of the University, and may abolish any of the bodies so constituted,
U. P. III of 1921, s. 27.

[Appendix 2—contd.]

28. *Committee of Selection.*—(1) Whenever it is necessary to appoint a whole-time University Professor or University teacher, a Committee of Selection shall be formed.

(2) The members of the Committee shall be :

(a) The Vice-Chancellor (Chairman),

(b) Four persons having special knowledge of the subject, to be selected as follows :—

(1) One, who shall be a member of a Faculty of the University; _____ by the Academic Council.

(2) Three, who shall not be Fellows, Members of Faculties, University Professors, University Teachers, or Teachers _____ one by the Academic Council, and two by the Syndicate.

(3) The Committee shall investigate the merits of the various candidates, and shall report to the Syndicate the names, arranged in order of merit, of persons, if any, whom it considers to be suitable for the vacant post.

(4) The Syndicate shall make the final selection out of the persons, if any, so recommended.

CHAPTER IX.—DEGREES

27. 29. *Degrees, diplomas, licenses, titles and marks of honour.*—The Senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by Statutes. Cf. VIII of 1904, s. 16.

28. 30. *Honorary Degree.*—If the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination. Cf. VIII of 1904, s. 17

29. 31. *Cancellation of degrees and the like and their restoration.*—(1) Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour has been conferred by the Senate or who is an Honorary Fellow, has been convicted of what is, in the opinion of the Syndicate, a serious offence, the Syndicate may after giving the person concerned an opportunity to explain propose to the Senate, that the degree, diploma, license, title or mark of honour or Honorary Fellowship be cancelled, and, if the proposal is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, title, mark of honour or Honorary Fellowship shall be cancelled accordingly. Cf. VIII of 1904, s. 18. Mad. VII of 1923, s. 40. U. P. III of 1921, s. 41.

(2) The degree, diploma, license, title, or mark of honour may subsequently be restored on good cause shown.

[Appendix 2—contd.]

(3) The procedure for the restoration of a degree, diploma, license, title, or mark of honour, shall, as far as is practicable, be as in sub-section (1) of this section.

30. 32. Annual Accounts.—(1) The fees charged by the Senate shall be carried to one General Fee Fund for the payment of expenses of the University under the direction and regulation of the Government of Bombay.

(2) The accounts of income and expenditure of the University shall, once in every year, be submitted to the Government of Bombay for such examination and audit as the Government may direct.

CHAPTER X.—STATUTES, ORDINANCES AND REGULATIONS

Cf. VIII of 1904, s. 25. Mad. VII of 1923, s. 29. U. P. III of 1921, s. 30. 31. 33. (1) The Senate may, from time to time, make Statutes not inconsistent with this Act, for all matters relating to the University.

(2) In particular, and without prejudice to the generality of the foregoing power, such Statutes may provide for—

- (a) the declaration of any person to be a teacher under section 3 (h);
- (b) the declaration of other bodies to be authorities of the University as provided in section 6 7 (6);

(c) the manner of election of the elected Fellows and the elected members of the Syndicate and the Academic Council and the term and conditions of their office, the maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate and the Academic Council;

(d) the powers of the Vice-Chancellor;

(e) the appointment, conditions of office, powers and duties of the Rector, if any, and the Registrar and of the officers and servants of the University;

(f) the prescribing of offices the holders of which shall be *ex-officio* Fellows under section (12) 13 (1) (B) (viii) (vii);

(g) the constitution, reconstitution or abolition of Faculties, and the functions of each Faculty;

(h) the procedure at meetings of the Senate, the Syndicate, the Academic Council and the Faculties and the quorum of members to be required for the transaction of business;

(i) the duties of the Academic Council;

(j) the constitution and powers of Boards of Studies; the functions of each such Board, the procedure of such boards and the quorum of members to be required for the transaction of business, and the attaching of each Board to one or more Faculties;

(k) the constitution, powers and duties of the School Leaving Examination Board, otherwise than as provided in this Act, and the procedure to be followed in the election of members of that Board;

[Appendix 2—*contd.*]

(k) the holding and control of the matriculation examination ;
 (l) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(m) the institution and conferment of degrees and the granting of diplomas, licenses, titles and marks of honour in respect of degrees and examinations ;

~~(n) the fees to be paid in respect of the courses of instruction given by University Professors and University teachers and for the degrees to be conferred by the Senate and upon admission into the University and for continuance therein and for other purposes of a like nature ;~~

(o) (n) the registers of graduates and students to be kept by the University ; and the fee (if any) to be paid for the entry or retention of a name on any such register ;

(p) the inspection of Colleges and the reports, returns and other information to be furnished by Colleges ;

(q) the registers of students to be kept by Colleges ;

(r) the rules to be observed and enforced by Colleges in respect of the transfer of students ;

(s) the conditions to be complied with by candidates not being students of any College for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University.

(t) the appointment and duties of University Professors and University Teachers and the regulation of post graduate studies and research ;

(u) the mode of execution of contracts or agreements for or on behalf of the University ;

(v) the alteration or cancellation of any rule, regulation, Statute or by law of the University in force at the commencement of this Act ;

(w) (o) the institution of pension or provident fund for the benefit of the officers, teachers and other servants of the University ;

(x) (p) all matters which by this Act may be prescribed by the Statutes ; and

(y) (q) generally, all matters relating to the University for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Senate, necessary.

32. 31. *Framing and operation of Statutes.*—(1) The first Statutes under this Act shall be framed by the Syndicate within six months after the Senate is constituted under this Act.

If the Syndicate fails to frame the Statutes within the period mentioned the Government may frame such Statutes and the Statutes so framed by Government shall have effect as if they had been framed by the Syndicate under the last preceding paragraph.

[Appendix 2—contd.]

(2) (1) The Statutes may be amended, repealed, or added to, by Statutes made by the Senate in the manner hereinafter provided.

(3) (2) All Statutes framed by the Senate, from time to time, shall be submitted for sanction to the Chancellor and they shall not come into operation until the Chancellor has accorded his sanction thereto.

(4) (3) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(5) (4) The Senate before passing a Statute taken into consideration of its own motion and affecting the powers or duties of any officer or authority of the University shall ascertain and consider the views of the officer or authority concerned and of the Syndicate thereon.

33. 35. *Ordinances how made.*—(1) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

(a) the admission of students to the University ;

(b) the courses of study to be laid down for all degrees and diplomas of the University ;

(c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and be eligible for degrees, diplomas, licenses, titles and marks of honour ; and the form of the certificate to be produced by a candidate for examination under section 35 37 and the conditions on which any such certificate may be granted ;

(d) the recognition of colleges and hostels ;

(e) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the ~~School Leaving~~ *Matriculation* Examination and the conditions to be complied with by candidates for the ~~School Leaving~~ *Matriculation* Examination whether sent up by recognised schools or not ;

(f) the residence and conduct of students ;

(g) the number, qualifications and ~~emoluments~~ *conditions of appointment of teachers of the University Professors and University Teachers ;*

~~(h) the fees to be charged for courses of teaching in the University given by teachers of the University, for tutorial and supplementary instruction given by the University, for admission to the examinations, degrees and diplomas of the University and for the registration of the graduates ;~~

(h) the fees to be charged for courses of instruction in the University given by University professors and University teachers, for tutorial and supplementary instruction given by the University, upon admission into the University and for continuance therein, for admission to the examinations, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature.

(i) the conditions of appointment, the mode of appointment and the duties of examiners ;

[Appendix 2—contd.]

- (j) the conduct of examinations ;
- (k) the conduct of business of each Faculty and the appointment of the Dean of each Faculty ;
- (l) the duties and powers of the Boards and committees to be appointed by the University jointly with any other University or body ;
- (m) the discipline to be enforced in regard to the graduates and undergraduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;
- (n) the extension of University teaching in any suitable centre within the Presidency by means of University Extension Lectures or otherwise ;
- (o) the rules to be observed and enforced by Colleges in respect of transfer of students ;
- (p) the functions of each Faculty ;
- (q) the fee (if any) to be paid for the entry or retention of a name on any register ;
- (r) the inspection of Colleges and the reports, returns and other information to be furnished by Colleges ;
- (s) the registers of students to be kept by Colleges ;
- (t) the appointment and duties of University Professors and University Teachers ;
- (u) the mode of execution of contracts or agreements for or on behalf of the University ;
- (v) (4) generally, all matters which by this Act or by the Statutes, may be provided for by the Ordinances and all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed on the Syndicate by this Act or the Statutes.

Provided that the Syndicate shall consult the Academic Council before making Ordinances—

- (i) affecting the appointment and duties of examiners, or the conduct or standard of examinations or any course of study ; or
- (ii) affecting the conditions of residence of students.

the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (b), (c), (d), (g), (i), (j), (n) and (o) without inviting and receiving a report thereon from the Academic Council.

(2) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct ; but every Ordinance so made shall be submitted laid on the table of the Senate as soon as may be to the Senate. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at the meeting, to cancel vary or refer for reconsideration any such Ordinance.

(3) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any

[Appendix 2—*contd.*]

such ordinance until the Senate has considered it as provided in sub-section (2).

Cf. Mad. VII of 1923, s. 33.

34. 36. *Regulations how made.*—(1) The Academic Council may make Regulations consistent with this Act and the Statutes and Ordinances to carry out the duties assigned to it thereunder and shall submit them to the Syndicate for approval.

(2) All Regulations when approved made by the Academic Council shall, except as otherwise provided by this Act, have effect from such date as the Academic Council may direct; but every Regulation so made shall be ~~submitted~~ placed on the table of the Senate as soon as may be, ~~to the Senate~~ and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel ~~vary~~ or refer for reconsideration any such Regulation.

(3) if the Syndicate does not approve of a Regulation the Regulation shall, on a requisition by at least five members of the Syndicate, be referred to the Senate who shall thereupon have all the powers of the Syndicate in this connection. If the Regulation is accepted by the Senate the provisions of sub-section (2) shall not apply to it.

(3) (4) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such regulation until the Senate has considered it as provided in sub-section (2).

CHAPTER XI—AFFILIATED COLLEGES

Cf. VIII of 1904, s. 19.

35. 37. *Certificates required of candidates for examination.*—Save on the recommendation of the Syndicate, by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for matriculation, unless he produces a certificate from a College to the effect that he has completed the course of instruction prescribed.

Cf. VIII of 1904, s. 20.

36. 38. *Existing Colleges.*—Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn, ~~or~~ restricted or modified in the exercise of any power conferred by this Act.

Cf. VIII of 1904, s. 21.

37. 39. *Affiliation.*—(1) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(a) that the College is to be under the management of a regularly constituted governing body;

(b) that the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction to be undertaken by the College;

(c) that the buildings in which the College is to be located are suitable, and that provision will be made, in conformity with the Statutes

[Appendix 2—*contd.*]

and Ordinances, for the residence in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the supervision and physical welfare of students;

(d) that due provision has been or will be made for a library;

(e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(f) that due provision will, so far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the College or the place provided for the residence of students;

(g) that the financial resources of the College are such as to make due provision for its continued maintenance; and

~~(h) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline; and~~

(h) that the College rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing College in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1), the Syndicate shall—

(a) direct a local inquiry to be made by a competent person authorised by the Syndicate in this behalf;

(b) make such further inquiry as may appear to them to be necessary; and

(c) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.

~~(3) The Registrar shall submit the application and all proceedings, if any of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof.~~

(4) (3) Where the application or any part thereof is granted, the order of the Government *decision of the Senate* shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

[Appendix 2—contd.]

5. (4) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (2).

Cf. VII of
1904, s. 22.

38. 40. *Extension of affiliation.*—Where a College desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 37 39 shall, so far as may be, be followed.

Cf. VIII of
1904, s. 23.

39 41. *Inspection and reports.*—(1) Every College affiliated to the University, whether before or after the commencement of this Act, shall furnish such reports, returns and other information as the Syndicate, after consulting the Academic Council, may require to enable it to judge of the efficiency of the College.

(2) The Syndicate shall cause every such College to be inspected from time to time by one or more competent persons authorised by the Syndicate in this behalf.

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in sub-section (1) of section 37 39.

Cf. VIII of
1904, s. 24.

40. 42. *Disaffiliation.*—(1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn in whole or in part, or *modified*, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Principal concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, and after consulting the Academic Council, shall make a report to the Senate.

(4) On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion in the matter.

(5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where by an order made under sub-section (5) the rights conferred by affiliation are withdrawn, in whole or in part, or *modified* the grounds for such withdrawal or *modification* shall be stated in the order.

CHAPTER XII.—HONORARY FELLOWS

[Appendix 2—*contd.*]

41. 43. *Honorary Fellows.*—(1) The Chancellor may nominate any person to be an Honorary Fellow for life, who is eminent for his attainments in any branch of learning, or is an eminent benefactor of the University, or is distinguished for services rendered to the cause of education generally. Cf. VIII of 1904, s. 13.

(2) Notwithstanding anything contained in this Act, any person appointed to be an Honorary Fellow under section 13 of the Indian Universities Act, 1904, shall continue to be an Honorary Fellow for life, and shall be deemed to have been so appointed under this Act. VIII of 1904.

(3) A person shall not be debarred from appointment as Fellow, *Syndic*, member of the *Syndicate*, Member of the Academic Council or other office under this Act, merely on the ground of being an Honorary Fellow.

CHAPTER XIII.—TRANSITORY PROVISIONS

42.—(1) ~~Transitory powers of the Senate.~~—Notwithstanding anything contained in this Act, within six months from the date of the coming into operation of this Act the Senate constituted in accordance with the provisions of the Acts repealed by this Act (in this section referred to as "the present Senate") shall make arrangements for constituting the Senate, the *Syndicate* the *Academic Council* and other bodies as provided in this Act.

(2) ~~Till the Senate is constituted as provided in this Act the present Senate and the *Syndicate* and other Bodies constituted under the Acts repealed by this Act and existing on the date on which this Act comes into operation and all officers of the University shall continue in office.~~

(3) ~~The present Senate shall within the period mentioned in sub-section (1) frame all such rules as may be necessary for regulating the elections to all authorities and bodies of the University as provided in this Act. Such rules shall be subject to the approval of the Chancellor.~~

(4) ~~Rules made under sub-section (3) shall be deemed to be, and shall have the effect of statutes made under this Act and shall continue in force until they are replaced by Statutes to be made under this Act.~~

(5) ~~If the present Senate fails to frame the rules referred to in sub-section (3) within the time therein mentioned the Government may frame such rules and the rules so framed shall have effect as if they had been framed by the present Senate under sub-section (3).~~

~~If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise, in first giving effect to the provisions of this Act, the local Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.~~

41. *Syndicate first to make the Statutes, Ordinances and Regulations.*—
(1) ~~Notwithstanding anything contained in this Act, the first Statutes,~~

[Appendix 2—contd.]

Ordinances and Regulations under this Act shall be framed by the Syndicate constituted under the Acts repealed by this Act (in this section referred to as "the present Syndicate") within such time before the date of coming into operation of this Act as Government may fix in this behalf, and on approval by the Chancellor, shall be deemed to have been duly made under this Act.

(2) If the present Syndicate fails to frame the Statutes, Ordinances and Regulations referred to in sub-section (1) within the time therein mentioned, Government may frame such Statutes, Ordinances and Regulations, and the Statutes, Ordinances and Regulations so framed shall be deemed to have been made under this Act.

(3) Till the Senate is constituted as provided in this Act, the Senate and other University bodies constituted under the Acts repealed by this Act and existing on the date on which this Act comes into operation and all officers of the University shall continue in office.

(4) Until the various University bodies other than the Senate are duly constituted under this Act, all their duties (except that of framing statutes, ordinances and regulations) shall be performed by one or more committees appointed by the Chancellor who shall also frame rules for the proper working of those Committees.

(5) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

(43) 45. *Elected and nominated Fellows to retire by rotation.*—(1) The Vice-Chancellor shall, after the Senate is constituted under this Act, divide by lot the first Fellows elected, and nominated under Part II (A) and (B) of sub-section (1) of section 12 13 into five equal groups, as far as possible, under each of the said heads, the order of the groups being also determined by lot.

(2) Subject to the other provisions of this Act the Fellows in the first, second, third, fourth and fifth of the said groups shall hold office for one, two, three, four or five years respectively.

(3) Fellows who have vacated their office under this section shall be eligible for re-election and re-nomination.

46. *Elected members of the Syndicate to retire by rotation.*—(1) The Vice-Chancellor shall, after the Syndicate is constituted under this Act, divide the members of the Syndicate elected under clauses (d) and (e) of sub-section (1) of section 20 into three equal groups, as far as possible, under each of the heads, the order of the groups being also determined by lot.

(2) Subject to the other provisions of this Act, the members of the Syndicate in the first, second and third groups shall hold office for one, two or three years respectively.

(3) Members of the Syndicate who have vacated their office under this section shall be eligible for re-election.

CHAPTER XIV.—GENERAL

[Appendix 2—contd.]

44. 47. *Interpretation in case of doubt.*—(1) If any question arises regarding the interpretation of any provision of this Act or of any statute, ordinance or regulation, or as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University the matter may be referred to the Chancellor, and shall be so referred if ten Fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question, and his decision shall be final.

(2) *Nothing in this section shall be deemed to affect in any way the existing jurisdiction of the High Court of Bombay.*

45. 48. *Elections to be by proportional representation.*—Every election to any authority of the University under this Act shall be made by according to the system of proportionatel representation by means of the single transferable vote in such manner as may be prescribed by Statutes.

46. *Proceedings not invalidated by vacancy.*—~~No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.~~

49. *Proceedings not invalidated by vacancy.*—*No act or proceeding of any authority or other body of the University shall be invalid by reason of only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any de facto member of the body whether present or absent.* Cf. Mad. VII of 1923, s. 39. U. P. III of 1921, s. 46.

47. 50. *Pension or Provident Fund.*—The University shall establish for the benefit of its officers, teachers and other servants such pension or provident fund as it may deem fit in such manner and subject to such conditions as may be prescribed by the Senate by Statutes. Cf. Mad. VII of 1923, s. 51.

48. 51. *Passing of property and rights to the University as reconstituted.*—All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for the University of Bombay as constituted under the Acts repealed by this Act as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act.

49. 52. *Repeal.*—The enactments specified in the Schedule shall be repealed to the extent specified in the fourth column thereof:

Provided that—

(a) this repeal shall not affect the validity of anything already done under any enactment hereby repealed; and

(b) the appointments of the Registrar and all other officers and servants of the University, and of Examiners, validly made under the Acts hereby repealed and subsisting on the date on which this Act comes into operation, shall be deemed to have been validly made under and for the purposes of this Act, and the Registrar and such

[Appendix 2—*contd.*]

officers, servants and examiners shall continue to hold office and to act, subject to the conditions governing the tenure of their office or employment, except in so far as such conditions may be altered by competent authority.

SCHEDULE

ENACTMENTS REPEALED

(Section 40 52)

Acts of the Governor General in Council

Year	Number	Short title	Extent of repeal
1857 ..	XXII	The Bombay University Act, 1857.	So much as has not already been repealed.
1904 ..	VIII	The Indian Universities Act, 1904.	In sub-section (1) of section 6 the word "Bombay." In the First Schedule the heading "The University of Bombay" and the entries under that heading.

APPENDIX 3

BILL No. XVI OF 1927

An Act to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land

(As published in the "Bombay Government Gazette"
of the 7th July 1927)

WHEREAS it is expedient to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land; and whereas the previous sanction of the Governor General required by section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

PART I

PRELIMINARY

1. *Short title.*—This Act may be called the Bombay Small Holdings Act, 1927.
2. *Extent.*—It extends to the whole of the Bombay Presidency except the City of Bombay, Aden, Sind and the scheduled District of the Mchwasssi Chiefs' villages as defined in the Scheduled Districts Act, 1874: XIV of 1874 Provided that the Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, exclude any area or class of areas from the operation of all or any of the provisions of this Act.
3. *Definitions.*—(1) In this Act, unless there is something repugnant in the subject or context,—
 - (a) "committee" means a committee appointed under section 4;
 - (b) "fragmented holding" means any plot of land existing in any local area at the time this Act comes into force which is of less extent than the standard unit; "new fragmented holding" means any plot of land less in extent than the standard unit which comes into existence in any local area after this Act comes into force;
 - (c) "land" means unalienated land used wholly or principally for agricultural purposes;
 - (d) "local area" means any area for which the Commissioner has determined standard units, under section 8;
 - (e) "neighbour" means the occupant of any land which is contiguous to a fragmented holding and includes a mortgagee in possession;
 - (f) "prescribed" means prescribed by or under this Act or by rules made thereunder;
 - (g) "standard unit" means the area of land which has been determined by the Commissioner under section 8 as the minimum necessary for profitable cultivation in the case of any class of soil in any local area.
- (2) Any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not herein defined shall, subject to the provisions of this Act, be deemed to have the meaning assigned to it by that Code.

[Appendix 3—contd.]

4. *Appointment of committee.*—The Governor in Council shall, as soon as practicable, after the coming into operation of this Act, appoint for each district a committee consisting of the Collector, who shall be the Chairman, the Deputy Director of Agriculture and three members of the District Local Board. The members of the District Local Board shall be selected and the vacancies, if any, in their numbers shall be filled in the prescribed manner.

5. *Committee to determine standard units provisionally.*—The committee shall provisionally determine for the whole or any portion of the district and for each class of soil, the minimum extent that can be cultivated profitably as a separate plot.

6. *Objections to be invited.*—The committee shall then publish its proposals in the prescribed manner and shall invite objections which should be submitted within one month from the date of publication.

7. *Committee to submit proposals to the Commissioner.*—The committee shall, after considering the objections, if any, and after making such further enquiries as it may deem fit, submit its proposals to the Commissioner through the Collector.

8. *Commissioner to determine standard units.*—The Commissioner shall thereupon determine finally and publish in the prescribed manner the standard units, as recommended by the committee, or with such modifications as he thinks fit.

9. *Entry in the Record of Rights.*—(1) After the standard units are finally determined an entry shall be made in the Record of Rights in the case of every plot of land less in extent than the standard unit that it is a fragmented holding.

(2) Within two months from the date of publication of the standard units under section 8, a notice shall be given in writing by the village accountant to the occupants of all such fragmented holdings that such an entry has been made.

10. *Restrictions on alienation of fragmented holding.*—(1) From the date of such entry in the Record of Rights no such fragmented holding shall be sold, exchanged, mortgaged with possession, leased or otherwise transferred except in accordance with the provisions of this Act.

(2) Every alienation of such fragmented holding contrary to the provisions of this Act shall be void.

11. *Notice to be given of transfer of fragmented holding.*—Any person, hereinafter called the transferor, desiring to transfer otherwise than by lease or mortgage without possession, to any person other than a neighbour, any fragmented holding shall give notice by registered post to the Mamlatdar, stating the conditions of the proposed transfer and the terms offered. The Mamlatdar shall, within one month of the receipt of such notice, give notice to all the neighbours, in the manner prescribed in section 191 of the Land Revenue Code, 1879, of the proposed transfer and of the conditions and terms mentioned in the notice.

12. *Neighbour's rights of pre-emption.*—(1) Any neighbour shall thereupon have the right to claim the fragmented holding on the terms

[Appendix 3—contd.]

mentioned in the notice given by the transferor under section 11. Such right is hereinafter called 'the right of pre-emption.'

(2) When more than one neighbour desire to exercise the right of pre-emption, the transferor shall dispose of his holding among them as he thinks fit.

Provided that when more than one neighbour desire to exercise their right of pre-emption, priority shall be given to the neighbour or neighbours whose original holding, being less in extent than the standard unit, shall, when combined with the fragmented holding, equal or exceed the standard unit: Provided further that when more than one neighbour are entitled to priority under the last preceding proviso, the transferor shall dispose of his holding among them as he thinks fit.

(3) The claim by a neighbour shall be made by notice sent by registered post to the transferor and to the village accountant of the village in which the fragmented holding is situated.

13. *When fragmented holding may be sold to a person other than a neighbour.*—If within 30 days of the issue of the notice by the Mamlatdar, under section 11, no neighbour has notified his desire to exercise the right of pre-emption in the manner prescribed in section 12, the transferor may transfer the fragmented holding to any person other than a neighbour on the terms mentioned in the notice under section 11.

14. *Suit to enforce right of pre-emption: Limitation.*—(1) If any fragmented holding is transferred in contravention of the provisions of section 11 or section 12 or on terms other than those mentioned in the notice under that section, any neighbour entitled to purchase it in preference to the transferee may institute a suit in the civil court to enforce his right of pre-emption.

(2) In every such unit the plaintiff may request the court to determine the terms on which the fragmented holding has been transferred and to put him in possession of the same on his agreeing to the same terms.

(3) If the transfer has taken place in contravention of the provisions of section 11 or section 12 and the plaintiff does not agree to take over the fragmented holding on the terms on which it has been actually transferred to the third party, the court shall put him in possession of the same on the terms mentioned in the notice given by the transferor under section 11. If no such notice was given or if the plaintiff is not willing to take possession on the terms mentioned in such notice the court shall either declare the transfer void, or pass a decree on the defendant agreeing to hand over the fragmented holding to the plaintiff on terms agreeable to both parties.

(4) The period of limitation in a suit to enforce the right of pre-emption under this section shall, notwithstanding anything contained in the Indian Limitation Act, 1908, be one year from the date of the transfer.

15. *To whom fragmented holding may be leased.*—No fragmented holding shall be leased to any person other than the occupant or the lessee of a contiguous plot.

