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## APPENDIX 1.

## BILL No. XV OF 1932.

*A Bill to provide for the better regulation and control of transactions in cotton in Bombay.*

(As published in the "Bombay Government Gazette" of the 24th August 1932.)

WHEREAS it is expedient to provide for the better regulation and control of transactions in cotton and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Cotton Contracts Act, 1932.

2. *Extent and operation.*—(1) This Act shall apply to the City of Bombay and the Island of Salsette.

(2) It shall come into operation on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.

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

(a) "Bombay" means the City of Bombay and the Island of Salsette;

(b) "Board of Control" means a board appointed for the time being by the Governor in Council as provided in section 9;

(c) "Board of Directors" means a board of directors of a recognised cotton association constituted under section 5 and acting through at least a quorum of their members at a meeting of that board duly called and constituted;

(d) "Certified godown" means a godown maintained by a cotton association for storing cotton certified under the by-laws of the association;

(e) "Contract" means a contract made or to be performed in whole or in part in Bombay relating to the sale or purchase of cotton and includes options in cotton, but does not include such contracts as the Governor in Council may, by notification in the *Bombay Government Gazette*, declare to be excluded from the provisions of this Act;

(f) "Cotton Association" means any association, organisation or a body of individuals, whether incorporated or not, established or formed for the purpose of regulating and controlling business in the sale, purchase or other transactions in cotton;

(g) "Forward contract" means a contract for the delivery of cotton in Bombay at some future date;

[Appendix 1—*contd.*]

(h) "Option in cotton" means a contract entered into or to be carried out in whole or in part in Bombay for the purchase or sale of a right to buy, or a right to sell, or a right to buy or sell cotton in future, and includes a *teji a mandi* or a *teji-mandi* in cotton ;

(i) "Ready contract" means a contract in which immediate delivery of cotton in Bombay is contemplated ;

(j) "Recognised cotton association" means a cotton association which is for the time being recognised by the Governor in Council, as provided in section 4.

4. *Recognition.*—(1) A cotton association, desirous of being recognised for the purposes of this Act, shall make an application in writing to the Governor in Council for such recognition and shall submit by-laws for the regulation and control of transactions in cotton and furnish such information in regard to such recognition as the Governor in Council may from time to time require.

(2) The Governor in Council may give or refuse such recognition.

(3) The Governor in Council shall refuse recognition unless the by-laws submitted by the cotton association under sub-section (1) shall have been published in the *Bombay Government Gazette* at least one month before the date of such recognition :

Provided that when the by-laws of a cotton association applying for recognition under sub-section (1) are in the opinion of the Governor in Council similar in all material respects to the articles and by-laws of the East India Cotton Association, Limited, deemed under the provisions of sub-section (6) to be by-laws of a recognised cotton association, the Governor in Council may dispense with the publication, required under this sub-section, of the by-laws of the cotton association applying for recognition and may give recognition to such association and the by-laws of such association shall then be deemed to be by-laws published under the provisions of this sub-section.

(4) When the Governor in Council has dispensed with the publication of the by-laws of a cotton association and has given recognition to such association under the provisions of the proviso to sub-section (3), such by-laws shall be published in the *Bombay Government Gazette* next following the giving of recognition to such association.

(5) The Governor in Council may at any time withdraw the recognition given to a cotton association and such cotton association shall thereupon cease to be a recognised cotton association.

(6) It is hereby declared that the East India Cotton Association, Limited, is a recognised cotton association for the purposes and subject to the provisions of this Act and the articles and by-laws of the said Association shall, so far as they relate to matters for which by-laws may be made under the provisions of sections 5 and 6, be deemed to be by-laws of a recognised cotton association.

5. *Recognised association to have Board of Directors: power to make by-laws.*—(1) Subject to the provisions of section 9, in every recognised cotton association there shall be a Board of Directors. Subject to the

[Appendix 1—*contd.*]

sanction of the Governor in Council, a recognised cotton association may make and may from time to time add to, vary or rescind by-laws providing for—

- (a) the constitution of the Board of Directors,
- (b) the powers and duties of the Board of Directors and the manner in which its business shall be conducted,
- (c) the number and constitution of electoral panels and the representation upon such panels, and
- (d) the method of appointment of members to the Board of Directors.

(2) By-laws made, added to, varied or rescinded under sub-section (1) shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following.

6. *Power of Board of Directors to make by-laws.*—(1) The Board of Directors may, subject to the sanction of the Governor in Council, make and, from time to time, add to, vary or rescind by-laws for the regulation and control of transactions in cotton.