[Appendix 3—contd.]

16. *New fragmented holding.*—If after the standard units have been determined under section 8 in any local area any plot less in extent than the standard unit comes into existence, such a plot shall be entered in the Record of Rights as a 'new fragmented holding' and written notice of such an entry shall be given by the village accountant to the occupant of such a holding and to such other persons as appear from the Record of Rights to have an interest therein within 15 days of the date of such an entry.

17. *To whom new fragmented holding may be transferred.*—From the date of such an entry in the Record of Rights no new fragmented holding shall be sold, exchanged, mortgaged, leased or otherwise transferred except to the occupant or in the case of a lease, to the lessee or owner of a contiguous holding.

18. *Transfer in contravention of Act void.*—Any lease or other transfer of a new fragmented holding shall be void to the extent to which it contravenes the provisions of this Act.

19. *Cultivation of new fragmented holding below standard unit prohibited.*—From the date of the entry made under section 16 no new fragmented holding shall be cultivated unless it is combined with a contiguous plot or plots so that the total area so cultivated shall be equal to or exceed the standard unit.

20. *Transferee of holding illegally transferred may sue for consideration given.*—Nothing in this Act shall debar a person or persons who may have obtained possession of a fragmented holding or of a new fragmented holding in contravention of the provisions of this Act from suing the transferor for any consideration he or they may have given.

21. *Partition of estates paying land-revenue to Government.*—(1) At the partition of an estate paying land-revenue to Government in any local area for which standard units have been fixed the Collector shall so divide the estate as not to leave any fragmented holding or to create any new fragmented holding. The land shall first be partitioned among those whose shares equal or exceed the standard units. If any portion is left over, it shall be divided into as many shares as can be made without creating a new fragmented holding and allotted to those of the remaining sharers whose shares are the largest. The rest of the sharers, if any, shall be compensated in money for their shares on a valuation made by the Collector and distributed *pro rata* among the sharers provided with land in the prescribed manner.

(2) If there are several sharers equally entitled and there is not enough land for all of them, the Collector shall, in the absence of any agreement among them, select by lot as many of the sharers as can be provided with land without leaving a fragmented holding, or creating a new fragmented holding, and the rest shall be compensated in the manner prescribed in sub-section (1).

(3) If owing to the existence of scattered fragments less in extent than the standard units in an estate it is not possible to divide it among the sharers so as to leave no fragmented holding, such scattered fragments

[Appendix 3—contd.]

shall be auctioned in the prescribed manner among the neighbours whose lands when combined with such fragments would exceed the standard units. If there is only one such neighbour the land shall be offered to him at a price fixed by the Collector. The proceeds of the sales of the scattered fragments shall be divided among the sharers entitled to them in proportion to their interest in them. If such fragments cannot be disposed of in the manner laid down in this sub-section, the largest of them shall be given to the sharer entitled to the largest share, the second largest to the sharer entitled to the second largest share, and so on until all such fragments have been disposed of and the claims of the other sharers adjusted in money in the manner prescribed in sub-section (1). Such fragments shall be treated as new fragmented holdings.

22. *Penalty for infringement of the Act.*—If any person acts in contravention of the provisions of section 11, 12 or 17, leases a fragmented holding in violation of section 15 or cultivates a new fragmented holding in violation of section 19, the Collector may, after formal inquiry, impose on him a fine not exceeding Rs. 50. Such fine shall be recoverable as an arrear of land revenue.

23. *Grant of tagai.*—The purchase of a plot or plots, by a neighbour or sharer under section 12, 14 or 17 or of a sharer's interest in land under section 21 shall be deemed to be a purpose for which tagai can be granted under the Agriculturists' Loans Act, 1884.

XII of 1884

24. *Amendment of sections 117A and 117B of Bom. V of 1879.*—In sections 117A and 117B of the Bombay Land Revenue Code, 1879, the following words shall be inserted at the commencement of the said sections, namely:—

Bom. V of
1879.

“Subject to the provisions of the Bombay Small Holdings Act, 192 . . .”

25. *Exemption from stamp duty and registration.*—Any document solely relating to the lease or other transfer of a fragmented holding or of a new fragmented holding made in accordance with the provisions of this Act shall be exempt from stamp duty and registration fees.

26. *Part I not to apply to transfer of land by or to Government.*—Nothing contained in this Part shall apply in respect of any transfer of land made by or to the Government.

PART II

CONSOLIDATION OF HOLDINGS

27. *Application of this Part to selected areas.*—With the object of forming economic holdings for the purpose of more profitable cultivation the Governor in Council may, by notification in the *Bombay Government Gazette*, declare that a scheme for any village or for any area in a village shall be made to consolidate and redistribute the holdings of land.

28. *Collector to apply for a scheme to be made.*—Such a notification shall issue only on the application of the Collector.

[Appendix 3—contd.]

29. *Preliminary inquiry before making application.*—Before making such an application the Collector shall hold an inquiry into the distribution and holding of land in the village or in the area in the village deemed to require consolidation and redistribution.

30. *Officer making inquiry to make plan of area affected and draw up a list of holders and ascertain their wishes.*—(1) Every officer making such inquiry shall draw up a plan of the area in respect of which it is proposed to make a consolidation scheme with a list of holders and other persons having an interest in the land to be consolidated and redistributed, and shall take the statements of the holders and such other persons in order to determine whether they consent or not to the making of a consolidation scheme.

(2) If a holder or a person having an interest in the land to be consolidated and redistributed fails to appear or attend at the time and place required by such officer, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code, and if any such person refuses to make or sign a statement required by such officer, he shall be deemed to have committed an offence under section 179 or section 180, as the case may be, of the Indian Penal Code.

XLV of 1860.

XLV of 1860.

31. *Majority necessary for a scheme; particulars to be given by Collector applying for sanction to preparation of a scheme.*—(1) If not less than two-thirds of the holders of plots and not less than half of the owners of land in the area affected consent to the making of a consolidation scheme, the Collector may apply for sanction for a consolidation scheme and shall furnish the following particulars:—

- (a) area to be consolidated,
- (b) a map showing existing distribution,
- (c) a list of persons interested showing if they have consented or not to the making of a consolidation scheme.

(2) The Collector shall also report the minimum size of a profitable cultivable plot of jirait and bagait land, respectively, and of a combination of jirait and bagait land in the area, and any other prescribed particulars.

32. *Particulars of the notification declaring that a scheme shall be prepared.*—The notification mentioned in section 27 shall contain the following particulars:—

- (a) the consent of the necessary majority of holders required by section 31,
- (b) the area to be consolidated,
- (c) the minimum size of holdings of the different classes of land to be included in the consolidation scheme,
- (d) the time within which the consolidation scheme shall be completed.

33. *Consolidation officer to be assisted by three persons from the village.*—(1) On the issue of a notification under section 27 the Governor in Council shall appoint some officer to be consolidation officer for the purpose of the consolidation scheme.

[Appendix 3—*contd.*]

(2) The consolidation officer on proceeding to the village or area in question shall take the assistance of three persons from the village or area of whom one shall be the revenue patel of the village and the others shall be members of the Sanitary Committee or of the Village Panchayat, if any, or if there is no Sanitary Committee or Village Panchayat, shall be appointed by the Collector.

34. *Consolidation officer to consult persons summoned to assist him.*—The consolidation officer shall, in the proceedings under this Act, so far as may be, consult these three persons, but shall not be bound by their opinions.

35. *Duties of consolidation officer.*—The consolidation officer shall—

(a) make a plan of the area in respect of which it is proposed to make a consolidation scheme showing all existing sub-divisions by survey numbers, pot numbers and sub-divisions,

(b) draw up a list of all holders in the area showing:—

(i) the separate holders of plots,

(ii) the joint holders of plots,

(iii) the persons having any other interest in or charge on the land affected, such as claims to maintenance, leases other than annual, mortgages, incorporeal and any other subsisting rights.

36. *Publication of plan and list and notices to holders and all persons interested.*—The plan and list so made shall be published in the village, at the taluka town, and at the district headquarters, together with a general notice inviting claims and objections and separate notice shall, so far as possible, also be served on all persons believed to be interested in the land affected. The notices shall specify the time within which all claims and objections will be received by the consolidation officer.

37. *Consolidation officer to inquire into all claims and objections made to him.*—On the expiry of the period specified in the notices under section 36 the consolidation officer shall hold a formal inquiry and shall hear and decide all claims and objections made to him

38. *All subsisting rights to be valued by consolidation officer.*—When all the claims and objections, if any, made to the consolidation officer have been finally determined by him, he shall proceed to value the rights of all persons who have been found to have an interest in the land affected as holders or mortgagees, or for maintenance, or a charge or any other interest.

39. *Matters to be considered by the consolidation officer.*—In making such a valuation, the consolidation officer shall take into consideration—

(i) the market value of the land at the date of publication of the notification under section 27,

(ii) the value of any trees or buildings on the land,

(iii) the damage likely to be sustained by any person by reason of severance of any land from other land,

(iv) the value of the remaining portion of any lease for more than a year,

[Appendix 3—contd.]

- (v) the amount due on any mortgage of the land,
- (vi) the capitalized value of any charge for maintenance, or any other interest in the land.

40. *Agreement to be specified in the valuation.*—Where there are several persons interested in such valuation and they agree to the apportionment of the land proposed by the consolidation officer the agreement shall be specified in the valuation and shall be final and conclusive and binding on all persons. Such agreement shall be reduced to writing, read and explained to the parties and signed or otherwise authenticated by the consolidation officer and all the persons interested.

41. *Tribunal of Arbitration.*—If there is any dispute as to the apportionment of land, the consolidation officer shall refer the dispute to the President of the Tribunal of Arbitration for the decision of such Tribunal.

42. *Composition of Tribunal.*—The Tribunal of Arbitration shall consist of a President and two assessors. The President shall be the District Judge, one assessor shall be a person having no interest in the land of the village and appointed by the District Judge. The other assessor shall be the consolidation officer.

43. *Removal of assessors.*—The Governor in Council may, if he thinks fit, remove for inability or misconduct or any other good and sufficient reason the assessor appointed under section 42 or the consolidation officer.

44. *Place where Tribunal may sit.*—The Tribunal of Arbitration may sit either at the headquarters of the President or at any other place, within the local limits of his jurisdiction, which he may consider convenient for the decision of any matter before such Tribunal.

45. *Right to appear by recognised agent.*—Every party to any proceeding before the Tribunal of Arbitration shall be entitled to appear either in person or by his recognised agent.

46. *Powers of President.*—All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two assessors or by the majority of them.

47. *Powers of Tribunal.*—The Tribunal of Arbitration may accept, modify, vary or reject the proposals of the consolidation officer.

48. *Decision of Tribunal to be final.*—Every decision of the Tribunal of Arbitration shall be final and conclusive and binding on all persons.

49. *Tribunal not a court.*—Nothing contained in this Act shall be deemed to constitute the Tribunal of Arbitration to be a court.

50. *Remuneration of non-official Assessor, and payment of incidental expenses of Tribunal.*—(1) The non-official assessor appointed under section 42 shall be entitled to such remuneration as may be fixed by the Collector from time to time subject to the approval of the Governor in Council.

(2) The remuneration payable to the non-official assessor and all expenses incidental to the working of the consolidation scheme and the redistribution scheme shall, unless the Governor in Council, otherwise determines, be payable by the persons who have benefited by the

[Appendix 3—contd.]

redistribution of the holdings in such manner as the consolidation officer shall determine. Such sums shall be recoverable as arrears of land revenue.

51. *Valuation by consolidation officer to be final.*—The consolidation officer's valuation of all rights involved in a consolidation scheme shall be final and conclusive and binding on all persons.

52. *List of persons interested and value of their interest to be published.*—When the valuation of all the rights affected by a consolidation scheme has been finally determined, a list of the persons having an interest in the land affected and the value of such interest shall be posted in the village chavdi, and notice of such interest and its value shall be sent to each such person.

53. *Area affected to be divided into plots not less than standard unit.*—The consolidation officer shall then frame a redistribution scheme in respect of such area containing proposals for the division of the area being dealt with into plots, none of which shall be less in extent than the standard unit, and each of which shall contain as far as possible a due proportion of jirait and bagait land. The redistribution shall be made in such a manner that the new holdings shall, so far as may be, conform to the previous holdings.

54. *And to provide for maximum convenience for cultivation of such plots.*—The redistribution scheme shall provide for roads, tanks, rights of way, water-courses and such other conveniences in such a way as to ensure that the reconstituted plots shall be cultivable to the greatest advantage.

55. *Assessments to be transferred from the old holdings to new.*—When the redistribution has been completed, the Superintendent of Land Records shall determine the area and assessment of each reconstituted plot by summing the assessment of all the pieces of land which compose it. The classification and description of the land (as rice, garden or dry crops) shall not be changed:

Provided that if by the redistribution any land loses irrigation water or any other advantage for which a special rate has been levied, and that advantage is transferred to any other plot of land, the Superintendent of Land Records shall have power to reduce or enhance the respective rates. He shall also have power to class and assess under the rules for the time being in force in this behalf any land given up from roads or any other public purposes to cultivation and to remit the assessment on any land transferred from cultivation to roads or any other public purposes.

56. *Settlement guarantee.*—The settlement guarantee shall not be affected by such re-assessments.

57. *Alienated land not to be included.*—Alienated land shall always be separately demarcated and shall not be included in any consolidation scheme.

58. *Total valuation of reconstituted plots.*—The reconstituted plots shall then be revalued in such a way as to provide for the values of all the rights which have been determined and valued under the foregoing

[Appendix 3—*contd.*]

provisions and posted under section 52 and so that the total value shall equal the total sum due under that section.

59. *Right of any holder to elect for compensation instead of new holding.*—Any person willing to receive compensation instead of reconstituted land shall be allowed to do so, if this is possible under the redistribution scheme.

60. *Disposal of plots not wanted by holders or persons interested.*—If any original holder or person interested is not willing to take any reconstituted plot under the redistribution such plot may be allotted for its valuation under section 58 to any other person willing to take it.

61. *Adjustment of interests of new holders.*—Persons who have been allotted new holdings in the redistribution shall have the values of their old holdings set against their new ones and shall be debited or credited in the scheme, as the case may be, with the difference in value between the two.

62. *Credit of value of holdings.*—Persons who were original holders and who have got no new holdings in the redistribution shall be credited in the scheme with the value of their old holdings.

63. *Debit of value of holdings.*—Persons who were not original holders and to whom plots have been allotted under the redistribution shall be debited with the value of the plots allotted to them.

64. *Other claims how to be adjusted.*—When all the allotments of reconstituted plots have been made and the sums due or owed on them have been fixed the scheme shall deal with the remaining interests involved.

65. *Interests on plots.*—When persons liable for such an interest have obtained plots on allotment the value of the interest shall be placed as a charge on such plots.

66. *Interests paid off.*—When such persons have not obtained plots in the redistribution the interest shall be paid off from the sums allotted to them in the valuation.

67. *Provisions for payments under the scheme.*—The scheme may provide that any charges placed on the land may be defrayed by a loan under the Land Improvement Loans Act, 1883, the amount of which shall then form a first charge on the land, or that they shall be defrayed by annual instalments which, if in arrear, shall be recoverable as an arrear of land revenue or the holders may themselves pay off any such sums.

68. *Submission to Government for sanction.*—When the scheme has been completed it shall be submitted to the Governor in Council for sanction through the Collector and the Commissioner, and, if the Governor in Council is satisfied that the scheme will be for the benefit of the area, and that all claims and interests have been provided for, he may sanction the scheme.

69. *Government sanction.*—If the Governor in Council sanctions the scheme, a notification shall issue, publishing it in the *Bombay Government Gazette* and at the District and Taluka headquarters and in the village.

[Appendix 3—contd.]

70. *Contents of notification.*—The notification shall state the date from which the scheme is to come into effect and the result of its coming into effect.

71. *Legal effect of publication of notification.*—On the publication of the sanction of the Governor in Council to the scheme the whole of the redistributed area shall be deemed to vest in Government as if it had been acquired under the Land Acquisition Act, 1894, and until it is re-allotted.

72. *Issue of sanads by Collector.*—The Collector shall then grant to each of the holders of the new plots a sanad in the prescribed form with a map showing the area and boundaries, and the obligations which are attached to the plots, and the assessment or other charges upon the land.

73. *Holders to be put into possession.*—The Collector shall then on such date as may have been notified for this purpose place the holders in possession of the plots allotted to them under the scheme.

74. *Concessions in order to assist consolidation.*—In any case in which consolidation of holdings has been or is being effected in accordance with the provisions of this Act—

(a) stamp and registration charges on any deed concerned with the consolidation of any holding shall be remitted on production of a certificate of a Mamlatdar endorsed on the deed that it is concerned with the consolidation of holdings under this Act;

(b) half the assessment on the consolidated area shall be remitted for three years;

(c) tagai may be granted if the object of the grant of the tagai is to carry out any of the purposes of this part.

75. *Bar of legal proceedings.*—No suit or other legal proceeding shall be maintained in respect of the exercise of any discretion conferred by this Act or against any public servant or person duly appointed or authorized under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

76. *Rules.*—(1) The Governor in Council may make rules consistent with the provisions of this Act to carry out the purposes and objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the selection of members of the District Local Board for the Committee to be appointed under section 4 and the filling up of vacancies in their number;

(b) the manner in which the notice referred to in section 6 shall be published;

(c) the manner in which the standard units prescribed by the Commissioner under section 8 shall be published;

(d) the manner in which the valuation made by the Collector of the shares of persons not provided with land at the partition shall be distributed among those provided with land under sub-section (1) of section 21;

[Appendix 3—*contd.*]

- (e) the manner in which scattered fragments of an estate shall be auctioned under sub-section (3) of section 21 ;
 - (f) the particulars to be reported by the Collector under sub-section (2) of section 31 ;
 - (g) the procedure to be followed by the consolidation officer ;
 - (h) the procedure to be followed by a Tribunal of Arbitration under this Act ;
 - (i) the procedure to be followed generally in carrying out the provisions and objects of this Act ;
 - (j) the form in which sanads shall be granted by the Collector under section 72 ;
 - (k) any other matter required to be done under or in furtherance of the provisions of this Act for which provision is, in the opinion of the Governor in Council, necessary.
- (3) The making of rules under this section shall be subject to the condition of previous publication.

STATEMENT OF OBJECTS AND REASONS

The subject of the excessive sub-division and fragmentation of agricultural holdings has engaged the attention of Government for a number of years. The evils resulting from these processes may be briefly stated as follows :—

- (a) they impede cultivation and cause a waste of time ;
- (b) they prevent permanent improvements to land being undertaken, as it is impossible to use labour-saving implements or even iron ploughs on land which is broken up into scattered pieces ;
- (c) they preclude the proper organization of labour and capital and cause a waste of a large amount of arable land in boundaries ;
- (d) they prevent a cultivator from living on his farm, result in second crops not being grown when they can be, in some cases send the land out of cultivation altogether, cause enmity amongst neighbours leading to quarrels and litigation, and, generally speaking, produce an uneconomic situation. The excessive sub-division of land in certain areas of the Presidency has gone so far as to amount to a serious hindrance to cultivation resulting in a general diminution of their crop outturn. In the interests of cultivation, therefore, it is necessary now to take measures to check the evil.

2. The object of this Bill is to remedy these evils so far as it is possible to do so. This it is proposed to do in three ways—

- (1) by prohibiting all future sub-divisions of land into plots which are agriculturally uneconomic ; (2) by ensuring that all transfers of land shall henceforth be towards the consolidation of holdings instead of in the direction of their fragmentation ; and (3) by setting up machinery which will, where necessary, redistribute into plots that can be cultivated at a profit holdings which have become so fragmented as to be no longer worth cultivating.

3. The Bill, which deals only with agricultural land, consists of two parts, which though distinct and separate, are connected to this extent

[Appendix 3—*contd.*]

that they deal with the same subject, namely, the sub-division and fragmentation of holdings. The first part consists of proposals to prevent further sub-division and fragmentation. In order to protect existing rights, as far as possible, separate provisions have been made for existing fragmented holdings and new fragmented holdings. So far as the existing fragmented holdings are concerned, it is not proposed to interfere with transactions relating to them (with the exception of leases) otherwise than by the right of pre-emption given by clause 12. As for leases, the lease of any fragmented holding, whether new or old, to any person other than the occupant or the lessee of a contiguous plot, is prohibited. The only distinction between an old and a new fragmented holding in the matter of cultivation is that while an old fragmented holding can be cultivated by its occupant the cultivation of a new fragmented holding even by the occupant himself (except as provided in clause 19) is prohibited. It will be seen that it is the cultivation and not the ownership of fragments which leads to unprofitable cultivation and that the cultivation, at any rate, of fragments which are brought into existence hereafter must be prevented if an enactment of this nature is to be at all effective.

The scheme may be briefly outlined as follows :—

(1) In districts or areas to which Government shall extend the provisions of the Act standard units will be selected by the committee appointed under clause 4, having regard to the character of the crops in the particular area.

(2) After standard units have been fixed for any area any person who desires to transfer his land which is less in size than the standard unit (otherwise than by lease or mortgage without possession) shall give the first right of refusal of it to the owners of the adjoining lands, and it is only when no neighbour has notified his desire to exercise such right that the owner can sell his land to any other person. Under clause 14 a suit may be instituted by a neighbour to enforce such right of pre-emption. In the case of new fragmented holdings which may come into existence after the passing of the Act the owner is debarred from transferring his plot except to the occupant, or, in the case of a lease, to the lessee or owner of a contiguous holding, and a transfer not so made is void. Under clause 19 the cultivation of a new fragmented holding is prohibited unless such holding is combined with a contiguous plot or plots so that the total area so cultivated shall be equal to or exceed the standard unit.

(3) Sections 117A and 117B of the Bombay Land Revenue Code shall be amended, so as to prevent the sub-division of land by the Courts by the partitioning off of portions below the standard unit.

(4) Tagai may be granted and stamp and registration fees may be remitted with the object of furthering the purposes of the Act.

(5) The Courts and Revenue Officers shall not recognize a partition involving the separation of land of less size than the standard unit.

4. The second part of the Bill is a consolidating measure, the object being to consolidate scattered and fragmented holdings in certain selected and specified villages. Considerable areas have been consolidated in Germany, France, Italy, Austria and other European countries.

[Appendix 3—*contd.*]

Consolidation has also been carried out in the Punjab by the Registrar of Co-operative Societies, with the help of the Societies, and without recourse to legislation. Similar attempts in this Presidency have not been successful. The method must be very slow.

A Consolidation Act has also already been placed on the Statute Book by the Government of His Highness the Gaikwar of Baroda.

The provisions of the Bill will not apply to inam lands because of the inherent rights attaching to such lands.

The second part of the Bill is largely based on the Bombay Town Planning Act, 1915. In particular a Tribunal of Arbitration based on the Town Planning Act will be instituted for the villages or areas in question. The provisions, however, are not so intricate as in the case of the Bombay Town Planning Act, as consolidation will be effected in rural areas only. There are also provisions for the grant of tagai and for other special concessions, in order to encourage consolidation. The provisions of the Bill do not apply to Sind.

Notes on Clauses

Clause 3.—In framing the definition of "local area" it is assumed that standard units may be determined by the Commissioner either for the district as a whole, or for a part or parts thereof, according as local conditions may require. Any area in a district for which standard units have been so determined will be a "local area" for the purposes of the Act.

Clause 4.—Provision for the duration of office of members of the District Local Board, the vacation of office by them on their ceasing to be members of the District Local Board, the removal of any such member, the manner in which the selection should be made and the vacancies should be filled up, the conduct of the business of the Committee and other matters incidental or ancillary thereto will be made by rules made under clause 76 (2) (a).

Clauses 10 to 15.—These clauses provide that after a plot of land has been entered as a fragmented holding in the Record of Rights and notice of such entry has been given to the occupant, the owner shall, if he desires to transfer the land by sale, exchange, mortgage or otherwise, first offer it to his neighbours and that it is only when none of his neighbours is willing to take it that he shall be entitled to transfer it to any other person. In the case of a lease, the land shall be leased either to the occupant or to the lessee of a contiguous plot. Any transfer of such a plot made in contravention of these provisions is void.

These clauses apply to plots of land of less size than the standard unit which are in existence when the Act comes into force. Separate provision is made for plots of land of less size than the standard unit which come into existence after the Act comes into force. (*Vide* clauses 16 to 19.)

Clauses 16 to 19.—These clauses aim at stopping the creation of new plots of land of less size than the standard unit after the Act comes into force. Any transfer of a plot of land which has been entered in the Record of Rights as a new fragmented holding (whether by sale,

[Appendix 3—*contd.*]

exchange, mortgage or otherwise) except to the occupant, or, in the case of a lease, to the lessee or owner of a contiguous holding, is prohibited and, if made, shall be void. Nor shall a new fragmented holding be cultivated unless it is combined with a contiguous plot so that the total area so cultivated shall be equal to or exceed the standard unit. Thus while the creation of new fragmented holdings by sub-division of land will be stopped by the restrictions on the transfer of such holdings the restrictions on the cultivation of such holdings will, it is hoped, tend to bring into existence plots of land which can be cultivated at a profit.

Clause 20.—As the transfer of fragmented holdings in contravention of the Act is void it is necessary to leave open to the transferees of holdings so transferred such remedies as may be open to them under the law for any consideration which they may have paid for the transfer.

Clause 21.—This clause provides that in partitioning an estate paying land revenue to Government the Collector shall so divide the estate as not to leave any fragmented holding or to create any new fragmented holding.

Clause 24 prescribes the further procedure to be observed in sub-dividing the land.

Clauses 27 to 40.—The remedies proposed in Part I are intended to prevent future fragmentations and to eliminate the fragmentations already effected, but these will obviously operate very slowly in eradicating the evil and it would appear that a more radical remedy is called for if the evil is to be effectively checked in time. It evidently must be similar to the operation now well known as "town planning" in urban areas. The idea is to demarcate an area in which fragmentation has proceeded very far and to remodel it into holdings which are of a size which can be profitably cultivated and to return the remodelled plots, as far as possible, to the original owners, compensating with cash payments those who will get no land in the consolidated area by reason of their original holdings being too small to entitle them to a new plot, unless, they are prepared to make up the deficiency by buying a new plot.

Clauses 41 to 72.—When the proper valuation of all rights and interests has been finally determined by the Consolidation Officer or by the Tribunal of Arbitration, a list in accordance with the decisions shall be drawn up and published. This will form the basis of the ultimate settlement when a redistribution scheme for the area has been sanctioned.

The scheme will be so framed as to form as many workable economic plots out of the entire area as may be possible and to provide roads and other amenities so that the plots, as redistributed, can be cultivated to the greatest advantage. The old assessments will then be imposed on the new holdings but not in such a way as to increase the amount of land revenue to be paid and the classification of the land will similarly not be changed. Nor will the settlement guarantee be affected. The redistributed area will then be regranted so far as possible to the original holders of the plots which have been reconstituted. The interests of

[Appendix 3—*contd.*]

all concerned will then be adjusted on the basis of the valuation which was made by the Consolidation Officer by money payments, such payments being effected where necessary by instalments or by means of advances by Government in the shape of tagai loans on easy terms.

The redistribution scheme, when completed, will be submitted to the Governor in Council for sanction and, if sanctioned by him, will be published. The Collector will then grant a sanad to each holder of the new plots with a map showing the area and boundaries and the obligations which are attached to the plots and the assessment or other charges on the land. The Collector will then place the holders in possession of the plots allotted to them under the scheme on the date notified in this behalf.

3rd June 1927.

C. V. MEHTA.

APPENDIX 4

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

RESERVED 8. The Honourable Sir Cowasji Jehangir

Additional funds required for the Back Bay Scheme

In the current year's budget the voted provision under "59, Bombay Development Scheme" is Rs. 44,81,738 or Rs. 44,82,000. Of this Rs. 23,27,000 is for works and repairs and maintenance of Back Bay Scheme, including the provision for payment of customs duty on imported stores. Owing to the causes specified below, the expenditure during the year on works and repairs and maintenance of the Back Bay Scheme is likely to be in excess of the budget provision by Rs. 9.21 lakhs :—

	Amount of excess Rs. (Lakhs)
(1) A liability of Rs. 1.53 lakhs on account of the expenditure incurred on re-conditioning the dredger "jinga" remained unpaid last year and consequently the budget provision made for it last year lapsed. In addition there was an excess of Rs. 2.98 lakhs on the original estimate for re-conditioning which was not taken into account when the budget estimates for the current year were framed. These two items make up the total liability of Rs. 4.51 lakhs to be met this year. This dredger is required for completing the reclamation of block No. 1 of the Back Bay Scheme, provision for which has been voted by the Council at its last budget session	4.51
(2) Excess on the original estimate for the dry filling of block No. 8. It was estimated, when the budget for the current year was framed, that this work would cost Rs. 9.15 lakhs, but the sanctioned estimate for the year actually amounts to Rs. 11.58 lakhs. The original provision of Rs. 9.15 lakhs is included in the item of Rs. 21.37 lakhs for dredging and filling which was voted by the Council at its last Budget Session	2.43
(3) Dry filling of block No. 1 by trams. This work was not contemplated when the budget for 1927-28 was framed, but has since been found to be desirable	1.28

[Appendix 4—contd.]

	Amount of excess Rs. (Lakhs)
(4) The provision of Rs. 1.18 lakhs voted by the Council for storm-water drains is found to be insufficient, as efforts are now being made to speed up the work in storm-water drain No. 6. This involves an extra expenditure of Rs. 25,000. Some new petty works in connection with the storm-water drains in blocks Nos. 7 and 8 which were not foreseen when the budget estimates for the current year were framed, are also now found to be necessary in view of the heavy monsoon conditions; the estimated expenditure this year on these unforeseen work amounts to Rs. 9,000 Total	34
(5) The provision of Rs. 37,095 voted by the Council for repairs and maintenance is likely to be exceeded by Rs. 18,000	18
(6) Miscellaneous petty works not foreseen when the budget estimates for this year were framed, but are now found to be necessary. These works arise only out of the items of works in the scheme for which the Council had voted provision before	47
	9.21

It will be seen from the details given above, that the excesses are solely on account of the items of works for which the Council had in its previous Sessions, voted budget provisions or for small unforeseen works arising out of such items of work; there is nothing in these excesses pertaining to any entirely new works for which the Council has not voted any provision. Against this total anticipated excess of Rs. 9.21 lakhs on works and repairs and maintenance in the Back Bay Scheme, there are the following anticipated savings aggregating Rs. 3.16 lakhs, on the budget provision for other items under "59, Bombay Development Scheme":—

	Amount of savings Rs. (Lakhs)
(1) Anticipated savings from the budget provision for land acquisition for the Back Bay and Suburban Schemes	1.56
(2) Anticipated savings from the budget provision for works and repairs and maintenance in Suburban Schemes .. .. .	.90
(3) Anticipated savings from the budget provision under "B-Establishments" .. .. .	.50

[Appendix 4—contd.]

	Amount of savings
	Rs.
	(Lakhs)
(4) Amount utilised for unforeseen small works in Back Bay Scheme from the provision of Rs. 75,000 for reserve with Government for unforeseen works	20
	3.16

Therefore a supplementary grant of Rs. (9.21 lakhs total anticipated excess in Back Bay Scheme — 3.16 lakhs total savings in other items =) 6.05 is required. In addition a provision of Rs. 40,000 is necessary to meet the charge on account of premia on the insurance policies of the three dredgers "Colaba," "Kalu" and "Jinga." Thus the total supplementary grant required this year under "59-Bombay Development Scheme" is Rs. 6,45,000.

A statement giving an abstract of the budget provisions under "59, Bombay Development Scheme" as passed by the Council and the revised estimate now proposed, showing how the supplementary grant of Rs. 6.45 lakhs is arrived at is appended.

Against this supplementary demand may be set, for forecast purposes, a saving of Rs. 3.78 lakhs on the expenditure for January-March 1927 which was shown in Forecast A submitted to the Council during the last budget session.

Demand voted and now increased
59, Bombay Development Scheme,
Rs. 44,82,000 + Rs. 6,45,000.

FINANCE DEPARTMENT :
28th September 1927.

[Appendix 4—contd.]

59—BOMBAY DEVELOPMENT SCHEME

Budget provision for 1927-28 and revised estimate framed on the information available at present for the purpose of a supplementary grant

Abstract

'59-Bombay Development Scheme' Reserved	Budget estimate for 1927-28 as passed by the Council	Revised estimate now proposed
<i>A-Works and Acquisitions—</i>		
<i>(a) Bombay City Schemes.</i>		
(i) Works	22,40,615	*31,83,417
(ii) Land Acquisition	75,000	22,000
(iii) Repairs and Maintenance	2,91,595	3,10,493
<i>(b) Suburban Schemes.</i>		
(i) Works	2,34,984	1,67,984
(ii) Land Acquisition	2,04,500	1,00,933
(iii) Repairs and Maintenance	3,15,042	2,92,042
<i>(c) General.</i>		
(i) Works	75,000	55,000
(ii) Repairs and Maintenance	21,055	21,055
<i>B-Establishments and Contingencies</i>	9,85,000	9,15,000
<i>C-Tools and Plant</i>	13,522	13,522
<i>D-Grants and Advances</i>	81,213	81,213
Customs duty on imported stores	49,284	49,284
	45,66,810	52,11,943
	or 45,67,000	52,12,000
Voted ..	44,81,738	51,26,736
Non-voted ..	85,262	85,262

The excess over the voted budget provision being Rs. 6,45,000 a supplementary grant of that amount is required.

*Includes Rs. 40,000 for payment of premia on insurance policies of the dredgers, "Colaba," "Kslu" and "Jinga."

APPENDIX 5

TRANSFERRED 1. The Honourable Sir GHULAM HUSAIN HIDAYAT-ALLAH.**Purchase of anti-rinderpest serum, Sind Veterinary Department.**

A provision of Rs. 6,000 has been made in the current year's budget for the purchase of sera for the Civil Veterinary Department in Sind. Owing to widespread outbreaks of rinderpest and other cattle diseases in the Nawabshah, Larkana and Sukkur districts, large quantities of sera had to be used and the expenditure at the end of April 1927 amounted to Rs. 5,950. The Superintendent therefore applied for a further grant of Rs. 4,000 for expenditure during the rest of the year. As the grant was urgently required, Government have sanctioned it in anticipation of the sanction of the Legislative Council and propose to meet it by re-appropriation from the reserve at the disposal of the Finance Department.

Re-appropriation suggested

Demand voted and now reduced— Demand voted and now increased—
 47-Miscellaneous—(Transferred). 34-Agriculture.
 Rs. 9,55,761—Rs. 4,000. Rs. 25,85,000—Rs. 4,000.

APPENDIX 6

RESERVED 2. The Honourable Mr. J. L. RIEU.**Additional grant for refunds under "7-Stamps"**

By the Indian Finance Act of 1927 the Stamp duty of one anna in respect of cheques and drafts was abolished with effect from 1st July 1927. In consequence of this enactment the full refund of the value of the stamps already embossed on cheque and draft forms now in possession of Banks and firms in Bombay and Karachi cities has to be allowed. This contingency could not be anticipated when the current year's budget was framed, and the provision on account of refunds was based on the average of the past actuals. The amount provided was consequently exhausted by the end of August last. In order to enable the Superintendents of Stamps to pay up the outstanding claims and to meet the abnormal demand during the remaining portion of the current financial year an additional grant of Rs. 1,11,500 has been sanctioned for the Stamp Depôts, Bombay and Karachi. The sanction of the Legislative Council was anticipated as the matter was urgent. The Legislative Council is now requested to sanction the expenditure from the Reserve.

APPENDIX 7

TRANSFERRED 3. The Honourable Mr. G. B. PRADHAN.

	Rs.
Completion of (1) mhowra godown and (2) spirit store at the Nasik Distillery	31,166

The Government Distillery at Nasik is a commercial undertaking of the Excise Department. All transactions regarding the distillery are therefore accounted for according to the general principles laid down for Government commercial undertakings. Last year the Legislative Council passed the demand for a supplementary grant of Rs. 1,56,975 for the construction of a mhowra godown (Rs. 1,26,394) and for the provision of increased spirit storage accommodation (Rs. 30,581). These works could not be completed during that year and the balance required for completing them during the current year has been provided under the head 41-Civil Works. According to the account procedure, however, provision for carrying out such works should be made under 6, Excise—Investments in Government Commercial Undertakings. The formal sanction of the Legislative Council is therefore requested to an additional grant of Rs. 31,166 under the head referred to for completing the two works, as shown below :—

	Rs.
Mhowra godown	19,540
Spirit store	5,000
	<hr/>
	24,540
Establishment and tools and plant charges at 27 per cent. ..	6,626
	<hr/>
Total ..	31,166

The funds provided under 41-Civil Works will not be utilised.

Demand voted and now increased

6-Excise

Rs. 51,68,000 + Rs. 31,166

APPENDIX 8

RESERVED 4. The Honourable Mr. J. L. RIEU.

Expenditure on Famine Relief

In the course of the current financial year, applications have been received by Government for the allotment of funds for famine expenditure for which no provision was made in this year's budget. As the money was urgently required sums aggregating Rs. 1,80,507 have been allotted by Government and the sanction of the Legislative Council is requested to the transfer of this amount from "43-B, Transfers to Famine Insurance Fund" to "43-A, Famine Relief." The details of the expenditure are as follows :—

	Rs.
(1) <i>Measures for the relief of distress in the Poona District</i>	30,000

Owing to the failure of the late rains the rabi crops in the eastern part of the district, which is mainly a rabi tract, have failed almost everywhere, except in Indapur Taluka and a part of Purandhar Taluka. It was necessary to start relief measures in this tract in the shape of doles to inferior village servants, bonuses to low paid patils and gratuitous relief to infirm persons remaining behind in the affected villages. A sum of Rs. 30,000 was therefore placed at the disposal of the Collector. Out of this allotment, the following expenditure was incurred up to 31st August 1927 :—

	Rs.	a.	p.
(a) Special Relief Establishment (2 Relief Head Karkuns, 3 Circle Inspectors and 5 peons) ..	1,071	2	0
(b) Bonus to Patils	1,711	15	0
(c) Dole to inferior village servants	6,533	2	6
(d) Dole to infirms	4,864	5	4
Total ..	14,180	8	10
Balance ..	15,819	7	2

The balance that will remain after any additional expenditure that may be incurred will lapse to Government.

(2) <i>Grant of extra remuneration to village officers and servants in the Dharwar District</i>	Rs. 3,300
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The Legislative Council sanctioned at the last session a grant of Rs. 3,300 for extra remuneration to village officers and inferior village servants in the Bijapur District, where there was scarcity last season. Subsequently it was reported to Government that it was necessary to give similar relief in certain talukas of the Dharwar District adjoining the Bijapur District where conditions were similar. Gratuitous relief was necessary for 287 inferior village servants in 113 villages at the rate of Rs. 2-4-0 per head per month for five months, and Government allotted a sum of Rs. 3,300 for this purpose.

(3) <i>Expenditure in connection with the storage of grass fodder at Palghar, Godhra and Dohad</i> ..	Rs. 1,47,207
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[Appendix 8—contd.]

Government entered into contracts with the Bombay and Mofussil Grass Trading Company for the storage of grass as a precautionary measure against famine at (1) Nawapur, Chinchpada and Khandbara and (2) Palghar, Dohad and Godhra. The necessary provision was made in the budget estimates under 43-A-Famine Relief. The first contract, viz., that for Nawapur, Chinchpada and Khandbara, has been cancelled and the contractors have been paid Rs. 50,000 as part compensation for the termination of their contract, with the approval of this Council. Government subsequently considered whether the contract for storage at Palghar, Dohad and Godhra should not be similarly cancelled and in the meanwhile no provision was made in this year's estimates for the continuance of the storage operations at these three places. It has now been decided that the contract should be continued till it is due to expire in March 1930, and a sum of Rs. 1,46,500 is accordingly required to finance operations during the current year.

A sum of Rs. 250 is also required to pay the accountants appointed by Government to examine the accounts of the contractors in connection with the cancellation of the Nawapur, Chinchpada and Khandbara contract.

In addition to these amounts, a sum of Rs. 457-3-9 is required on account of the payment of law charges in connection with an appeal preferred in the High Court by certain individuals under the Land Acquisition Act to determine the amount of compensation to be awarded by the Land Acquisition Officer in connection with the acquisition of certain land in the Panch Mahals District for the storage of famine fodder.

Re-appropriation suggested

Non-voted grant now reduced—	Demand voted and now increased—
43-B, Transfers to Famine Insurance Fund.	43-A, Famine Relief.
Rs. 3,32,125 — Rs. 1,80,507.	Rs. 7,04,875 + Rs. 1,80,507.

FINANCE DEPARTMENT.

19th September 1927.

APPENDIX 9

TRANSFERRED 5. The Honourable Sir GHULAM HUSAIN HIDAYAT-ALLAH.**Construction of a bandhara at Hated in the West Khandesh Division**

The Satpudas contain almost inexhaustible supplies of grass but access to them is difficult on account of the absence of drinking water for men and cattle. For the improvement of water-supply in these grazing areas, Government have approved the construction of a bandhara at Hated in the Shirpur Range of the West Khandesh Division. A provision of Rs. 9,595 has been made for this work as shown below :—

Rs. 4,800 under "43-A—Famine Relief."

Rs. 4,795 under "52-A—Capital Outlay on Forests."

It is estimated that an expenditure of Rs. 4,800 will be incurred on it during the current year. As the work is to be executed through the agency of the Public Works Department, the expenditure is debitable to that Department under "41, Civil Works—Provincial." As the money was urgently required, an amount of Rs. 4,800 was allotted by Government and the sanction of the Legislative Council is requested to the additional grant of this amount under the latter head. The corresponding grant voted under the head "43-A—Famine Relief" will not be expended.

Demand voted and now increased

"41-Civil Works—Partly reserved and partly transferred."

Rs. 1,48,80,000 + Rs. 4,800.

FINANCE DEPARTMENT :

22nd September 1927.

RESERVED 6. The Honourable Mr. J. L. RIEU.

Expenditure on Famine Relief Works in the Southern Division

In February 1927 the Commissioner, Southern Division, after reviewing the agricultural situation in the Eastern portion of the Division, made certain suggestions for an expansion of the Public Works Department programme for 1927-28 with a view to meeting any demand for employment which might arise out of the partial failure of the rabi crops. The area affected was the whole of the Bijapur District and the Eastern portions of Belgaum and Dharwar. The Commissioner therefore proposed that the following works should be undertaken as soon after 1st April 1927 as practicable :—

Name of work	Amount of estimate	Expenditure likely to be incurred in view of scarcity during the current year		Remarks
		Rs.	Rs.	
1. Completing the gap in the Pala-Badami Road between Hirehal (Dharwar District) and the Malaprabha river at Tolachgud (Bijapur District).	36,280		5,000	The Commissioner, Southern Division, and the Superintending Engineer, Southern Circle, are of opinion that it is a very useful work. When it is completed and a causeway is constructed at Tolachgud later on, the road will be a first class through fair weather route connecting the Eastern parts of Dharwar and Bijapur Districts.
2. Building a causeway over the Benihalla at Navalgund (Dharwar Division) to carry the Annigeri-Bijapur Road.	44,769		8,000	A causeway carrying this road over the Malaprabha river at Govankop has been completed. The addition of the proposed causeway will establish through communication between Gadag and Hubli with Bijapur and the Northern part of the Belgaum District.
3. Resurfacing miles 49-51 of Nipani-Chikodi-Mudhol Road at Gurlapur up to Mudhol State limits.	8,000		3,970	Owing to inadequate repair grant due to the financial stringency this road is not in good order and especially miles 49-51 have greatly deteriorated. These miles were metalled in 1909-10 and again resurfaced with murum in 1917-18. The resurfacing proposed is very necessary.

Appendix 10—*contd.*]

Name of work	Amount of estimate	Expenditure likely to be incurred in view of scarcity during the current year	Remarks
	Rs.	Rs.	
4. Completing or repairing about eight miles (25 to 33) of Gotur-Taagaon Road.	43,000	15,000	This is a direct fair weather road from Belgaum to Bijapur, Miraj and Taagaon in Satara District and is in good condition throughout except for the portion eight miles in length. That portion is a cart track of the worst description and is liable to flooding from the Krishna river and the proposed improvement is necessary.
5. Repairing the section from Huvin Hippargi to Talikot, about thirteen miles of the Bagewadi-Talikot Road.	17,600	10,000	This is the main line of communication between Bijapur and the Nizam's Dominions and Talikot itself is a place of some commercial importance. The proposed works are therefore necessary.
6. Constructing a causeway near Talikot over the Don river.	43,326	1,000	
		42,970	

The proposal for the commencement of these works was agreed to by the Superintending Engineer, Southern Circle. Orders were accordingly issued in April 1927 to take them up as an expansion of the Public Works Department programme for 1927-28, on the understanding that the conditions prevailing in the areas rendered such scarcity relief works necessary and that they should be kept open only while the need for them as such existed.

Subsequently the Commissioner recommended, for similar reasons, the commencement of the work of improving miles Nos. 39-46 of the Hubli-Sholapur Road estimated to cost Rs. 44,153. The Hubli-Sholapur Road is a link road connecting Dharwar District with Kanara and Bijapur Districts, hence a very important arterial road. It has more importance now than it had in the past owing to the construction of the causeway at Govankop. Moreover, the road is situated well within the affected parts of the Dharwar District and thus affords relief to unskilled labour in the vicinity in need of employment. The Commissioner's recommendation was accepted by Government, and orders to take up the work were issued in May 1927, the amount required for expenditure on it during the current year being Rs. 6,000.

[Appendix 10—*contd.*]

If it is decided to complete any of these works, after the scarcity is over, as ordinary works, they will be financed from funds under the head 41, Civil Works—Provincial.

The total amount required under the head 43-A, Famine Relief for all the works mentioned above is Rs. 48,970 (Rs. 42,970 *plus* Rs. 6,000). This amount cannot be met from the provision under the head "43-A, Famine Relief" and the sanction of the Legislative Council is requested to the transfer of the amount from "43-B, Transfers to Famine Insurance Fund" to "43-A, Famine Relief."

Re-appropriation suggested

Non-voted grant now reduced—	Demand voted and now increased—
43-B, Transfers to Famine Insurance Fund.	43-A, Famine Relief.
Rs. 3,32,125 — Rs. 48,970.	Rs. 7,04,875 + Rs. 48,970.

FINANCE DEPARTMENT :

23rd September 1927.

APPENDIX 11

TRANSFERRED 7. The Honourable Sir GHULAM HUSAIN Hidayatallah, Kt.

Expenditure due to floods

Owing to the situation created by the recent disastrous floods in Gujarat and Sind it has become imperatively necessary to provide funds for emergent works and repairs which had to be started immediately in order to repair the damage caused to buildings and roads in the affected areas. As the reserves with Government were quite insufficient to meet this heavy and unforeseen expenditure, the officers concerned were directed to review their grants and to surrender all savings that might, for any reason, be anticipated by them, so that they might be utilised to meet the expenditure due to floods. The amounts required to meet the expenditure on repairs to buildings and roads under the head 41-Civil Works—Provincial are as follows:—

		Amount required in 1927-28	Amount required in 1928-29
		Rs.	Rs.
<i>Gujarat—</i>			
Repairs to buildings	..	66,030	3,430
Repairs to roads	..	2,05,285	71,799
		2,71,315	75,229
<i>Sind—</i>			
Repairs to buildings	..	47,120	..
Repairs to roads	..	32,500	..
		79,620	..
		3,50,935	

From the information now available it appears that the amount required in the current financial year to meet the expenditure necessitated by floods is Rs. 3,50,935. A sum of Rs. 2,35,935 can be made available from the savings reported by the local officers and from the reserves with Government under the head 41-Civil Works—Provincial (Transferred). A supplementary grant of Rs. 1,15,000 is therefore very urgently required and the sanction of the Legislative Council is requested thereto. An equivalent amount in the Reserve (Transferred) with the Finance Department has been set apart for the purpose.

Re-appropriation suggested

Demand voted and now reduced—	Demand voted and now increased—
47-Miscellaneous Transferred.	41-Civil Works—Partly Reserved and Partly Transferred.
Rs. 9,53,761 — Rs. 1,15,000.	Rs. 1,48,80,000 + Rs. 1,15,000.

FINANCE DEPARTMENT:

27th September 1927.

APPENDIX 12

Statement of demand for a supplementary grant

TRANSFERRED 9. The Honourable Diwan Bahadur HARILAL D. DESAI.

Expenditure in connection with a donation for the X-ray Department of the Goculdas Tejpal Hospital, Bombay

A new block for the X-ray Department and library of the Goculdas Tejpal Hospital, Bombay, has recently been constructed and on the occasion of the opening ceremony by His Excellency of the Prince of Wales Wards, which have also been built lately at that institution, three generous donations of Rs. 75,000 for the X-ray Department and Rs. 10,000 for the library from Mr. Samaldas Purbhoodas Jeevandas; J. P., surviving trustee of a fund to be utilised in memory of his brother and his brother's wife, Seth Devidas Purbhoodas Kothari and Bai Hemkorbai Devidas, and of Rs. 2,000 for the library from Sir Temulji Nariman, Kt., a trustee of the N. J. Wadia Charity Fund, were offered. The last mentioned donation is not accompanied by any special conditions but certain conditions are attached to the former two donations and one of these is that Government will supply the staff and a sufficient grant to work the department and to maintain it and the library in efficient working order.

The question of acceptance of Mr. Samaldas' second donation of Rs. 10,000 is still under consideration. The average annual additional cost involved in the acceptance of the donation for the X-ray Department is estimated at Rs. 11,520 and the additional cost for five months of the current year, assuming that the proposals are sanctioned from 1st October 1927, will amount to Rs. 3,305.

The necessary buildings of the X-ray Department have been completed and are ready for the equipment. The Surgeon General had proposed the purchase of a new X-ray installation at this Hospital at an estimated cost of Rs. 65,000 but owing to financial stringency his proposal could not be adopted. This Department, when properly equipped, will be of the greatest value, both as regards the current work of the Hospital and its future development as a post graduate teaching course. It is moreover a department which is certain to grow rapidly and the facilities for training there will be very valuable and should lead to the institution of a practical course. With the new equipment proposed to be obtained a very large amount of actual treatment both X-ray treatment, electrical treatment and massage, in addition to the routine taking of X-ray skiagrams, can be commenced in this Department.

Having regard to the benefits thus excepted to accrue to the medical profession and the general public, Government are prepared to accept the donations for the X-ray Department and adopt the proposals regarding maintenance submitted by the Surgeon General with the Government of Bombay in that connection. The sanction of the Legislative Council is, therefore, requested to the grant of Rs. 3,305 to meet the additional

[Appendix 12—contd.]

expenditure involved in the acceptance of this donation during the current financial year. As no sufficient savings are available under the head "32-Medical," it is proposed to re-appropriate the amount of Rs. 3,305 from the Reserve under "47-Miscellaneous—Transferred." As this action involves transfer of funds from the head "47-Miscellaneous—Transferred" to "32-Medical—Transferred," sanction of the Legislative Council is necessary.

Details of the average annual additional cost and the cost during the current year are given below :—

	Average cost per annum	Cost for 5 months 1927-28
	Rs.	Rs.
<i>X-ray and Electro-Medical Department</i>		
1 Sister-in-charge on Rs. 250-10-300 (average 283 1/3).	3,400	1,250
1 X-ray and Electrical Assistant on Rs. 60-5-80-10-100 (average Rs. 86 2/9).	1,034	300
1 Photographer and Dark Room Assistant on Rs. 100-10/2-180 (average Rs. 135 1/3).	1,624	500
1 Peon on Rs. 22	264	110
2 Hamals on Rs. 22 each	528	220
Duty allowance to 1 Subordinate Medical Service Officer on Rs. 50 (i.e., Rs. 35 in addition to the existing Rs. 15).	420	175
Maintenance grant	4,250	750
	11,520	3,305

Re-appropriation suggested

Demand voted and now reduced—	Demand voted and now increased—
"47-Miscellaneous—Transferred."	"32-Medical—Transferred."
Rs. 9,55,761 — Rs. 3,305.	Rs. 42,67,000 + Rs. 3,305.

FINANCE DEPARTMENT :

28th September 1927.

APPENDIX 13

*Statement of demand for a supplementary grant***RESERVED 10.** The Honourable Sir Cowasji Jehangir.

Until now all the works pertaining to the Bombay Development Scheme being in the constructional stage; all expenditure incurred thereon was classified under the capital expenditure head "59-Bombay Development Scheme" and the interest and sinking fund charges incurred in connection with the borrowings of the Development Department for all works were merged in the provisions made under the heads "19,-Interest" and "21-Appropriation for reduction or avoidance of debt." As some of the schemes of the Development Department especially the industrial housing schemes, have now sufficiently developed to warrant the opening of a revenue account for the Bombay Development Scheme as a whole, it has been decided, with the sanction of the Secretary of State for India, to open a new revenue expenditure head "42-Civil Works (Development)" with a corresponding revenue receipt head "XXXI—Civil Works (Development)" with only one sub-head for the present, namely that pertaining to the industrial housing schemes. The sanction of the Legislative Council is requested to the following voted amounts on account of these industrial housing schemes being now provided under the new revenue expenditure head "42-Civil Works (Development)":—

	Rs.
"A-Works and Acquisitions—Part II—Repairs and Maintenance"	2,14,000
"B-Establishments"	1,00,284
"C-Tools and Plant"	2,000
Total ..	3,16,284

FINANCE DEPARTMENT :

28th September 1927.

APPENDIX 14

Statement of demand for a supplementary grant

RESERVED 11. The Honourable Sir Cowasji Jehangir.

Expenditure due to damage caused by floods to Irrigation Works

Owing to the situation created by the recent disastrous floods in Gujarat and Sind, it has become imperatively necessary to provide funds for emergent works and repairs which had to be started immediately in order to repair the damage caused to Irrigation works in the affected areas. As the reserves with Government were quite insufficient to meet this heavy and unforeseen expenditure, the officers concerned were directed to review their grants and to surrender all savings that might for any reasons be anticipated by them, so that they might be utilised to meet the expenditure due to floods. The amount required to meet the expenditure on emergent repairs to Irrigation Works under the heads "XIII-Irrigation, Navigation, Embankment and Drainage Works for which capital accounts are kept" and "15-Other Revenue Expenditure financed from ordinary revenues" is as follows:—

	Amount required in 1927-28	Amount required in 1928-29
	Rs.	Rs.
<i>Gujarat—</i>		
Repairs to Canals, tanks and protective bunds	2,05,000	2,55,000
<i>Sind—</i>		
Repairs to Canals	50,000	....
	2,55,000	....

It will thus be seen that the amount required in the current financial year is Rs. 2,55,000. A sum of Rs. 72,000 can be made available from the savings reported by the local officers and from the reserves with Government under the heads "XIII" and "15." It is proposed to meet the balance required, viz., Rs. 1,83,000, by reappropriation from the Reserve with the Finance Department under "47-Miscellaneous—Reserved." As this action involves a transfer of funds between two voted grants, the sanction of the Legislative Council is necessary.

Reappropriation suggested

Demand voted and now reduced—	Demand voted and now increased—
"47-Miscellaneous—Reserved.	Irrigation—Reserved (including
Rs. 14,90,000 — Rs. 1,83,000.	"XIII-Working Expenses,"
	"15-Other Revenue Expenditure
	financed from ordinary
	revenues" and "15 (1)-Other
	Revenue Expenditure financed
	from Famine Insurance Grant).
	Rs. 83,85,000 + Rs. 1,83,000.

FINANCE DEPARTMENT:
Bombay Castle,
29th September 1927.

APPENDIX 15

*Statement of demand for a supplementary grant***RESERVED 12.** The Honourable Mr. J. L. Rieu.

Expenditure on flood relief

In consequence of the phenomenal rainfall in the last week of July in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals in Gujarat and Hyderabad and Thar Parkar in Sind relief measures to deal with the situation caused by the floods had to be undertaken. The Collectors were instructed to proceed with tagai grants to agriculturists for the restoration of lands, the purchase of seed and cattle, and the rebuilding of houses to the extent essential for the effective conduct of agricultural operations. They were also authorised to make free grants when charitable funds were not immediately available for relief of distress by the supply of food, clothing and the provision of temporary shelter.

2. The following expenditure has hitherto been incurred on measures for the alleviation of distress in the affected areas :—

(1) *Loan of Rs. 25,000 to the District Local Board Broach, for opening cheap grain shops.*—The District Local Board, Broach, decided to open cheap grain shops in the Ahmod and Jambusar talukas and asked for a loan of Rs. 25,000 without interest. The loan is to be returned when the shops are closed. As no charitable organisations were then reported to have opened such shops in this area, Government sanctioned the loan from the Famine Insurance Fund. The loan when returned will be credited to that Fund.

(2) *Grant of Rs. 75,000 to the Collectors of Broach and Ahmedabad for general relief measures.*—This is being utilised on the provision of materials for constructing huts, free distribution of seed and for general relief measures.

(3) *Grant of Rs. 15,000 for opening timber depôts in areas affected by the floods.*—The Chief Conservator of Forests has undertaken departmental operations to supply bamboos and small rafters for the flooded areas. The exact quantity of materials required has not yet been estimated. In the meanwhile an amount of Rs. 15,000 has been sanctioned. It will be expended in places from which export by rail or sea to the affected areas is easy.

(4) *Allotment of Rs. 2 lakhs for purchase of corrugated iron sheets.*—This amount is required for the distribution either free or at concessional rates of corrugated iron sheets to distressed people of the lowest classes for the construction of huts. From this amount a sum of Rs. 1,18,531-4-0 has already been paid to the Central Flood Relief Committee for the purchase of 500 tons of these sheets.

(5) *Advance of Rs. 10,000 for supply of seeds, etc.*—This amount was placed at the disposal of the Director of Agriculture for the supply of seeds, implements and bullocks for resowing in Gujarat.

(6) *Establishment of the Flood Relief Officer Gujarat (Rs. 2,076).*—Government appointed Mr. J. H. Garrett, I.C.S., as a special officer for a period of four months to co-ordinate the various activities of all

[Appendix 15—contd.]

Departments in the four districts of Gujarat which have been affected. The Special Officer is to keep directly in touch with the Bombay Central Flood Relief Committee and other non-official bodies in connection with the various forms of relief which these bodies are undertaking. To assist him in the work the following establishment has been sanctioned by Government :—

One clerk on Rs. 150 per mensem.

One typist on Rs. 75 per mensem.

One Naik on Rs. 18 per mensem.

Three peons on Rs. 16 per mensem each.

Conveyance allowance to clerk and typist Rs. 12 per mensem each.

Local allowance to peons Re. 1 each per mensem.

Travelling allowance Rs. 400.

Contingencies Rs. 400.

(7) *Appointment of a Flood Reconstruction Officer, Thar Parkar District (Rs. 3,000).*—It was necessary to appoint a special Mukhtiarkar as Flood Reconstruction Officer in the Thar Parkar for a period of four months, more specially to deal with the question of rehousing on sanitary lines, as the sub-divisional officers and Mukhtiarkars are too busy with the ordinary takavi and remission work. The extra charge on account of this officer and his establishment amounting to Rs. 3,000 as shown below was therefore sanctioned by Government :—

(1) Special Officer on Rs. 420 consolidated pay plus Rs. 5 tentage.

(2) One clerk on Rs. 80 per mensem.

(3) Two peons on Rs. 20 per mensem each.

(4) Contingencies Rs. 25.

(5) Travelling allowance Rs. 180 per mensem.

(8) *Tagavi Advances (Rs. 18,28,460).*—A large number of applications for tagavi for the purchase of seed, cattle, etc., has been received, and advances have been made as under :—

				Rs.
Ahmedabad	..	..	..	5,00,000
Panch Mahals	..	..	..	26,500
Kaira	..	..	..	5,00,000
Thar Parkar	..	..	..	6,00,000
Hyderabad	..	..	..	1,51,000
Broach	..	..	..	50,960

Total .. 18,28,460

It is estimated that a sum of 4 lakhs will be required in the Gujarat districts for tagavi for rabi seed.

3. Government have under consideration a scheme by the Registrar of Co-operative Societies for loans to Co-operative Reconstruction Societies, of which the cost is Rs. 6,00,000 approximately. An additional amount of Rs. 1,15,00,000 has been ear-marked for loans for reconstructing houses. Besides the above amounts, a sum of Rs. 10 lakhs is required

[Appendix 15—*contd.*]

for free grants of building materials to lower classes in Gujarat and Sind. This will include some of the amounts referred to in (2) and (3) above as already expended.

4. It is proposed to meet the direct expenditure amounting to Rs. 10,54,461 from the Famine Fund; and the loans to agriculturists to the extent of 80 lakhs also from the Famine Fund; the remainder of the loans will be met from the general balances.

5. The following grants are required :—

	Rs.
" 43-A, Famine Relief "	10,55,076
" Deposits and Advances—Famine Insurance Funds— Advances to cultivators "	80,00,000
" Deposits and Advances—Loans and Advances by the Provincial Government "	63,53,400

Out of Rs. 10,55,076, a sum of Rs. 97,048 will be transferred from the balance remaining in the allotment under 43-B and the rest from the Famine Insurance Fund as stated in paragraph 4 above.

Demand Voted and now increased.

- (a) 43-A, Famine Relief—
Rs. 7,04,875 plus Rs. 10,55,076.
- (b) Deposits and Advances—
Famine Insurance Funds—Advances to cultivators—
Nil plus Rs. 80,00,000.
- (c) Deposits and Advances—
Loans and Advances by the Provincial Government—
Rs. 69,63,000 plus Rs. 63,53,400

FINANCE DEPARTMENT :

1st October 1927.

APPENDIX 16

BILL No. XXXV OF 1927

A Bill further to amend the Bombay Port Trust Act, 1879

(As published in the "Bombay Government Gazette" of the
29th September 1927)

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; 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:—

1. *Short Title.*—This Act may be called the Bombay Port Trust (Amendment) Act, 1927.

2. *Amendment of section 22 of Bom. VI of 1879.*—After sub-section (6) of section 22 of the Bombay Port Trust Act, 1879, hereinafter called the said Act, the following shall be inserted, namely:—

"Contributions to welfare fund.—(6-A) for authorizing the payment of contributions to any welfare fund which may be established by the Board for the benefit of the officers and servants appointed under this Act and the Chairman;

"Contributions or appropriations to special funds.—(6-B) for authorizing the payment of contributions or appropriations to any special fund or funds which may be established by the Board for any of the purposes of this Act:

Provided that no such special fund shall be established without the previous sanction of Government; and the maximum amount to which any such special fund may be allowed to accumulate shall be fixed from time to time by Government."

3. *Amendment of section 49 of Bom. VI of 1879.*—In section 49 of the said Act,—

(a) for clause (1) the following shall be substituted, namely:—

"(1) (i) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act;

(ii) the contributions, if any, duly authorized to be made,

(a) to any provident fund established by the said officers and servants, or,

(b) to such provident fund or welfare fund, if any, as may be established by the Board for the benefit of such officers and servants and the chairman;

(iii) the contributions or appropriations to such special fund or funds as may be established by the Board for any of the purposes of this Act; and

(iv) if any such provident fund or welfare fund or special fund be established by the Board, the cost and expenses, if any, which may be incurred by the Board in the conduct and administration thereof;"

[Appendix 16—*contd.*]

(b) the following proviso shall be added to the said section, namely :—

“ Provided also that the Board shall have power and shall be deemed always to have had power at any time to apply, with the sanction of the Government, the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section.”

4. *Amendment of section 50 of Bom. VI of 1879.*—In section 50 of the said Act,—

(a) the following shall be added to clause (3), namely :—
“ or welfare fund ;” and

(b) the following shall be inserted as clause (6), namely :—

“(6) the payment of contributions or appropriations to any special fund or funds established by the Board under the provisions of this Act to which the Board consider contributions or appropriations should be made from the pilotage account as well as or instead of from the General Account.”

STATEMENT OF OBJECTS AND REASONS

The Board have from time to time created certain special funds by appropriation from revenue for purposes of replacements or for meeting expenditure caused by loss or damage from fire, shipwreck or other accident or by depreciation to property or investments, or other emergency arising out of the conduct of their operations under this Act. It is also considered desirable to establish an Employees Welfare Fund for the purpose of providing subscriptions or donations, as may in the opinion of the Board be necessary, for the upkeep and financial assistance of clubs, institutes or other objects connected with the welfare of employees and for payment of rewards to employees for life saving or other meritorious acts. There is, however, no specific provision in the Act empowering the Board to establish such funds. Clauses 2, 3 (a) and 4 of the Bill, therefore, give the Board the necessary power to establish these and other similar funds for the purposes of the Act.

The amendment contained in clause 3 (b) is considered necessary to enable the Board to make payments in respect of unforeseen items of expenditure not expressly mentioned in section 49. Under the existing Act all the monies credited to the General Account have to be applied by the Trustees of the Bombay Port Trust in payment of the charges specifically mentioned in section 49 of the Act, but it has been found from actual experience that the business of a great public body like the Bombay Port Trust cannot be carried on without the expenditure, from time to time, of small sums of money, the necessity for all of which could not possibly have been foreseen when the Act was framed, and which, with the changing circumstances which necessarily attach under modern conditions, cannot all be foreseen now. It would involve expense and very considerable delay if the Act had to be altered so as to legalise various payments which, from time to time, might be found to be necessary, but which were not provided for by the Act. It is proposed

[Appendix 16—*contd.*]

therefore to add a further proviso to section 49 of the Act empowering Government to sanction the payment of any charge which is not expressly or impliedly authorized by the Act. The fact that the Trustees will have to apply to Government for sanction for such payments will provide any safeguard which may be considered necessary for the protection of the monies of the Trustees. In order to remove any doubts as to the legality of any necessary expenditure already incurred with the sanction of Government but which is not expressly authorised by section 49, provision has been made that the Board shall be deemed always to have had power at any time to apply, with the sanction of the Government, the monies credited to the General Account, in payment of any other charge not mentioned in the section.

COWASJEE JEHANGIR (Jr.).

APPENDIX 17

BILL No. XXXIII OF 1927

A Bill further to amend the Bombay District Police Act, 1890

(As published in the "Bombay Government Gazette" of the
24th September 1927)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this

Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1927.

2. *Amendment of section 3 of Bom. IV of 1890.*—In clause (b) of section 3 of the Bombay District Police Act, 1890, hereinafter called the said Act, after the word "Act" the words "and shall include, subject to the provisions of sub-section (2) of section 22-A, an additional police officer" shall be inserted.

3. *New section 22-A of Bom. IV of 1890.*—After section 22 of the said Act the following section shall be inserted, namely:—

"22-A. *Power to appoint additional police officers.*—(1) Any District Superintendent may in his discretion appoint, for such time and on such pay, and of such rank or grade, as he shall think fit, additional police officers to keep the peace or preserve order at any place, or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

(a) on the application of any person, at the charge of such person, or
(b) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on:

(2) Every additional police officer so appointed shall, on appointment,—

(a) receive a certificate in the form of Schedule C;
(b) be vested with all or such of the powers, privileges and duties of a police officer as are specially mentioned in the certificate; and
(c) be subject to the orders of the District Superintendent.

(3) *Notice to be given for discontinuance.*—In any case in which such police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the District Superintendent of such notice or on the expiry of such shorter period as the District Superintendent may fix, the appointment of such police officers shall cease.

(4) *Payments to be accounted for.*—All moneys received by the District Superintendent for the payment of any such additional police officers shall be accounted for by him.

(5) *Disputes as to payment of cost.*—In the event of any dispute in any case under this section the decision of the District Magistrate shall

[Appendix 17—contd.]

be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the District Superintendent, be recovered by the Collector from such person as an arrear of land revenue."

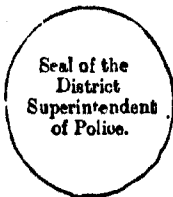
4. *New section 51A of Bom. IV of 1890.*—After section 51 of the said Act the following section shall be inserted, namely:—

"51A. *When police may arrest without a warrant.*—Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 4, 5 or 6 of the Prevention of Cruelty to Animals Act, 1890."

5. *Schedule C.*—After Schedule B to the said Act the following schedule shall be inserted, namely:—

"SCHEDULE C
(See section 22-A)

Form of certificate for additional police officer appointed under section 22-A



A. B. has been appointed by the District Superintendent of Police to the police of the district of _____ and is vested with the powers, functions and privileges of a police officer under sections _____ of the Bombay District Police Act, 1890, for the purposes of sections _____."

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to enable the agents of the Society for the Prevention of Cruelty to Animals to be vested with the powers of a police officer in places to which the Bombay District Police Act, 1890, applies. In the City of Bombay the agents of the Society are invested with the powers of a police officer under section 9 of the City of Bombay Police Act, 1902, but there is no corresponding section in the Bombay District Police Act, 1890, under which the agents of the Society can be invested with similar powers. It is, therefore, proposed to insert a section in the Bombay District Police Act, 1890, similar to section 9 of the City of Bombay Police Act, 1902.

2. In order to make the working of the Prevention of Cruelty to Animals Act practicable, offences under sections 3, 4, 5 and 6 of that Act have been made cognizable by clause 4 which is based on section 33 (i) of the City of Bombay Police Act, 1902.

J. E. B. HOTSON.

Statement of demand for a supplementary grant

RESERVED 13. The Honourable Mr. J. L. RIEU.

Additional Tagavi advances in the Ahmednagar, West Khandesh,
Broach, Karachi, Satara and Bijapur Districts.

The allotments sanctioned during the current year for tagavi advances in the Ahmednagar, West Khandesh, Karachi, Broach (before the floods), Satara and Bijapur Districts were found to be insufficient. As additional allotments were urgently required, they were sanctioned as shown below:—

	Rs.
Ahmednagar	1,00,000
West Khandesh	20,000
Karachi	14,000
Satara	10,000
Broach (before floods)	45,000
	1,89,000

An additional allotment of Rs. 25,000 is required in the Bijapur District.

The sanction of the Legislative Council is required to an additional grant of Rs. 2,14,000. Out of this Rs. 1,54,000 will come from savings in the loan funds and Rs. 60,000 from balances.

Demand voted and now increased

Deposits and Advances—Loans and Advances by Provincial Government—

Rs. 69,63,000 *plus* 2,14,000

FINANCE DEPARTMENT :

1st October 1927.

APPENDIX 19

Statement of demand for a supplementary grant covered by reappropriation

RESERVED 14. The Honourable Mr. J. L. RIEU.

Grant for the maintenance of, and repairs to, the kadbi stacks in the Sholapur District (Rs. 5,600).

Kadbi has been stored at various centres in the Sholapur District as a reserve against famine. The kadbi stacks were provided with roofing with iron sheets. The stacks which had been provided with double sheet roofing are in good condition, but the system of single sheet roofing with corrugated iron sheets which was adopted at some depôts has not proved satisfactory. The roofs of these stacks were recently blown away by heavy winds. The two sheet roofing was therefore adopted at these depôts also. Immediate action was necessary as the rains had started and there was danger of water getting in, if repairs were not effected quickly. An expenditure of Rs. 4,230 was therefore incurred and an additional sum of Rs. 270 will be required for further repairs.

2. A sum of Rs. 1,100 is required for payment to the rakhwaldars in charge of these depôts. The details of this expenditure are as follows:—

	Rs.
Pay of 7 rakhwaldars at Rs. 12 per mensem each and 2 temporary men at Rs. 15 per mensem each employed from 1st March 1927 to 31st May 1927 plus Rs. 3 contingency per mensem (Rs. 117)	351
Pay of 6 rakhwaldars at Rs. 12 per mensem each plus Rs. 2 contingency per mensem from 1st June 1927 to 28th February 1928	666
Unforeseen expenditure	83
Total ..	1,100

3. The total expenditure on account of the items specified in paragraphs 1 and 2 amounts to Rs. 5,600. No provision was made in the current year's budget for the purpose. The sanction of the Legislative Council is now requested to the transfer of this amount from "43-B-Transfers to Famine Insurance Fund" to "43-A, Famine Relief."

Re-appropriation suggested

Non-voted grant now reduced— 43-B, Transfers to Famine Insurance Fund. Rs. 3,32,125—Rs. 5,600	Demand voted and now increased— 43-A, Famine Relief. Rs. 7,04,875 plus Rs. 5,600.
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FINANCE DEPARTMENT :

4th October 1927.

Statement of Demand for a supplementary grant

TRANSFERRED 15. The Honourable Dewan Bahadur HARILAL D. DESAI.

Expenditure in connection with extra sanitary measures required to be undertaken in Gujarat as a result of the floods

As a result of the recent floods in Gujarat insanitary conditions prevail in many localities. While these conditions continue there is risk of an outbreak of epidemic disease and a rise in the incidence of diseases like malaria, dysentery, enteric fever. The local bodies concerned are primarily responsible for the sanitary measures required, but in view of the extraordinary situation created by the floods, Government have decided to provide funds for special measures of relief which may be deemed necessary by the Public Health Department. It is difficult to frame an accurate estimate of the cost of the measures which may be required. In anticipation of the sanction of Government the local officers have already spent more than Rs. 6,000 for such sanitary measures as were deemed essential by the Public Health Department. In addition the Department expects to spend about Rs. 5,000 more on supply of disinfectants and the employment of conservancy staff. The funds available under "33-Public Health" under the control of the Director of Public Health have already been seriously depleted by the expenditure on measures to combat the cholera epidemic in the Southern and Central Divisions. The sanction of the Legislative Council is therefore requested to a lump grant of Rs. 12,000 for extra sanitary measures as a result of the floods under "33, Public Health." As no provision exists in this year's budget for this unforeseen charge, it is proposed to meet it from the Reserve (Transferred) with the Finance Department.

Re-appropriation suggested

Demand voted and now reduced—	Demand voted and now increased—
47-Miscellaneous—Transferred.	"33-Public Health"
Rs. 9,55,761—Rs. 12,000	Rs. 21,03,000 plus Rs. 12,000.

FINANCE DEPARTMENT :

5th October 1927.

APPENDIX 21

BILL No. XXX OF 1927

A Bill further to amend the Bombay Children Act, 1924

(As published in the "Bombay Government Gazette" of the
23rd September 1927)

WHEREAS it is expedient further to amend the Bombay Children Act, Bom. XIII, 1924, in manner hereinafter appearing: AND WHEREAS the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Children (Amendment) Act, 1927.

2. *Amendment of section 7 of Bom. XIII of 1924.*—To sub-section (2) of section 7 of the Bombay Children Act, 1924, hereinafter called the said Act, the following proviso shall be added, namely:—

"Provided that when the Court is presided over by a salaried Presidency Magistrate, such examination need not be reduced to writing, but the Court may, if it thinks fit, before the matter is brought before it, require the matter to be reduced to writing."

3. *Amendment of section 51 of Bom. XIII of 1924.*—For clause (a) of sub-section (1) of section 51 of the said Act, the following shall be substituted, namely:—

"(a) if passed by a juvenile court:—

- (i) in the City of Bombay, to the Chief Presidency Magistrate; and
- (ii) in any other place to which the Act applies, to a District Magistrate."

STATEMENT OF OBJECTS AND REASONS

The objects of this Bill are explained in the following notes on clauses:—

Clause 2.—It has been suggested that the procedure of the juvenile court will be simplified if a proviso on the lines of proviso (b) to section 200 of the Code of Criminal Procedure, 1898, is added to section 7 (2) of the Act. The amendment in this clause gives effect to this suggestion.

Clause 3.—It has been suggested that section 51 (1) (a) of the Act does not expressly provide for appeals against orders passed by a juvenile court in the City of Bombay as there is no District Magistrate in the City of Bombay. This clause, therefore, makes the necessary provision.

J. E. B. HOTSON.

APPENDIX 22

BILL No. XXXII OF 1927

A Bill further to amend the Bombay Public Conveyances Act, 1920

(As published in the "Bombay Government Gazette" of the 24th September 1927)

WHEREAS it is expedient further to amend the Bombay Public Conveyances Act, 1920, in manner hereinafter appearing; And Whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Public Conveyances (Amendment) Act, 1927.

2. *Amendment of section 2 of Bom. VII of 1920.*—In section 2 of the Bombay Public Conveyances Act, 1920, hereinafter called "the said Act," for clause (c) the following clause shall be substituted, namely:—

"(c) 'licensing year' means the year commencing on such date as the Commissioner of Police shall, subject to the condition of previous publication, fix for the purpose of licenses granted under this Act."

3. *Amendment of section 6 of Bom. VII of 1920.*—In sub-section (2) of section 6 of the said Act for the words, figures and brackets "a fee at one-half of the rate chargeable for the grant of a license for a public conveyance under section 7, sub-section (1), shall be charged" the following words shall be substituted, namely:—

"the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct."

4. *Amendment of section 8 of Bom. VII of 1920.*—To section 8 of the said Act the following sub-section shall be added, namely:—

"(5) Such licenses shall be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer."

5. *Amendment of section 9 of Bom. VII of 1920.*—In section 9 of the said Act for the word "shall" the words "may, if he thinks it necessary," shall be substituted.

6. *Amendment of section 13 of Bom. VII of 1920.*—In sub-section (1) of section 13 of the said Act for the word "shall" the word "may" shall be substituted.

7. *New section 16-A of Bom. VII of 1920.*—After section 16 of the said Act the following section shall be inserted, namely:—

"16A. *Licensee to report name of person left in charge of conveyance during his absence.*—Whenever the licensee of a public conveyance shall

[Appendix 22—*contd.*]

be absent from the City of Bombay for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure, notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act."

8. *Amendment of section 19 of Bom. VII of 1920.*—To section 19 of the said Act the following words shall be added, namely:—

"and may, at any time, abolish any such stand or place."

9. *Amendment of section 26 of Bom. VII of 1920.*—In section 26 of the said Act,—

(a) in sub-section (1) for the words "without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge" the words "without a badge, if he has received a badge from the Commissioner of Police or, when acting as such driver, shall fail to wear a badge so received" shall be substituted;

(b) in clause (e) of sub-section (2) for the word and figure "section 11" the words and figures "section 8 or section 11" shall be substituted.

10. *Amendment of section 27 of Bom. VII of 1920.*—After clause (b) of section 27 of the said Act the following clause shall be inserted, namely:—

"(bb) who, before leaving the City of Bombay for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or"

11. *Amendment of section 31 of Bom. VII of 1920.*—In sub-section (2) of section 31 of the said Act for the words "nearest police officer of rank not below that of inspector" the words "officer in charge of the nearest police station" shall be substituted.

12. *Amendment of section 35 of Bom. VII of 1920.*—In section 35 of the said Act,—

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

"(1) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with this Act,—

(a) fixing the sum to be paid towards the cost of an inscription under sub-section (2) of section 6;

(b) generally for the regulation of public conveyances."

(b) After sub-section (2) the following sub-section shall be inserted, namely:—

"(3) such rules may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees."

13. *Amendment of section 36 of Bom. VII of 1920.*—In section 36 of the said Act,—

(a) for clause (c) of sub-section (2) the following shall be substituted, namely:—

[Appendix 22—contd.]

“(c) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act”;

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

“(3A) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression ‘City of Bombay’ occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification;”

(c) in sub-section (4) after the word “appointing” the words “and abolishing” shall be inserted.

14. *Substitution of a new section for section 37 of Bom. VII of 1920.*—For section 37 of the said Act the following shall be substituted, namely:—

“37. *Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.*—The Governor in Council, or, in any area to which this Act or any specified provisions thereof have been extended under section 36 the Commissioner in Sind, or the Commissioner of a division, as the case may be, by notification in the *Bombay Government Gazette*, apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

Explanation.—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement.”

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to make certain amendments in the Bombay Public Conveyances Act, 1920, which appear necessary in the light of experience gained in the working of the Act during the last seven years. The amendments are explained in the following notes on clauses.

Clause 2.—Under section 2 (c) of the Act “licensing year” means the calendar year commencing on the first day of January of each year. Conditions vary in different districts and it is believed that it will lead to administrative convenience if the year is left to be fixed by the Commissioner of Police (or other corresponding officer) to suit local conditions instead of being fixed by a legislative enactment. This clause, therefore, gives the Commissioner of Police the power to fix the licensing year after previous publication.

Clause 3.—This clause is intended to reduce the fee levied at present under sub-section (2) of section 6 for making the inscription required by section 3 at any time other than when a license is granted or renewed at the annual renewal, and to provide that for any such inscription a licensee should pay the actual cost of making the inscription only. The amount of such cost will be determined in accordance with rules made in this behalf by the Commissioner of Police.

[Appendix 22—*contd.*]

Clause 4.—This amendment is necessary to facilitate the detection of unlicensed horses which are used for drawing public conveyances.

Clause 5.—Section 9 of the Act makes it obligatory on the Commissioner of Police to brand a horse when granting a license. The number of horses used for public conveyances must necessarily vary with the area and population of a place and in some places both licensing and branding are found unnecessary. This clause, therefore, provides that horses shall be branded, besides being licensed, only if the Commissioner of Police thinks that branding is necessary.

Clause 6.—Under section 13 as it stands at present the Commissioner of Police is bound to provide badges to drivers of public conveyances. It is considered desirable to make the provision optional so as to enable the Commissioner of Police or the corresponding officer in the mofussil, to dispense with badges if he thinks that local conditions do not require them to be provided.

Clause 7.—Owners (licensees) of public conveyances often leave the place for which their license is granted and stay away for a long time leaving some person in charge of their business; but they do not inform the Police Department of this change. It, therefore, becomes very difficult, should a licensee be required (*vide* section 32), to ascertain during his absence, who has been left in charge. This clause provides for such difficulty.

Clause 8.—Calls for no remarks.

Clauses 9 and 10.—The amendments made by these clauses are consequential.

Clause 11.—In the mofussil every officer in charge of a police station is not necessarily an Inspector and parties to a dispute under section 31 are put to inconvenience by having to go to an officer of the rank mentioned in sub-section (2) of that section. This clause is intended to remove this inconvenience.

Clause 12 (b).—It is necessary to give the Commissioner of Police power to provide a penalty for a breach of the rules made under section 35 if the rules are not to be a dead letter. As for the amendment made by clause 12 (a) *vide* clause 3.

Clause 13 (a).—In view of revised section 37 contained in clause 14, section 36 (2) (c) (ii) becomes superfluous.

Sub-clauses (b) and (c) call for no remarks.

Clause 14.—This clause is an amplification of existing section 37. The High Court has decided that a conveyance which is ordinarily let for hire but which is not used for the purpose of plying for hire is not a public conveyance within the meaning of the Act. It is desirable that every conveyance which is kept or ordinarily let to the public for hire should be brought within the purview of the Act. This clause, therefore, gives power to the Governor in Council in the City of Bombay, and elsewhere to the Commissioner, to apply all or any of the provisions of the Act or any part of any such provision, or, if they cannot be conveniently applied as they stand, to adapt the same to any vehicles or to any class

[Appendix 22—*contd.*]

of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire. Conveyances which may be let for hire only occasionally but which are not kept or ordinarily let for hire are excluded.

J. E. B. HOTSON.

APPENDIX 23

BILL No. XXII OF 1927

A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922

As published in the "Bombay Government Gazette" of the
(11th August 1927)

Bom. IV of 1922. WHEREAS it is expedient to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Mahul Creek [Extinguishment of Rights (Amendment)] Act, 1922.

Bom. IV of 1922. 2. *Amendment of preamble and section 2 of Bom. IV of 1922.*—In the preamble and section 2 of the Mahul Creek (Extinguishment of Rights) Act, 1922, hereinafter called the said Act, the words "tidal rights and" shall be repealed.

3. *Amendments made by section 2 to have retrospective effect.*—The amendments made by section 2 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation.

STATEMENT OF OBJECTS AND REASONS

When Bombay Act IV of 1922 was passed, it was intended to extinguish rights of navigation only in the part of the Mahul Creek described in section 2 of the said Act. The words "tidal rights" occurring in the preamble and section 2 of the said Act which were suggested in the provisional draft of the Bill, however, remained till the Act was passed. This Bill is, therefore, intended to give effect to the original intention by an amendment of the preamble and section 2 of the Act so as to extinguish rights of navigation in the creek only. As the amendments proposed in clause 2 are intended to carry out the original intention, clause 3 gives them retrospective effect from the date on which Bombay Act IV of 1922 came into operation.

26th July 1927.

COWASJI JEHangIR (JUNIOR).

APPENDIX 24

BILL No. XXXI OF 1927

A Bill to amend the Bombay Primary Education Act, 1923

(As published in the "Bombay Government Gazette" of the
24th September 1927)

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:— Bom IV of 1923.

1. *Short title.*—This Act may be called the Bombay Primary Education (Amendment) Act, 1927.

2. *Amendment of section 9 of Bombay IV of 1923.*—In sub-section (1) of section 9 of the Bombay Primary Education Act, 1923, for the words "on the recommendation" the words "after considering the suggestions, if any," shall be substituted. Bom. IV of 1923.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to remove the doubts which have been expressed as to the power of a local authority to appoint the School Board Administrative Officer under sub-section (1) of section 9 of the Act. It has even been contended that under the existing section a local authority can appoint a School Board Administrative Officer only if a recommendation is made by a School Board and that when such a recommendation is made the local authority has no option but to accept it as binding. It is evident that such could not have been the intention of the legislature as it would leave the parent body, which is responsible for financing the School Board, practically no voice in the matter. This Bill, therefore, makes it clear that the power to appoint the School Board Administrative Officer shall, subject to the approval of Government, be vested in the local authority alone and that while it shall be the duty of a local authority to consider the suggestions, if any, of the School Board before making the appointment of a School Board Administrative Officer, the local authority shall not be bound to accept such suggestions,

HARILAL D. DESAI.

APPENDIX 25

BILL No. XXIII OF 1927

A Bill farther to amend the Gujarat Talukdars' Act, 1888

(As introduced on the 6th August 1927 and published in the
"Bombay Government Gazette" of the 25th August 1927)

Bom. VI of 1898. . . WHEREAS it is expedient to amend the Gujarat Talukdars' Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor required by the section 80C of the Government of India Act V, c. 61. has been obtained; It is hereby enacted as follows:—

1. This Act may be called the Gujarat Talukdars' (Amendment) Act, 192 .

Bom. VI of 1888. . . 2. *Repeal of section 31.*—Section 31 of the Gujarat Talukdars' Act, 1888, is hereby repealed.

Bom. VI of 1888. . . 3. *Amendment of section 33 (1).*—In sub-section (1) of section 33 of the Gujarat Talukdars' Act, 1888, omit the words "127 to 136, both inclusive."

STATEMENT OF OBJECTS AND REASONS

Clause 2.—Protection given by section 31 to the Talukdars for the preservation of the integrity of Talukdari estates has been misused and Talukdars, feeling secure under the protecting section, have led extravagant lives, bringing chronic indebtedness in their train. Even Government are tired of managing indebted estates and are leasing them or allowing them to be leased to private individuals who ruthlessly exploit the cultivators with a view to wring maximum profit out of the bargain. The repeal of section 31 will compel the Talukdars to keep their expenditures below their incomes and will remove a fruitful source of hardship and misery to their inferior holders.

Clause 3.—It is desirable that the exemption from the sections 127 to 136, both inclusive, of the Land Revenue Code, 1879, granted to Talukdars should be removed in order that it would be possible to determine the respective rights of Talukdars and their subjects by regular survey of their village sites and by introduction of record of rights.

JETHALAL CHIMANLAL SWAMINARAYAN.

APPENDIX 26

BILL No. XXV OF 1927

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

(As introduced on the 6th August 1927 and published in the
"Bombay Government Gazette" of the 25th August 1927)

In sub-section (2) of section 11 of Bombay Act III of 1888 as amended by Act I of 1925—

"As a place of residence" between the words "occupied" and "of which" and also substitute word "five" instead of "ten" the last word of the same paragraph.

THE STATEMENT OF OBJECTS AND REASONS

Under the present Act a trader who is a sub-tenant may hold two or more votes one for his place of business and another for his place of residence as the same name appears either twice in one and the same ward or in different wards if he has business place in one ward and a residence in another ward. This is not right as it leads to multiple voting and therefore the system is faulty and should be stopped.

The lowering of franchise to Rs. 5 is a necessary step in advancing real democracy. In other urban areas the franchise has been reduced and a vote is given to a tenant who pays Re. 1 per month. Moreover owing to the depressed condition of trade in the city of Bombay, the Government has been obliged to reduce rents of the Development Department Chawls and a large number of people who had upto now a right of voting will be disfranchised and therefore the lowering the franchise is desirable.

R. S. ASVALE.

APPENDIX 27

BILL No. XXVI OF 1927

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

(As introduced on the 6th August 1927 and published in the "Bombay Government Gazette" of the 30th August 1927)

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

I. This Act may be called the City of Bombay Municipal Act No. of 192 .

Bom. III of
1888.

II. In sub-section (1) of section 5 of the City of Bombay Municipal Act, 1888:—

The word "seventy-six" in line 3 shall be substituted by the word "eighty-nine."

The word "sixteen" in line 5 shall be substituted by the word "eight" and

The word "ten" in line 12 shall be substituted by the word "five."

Bom. III of
1888.

III. In sub-section 3 of section 24 of the City of Bombay Municipal Act, 1888, between the words "to be elected for each Ward" and the words "shall be specified in Schedule B" the following shall be inserted:—

"and the number, if any, of seats reserved for Backward and Depressed Classes."

Bom. III of
1888.

IV. The following shall be inserted as sub-section 4 of section 24 of the City of Bombay Municipal Act, 1888:—

"For the purposes of the reserved seats 'Backward Classes' shall mean persons belonging to any of the following Marathi speaking Hindu castes, viz., the Maratha, Kunbi, Mali, Koli, Bhandari, Shimpi, Lohar, Kumbhar, Bhoi, Bori, Lonari, Bhavin, Deoli, Shinde, Ahir, Khatri, Parit, Gabit, Gavad, Gavandi, Gavli, Gurav, Nhavi, Kasai, Kasar, Koshti, Sali, Sangar, Sutar, Teli, Agle or Agri and Vanjari castes."

"For the same purposes Depressed Classes shall mean persons belonging to any of the following castes, namely, the Mahar, Chambhar, Mang, Dhed and Bhangi castes."

"Provided the Local Government may notify in the *Gazette* any other caste as being entitled to the benefit of reserved seats by declaring it to belong as the case may be either to the Backward Classes or the Depressed Classes whereupon it shall be held to be entitled to such benefit."

[Appendix 27—contd.]

V. The last column of Schedule B of the City of Bombay Municipal Act, 1888, shall be repealed and the following three columns shall be substituted for it:—

Bom. III of 1888.

Consecutive No.	Name of the Ward	Boundaries	Number of members to be elected for each Ward	Number of seats reserved for Backward Classes	Number of seats reserved for Depressed Classes
1	7	1	1
2	11	1	1
3	16	1	1
4	12	1	1
5	18	2	2
6	12	2	1
7	13	2	1

VI. In line 11 of sub-section 2 of section 11 of the City of Bombay Municipal Act, 1888, the word "ten" shall be substituted by the word "five."

Bom. III of 1888.

VII. Sections I to V (both inclusive) of this Act shall come into operation from the 1st of January 1929. Section VI of this Act shall come into operation on the 1st of October 1926.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to democratise the constitution of the Municipality of the City of Bombay.

It has been a matter of bitter experience that in a general election the Representatives of the Backward and the Depressed Classes are nowhere and in their absence there is hardly any one to pay heed to the grievances of these unfortunate classes. To do away with such a sad state of affairs the Bill proposes a scheme of Reserved Seats in the interests of these two classes. However in setting apart seats for these two classes particular care is taken to preserve as far as possible the number of seats now open to general election. This is done by reducing the number of seats that are at present filled up by nomination and co-option each one-half and adding them to the seats that are filled up by election. The result is that notwithstanding the reservation of 18 seats for the Backward and the Depressed Classes there remain under the new scheme 71 free seats.

Occasion is also taken to correct distribution of the elected seats to be filled up by each Municipal Ward by introducing the more democratic principle of representation according to population.

Another important change in the Municipal constitution which the Bill seeks to make is to lower the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 11,37,782 population numbering 10,42,488 is deprived of the vote. In these days it is undesirable to allow 11,37,782 people to be governed by 95,294.

S. K. BOLE.

BILL No. XXVII OF 1927

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

(As introduced on the 6th August 1927 and published in the
"Bombay Government Gazette" of the 30th
August 1927)

30m. III of 388. WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in the manner hereinafter provided; it is hereby enacted as follows:—

1. In section 5 (1) of the said Act the clause, "The Corporation shall consist of one hundred and six councillors," shall be substituted by "The Corporation shall consist of one hundred and ten councillors."

2. In the same section 5 (1) of the said Act, before the clause "And ten co-opted councillors elected by....." the following shall be added:—

"Four shall be representatives of labour employed in different trades and industries in the City who shall be nominated by Government in consultation with the respective labour organisations."

3. In section 5 (1) of the said Act, the following words shall be added to the Clause "Seventy-six councillors elected at Ward elections":—

"Each ward being entitled to return such number of representatives as may be justified by the proportion which its population bears to the total population of the City." (Schedule B of the Act be revised accordingly.)

4. In paragraph 1 of section 11 (2) of the said Act, the word "Ten" shall be substituted by the word "Three."

5. These changes in the qualifications of electors and addition to and redistribution of seats shall come into force with effect from the municipal general elections of 1929.

STATEMENT OF OBJECTS AND REASONS

The object of introducing this Bill is explained in relation to each of the several amendments proposed under the bill.

Clauses 1 and 2.—In view of the fact that labour interests as such have not been recognised in the City of Bombay Municipal Act, as in the case of Local and Imperial Legislatures, and also of the fact that the three capitalist bodies, viz., the Chamber of Commerce, the Indian Merchants Chamber, and the Bombay Millowners' Association, have been provided with representation in the said Act, it is considered desirable and fair, that there should be at least four representatives of labour in the Bombay Municipal Corporation. The total number of seats in the Corporation

[Appendix 28—*contd.*]

have been increased by four, namely, seats allotted to labour, in order that the existing arrangement in other respects may not be disturbed.

Clause 3.—This change is intended to rectify the arbitrary allocation of seats at present in force.

Clause 4.—This change is necessary in view of the facts, (1) that at present the qualifications of voters at the City Municipal Ward elections are the same, as that of voters at Provincial Council elections, though the matters coming for discussion before the Legislative Council are much more important, and of less immediate interest to individual voters, than the matters which are usually discussed and decided in the Municipal Corporation. It is therefore just and fair that the qualifications should be lower in the case of the latter, than in the case of the former. (2) That when the qualification of the monthly rental of not less than Rs. 10 was laid down in the Act, the rents of houses in Bombay had considerably gone up. Now that the rents have been reduced, and thousands of people who were formerly paying Rs. 10 or over per month are now paying less; also that the rate of rent in the chawls built by Development Department Improvement Trust, and some private landlords, has been reduced, a large number of people who formerly exercised municipal franchise in the city will have to be disenfranchised if the figure of rental stated in the Act is retained.

SYED MUNAWAR.

BILL No. XXII OF 1927

[A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922]

REPORT OF THE SELECT COMMITTEE

We, the undersigned* members of the select committee appointed to consider Bill No. XXII, A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, have the honour to submit the following report:—

We have carefully considered the provisions of the Bill and have decided to add a proviso to clause 3 to make it clear that no claimants for damages should in any way be prejudiced by the retrospective effect given to this bill by clause 3.

We recommend that this report, with the minutes of dissent, if any, and the bill, as amended, should be published in English only. No translation into any vernacular is necessary.

(Signed) COWASJEE JEHANGIR (Jr.),
 (") BALAK RAM,
 (") R. R. KALE,
 (") RAFIUDDIN AHMAD,
 (") VASANTRAO ANANDRAO DABHOLKAR (subject to a minute of dissent),
 (") HOOSEINBHOY A. LALLJEE (subject to a minute of dissent),
 (") JETHALAL CHIMANLAL SWAMINARAYAN,
 (") P. J. MARZBAN.

(Minutes of dissent by Mr. H. A. Lalljee, M.L.C., and Sir Vasantao A. Dabholkar, Kt., M.L.C.)

We do not agree with the majority report though a slight improvement has been made over the original Bill.

The fact that the owners of salt works have suffered damages is made clear to us because of the developments which have been made by the Port Trust on this site and nearer the site besides the construction of the Bridge.

One of the rights given to the Port Trust by the existing Act is "whereas it is therefore necessary to extinguish all Tidal-rights and rights of Navigation in the said Creek over and above the site of the said bridge" and therefore during the last five years from 1922 to 1927 the Port Trust has taken advantage of this right with the result that the high tide water does not rise to the level as it used to do and consequently the Salt-works are suffering on account of this scarcity of water. We therefore suggest in all fairness that a provision be made in the amending Bill which will enable the owners of Salt-pan such compensation as they are entitled to by reason of the operations of the Port Trust during the last five years. It was suggested by the Honourable the General Member that the Salt-

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

[Appendix 29—contd.]

works' owners are only entitled to damages caused by the stiffening of the bridge, but we submit it is not so, and cannot be so. The very Title of the Bill is the Extinguishment of Rights (Tidal and Navigation) of the Mahul Creek and not the stiffening of the Bridge. There are many owners of Salt-pans some of whom are poor and have not been able to put in their claims for damages and those who have put in have already incurred heavy costs.

(Signed) HOOSEINBHOY A. LALLJEE.

I agree.

(Signed) VASANTRAO ANANDRAO DABHOLKAR.

Council Hall, Poona, 17th October 1927.

No. 1400.—With reference to the footnote to the Report of the Select Committee on Bill No. XXII of 1927 [A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922] published at pages 163-164 of the *Bombay Government Gazette*, Part V, dated the 15th October 1927, it is notified that Mr. K. M. Munshi, M.L.C., has signed the report of the Select Committee.

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay.

BILL No. XXII OF 1927

A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922

(As amended by the Select Committee)

WHEREAS it is expedient to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. IV of 1922.

1. *Short title.*—This Act may be called the Mahul Creek [Extinguishment of Rights (Amendment)] Act, 1922

2. *Amendment of preamble and section 2 of Bom. IV of 1922.*—In the preamble and section 2 of the Mahul Creek (Extinguishment of Rights) Act, 1922, hereinafter called the said Act, the words "tidal rights and" shall be repealed. Bom. IV of 1922.

3. *Amendments made by section 2 to have retrospective effect.*—The amendments made by section 2 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation;

Provided that if a claim for compensation for loss of tidal rights has been preferred before the Collector of Bombay and the claim has not been adjudicated upon when this Act comes into force, the time during which the proceedings were pending before the Collector shall be excluded in calculating limitation for any suit that may be filed hereafter for damages for interference with such tidal rights.

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 14th October 1927.

BILL No. XXIX OF 1927

A Bill further to amend the Bombay City Municipalities Act, 1925

(As introduced on the 6th August 1927 and published in the "Bombay Government Gazette" of the 25th August 1927),

Bom. XVIII of 1925. WHEREAS it is expedient to amend the Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act, 1927.

2. *Amendment of sub-section 78 (2).*—In sub-section 78 (2), for the words "ten per centum" substitute the words "at least one-tenth or not more than one-sixth" and add the words "according to the discretion of the municipal borough" after the word "valuation" where it occurs for the second time.

STATEMENT OF OBJECTS AND REASONS

Before the passing of the City Municipalities Act, 1925, Municipalities had the discretion of deducting a percentage of the annual letting value for repairs, etc., determined in accordance with the varying conditions, prevailing in them. Ahmedabad Municipality used to deduct one-sixth of the annual letting value for repairs, etc., but on account of the compulsory provision of deducting ten per centum of the annual letting value in the new Act, the said municipality has no other alternative except that of deducting only one-tenth of the annual letting value with the result that the rates to be paid by all the ratepayers will be increased and the additional burden will fall more heavily on the poor. This Amendment Bill restores the discretion of the Municipalities to determine the percentage of deduction according to the varying circumstances by prescribing the minimum and maximum percentage of deduction.

(Signed) JETHALAL C. SWAMINARAYAN.

APPENDIX 31

*A Bill to amend further the Bombay City Municipalities
Act XVIII, 1925*

(As published in the "Bombay Government Gazette" of the
26th September 1927)

WHEREAS it is expedient to amend the Bombay City Municipalities Bom. XVIII Act, 1925, in manner hereinafter appearing; It is hereby enacted as of 1925. as follows:—

1. This Act may be called the Bombay City Municipalities (Amendment) Act, 1927.
2. In the proviso (a) to section 24, substitute "1928" for "1927."

STATEMENT OF OBJECTS AND REASONS

The original Bill, XVIII of 1925, contained no provision for the extension of the term of the municipalities in existence under the old Act. Act I of 1927 only partially remedied the defect by enabling the Government to extend it up to 31st December 1927. At present there exists no provision in the Act for extending the term of the municipalities, whose election was held before June 1926 (when the new Act came into operation), but whose ordinary term will expire after 31st December 1927. In view of the fact that no general election can be held in accordance with the rules framed under the old Act, and in view of the fact that the new rules must in ordinary course take long to come into operation on account of section 221 in the Act, it is necessary to bring this Bill to prevent a standstill of, and a dead-lock in, the municipalities the extension of whose term has not been provided for by the amending Act I of 1927.

(Signed) B. G. PAHALAJANI, M.L.C.

Poona, 9th September 1927.

(Western Sind).

APPENDIX 32

AGENDA

Supplementary Agenda for the third Sessions of the Bombay Legislative Council which commenced on Thursday, the 29th September 1927
(Vide Standing Order X, I, (1) (d).)

Resolutions by Mr. N. R. Gunjal, M. L. C.

1. "This Council recommends to Government that cow slaughter should be totally forbidden by law in this presidency from 1st January 1928."

2. "This Council recommends to Government that all liquor shops, country as well as foreign, should be closed and discontinued from 1st January 1928."

3. "This Council recommends to Government that early orders be issued to reduce the water rate leviable under the provisions of the Bombay Irrigation Act of 1879, to a maximum of rupees twenty per acre of sugarcane in the whole presidency."

4. "This Council recommends to the Governor in Council that patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land to enable them to keep up their status."

5. "This Council recommends to the Governor in Council that orders be passed to restore the Kulkarni Watan system as it existed before the commutation of Kulkarni Watans."

6. "This Council recommends to the Governor in Council that to improve the condition of agriculturists, Government should remit permanently the land assessment to be paid by an agriculturist in any one village if it be below rupees eight a year."

7. "This Council recommends to the Governor in Council that the photo-copying system introduced recently in the Registration Department of this presidency be abolished forthwith and the old system restored."

8. "This Council recommends to Government that a committee, with a non-official majority, be appointed to inquire into the grievances of the 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 practices."

9. "This Council recommends to Government to reduce to one-half the minimum rates of house taxation prescribed in Government Notification No. 55-A, dated 7th May 1922, regarding village panchayats with a view to increasing the number of 'panchayats' in the presidency and popularising them and to substitute for the words 'capital value' occurring in the said resolution the words 'market value'."

10. "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 information of public interest."

[Appendix 32—contd.]

Resolutions by Mr. B. T. Desai, M. L. C.

1. "This Council recommends to Government that a Committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

3. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

4. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

5. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

6. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the Income Tax revenue of the presidency and to allot a fair proportion of the said revenue to this presidency."

7. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."

8. "This Council recommends to Government that a Commission may be appointed at an early date to inquire into the administration of jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

9. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

10. "This Council recommends to Government to appoint a Retrenchment Committee with a non-official majority for the purpose of effecting retrenchment in all Government Departments in the presidency."

11. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depot Lines within the limits of the Karachi Cantonment be withdrawn."

[Appendix 32—contd.]

12. "This Council recommends to Government not to close the secondary teachers' training colleges at Ahmedabad and Dharwar."

13. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."

14. "This Council recommends to Government to reinstate Mr. F. E. Bharucha as Director of Industries for three years in view of his long varied experience of the various industries of the presidency as appears from his annual report for 1925-26 as was done in the case of Mr. K. S. Framji who retired from the Public Works Department on account of his superannuation but was re-appointed as Chief Engineer in the Development Department."

15. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

16. "This Council recommends to Government to appoint a committee of inquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

Resolution by Mr. D. A. Janvekar, M. L. C.

1. "This Council recommends to Government to reorganise the Public Health Department by forming the health officers into a regular provincial cadre and by appointing in every district and major municipality and local board health officers and properly trained staff from the provincial cadre."

Resolutions by Mr. S. C. Joshi, M. L. C.

1. "This Council recommends to the Governor in Council to appoint a committee, consisting of official and non-official members of this Council and representatives of labour to enquire into and suggest ways and means of improving the general condition of labour of every kind, by organising welfare funds for the purpose of providing sickness, health, maternity, old age, unemployment and other kindred benefits, on the same lines as they exist in Great Britain and other civilised countries."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."

3. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire

[Appendix 32—contd.]

into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

4. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton-producing districts in the Presidency, with a view to providing employment to agriculturists and others, specially handloom weavers, who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

Resolution by Mr. M. S. Khuhro, M.L.C.

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923 should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

Resolutions by Mr. S. A. Sardesai, M.L.C.

1. "This Council recommends to Government to reorganise the Public Health Department by forming the health officers into a regular provincial cadre and by appointing in every district and major municipality and local board health officers and properly trained staff from the provincial cadre."

2. "This Council recommends to Government to abolish all tolls levied under Bombay Act III of 1875."

3. "This Council recommends to Government to move the Government of India to create a new province for the Karnatak districts from the Kannada-speaking parts of the Bombay and Madras presidencies and Coorg."

Resolutions by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council expresses its disapproval of the action of Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them to recover the same and recommends that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

[Appendix 32—contd.]

Resolutions by Mr. Syed Munawar, M.L.C.

1. "This Council recommends to the Governor in Council to represent to the Government of India that the system of recruitment of seamen at the port of Bombay through licensed brokers be discontinued, and that the work of recruitment should be undertaken by the Government itself, as is recommended by the Clow Committee appointed by the Government of India in 1922 and as has already been done in the port of Calcutta."
2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."
3. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community (one of the principal Mussalman sects) from the operation of the Wakf Act should now be withdrawn in view of the fact that the Moselm community has expressed general satisfaction at a large number of Moslem charitable institutions having come to fulfil the requirements of the Wakf Act."
4. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the legitimate grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay presidency and to recommend legislation for their removal."
5. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton producing districts in the presidency, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."
6. "This Council recommends to Government to represent to the Government of India the desirability of abolishing at an early date the water tax levied on places of worship in the cantonment areas of India."
7. "This Council recommends to Government that a committee be appointed at an early date to inquire into the problem of the growing unemployment in the presidency, and in Bombay city in particular, and to suggest ways and means for meeting the said problem."
8. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

[Appendix 32—*contd.*]

9. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

10. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency, it is necessary to maintain a separate department for labour as before, and that the said department be separated from the department of the Information Bureau."

11. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and America."

12. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

Resolutions by Mr. H. J. Amin, M.L.C.

1. "This Council recommends to Government to remit the land revenue of all the flood affected villages of Gujarat for the year 1927-28 and the arrears of land revenue and takavi loans of the past years."

2. "This Council recommends to Government to appoint a committee consisting of official and non-official members of this honourable House to make a thorough and comprehensive investigation into the extent and nature of the damage caused by the recent floods and heavy rains in Gujarat in the various branches of the economic life of the people and to suggest ways and means for remedying the same."

3. "This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development and Sukkur Barrage Schemes should be utilized for the relief of the distressed during the recent disaster caused by the floods in Gujarat, and for reconstruction of villages destroyed, and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school houses and other sanitary works in the affected area."

4. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli talukas of the Surat district, sanctioned by Government, shall not be given effect to."

5. "This Council recommends to Government that immediate provision be made to meet the resolution of the Council regarding the salaries of primary teachers, which was passed by the honourable House on 5th August 1926 without a division."

Resolution by Mr. F. J. Ginwalla, M.L.C.

1. "This Council expresses its disapproval of the action of the Government in introducing revision settlements and in recovering revised

[Appendix 32—contd.]

rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

Resolution by Rao Bahadur S. T. Kamblī, M.L.C.

1. "This Council recommends to Government to recommend to the Government of India the desirability and necessity of constituting the British Karnatik districts into a separate and independent province."

Resolution by Rao Bahadur B. R. Naik, M.L.C.

1. "This Council expresses its disapproval of the action of the Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends to Government that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

Resolution by Mr. L. M. Deshpande, M.L.C.

1. "This Council, while expressing its disapproval of the action of the Government in introducing revision settlements and in recovering revised rates in various parts of the Presidency in contravention of the resolution passed by the Council in 1924 and confirmed in March 1927, recommends to Government that the increased assessment, fines, notice fees, etc., realized from the landholders be refunded to them."

Resolutions by Mr. B. R. Nanal, M.L.C.

1. "This Council recommends to Government that a special officer should immediately be placed on duty to make, in view of the peculiar physical feature and other circumstances of the district of Ratnagiri, a full and exhaustive economic and industrial survey of that district and to report to Government the lines on which attempts should be made to develop the resources of the district, by fostering agriculture, horticulture, cottage industries or other subsidiary occupations, with special reference to the possibilities of introducing new and more valuable crops and constructing water works, large or small, to make cultivation of such crops possible and profitable."

2. "This Council recommends to Government that revision settlements introduced into the districts of Ratnagiri and Kolaba in

[Appendix 32—contd.]

contravention of the resolutions passed by this Council in 1924 and 1927 be withdrawn and increased assessment, fines and notice fees recovered in pursuance thereof be refunded to the landholders concerned."

Resolution by Mr. G. I. Patel, M.L.C.

1. "This Council expresses its disapproval of the action of Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in March last, and in particular invites the attention of Government to the levy of the increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them for recovering the same, and recommends that the said increased assessment, fine and notice fees realised be refunded to the respective landholders without delay."

Resolutions by Mr. J. R. Patel, M.L.C.

1. "This Council recommends to Government that no enhanced assessment of land revenue should be levied in those talukas of Gujarat for which enhanced rates have been proposed by settlement officers during last five years."

2. "This Council recommends to Government not to close the training colleges at Ahmedabad and Dharwar."

3. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Bihar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lakhs and with a competent and experienced Director of Industries at its head."

4. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

5. "This Council recommends to Government not to maintain a separate Department like the Information Bureau and to discontinue the said department at an early date."

6. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

7. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the presidency."

8. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the Income Tax revenue of the presidency and to allot a fair proportion of the said revenue to this presidency."

[Appendix 32—contd.]

Resolution by Mr. Haji Mir Mahomed Baloch, M.L.C.

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923, should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

Resolution by Mr. J. B. Petit, M.L.C.

1. "This Council recommends to the Governor-in-Council, acting with Ministers, that in view of the increasing unemployment and poverty of the middle and rural classes of this Presidency, he will be pleased with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-18, the Bengal Government Unemployment Report, the External Capital Committee's Report and the Vishvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

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

1. "This Council recommends to Government that the conditions imposed upon Mr. V. D. Savarkar before his release from prison should be removed forthwith."

Resolution by Dr. B. R. Ambedkar, M.L.C.

1. "This Council recommends to Government that the conditions as to residence imposed on Mr. V. D. Savarkar before his release from prison should be removed forthwith."

Resolutions by Mr. Jairamdas Doulatram, M.L.C.

1. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

3. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

4. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

5. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency and to allot a fair proportion of the said revenue to this Presidency."

6. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in

[Appendix 32—*contd.*]

the Presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."

7. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

8. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

9. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency."

10. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."

11. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

12. "This Council recommends to Government to appoint a committee of inquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

Resolution by Mr. J. M. Bhurgri, M.L.C.

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923, should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

Resolutions by Mr. M. D. Karki, M.L.C.

1. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said Scheme."

[Appendix 32—contd.]

3. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."
4. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."
5. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."
6. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency and to allot a fair proportion of the said revenue to this Presidency."
7. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."
8. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."
9. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."
10. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government Departments in the Presidency."
11. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depôt Lines within the limits of the Karachi Cantonment be withdrawn."
12. "This Council recommends to Government not to close the Secondary Teachers' Training Colleges at Ahmedabad and Dharwar."
13. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."
14. "This Council recommends to Government to reinstate Mr. F. E. Bharucha as Director of Industries for three years in view of his long and varied experience of the various industries of the Presidency as appears from his annual report for 1925-26 as was done in the case of Mr. K. S. Framji who retired from the Public Works Department on account of

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his superannuation but was reappointed as Chief Engineer in the Development Department."

15. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

16. "This Council recommends to Government to appoint a committee of enquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

17. "This Council expresses its disapproval of the action of Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag Taluka of the Kolaba District and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends that the said increased assessment, fine and notice fees realized be refunded to the respective landholders."

N. J. WADIA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 10th October 1927.

APPENDIX

Statement showing the Resolutions passed by the

Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
1	1	Khan Sahab A. M. Mansuri.	<p style="text-align: right;"><i>Legal</i></p> Placing on record an appreciation of the services rendered by Sir Maurice Hayward.
2	1	Mr. G. L. Patel	<p style="text-align: right;"><i>Home</i></p> This Council recommends that adequate compensation be given to the families of those informants who have suffered injuries to life and property at the hands of the dacoits within recent times in Borsad and Anand talukas.
3	2	Mr. R. D. Shinde	This Council recommends to the Governor in Council that steps be taken to re-adjust the territorial jurisdictions of the subordinate Judges' Courts in the Presidency so as to remove the inconvenience to litigants wherever possible.

A

Legislative Council during the period of 1924-27

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<p>Department</p> <p>3rd November 1926.</p>	<p>A copy of the resolution was forwarded to Sir Maurice Hayward on the 24th November 1926.</p>	
<p>Department</p> <p>3rd March 1924.</p>	<p>In Government Resolution, Finance Department, No. 3418, dated the 13th August 1924, the following extraordinary family pensions have been sanctioned for the support of the families of the men killed in dacoities in the Borsad and Anand talukas:—</p> <p>(1) Rs. 10 per mensem to Kaahibai, widow of Mathur Meru, with effect from 23rd September 1921, during her life-time on the condition that if she dies or remarries before her sons attain the age of 18 years, the pension will be given to the two sons in equal shares till they reach that age.</p> <p>(2) Rs. 10 per mensem to Jiba Bai, widow of Shiva Bava, with effect from 2nd July 1923, during her life-time on the condition that if she dies or remarries before her son attains the age of 18 years, the pension should be given to the son till he attains that age.</p> <p>(3) Rs. 15 per mensem to Bai Bibi, widow of Sardarkhan Jivekhan, with effect from the date following the date of his death, during her life-time, on the condition that if she dies or remarries before her youngest son attains the age of 18 years, the pension should be given to her sons till the youngest of them is 18 years old.</p>	
<p>24th October 1924.</p>	<p>In Government letter No. L.C.-545, dated the 31st October 1924, the High Court were asked to investigate the possibility of giving effect to the recommendation contained in the Resolution, consistent with economy. The alterations in regard to the territorial jurisdictions of the Subordinate Judges' Courts in the Presidency proper have been carried out, in view of the suggestions made by the Honourable Mr. Justice Kincaid, as Inspecting High Court Judge.</p> <p>2. On the 10th November 1924, the Judicial Commissioner of Sind was also addressed in the matter. Since the Judicial Commissioner reported in May 1925 that no readjustment of the territorial jurisdiction consistent with economy, is called for, no action has been taken so far as the Subordinate Courts in Sind are concerned.</p>	

Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
4	1	Mr. V. A. Dabholkar.	<p style="text-align: right;"><i>Home</i></p> <p>This Council recommends to the Governor in Council that the salaries of the Presidency Magistrates other than the Chief Presidency Magistrate be fixed at Rs. 1,000—50—1,500.</p>
5	2	Mr. Punjabhai Thakersi.	This Council recommends to the Governor in Council that Hasrat Mohani be released immediately and unconditionally.
6	1	Mr. V. N. Jog	This Council recommends to the Governor in Council that the unexpired portion of the sentence of 2 years' rigorous imprisonment and payment of a fine of five hundred rupees passed on Mr. Raghunath Ramchandra Divakar of Dharwar on the 12th November 1923 under sections 124-A and 153-A, Indian Penal Code for having printed in Kanarese a booklet called "Deshi Dum-dum" be remitted and the said Mr. Divakar be released subject to such reasonable conditions as Government may be pleased to impose upon him.
7	4	Mr. G. B. Pradhan	This Council recommends to Government to abolish the tetalisator in the third enclosure at the race course in Bombay.
8	5	Mr. R. S. Nekaljay	This Council recommends to the Governor in Council to recommend to the Imperial Government to consider the question of giving further opportunities to Mahars of enlisting in the Indian Army.

A--contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
18th March 1924.	Orders sanctioning a uniform time-scale of pay Ra. 1,000—50—1,500 for the Presidency Magistrates, Bombay, other than the Chief Presidency Magistrate, Bombay with effect from the 1st April 1925 were issued on the 6th May 1925.	
19th March 1924.	<p>Orders were issued on the 26th March 1924 as follows :—</p> <p>The remainder of the sentence of 2 years' rigorous imprisonment passed upon Haarat Mohani under section 124-A on the 4th May 1922 was remitted by Government under Section 401 (1) of the Code of the Criminal Procedure, 1898, with effect from the 13th February 1924, and the sentence of 6 months' rigorous imprisonment passed upon him on the 1st October 1923 under section 161 read with section 109 of the Indian Penal Code and section 42 of the Prison Act, IX of 1894, read with Article 485 of the Bombay Jail Manual was commuted under section 402 of the said Code to one of simple imprisonment for the same period, the latter sentence to commence from the 13th February 1924. Haarat Mohani was selected for treatment in a separate division sanctioned under the orders contained in Government Resolution, Home Department, No. 123, dated the 6th February 1923 (Chapter XXXIX-A of the Bombay Jail Manual, Part I).</p>	
30th July 1924.	Government communicated the Resolution of the Legislative Council to Mr. Divakar and informed him that if he apologised and gave an understanding not to make public speeches or publish writings on political topics for the outstanding portion of his sentence, the question of his release would be considered. As Mr. Divakar refused to accept the terms offered by Government, no further action was taken in the matter.	
4th November 1925.	The totalisator in the third enclosure at the race course in Bombay has been abolished in the license granted to the Western India Turf Club on the 11th July 1926 for the year 1926-27.	
5th November 1925.	A copy of the resolution and of the debate in the Bombay Legislative Council was forwarded to the Government of India for their sympathetic consideration on the 17th December 1925.	

APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
9		Rao Saheb Dadu-bhai P. Desai.	<p style="text-align: right;"><i>Political</i></p> <p>Congratulations of the Council to Mr. B. A. Ghatge, Police Commissioner of the Baroda State, for capturing the notorious out-law, Babar Devaalive.</p>
10	1	Mr. K. F. Nariman ..	<p style="text-align: right;"><i>Development</i></p> <p>(a) That a Committee consisting of 12 non-official and elected members be appointed to enquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the scheme taken in hand.</p> <p>(b) That the Development Directorate be requested to co-operate with the said Committee and afford all facilities and help in conducting the said inquiry and in making the said report.</p> <p>(c) That an independent officer, or expert be appointed to help the said Committee.</p>
11	3	Mr. R. G. Pradhan ..	<p style="text-align: right;"><i>Revenue</i></p> <p>Appointment of a Land Revenue Assessment Committee and postponement of the levy of revised rates till action is taken on its report.</p>

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<p><i>Department</i></p> <p>12th March 1924.</p>	<p>The Resolution was forwarded to the Resident at Baroda on 19th March 1924 for communication to the parties concerned.</p>	
<p><i>Department</i></p> <p>24th October 1924</p>	<p>No separate action was taken on the Resolution as, on a notice of a similar Resolution previously received from Mr. Lalji Naranji, representing the Indian Merchants' Chamber, Government had already taken action in referring the Resolution of which notice had been given by Mr. Lalji Naranji to a representative Committee for investigation and report. That Committee was sitting at frequent intervals considering the whole of the activities of the Development Directorate, and Government thought that no useful purpose would be served by the appointment of another Committee such as that suggested in Mr. Nariman's Resolution passed by the Legislative Council. However, immediately after Mr. Nariman's Resolution was passed, Government invited four members of the Legislative Council Messrs. Lalji Naranji, A. N. Surve, K. F. Nariman and Hooseinbhoj Lalji to join the committee believing that this would meet the wishes of the Council. But except Mr. Surve, the other members refused to join the Committee. Mr. Surve, who accepted the invitation, was appointed on the committee. The committee have already submitted their reports so far one on the Back Bay Reclamation Scheme and the other on the Industrial Housing Scheme and the other Bombay City Schemes. The report on the Back Bay Reclamation Scheme was placed on the table of the Legislative Council during the session of February-March 1926. The report on the Industrial Housing Scheme was placed on the table of the Legislative Council during the current session of February-March 1927. The report on the Suburban Schemes was placed on the table of the Legislative Council during session of February-March 1927. The Committee's report on the suburban is awaited.</p>	
<p><i>Department</i></p> <p>15th March 1924.</p>	<p>The Resolution was partially accepted and a committee appointed, Government have passed orders on the Committee's recommendations in Government Resolution No. 1790/24, dated the 13th May 1927 (copy appended).</p>	

Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
12	1	Mr. V. R. Kothari ..	<p style="text-align: right;"><i>Revenue</i></p> Withdrawal of the Revision Settlement of the Sangola Taluka (District Sholapur).
13	1	Khan Saheb A. M. Mansuri	Application of the Wakf Act to Bombay.
14	1	Mr. N. E. Navle ..	Appointment of a Committee to consider the question of anna valuation of crops.
15	1	Haji Abdulla Haroon.	Adoption of 20 years as the minimum period for the revision of land revenue Settlements in Sind.
16	2	Mr. R. G. Soman ..	Supply of certified copies of district administration reports to representatives of Districts in the Legislature.
17	1	Mr. G. M. Saptariahi.	Excise Policy
18	2	Mr. Punjabhai Thakersey.	Appointment of a Committee to investigate the question of forced labour.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
18th March 1924 .		The Resolution was not given effect to because Government considered that settlements which had already been sanctioned should not be as a general rule reopened.
18th March 1924 .	Resolution accepted and the provision of sections 2 to 13 of the Wakf Act were brought into force in this Presidency from 9th August 1925, the Dawoodi Bohra section being exempted for a period of three years (<i>vide</i> Government Notification Nos. 214/24 and 214 (a) 24, dated the 26th May 1925 and No. 214/24, dated the 13th August 1926 (copies appended).	
20th March 1924 .	The Resolution was accepted and a Committee appointed. Orders have been issued on the Committee's recommendation in Government Resolution No. L.C.—1145/B, dated the 24th June 1927 (copy appended).	
29th July 1924 .	The Resolution was accepted subject to the modification that the orders would not be applicable to the new rates of assessment to be levied in the areas under the command of the Lloyd Barrage. The orders were issued in Government Resolution No. L.C.-1453, dated 11th September 1924. A copy of the Government Resolution was placed on the Council Table.	
29th July 1924 .	Instructions have been issued to give effect to the Resolution, <i>vide</i> Government Resolution No. L.C.-1453, dated the 10th December 1924. (A copy of the Government Resolution was placed on the Council Table.)	
1st August 1924 .	The Excise policy has been announced in Government Resolution No. 982/24, dated 12th February 1925, which was placed on the Council Table.	
25th October 1924.	The Resolution was accepted in a modified form whereby Government promised to look into the matter. After inquiry it was found that the existing regulations on the subject were sufficient. The attention of the Commissioners and Collectors has been drawn in a communication dated 7th September 1925 to these regulations and they have been asked to see that they are faithfully observed by their subordinates.	

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>Revenue</i>
19	2	Mr. D. R. Patil ..	Grievances of the ryots with regard to forest matters.
20	2	Muhammad Kamil Shah.	Appointment of a Committee of officials and non-officials to examine the question of the Fallow Rules in Sind.
21	2	Mr. R. G. Pradhan ..	Appointment of a Committee to consider the financial measures necessary to give effect to the policy of prohibition.
22	12	Rao Bahadur R. R. Kale.	Introduction of legislation to give immediate effect to the Land Revenue Assessment Committee's Report and suspension of revised assessment fixed since 15th March 1924 pending such legislation.
			<i>Finance</i>
23	..	Mr. Lalji Naranji ..	Motion for adjournment to discuss the question of Bombay's Provincial contribution.
24	1	Mr. S. K. Bole ..	Revision of salaries of Government Peons in Bombay City.
25	5	Khan Sahab A. M. Mansuri.	Adequate representations of all communities in Government service.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
30th July 1924 ..	The recommendation was accepted and the Forest Grievances Enquiry Committee appointed (<i>vide</i> Government Resolution No. L.C.-1374, dated the 26th January 1925). Orders on the report of the Committee have been issued in Government Resolution No. 7324/24, dated the 19th July 1927, copies of which have been furnished to the members of the Legislative Council.	
19th July 1925 ..	The Resolution was accepted and the orders appointing the Committee were issued in August 1925. The report is under the consideration of Government.	
4th November 1925.	The orders appointing the Committee were issued in February 1926. The Committee has submitted its report, which is under the consideration of Government; copies of the report have been supplied to the members of the Legislative Council.	
17th March 1927.	....	The Resolution was not accepted for the reasons stated in the Press Note issued by the Director of Information under his No. P.—83, dated the 14th May 1927 (copy appended).
<i>Department</i>		
2nd March 1923 ..	The representation of the Legislative Council was communicated to the Government of India in a letter dated the 14th March stating that the Governor in Council associated himself with the representation and suggesting that the just claims of this Presidency required further consideration.	
19th March 1925	The temporary and provisional allowance granted to peons was converted into pay by Government Resolution No. 1572, dated the 19th April 1926.	
5th November 1925.	Orders had already been issued for the proper representation of the hitherto unrepresented communities under Government Resolutions, Finance Department, No. 2610, dated 17th September 1923, and 5th February 1925, and subsequent Circulars.	

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
26	1	Mr. M. D. Karki ..	<p style="text-align: right;"><i>Finance</i></p> <p>Recommending that in the villages affected by the floods in the Honavar Taluka takavi loans free of interest should be given to cultivators for—</p> <ol style="list-style-type: none"> (1) Reclamation and improvement of damaged lands; (2) Re-building of house; (3) Seed and Bullocks; (4) Repairing communal bands.
27	1	Mr. H. D. Saheba ..	Recommending that tagai loans for the sinking of wells be advanced to cultivators free of interest and that the amount should be received in convenient instalments being not less than fifteen, regard being had to the nature of the crops raised and the extent to which the working of the wells is successful.
28	..	Mr. S. K. Bole ..	Motion for adjournment requesting Government to draw the attention of the Government of India to the grave situation of the Bombay Cotton Textile Industry and the reduction of wages decided on by the Millowners' Association and to urge them to take steps for immediate relief.
29	2	Mr. Hoosainally Rahimtoola.	<p style="text-align: right;"><i>Public Works</i></p> <p>To give every facility to the Muhammadans of the City of Bombay to perform their Id prayers on the Esplanade Maidan twice a year.</p>
30	1	Moulvi Rafuddin Ahmed.	Recommending that all ancient Mosques and Mausoleums in the Ahmednagar City and District which are being utilised by Government or by non-Muhammadan bodies by permission of Government for secular purposes be vacated and handed over to the Muhammadan community on condition that they are to be used for the religious purposes for which they were originally erected by their founders and donors.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
....	Government accepted parts (1), (2) and (4) of the Resolution but not the proposal to grant loans free of interest for seed and cattle. The grant of takavi for seed and cattle was not recommended by the District Officers and there had been no particular loss of cattle from the floods. It is normally expected that takavi together with interest should be repaid out of the profits of the harvest and there was no argument brought forward in this case which would not apply equally to the granting of interest-free loan everywhere. It was however arranged to meet the worst cases of destitution by free grants.	
30th July 1924 ..	Attention is invited to the orders issued in Government Resolution No. L.—361, dated the 30th June 1925, a copy of which was placed on the Council table.	
30th July 1925 ..	Reports of the debate were forwarded to the Government of India and supported by a representation from the Local Government. As a measure of relief the Cotton Excise duty has been abolished by the Government of India.	
<i>Department</i>		
15th August 1925.	In their memorandum No. L.C.-767-H., dated the 10th September 1925, Government have directed that the necessary facilities should be provided to the Muhammadans. When the use of the Esplanade Maidan is applied for, for Id prayers, the Executive Engineer, Presidency Division, should do the needful in the way of getting the permission of the Commissioner of Police, Bombay, and the military authorities. The Maidan should ordinarily be reserved for Id prayers.	
25th October 1924.	It was decided to hand over the following mosques to the Muhammadan community at Ahmednagar after the necessary buildings are constructed for the offices, etc., at present located therein :— (1) Mosque in the compound of the Collector's bungalow ; (2) Mosque in which the City Police Sub Inspector's office is located ; (3) Soneri Masjid ; (4) Mosque in which the Civil Jail and record office for the District Judge are located ;	

APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>Public Works</i>

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
Department—contd.	<p>(5) Mosque in which the City Magistrate's office and the Collector's vernacular office are located.</p> <p><i>Mosque No. 1.</i>—A partition wall with a gate to give an independent access to the mosque was constructed at a cost of Rs. 790 and the mosque was handed over by the Mamlatdar to the Muhammadan community in January 1926.</p> <p><i>Mosque No. 2.</i>—Plans and estimate, the latter amounting to Rs. 34,800, for constructing a building for (1) providing accommodation for the Sub-Inspector's office at present located in the Mosque (estimated cost Rs. 16,975) and (2) providing accommodation for other offices (estimated cost Rs. 17,825) have been sanctioned. The plans and estimate, the latter amounting to Rs. 2,166 for restoring the mosque to its original use were also received, but have been returned to the Superintending Engineer with certain remarks. The mosque will be handed over to the Muhammadan community when funds become available and the building is ready for occupation.</p> <p><i>Mosque No. 3 (Soneri Masjid).</i>—The plans and estimate, the latter amounting to Rs. 30,557, for constructing quarters for nurses and a store room located in the Soneri Masjid have been prepared, but the work has not been approved by Government owing to financial stringency. It will however be taken in hand when the financial situation improves.</p> <p><i>Mosque No. 4.</i>—Plans and estimate for constructing a building (estimated cost Rs. 61,500) to (1) provide accommodation for the Civil Jail and record office for the District Judge at present located in the Mosque (estimated cost Rs. 35,450) and (2) providing accommodation for other offices (estimated cost Rs. 26,050) were received but are under reference to the Commissioner, Central Division. The mosque will be handed over to the Muhammadan community when the plans and estimates are sanctioned, funds become available and the buildings are ready for occupation.</p> <p><i>Mosque No. 5.</i>—Plans and estimate for constructing a building for the City Magistrate's office and the Collector's vernacular office, etc., at present located in the mosque were received but have been returned to the Superintending Engineer, Central Circle, for revision with certain remarks. The revised plans and estimates are under preparation.</p>	

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
31	1	Mr. H. M. Rahimtoola.	<p style="text-align: right;"><i>Public Works</i></p> <p>Recommending that a Committee be appointed to inquire into the cause of the encroachments made by the sea on the Western coast of the Presidency and to suggest measures for the preservation thereof.</p>
32	1	Mr. M. K. Dixit	<p style="text-align: right;"><i>General</i></p> <p>Recommending that the remaining period of supersession of the Surat Municipality be remitted and that the Municipality be restored to the people of Surat forthwith.</p>
33	1	Mr. B. G. Pahalajani.	Surgeon General's draft rules regarding levy of fees in Hospitals and Dispensaries.
34	1	Mr. Abdul Latif Haji Hajrat Khan.	Grants-in-aid to the Maternity and Infant Welfare Organization.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<p>Department—concl'd.</p> <p>15th August 1925.</p>	<p>In their Resolution, Public Works Department, No. L.C.-539, dated the 27th January 1926, Government have appointed a Committee to enquire into the causes of the encroachments made by the sea and to suggest measures for the prevention thereof. The Committee have up to now held six meetings. One or two more meetings will have to be held before the report of the Committee which is at present under circulation among the members of the Committee is submitted to Government.</p>	
<p>Department</p> <p>20th March 1924.</p>	<p>.....</p>	<p>The attention of the Honourable Member is invited to Government Resolution, General Department, No. 1707, dated the 27th May 1924 and 8th September 1924, copies of which were supplied to all non-official members of the Legislative Council and also for the Reading Room for the members of the Legislative Council.</p>
<p>14th March 1924.</p>	<p>In pursuance of the Resolution a Committee of official and non-official members was appointed to consider the whole question of Hospital Fee Rules. Revised rules governing the levy of fees in aided Hospitals and Dispensaries in the Bombay Presidency (including the City of Bombay and Aden) were sanctioned in Government Resolution No. 5731, dated the 6th November 1925, as recommended by the Committee. These orders have been communicated to the Press and the Secretary to the Legislative Council for the Reading Room for the members of the Legislative Council.</p>	
<p>20th March 1926.</p>	<p>.....</p>	<p>Government have given a very careful consideration to the subject matter of the Resolution</p>

APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>General</i>
35	1	Moulvi Rafiuddin Ahmed.	Recommending to Government not to purchase coal or any article which is the produce of that part of South Africa which deals unfair treatment to Indians.
36	1	Dr. K. E. Dadachanji.	Scheme of Sanitation and Medical Relief in municipal and rural areas.
37	1	Mr. S. K. Bole	Introduction of legislation for provision of maternity benefits to workers in all organized industries.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
20th March 1926	All Heads of Government Departments have been informed on 20th May 1926 that in future no South African coal should be tendered for or purchased without the previous sanction of Government.	and while in sympathy with the object referred to have come regretfully to the conclusion that in the existing financial situation such a scheme could not be introduced without reducing other Public Health activities and pending the possibility of special provision for this purpose Government have decided to deal with individual application for grants from welfare organizations on their merits as heretofore so far as funds will allow. A Press Note No. P.-263, dated the 23rd December 1926, on the subject has been published for the information of the public.
4th November 1925	Individual schemes of sanitation and medical relief are launched from time to time as funds permit. Government provide every year certain expenditure for prevention of epidemic diseases and for the prevention of malaria.	
30th July 1924	The question of introducing legislation of the type mentioned was considered by the Government of India in consultation with Local Governments and the Government of Bombay had also considerable correspondence with the	

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>General</i>
38	1	Khan Sahab A. M. Mansuri.	Recommending that there should be in each division of this Presidency at least one Muhammadan Head Master, one Deputy Educational Inspector (in addition to one Urdu Deputy) and three Assistant Deputy Educational Inspectors.
39	6	Khan Sahab A. M. Mansuri.	Recommending that the proposal made by the University Reforms Committee regarding the removal of the Ismail College from Andheri to the Fort should not be given effect to.
40	1	Moulvi Rafiuddin Ahmed.	Recommending that the establishment of a chair in Arabic at the Elphinstone College, Bombay, and Lecturers for Urdu in the Government Arts Colleges at Poona and Bombay and an Arabic teacher in Government Anglo-Urdu High School, Poona.
41	....	Mr. A. N. Surve ..	Recommending that a mixed Committee with non-official majority be appointed to report on certain issues in connection with the proposed adoption of the Sathe-Paranjpye Scheme for the revision of the pay of primary school teachers.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
Department—contd.		
15th August 1925.	<p>Government of India on the subject; ultimately the matter was dropped, as Mr. Joshi's Bill on Maternity Benefits was rejected by the Legislative Assembly.</p>	
5th November 1925.	<p>Orders have been issued to the effect that Government cannot act upon the letter of this resolution but they accept its spirit, i.e., Muhammadans will be appointed as Head Masters and Deputy and Assistant Deputy Educational Inspectors in each division to the extent recommended in the Resolution provided that suitable and qualified Muhammadan candidates are available. Government have since appointed one Muhammadan to the post of Head Master in the Northern Division. (Vide Government Resolution No. 3841, dated the 7th December 1925 (copy in the Reading Room for the members of the Legislative Council.</p>	
14th August 1925.	<p>Government have already issued orders directing that the Ismail College should not be removed from Andheri to the Fort as recommended by the Committee on University Reforms (vide Government Resolution No. L.C.—74, dated the 4th January 1926 (copy in the Reading Room for the members of the Legislative Council.</p>	
15th March 1924.	<p>The question of establishing a chair in Arabic is to be considered in connection with the proposals for staff that may be required for the proposed Arts College at Andheri. Owing to financial stringency it has not been found possible to make any provision for a Lecturer in Urdu at the Deccan College, Poona. As for a Lecturer in Urdu for the Elphinstone College, Government do not consider that there is any necessity for one.</p> <p>As regards the entertainment of an Arabic teacher in the Anglo-Urdu High School, Poona, a temporary post of Arabic teacher on Ra. 60 per mensem has been sanctioned at the School with effect from the current year (1926-27). The post has been sanctioned temporarily because the general question whether the posts of language teachers should be treated as part-time and non-pensionable has been raised and is under consideration.</p>	
15th March 1924.	<p>In accordance with the resolution a Committee was appointed in April 1924 to consider the issues mentioned in Mr. Surve's resolution. The report of the Committee was received by Government in September 1925 and its recommendations were accepted by</p>	

APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>General</i>
42	..	Mr. S. S. Dev ..	Recommending that primary teachers should be paid according to Sathe-Paranjpye Scheme from March 1926.
43	1	Moulvi Rafuddin ..	Recommending that all Bills, Press Notes, etc., which at present are translated and published in the <i>Bombay Government Gazette</i> in other vernaculars should also be translated and published in the <i>Bombay Government Gazette</i> in Urdu for the benefit of the Urdu speaking population of the Presidency.
44	1	Mr. S. K. Bole ..	The reduction of discretionary grants in case of those municipalities and local boards which refuse to allow to members of the depressed classes the use of wells, etc., built and maintained out of public funds, etc.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Departments—contd.</i>	<p>Government and the requisite orders issued on the subject in March 1926. Under these orders headmasters' and first assistants' allowances (treated as special pay) according to the increased rates recommended by the Committee instead of the rates originally proposed by Government have been sanctioned (vide Director of Information's Press Note No. P.—122, dated the 2nd June 1926).</p>	
5th August 1926.	<p>Before the resolution was put to the vote, the Honourable the Minister of Education had made it clear that Government could take no action on it until the Council had voted the extra funds required and also empowered the Government to force local authorities to give the primary school teachers the increased rates of pay. It is not intended, therefore, that effect should be given to the resolution immediately. In the meanwhile information is being collected regarding the extra cost to Government and the local authorities of introducing the Satho-Parnajyo Scheme.</p>	
16th March 1924.	<p>It has been decided on 6th April 1924 to give effect to this Resolution.</p>	
6th August 1926.	<p>The Commissioners have been requested on 21st September 1926 to invite the attention of local bodies in their charges to this resolution.</p>	

[Appendix A—contd.]

Land Revenue Assessment
Committee.

Report of the — Bombay.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. 1790/24

Bombay Castle, 13th May 1927

Letter from the Secretary, Land Revenue Assessment Committee, Bombay, No. 1790-B./24, dated 6th October 1926—Submitting the report of the Committee.

RESOLUTION.—The thanks of Government are due to the members of the Committee for their report, and in particular to Sir Lalubhai Samaldas, C.I.E., who at great personal inconvenience officiated as Chairman for some time and gave both his time and his energies unsparingly to the work.

2. The report is not unanimous. Of the twenty-two members only seven have signed it without qualification. The seven official members have appended a joint minute of dissent, and the Commissioner of Settlements, Mr. Anderson, a separate one. Six non-official members have appended joint or separate minutes of dissent, whilst two non-officials, Mr. R. G. Soman and Rao Saheb D. P. Desai, have expressed their inability to sign the report, although they have explained their views at great length in separate notes. The report proper is divided into six chapters, the first five of which are either preliminary or historical, and do not invite comment. The various recommendations of the Committee follow in Chapter 6, and the decisions of Government thereon are contained in the following paragraphs.

3. *Basis of assessment: Paragraph 33 of the Report.*—In the opinion of the official members of the Committee the amendment of section 107 of the Land Revenue Code, as proposed in the main body of the report, will not make the principles of assessment any clearer or more definite than they are at present. They hold that the only way to obtain a satisfactory definition of these principles is to affirm that rental value must be adopted as the basis for fixing the assessment. The bulk of the non-official witnesses and several members of the Committee are of the opinion that the assessment ought to be based on the net profits of cultivation. The members of the Committee were very evenly divided on the subject of how to calculate these profits, and various suggestions were made. It was agreed by a majority of one that it was not possible to define net profits, and that the terms "value of the land" and "profits of agriculture" used in section 107 of the Land Revenue Code were vague. In spite however of the decision that net profits could not be defined, it was then resolved that section 107 be amended as follows:—

"In revising the assessments of land revenue regard shall be had to the profits of cultivation. The Settlement Officer shall take into account the following factors:—

(i) the state of communications during the previous settlements,

[Appendix A—*contd.*]

- (ii) the proximity of markets,
- (iii) the trend of prices,
- (iv) the general economic conditions and history of the tract.
- (v) the results of crop experiments, and
- (vi) rental value.

In order to ascertain the rental value, the real rents paid in open competition by tenants to landlords during five years immediately preceding the revision settlement, excluding years of abnormal prices, shall be taken into consideration."

Government are constrained to remark that this proposal is in fact hardly less vague than the existing section of the Code which it is sought to improve, and that therefore it does little to remove the defect pointed out by the Joint Parliamentary Committee.

After the fullest deliberation Government accept the view of the official members of the Committee, which has since received the weighty support of the Indian Taxation Enquiry Committee's report, that rental value, where it can be ascertained, must be adopted as the sole basis for fixing the assessment, all other considerations being regarded as merely subordinate factors, useful only as explanatory or confirmatory of, or supplementary to, the foregoing factor. Government wish to emphasize that this decision will merely give legal effect to the existing principle upon which Bombay settlements are already based. They accordingly approve the amendment of section 107 of the Code, as proposed by the official members, subject to the modifications that for the words "the rental statistics" in the second sentence of the amended section the words "the data relating to rents" should be substituted, that the words "measured by" in the third sentence should be omitted, and that, in the proviso, for the words "the portion of the rental value due to the said improvement shall be excluded from the assessable rental value" the words "the increase in the rental value of such land due to the said improvement shall not be taken into account in fixing the revised assessment thereof" should be substituted.

4. *Cultivating and non-cultivating landlords: Paragraph 37 of the Report.*—Government agree with the view of the Committee that no distinction should be made between cultivating and non-cultivating landlords in fixing the assessment, in order to prevent land passing out of the hands of *bona fide* agriculturists.

5. *Paragraphs 8 and 39 of the Report.*—The Committee were unable to make any recommendation on the question of fixing a maximum percentage of the rental value as the assessment which the State is entitled to take, opinions on the subject varying from 10 to 75 per cent. It was recognized that settlement officers had usually regarded 50 per cent. as the maximum, but that in practice they had rarely, if ever, worked up to it. The Committee however decided by a majority that the assessment should not exceed 25 per cent. of the profits of cultivation, i.e., the gross profits less all the expenses incurred in deriving those profits. Government consider that the views of the Committee on this question are inconsistent with one another. In the case of rental value, which is, generally speaking, a factor which can be determined with a high degree

[Appendix A—*contd.*]

of certainty and accuracy, the report makes no recommendation as to the proportion to be reserved to the State, while in the case of the profits of cultivation, on the other hand, which, as is indicated in the report of the Indian Taxation Enquiry Committee and as is indeed evident, is a factor the determination of which is a difficult, if not impossible, task, the report recommends that the State demand should be limited to a maximum of 25 per cent. The Indian Taxation Enquiry Committee in their discussion on the subject of the rate of assessment, i.e., the percentage of the annual value to be reserved by the State, made no definite recommendation. They appear to have been of opinion, however, that what they refer to as the "standard rate" should approximate in the first instance to the existing percentage. For the ascertainment of the latter, however, they had no sufficient information. But such information as they had pointed to a standard rate of 25 per cent. In so far, however, as their observations can be interpreted as a recommendation in favour of the adoption of this percentage, it should be recollected, first, that the rate which they were discussing was not apparently an absolute maximum, such as is proposed (as applied to "profits of cultivation") in the present Committee's majority report, but a standard, i.e., an average rate, and secondly that their general attitude of predisposition towards a lowering of the standard rate appears to have been largely influenced by the assumption that in future a considerably larger share of the annual value than is at present the case would be taken in the shape of rates for expenditure on local objects. Finally, there is the general consideration that the object of the legislation now proposed, as was indicated by the Joint Parliamentary Committee, is to give legislative sanction to the existing principles and practice of land revenue assessment, and there was no suggestion on the part of that body that the passing of such legislation should be made the occasion for any radical departure from such principles and practice. For these reasons the Governor in Council considers that he may appropriately adhere to the present practice of regarding 50 per cent. of the rental value as the maximum limit of the proportion which the State is entitled to take, and that this as a principle should be embodied in the law on the subject. Section 100 of the Land Revenue Code should be amended accordingly.

6. *Paragraph 40 of the Report.*—Government agree with the view of the Committee that Mr. Shivdasani's scheme for fixing a permanent assessment in kind, but recoverable in cash, is unworkable.

7. *Limits of enhancement of assessment: Paragraph 41 of the Report.*—Government note with approval and endorse the views of the Committee contained in this paragraph on the right of the State—

(1) to an increased revenue from the land to meet the growing demands of the country and to maintain the administration on an efficient scale; and

(2) to take its share in the unearned increment derived from land. They recommend that the limit of enhancement should be reduced from the present limits of 33 per cent. for a taluka or a group of villages, 66 per cent. for a single village and 100 per cent. for an individual

[Appendix A—contd.]

holding to a general limit of 25 per cent. in the case of all talukas that have already undergone a second revision. The Governor in Council accepts this recommendation, and section 107 of the Code should be amended accordingly.

8. *Periods of settlement: Paragraph 42 of the Report.*—The Committee propose to leave the existing orders unchanged. Government concur in their opinion as regards the Presidency proper. In view, however, of the economic and other changes that the Lloyd Barrage may bring about in Sind, Government desire to retain a free hand in the matter so far as that Province is concerned.

9. *Exemption of improvements: Paragraph 43 of the Report.*—The report is emphatically of the opinion that the law on this subject should remain as it is. The Governor in Council accepts the Committee's recommendation.

10. *Standing Advisory Committee: Paragraphs 44 and 45 of the Report.*—The non-official members of the Committee strongly recommend that a standing Advisory Committee of the Legislative Council be set up to examine all revision settlement proposals and that, if the recommendations of the Committee on any such proposals are not accepted by Government, the proposals shall not be put into force, unless and until the sanction of the Legislative Council is obtained. The arguments of the official members against this recommendation have been fully set forth in the report, and they have the approval of Government. The Governor in Council regrets that he is unable to recommend to the Government of India the insertion of a clause in the Land Revenue Code to give effect to this suggestion.

11. *Subsoil water rate: Paragraph 47 of the Report.*—The non-official members of the Committee are of opinion that subsoil water shall not be made the subject of assessment and recommend that the practice be discontinued, and that the rates hitherto charged on such water shall be remitted. Government do not consider that the arguments of the official members opposing the abolition of this rate have been successfully met, and they are unable to accept the recommendation.

12. *Himayat assessment: Paragraph 48 of the Report.*—This proposal is entirely outside the Committee's terms of reference, and Government see no valid ground for making any such general enquiry as is proposed.

13. *Paragraph 49 of the Report.*—The point referred to in this paragraph has engaged the attention of the Fallow Rules Committee.

14. *Paragraph 50 of the Report.*—Government accept the Committee's proposal that section 214 of the Land Revenue Code be amended so as to include suspensions and remissions of land revenue and the process of valuation of crops in order to determine suspensions and remissions as matters, the regulations of which may be made by the Governor in Council. The section should be amended accordingly.

15. *Paragraph 51 of the Report.*—In this paragraph the non-official members of the Committee propose that the Settlement Officer shall have the assistance of two representatives of the cultivators elected by

[Appendix A—contd.]

the Taluka Local Board in preparing his settlement. Government agree with the arguments of the official members against this proposal, and regret that they cannot see their way to accept it.

16. *Settlement of villages in Sind: Paragraph 52 of the Report.*—Government recently caused a special enquiry to be made with a view to ascertaining the practicability of this proposal. The result of the enquiry was to show that it would be unworkable. Government are not prepared to re-open the question now.

17. In paragraph 36 of the report it is stated that non-agricultural assessments were not referred to in the questionnaire, but that the Committee propose to deal with this question in a supplementary report. Although the Committee were furnished with certain information regarding the law and existing practice in respect to non-agricultural assessments, Government, as at present advised, do not consider that the subject of such assessments can appropriately be dealt with by that body. It is indeed questionable whether, when it made its recommendation in favour of the statutory regulation of land revenue assessments, the Joint Parliamentary Committee had in view assessments other than those on lands held for agricultural purposes. The contrary view would be inconsistent with the reference to the due representation of rural interests, those of the tenantry as well as of the landlords, which appears in that part of the Committee's report in which this recommendation is advanced. In the course of the debate, which preceded the passing of Mr. R. G. Pradhan's resolution, practically no allusions were made to the question of non-agricultural assessments, and it is apparent that the ordinary land revenue settlements of agricultural land were then contemplated as the subject of the proposed enquiry. The question of the principles by which non-agricultural assessments should be governed has recently been the subject of close study at the hands of a number of officers who are specially competent to deal with this technical matter, and Government now have before them ample materials on which to arrive at a decision as to the changes, which it is desirable to introduce into the existing law and practice regulating these assessments. In these circumstances Government do not propose to ask the Committee to reassemble for the purpose of dealing with this subject.

18. The Remembrancer of Legal Affairs should be requested to draft the requisite amendments to sections 100, 107 and 214 of the Land Revenue Code in accordance with the orders conveyed in paragraphs 3, 5, 7 and 14 of this Resolution. If the sanction of the Government of India is given to them, it is the intention of Government to introduce a bill in the Legislative Council to give effect to them at as early a date as possible.

By order of the Governor in Council,

J. W. SMYTH,
Secretary to Government.

G. R. No. 1790/24, R. D., dated the 13th May 1927.

[Appendix A—contd.]

To

The Commissioner in Sind,
 The Commissioners of Divisions,
 All Collectors, including the Deputy Commissioner, Upper Sind
 Frontier,
 The Commissioner of Settlements,
 All Superintending Engineers in the Presidency proper, including
 the Superintending Engineer for Deccan Irrigation Circle,
 The Chief Engineer in Sind,
 The Director of Agriculture,
 The Legal Department,
 The Remembrancer of Legal Affairs,
 The Finance Department,
 The Public Works Department,
 The Secretary to Government, Finance Department,
 The Joint Secretary to Government, Public Works Department,
 Sir Lalubhai Samaldas, C.I.E.,
 Mr. G. A. Thomas, C.I.E., I.C.S.,
 Khan Bahadur Shah Nawaz Khan Ghulam Murtaza Bhutto, C.I.E.,
 O.B.E., M.L.C.,
 Mr. Mahomed Ayub Shah Mahomed Khuhro, M.L.C.,
 Syed Muhammad Kamil Shah, M.L.C.,
 Rao Saheb D. P. Dessai, M.L.C.,
 Mr. H. B. Shivdasani, M.L.C.,
 Mr. R. G. Pradhan, M.L.C.,
 Mr. Lalji Naranji, M.L.C.,
 Moulvi Rafiuddin Ahmed, M.L.C.,
 Sardar G. N. Mujumdar, M.L.C.,
 Mr. D. R. Patil, M.L.C.,
 Mr. R. D. Shinde,
 Mr. B. K. Dalvi,
 Khan Bahadur Ismail Saheb Madar Saheb Bedrekar,
 Mr. R. G. Soman.

[Appendix A—contd.]

REVENUE DEPARTMENT

Bombay Castle, 26th May 1925

No. 214/24.—In exercise of the powers conferred by sub-section (4) of section 1 of the Mussalman Wakf Act, 1923 (XLII of 1923), the Government of Bombay is pleased to direct that the provisions of sections 2 to 13 of the said Act shall come into force in the Presidency of Bombay, including Sind, with effect from the 1st June 1925.

By order of the Government of Bombay (Transferred Departments),

G. A. THOMAS,
Secretary to Government.

Bombay Castle, 26th May 1925

No. 214 (a)/24.—In exercise of the powers conferred by section 13 of the Mussalman Wakf Act, 1923 (XLII of 1923), the Government of Bombay is pleased to exempt from the operation of the said Act for a period of three years or pending further orders, any wakf or wakfs created or administered for the benefit of the Dawoodi Borah section of the Mussalman community.

By order of the Government of Bombay (Transferred Departments),

G. A. THOMAS,
Secretary to Government.

Bombay Castle, 13th August 1926

No. 214/24.—In modification of Government Notification, Revenue Department, No. 214/24 dated 26th May 1925, the Government of Bombay is pleased to fix 19th August 1926 as the date from which the provisions of sections 2 to 13 of the Mussalman Wakf Act, 1923 (XLII of 1923), shall come into force in the Presidency of Bombay, including Sind.

By order of the Government of Bombay (Transferred Departments),

G. A. THOMAS,
Chief Secretary to Government.

[Appendix A—contd.]

Crops.

Report of the Committee appointed to consider the best method of fixing the anna valuation of —.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. L.C.—1145-B

Bombay Castle, 24th June 1927

Letter from the Secretary, Anna Valuation Committee, No. A.V.C., dated 3rd September 1926—Submitting the report* of the Committee appointed by Government in their Press Note No. L.C.—1145-B., dated 28th June 1924.

RESOLUTION.—The report is a majority one. Of the eleven members, Messrs. Pratt and Anderson were unable to sign it, as the former had retired from service and the latter was on leave out of India. Two members, Mr. H. L. Painter, I.C.S., and the Thakor Saheb of Amod, have appended minutes of dissent. The thanks of Government are due to the members of the Committee for the care with which they have conducted the enquiry and formulated their recommendations.

2. Paragraphs 1 to 5 of the report do not call for comment. The Committee's main recommendations are contained in paragraphs 6 to 11.

3. *Paragraphs 6 and 7.*—In his dissenting minute of 26th January 1926 the Thakor Saheb of Amod states his objections to the procedure proposed in paragraph 6 for the valuation of crops, and suggests that an advisory committee consisting of agriculturists and inamdars and presided over by the Mamlatdar would be more suitable. Government regret that it is now too late to consider the Thakor Saheb's suggestion, which should have been brought before the Committee. They approve the procedure suggested by the Committee in paragraph 6, with the reservation that clauses (i) and (ii) of it should be amalgamated, the subsequent clauses being renumbered.

In his dissenting minute Mr. Painter proposes to exclude paragraph 7, as he considers that sufficient publicity is already provided for in paragraph 6 (ix). Government agree with Mr. Painter and consider that it will be enough if the procedure laid down in paragraph 6 is amplified by so much of the proposals in paragraph 7 as relate to the submission and consideration of petitions of objections against the valuations published under (ix).

The form of procedure as thus revised and approved by Government will be as follows :—

“6. (i) A Committee shall be formed for every village for which an anna valuation is to be prepared consisting of the Circle Inspector

* Printed as an appendix to this Resolution.

[Appendix A—contd.]

(as Chairman), the Talati or Kulkarni, the officiating Revenue Patil and two representative agriculturists selected by the Circle Inspector.

(ii) The Circle Inspector shall give not less than three clear days' notice of his visit to the village.

(iii) The Committee shall meet in the month preceding the harvesting of the main crops of the village and record its opinion as to what the anna valuation should be for each of them.

(iv) This opinion shall be signed by each member of the Committee. If the Committee is not unanimous, each member shall record his opinion over his own signature or mark.

(v) The opinion or opinions thus recorded shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a provisional decision.

(vi) The Mamlatdar shall fix a date by which the opinion or opinions referred to in section (v) above shall reach him.

(vii) If the opinion or opinions are not received by the date fixed by the Mamlatdar, he shall make his provisional decision on such other data as may be available.

(viii) The Mamlatdar shall publish his provisional decisions in the taluka kacheri and in the chawdis of all the villages concerned.

(ix) Any objection to the provisional decision of the Mamlatdar shall be made within 15 days from the date of its publication in the taluka kacheri or chawdis, and all objections which have been submitted to his superior officers, whether in person or by petition, shall be taken into account by the Mamlatdar, before he makes his final decision.

(x) Unless the Mamlatdar, on a consideration of the objections presented or for any other reason, sees fit to amend his provisional decision, such decision shall stand as his final decision. In any case where he amends his provisional decision, the amended decision shall be published in the same manner as the provisional decision.

(xi) The Mamlatdar's decision, if revised by the Collector, shall be similarly published in the taluka kacheri and the chawdis.

(xii) The Collector may select any field in any village of the taluka for a crop test with a view to checking the accuracy of any anna valuation.

It must, however, be understood that for the purposes of the suspension of land revenue annewari valuations are required only in seasons below the average or, in good seasons, when there are suspended arrears of revenue to be collected.

4. *Paragraph 8.*—In his dissenting minute Mr. Painter objects to the whole of this paragraph except the first sentence. Government consider, however, that the Committee's recommendations (a) and (b) are intended simply to determine the standard to be applied. The statistics referred to indicate nothing more than what is to be regarded as the average quantitative outturn of land of average classification in the village. Then, this standard having been determined, the valuer, by making quantitative estimates of the actual outturn for a number of particular fields of average classification, will be in a position to determine what ratio the average outturn of the season bears to the outturn of a normal

[Appendix A—contd.]

season, or, in other words, whether the crops should be valued at say 12, or 8 or 6 annas. On this understanding Government accept the Committee's recommendations.

5. *Paragraph 9.*—The Committee recommends that the number of rain gauge stations should be increased. Government will give effect to this recommendation as funds permit.

6. *Paragraph 10.*—Government endorse the opinion of the Committee and are considering proposals for the conduct of a series of crop experiments.

7. *Paragraph 11.*—Government agree with this proposal and will take steps to carry it into effect as soon as possible.

By order of the Governor in Council,

A. E. SERVAL,

Acting Deputy Secretary to Government.

G. R. No. L. C.—1145-B., R. D., dated the 24th June 1927.

To

The Commissioner in Sind,
 The Commissioners of Divisions,
 All Collectors in the Presidency proper,
 The Commissioner of Settlements and Director of Land Records,
 The Settlement Commissioner and Director of Land Records,
 Bombay Suburban Division,
 The Director of Agriculture,
 The Director of Information (by memorandum),
 The Finance Department,
 Mr. F. G. Pratt, C.S.I., I.C.S. (Retired),
 Mr. L. J. Mountford, C.B.E., I.C.S. (Retired),
 Mr. H. L. Painter, I.C.S.,
 Mr. F. G. H. Anderson, I.C.S.,
 Mr. G. A. Thomas, C.I.E., I.C.S.,
 Rao Bshadur P. C. Patil,
 Mr. N. E. Navle, M.L.C.,
 Mr. Shankarrao Jayaramrao Zunjarrao, M.L.C.,
 Mr. S. T. Kambli, M.L.C.,
 Mr. L. S. Chaudhari,
 Sardar Naharsinghji Ishwarsinghji, Thakor Saheb of Amod,
 Khan Bahadur Ismail Saheb Madarsaheb Bedrekar.

Appendix to the Government Resolution, Revenue Department,

No. L.C.—1145-B., dated 24th June 1927

REPORT OF THE ANNEWARI COMMITTEE

This Committee was appointed by Government in pursuance of the following resolution moved by Mr. Navle and carried at a meeting of the Legislative Council held on 20th March 1924 :—

This Council recommends to the Governor in Council that a mixed committee of official and non-official members of this Council, with a

[Appendix A—*contd.*]

non-official majority, be appointed to consider the most suitable method or methods of fixing the anna valuation of crops.

2. The Committee sat on the 24th and 31st July 1924 and on the 12th March 1925. It now presents to Government the recommendations embodied in the following paragraphs.

3. The Committee has given its careful consideration to the alleged defects in the present system, the chief of which are that an insufficient number of fields are examined by the revenue officers to enable them to arrive at fair conclusions, that the opinions of the agriculturists themselves are not taken sufficiently into consideration and that the original estimates framed by the subordinate revenue officials, the Talatis and Circle Inspectors, are too frequently enhanced by the higher officials. In order to remove these defects the honourable mover of the resolution, which gave rise to this Committee, laid before it a scheme, the principal feature of which was that the crop valuation should in the first instance be done by a small committee, consisting of the Circle Inspector, the Patil, the Talati (or Kulkarni) and two local agriculturists, whose opinion, if unanimous, should be accepted as final. In the event of a difference of opinion the scheme proposed that the matter should be referred to another committee, composed of the Mamlatdar, the President and Vice-President of the Taluka Local Board. In the event of a further disagreement, it was proposed that the matter should be referred to a third committee, consisting of the Collector and the local Member of the Legislative Council representing the rural area concerned and the President of the District Local Board.

4. After a careful consideration of this scheme the Committee has found itself unable to recommend its adoption on the main ground that it did not provide sufficiently for the control and supervision of the higher revenue officers, that the procedure proposed was unworkable by reason of its elaborate formality and delays, and that it would place the responsibility on persons imperfectly qualified for such a task owing both to a lack of experience or training and to personal bias. The Committee as a whole is of the opinion that it is of the utmost importance to enlist the advice and co-operation of the agriculturists themselves in the earlier stages of the process of anna valuation, but in view of the short space of time, in which it is possible to frame an estimate, which can only be done when the crops are standing and the season of harvesting approaching, it is quite impracticable to adopt any elaborate system of check and countercheck. In order to arrive at fair conclusions within the brief time available a simple system of valuation is absolutely inevitable.

5. A considerable difference of opinion exists on the question of the number of villages that should be examined at the time of making the valuation. A detailed examination of each and every village in an area in which the seasonal conditions render an anna valuation necessary is not, the Committee thinks, within the range of practical politics. The Committee has therefore considered whether it would not be feasible to divide each taluka into homogeneous groups on the basis of the season's rainfall and to select in each group one village in which to hold a

[Appendix A—*contd.*]

detailed examination of the main crops. There is in the view of the Committee much to recommend this proposal, provided that the actual division of a taluka into homogeneous groups and the selection of villages within the groups be placed in the hands of a Committee, the majority of whose members are selected by the agriculturists from among their own numbers. The main objection to this proposal is that there would be a danger of wrong grouping, which would vitiate the whole valuation. There would also be a danger of the wrong selection of a village as typical with the result that the group valuation might be either too high or too low. In these circumstances the Committee thinks it would be preferable to continue the present system, under which as many villages as possible in each affected area are examined by the revenue officers. The Committee, however, attaches the greatest importance to these officers acting in much closer co-operation than at present with the local agriculturists, and to make this possible it makes the following specific recommendations to Government and strongly urges their adoption.

6. (i) That the Circle Inspector should be assisted by two representative agriculturists in each village for which he prepares an anna valuation.

(ii) That a Committee be formed for each of these villages, consisting of the Circle Inspector himself (as Chairman), those two representative agriculturists, the officiating Patil and the Talati (or Kulkarni).

(iii) That the Circle Inspector shall give not less than three clear days' notice of his visit.

(iv) That the Committee shall meet in the month preceding the harvesting of the main crops of a village and record its opinion as to what the anna valuation should be for each of the main crops.

(v) That this opinion shall be signed by each member of the Committee. If the Committee is not unanimous, each member shall record his opinion over his own signature or mark.

(vi) That the opinion shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a decision.

(vii) That the Mamlatdar shall fix a date by which the opinion must reach him.

(viii) That if the opinion is not received by the date fixed by the Mamlatdar, he shall make his decision on such other data as may be available.

(ix) That the Mamlatdar shall publish his decision in the taluka kacheri and in the chawdis of all villages concerned.

(x) That the Mamlatdar's decision shall be subject to revision by his superior officers.

(xi) That if his decision be revised by his superior officers, the revised decision shall be similarly published.

(xii) That the Collector may select any field in any village of the taluka for a crop test with a view to checking the accuracy of any anna valuation.

It must, however, be understood that for the purposes of the suspension of land revenue annewari valuations are only required in seasons below the average or, in good seasons, when there are suspended arrears of revenue to be collected.

[Appendix A—*contd.*]

7. The Committee is further of the opinion that wider publicity than at present should be given to the proposed valuation to enable objections to be recorded and considered before final orders are passed. It therefore recommends that a provisional annewari valuation should be published by the Collector for every village in which such valuation is made at least one month before the date fixed for the collection of the first instalment of the assessment, kharif or rabi, as the case may be. This valuation should be published in the taluka kacheri and also in the chawdi or school of every village concerned, or, where there is neither chawdi nor school, in some other conspicuous place. Any objection against the valuation should be made within 15 days from the date of publication in the taluka kacheri and all objections submitted to the Collector, whether in person or by petition, should be taken into account by him before he passes final orders. The Committee does not think it necessary to publish the provisional valuation in the Taluka Local Board office as well, but recommends that a copy should be supplied by the Collector to any Taluka Local Board applying for one.

8. As regards the method of valuation the Committee does not think it possible to lay down any formal directions for the guidance of the village committee, as it recognises that the non-official members of such committee will rarely be in a position to apply any technical formulæ but must base their valuation almost entirely upon their practical experience. At the same time the Committee thinks that it would be advantageous to lay down certain principles for the guidance of the several officials responsible for the annewari valuation. It has therefore decided to recommend to Government the acceptance of the joint proposals made by the Commissioners, including the Settlement Commissioner and the Director of Agriculture, in their letter to Government No. C.N.R.—102, dated 20th December 1923, in which letter it was suggested that the procedure for ascertaining the valuation of any particular crop should be:—

(a) To ascertain the average classification value of the total area of land in a village under that crop, which can easily be found by comparing the average acre assessment of that land with the maximum rate;

(b) To work out from the taluka table the number of pounds in a 12-anna crop or land of that classification.

Note.—The tables are made for 12-anna soil. Therefore if the average classification value is 6 annas and the table shows 1,500 lbs. as the normal 12-anna crop, then the normal crop for the soil in that village would be 750 lbs. per acre. In cases in which the average classification value works out to more than 12 annas the yield in pounds for lands of such classification can be worked out from the figures in the taluka tables. Thus if the average classification value is, say, 15 annas and the table shows 1,500 lbs. as the normal 12-anna crop, then the normal crop for the 15-anna soil should be taken as 1,875 lbs. per acre; and

[Appendix A—contd.]

(c) To make local inquiry and observation while the crops are still standing and record a definite opinion as to the average acre outturn in the village of the particular crop under consideration, which opinion must be based on his own estimate of the actual outturn on various fields which he has himself seen or tested.

9. The Committee is of opinion that the present number of rain gauges per taluka is insufficient for the purpose of estimating the rainfall in each group of villages. It therefore recommends that the number be substantially increased so that each homogeneous tract in a taluka should possess its own gauge.

10. The question of crop experiments is another matter to which the Committee has given close attention. It understands that a scheme is being prepared for the creation of a special establishment of expert agricultural officers for the purpose of—

(a) examining and analysing the official records of crop experiments in order to co-relate the information contained therein with the information regarding the nature of the season in which the experiments were made and the classification value of the soil, and

(b) making a series of fresh experiments in order to ascertain the standard crop in fairly good year on land of each classification value.

To this scheme the Committee gives its unqualified and unanimous support in the belief that the figures of output that would be obtained by the proposed examination and analysis would serve as a most valuable check on the present official statistics of standard output, and that if the results of the new crop experiments suggested were compared with the Agricultural Department's tables of the yield in lbs. per acre, they would in course of time enable Government to verify the anna valuations of their revenue officers.

11. Finally the Committee recommends that the agricultural standards in the Agricultural Department should be re-investigated with a view to revision over the whole Presidency, especially in precarious tracts.

L. J. MOUNTFORD.

*H. L. PAINTER.

P. C. PATIL.

N. E. NAVLE.

L. S. CHAUDHARI.

SHANKARRAO JAYARAMRAO ZUN-
JARRAO.

S. T. KAMBLI.

*NAHARSINGHJI ISHWARSINGHJI,
THAKOR OF AMOD.

ISMAIL SAHEB MADARSAHEB
BEDREKAR.

* Subject to minutes of dissent.

Note.—Messrs. F. G. Pratt and F. G. H. Anderson were unable to sign the Report, as the former had retired from service and the latter was on leave out of India.

[Appendix A—*contd.*]

Minute of dissent by Mr. H. L. Painter

Explanatory note regarding my desire to exclude from the Report, paragraph 7.

I fail to see that this recommendation will have the effect of producing the wider publicity which is its avowed object; sufficient publicity is already provided for in paragraph 6 (*ix*). Apart from this there will be two valuations, *viz.*, the Mamlatdar's and the Collector's provisional, which may well be conflicting, since the latter would not, apparently, be based on the former. Further, so early a provisional valuation of the kind contemplated could only be of the roughest possible type—far removed from the accuracy which these recommendations aim at—and would in practice only be adhered to by chance.

Explanatory note regarding my desire to exclude from the Report the matter in paragraph 8 beginning with "At the same time....." and ending with "himself seen or tested."

1. (*a*) can be done.—Having done it the officer will know that the land under a particular crop in a particular village bears an average classification value of so many bhag annas.

2. (*b*) can be done.—By doing it the officer will deduce that the outturn of the crop referred to in (*a*) would be so many pounds per acre if that crop were a normal (or 12-anna) crop.

3. (*c*) is the current practice, with "outturn" expressed in pounds per acre instead of in so many annas as against a 12-anna "normal," the latter being converted into terms of the former by reference to the table used in (*b*).

4. Thus (*a*) and (*b*) lead to one thing, and (*c*) leads to another thing. The first thing is a statistical fact; the second is, as it always has been, an estimate based on observations. To call the arithmetical exercise leading to the first together with the observations leading to the second "a procedure" is absurd, because there is no concatenation whatever between them; the mere lumping of them together cannot produce it.

5. The correctness of the estimate (*c*) will not be more capable than the old anna estimate of immediate verification by reason of it being expressed in pounds per acre instead of in annas, since the actual outturn in pounds of the whole crop can never be known.

(The accuracy of an estimate could be checked by crop experiments conducted locally in the same season. But no such experiments are contemplated in the "procedure," and rightly so, since in any case the result of the experiments and the consequent justification (or otherwise) of the estimate would come months after the practical result of the acceptance of the estimate, *viz.*, the Collector's orders regarding collection of Land Revenue, had been given effect to.)

6. The result of this proposed "procedure" thus leaves us precisely as we were; all we have done is to introduce a lot of abstract symbols and to emerge from our intricate equation with the discovery that $X = X$!

H. L. PAINTER,
Commissioner, N. D.

8th January 1926.

[Appendix A—contd.]

Minutes of dissent by the Thakor Soheb of Amod

I may add that the proposals should be considered experimental ones. Let us see how it works and by experience the matter will be settled in its own way. Whatever the annewari is estimated, it is after all an estimation made by ordinary people and it could not be exactly what is the desire of the mover. Until there is a share system no exact valuation and estimation could be made; and I do not think that the present system is absolutely bad.

I may request that in inami and talukdari villages care should be taken that the proprietors may not find causes for complaints in fixing the annewari whenever such need arises.

30th December 1925.

NAHARSINGHI,
Thakor of Amod.

I have gone through the report and I am sorry to express my disapproval, for matter would be worse from bad. To form a committee of Circle Inspector and a few agriculturists will not serve the purpose with any advantage, but on the contrary chances are that more mischieves will be played to the disadvantage both to Government and the public.

I think if an advisory committee may be constituted of, from agriculturists and inamdars headed by the Mamlatdar, it will serve the purpose alright. If the committee comes to unanimous conclusion, the matter will be settled or in case any disagreement arises the matter will be finally settled by sub-divisional officer and the Collector after mutual consideration. Moreover, it will be advisable to see that the final order of the Collector is issued 15 clear days before the date of instalment, and the tenants may be given 15 clear days, before the final order of the Collector, to advance their grievances if there may be any.

26th January 1926.

NAHARSINGHI,
Thakor of Amod.

[Appendix A—contd.]

Committees.

Appointment of a committee to enquire into the grievances of the ryots with regard to forest matters.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. L.C.—1374.

Bombay Castle, 26th January 1925.

Memorandum from the Secretary, Bombay Legislative Council, No. 2642 dated 13th August 1924—Stating that Resolution No. 2 moved by Mr. D. R. Patil was passed in the following amended form at the meeting of the Legislative Council held on 30th July 1924 :—

“ This Council recommends to Government to appoint a committee to visit important forest areas and to enquire into the grievances of the ryots with regard to forest matters and to submit suggestions for the consideration of Government. ”

RESOLUTION.—In order to give effect to the recommendation conveyed in Mr. Patil's Resolution Government are pleased to appoint a Committee composed of the following gentlemen :—

Chairman

Mr. A. G. Edie, Chief Conservator of Forests, Bombay Presidency.

Members

Mr. D. R. Patil, M.L.C.

Mr. S. S. Dev, M.L.C.

Mr. M. D. Karki, M.L.C.

Dr. K. E. Dadachanji, M.L.C.

Mr. Abdul Latiff Haji Hajrat Khan, M.L.C.

In addition to the above gentlemen the Conservator of the Circle to be visited should be appointed a member of the Committee. The Committee is empowered to visit important forests situated in the Presidency proper and to enquire into the grievances of the ryots with regard to forest matters and to submit suggestions for the consideration of Government. Government desire that the proceedings of the Committee should be of an informal nature and that no formal evidence should be recorded. The report should be submitted to Government at an early date.

2. For the discharge of its functions the Committee is authorised to consult official and non-official gentlemen and call for the necessary information from the former.

3. The non-official members of the Committee should be granted travelling and daily allowances at first class rates. The Chief

[Appendix A—*contd.*]

Conservator should be requested to report immediately the expenditure likely to be incurred during the current and the ensuing years.

4. The Secretary to the Legislative Council should be requested to place a copy of these orders on the Council Table for the information of the members of the Council.

By order of the Government of Bombay
(Transferred Departments),

H. K. KIRPALANI,
Deputy Secretary to Government.

To

The Commissioner in Sind,
The Commissioners of Divisions,
All Collectors in the Presidency
proper,
The Chief Conservator of Forests,
Bombay Presidency,
All Conservators of Forests,
The Director of Agriculture,
The Director of Information,
The Secretary, Legislative
Council,

The Private Secretary to His
Excellency the Governor,
The Accountant General,
The Finance Department,
D. R. Patil, Esquire, M.L.C.,
S. S. Dev, Esquire, M.L.C.,
M. D. Karki, Esquire, M.L.C.,
Dr. K. E. Dadachanji, M.L.C.,
Abdul Latiff Haji Hajrat Khan,
Esquire, M.L.C.

[Appendix A—*contd.*]

With the compliments of the

No. P.—83/14/5/1927

Director of Information, Bombay.

At the meeting of the Legislative Council held on March 17th, 1927, the following Resolution proposed by Rao Bahadur R. R. Kale as amended by the amendments of Mr. Pataskar and Mr. R. G. Pradhan was carried by a majority:—

“ This Council reaffirming the principle of the resolution as amended and carried by it by a majority on the 15th March 1924, recommends to the Governor in Council that he will be pleased to give immediate effect to it by introducing the necessary legislation after taking into consideration the report, the minutes of dissent and suggestions of the members of the Land Revenue Assessment Committee and making provision for giving retrospective effect to such legislation in view of the fact that in many cases new revision settlements were proceeded with and new rates introduced after the resolution of 15th March, and pending such legislation to issue orders to the revenue authorities concerned not to collect the assessment enhanced in revision after 15th March 1924. ”

In his speech on the debate the Honourable the Revenue Member explained that the attitude of Government towards the original Resolution might have been somewhat different, if the mover had not accepted the amendment that the collection of any assessments enhanced in settlements revised since March 15th, 1924, should cease, but that in consequence of the acceptance of the amendment Government were unable to accept the Resolution.

Government have now completed their consideration of the report of the Land Revenue Assessment Committee, and they desire to emphasize the fact that the recommendations of the majority report with one exception include no proposal involving any radical departure from existing practice in respect to the principles of land revenue assessment. The exception referred to is the recommendation which would have the effect of restricting to a maximum limit of 25 per cent. the proportion of the State share in the profits of cultivation. Government are unable to accept this recommendation. Consequently in the legislation which they propose to introduce to give effect to the decisions which they have reached on the Committee's report, they see no necessity to include a provision giving it retrospective effect.

Government desire to make it clear that the effect of this decision is that the collections of the assessments enhanced in settlements revised since March 15th, 1924, will not be suspended, and that they propose to repeat the procedure of last year and to introduce in the current revenue year those revised settlements which are due to come into force in the revenue year 1927-28.

The Bill to amend the Land Revenue Code is now being drafted, and will be introduced in the Legislative Council after it has been submitted to the Government of India and received their sanction.

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