(2) In particular and without prejudice to the generality of the foregoing provision, such by-laws may provide for—

- (a) the admission of various classes of members of a recognised cotton association and the exclusion, suspension, expulsion and re-admission of such members;
- (b) a clearing house for the periodical settlement of contracts or differences thereunder and for the passing on of delivery orders and for any purpose in connection with options in cotton, and the regulation and maintenance of such clearing house;
- (c) the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house;
- (d) fixing, altering or postponing settling days;
- (e) determining and declaring the market rates for cotton of any and every description;
- (f) the terms, conditions and incidents of contracts and the forms of such contracts as are in writing;
- (g) regulating the making, performance and cancellation of contracts, including contracts between a commission agent and his constituent, or between a broker and his constituent, or between a jethawala or muccadam and his constituent, or between a member and a non-member of a recognised cotton association, and the consequences of insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer and the responsibility of commission agents, muccadams and brokers not parties to such contracts;
- (h) the prohibition of specified classes or types of dealings in cotton by a member of a recognised cotton association;
- (i) the settlement of claims and disputes by arbitration and appeals against awards;
- (j) the levy and recovery of subscriptions, fees, fines and penalties;

[Appendix 1—*contd.*]

(k) disciplinary measures against members of a recognized cotton association, including suspension, expulsion, fines and non-monetary penalties, for breach of any by-law made by the Board of Directors ;

(l) regulating the course of business between parties to contracts in any capacity ;

(m) the institution, maintenance and control of certified godowns ;  
and

(n) regulating the making, performance and cancellation of options in cotton.

(3) If any person committing a breach of any by-law of a recognized cotton association is a company, every director and officer of such company shall also be deemed to have committed such breach, unless he proves that the breach was committed without his knowledge and control.

7. *Publication of by-laws.*—By-laws made under section 5 or 6 shall be subject to the condition of previous publication and, when sanctioned by the Governor in Council, shall be published in the *Bombay Government Gazette*.

8. *Void contracts.*—(1) Save as hereinafter provided in this Act, any contract (whether either party thereto is a member of a recognized cotton association or not) which is entered into after the date on which this Act comes into operation and which is not in accordance with the by-laws of any recognized cotton association shall be void.

(2) No claim shall be allowed in any court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

9. *Supersession of Board of Directors and appointment of Board of Control, its powers and duties.*—(1) When the Governor in Council is of the opinion that it is necessary, in order to secure free trading in the market and to prevent obstruction thereto and interference therewith, to supersede any Board of Directors, the Governor in Council may, by notification in the *Bombay Government Gazette*, declare such Board to be superseded and may appoint in the place of such Board such persons as he thinks fit to constitute a Board of Control and may appoint one of their number to be Chairman.

(2) When the Governor in Council has appointed a Board of Control under the provisions of sub-section (1), the members of the Board of Directors which has been superseded shall, from the date of the notification, vacate their office as such members.

(3) The Board of Control appointed under sub-section (1) shall hold office for such period as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint.

(4) When a Board of Control has been appointed under sub-section (1), the Governor in Council may make by-laws to be published in the *Bombay Government Gazette* prescribing the powers and duties of a Board of Control and the manner in which its business shall be conducted.

(5) The Board of Control appointed under sub-section (1) may, subject to the provisions of sub-section (4), exercise all or any of the powers vested in or exercisable by the Board of Directors which it superseded.

[Appendix 1—*contd.*]

(6) Notwithstanding anything contained in the by-laws of the recognised cotton association, a Board of Control may, subject to the previous sanction of the Governor in Council, rescind, add to or vary the by-laws of the said Association and may, subject to a like sanction, make all or any such by-laws as may be made by the Board of Directors under the provisions of section 6 and which, in the opinion of the Board of Control, may be necessary for carrying out the purposes of this Act; and all or any such by-laws shall be deemed by-laws of the recognised cotton association.

(7) When a Board of Control has been appointed under sub-section (1) all such property of the recognised cotton association as such Board may, by order in writing declare to be necessary for carrying out the purposes of this Act shall vest in such Board. The property so vested in such Board or which such Board may have acquired shall, on the determination of the period of office of such Board, re-vest or vest, as the case may be, in the recognised cotton association.

(8) On the determination of the period of office of the Board of Control appointed under sub-section (1) the recognised cotton association shall forthwith constitute a Board of Directors in accordance with the by-laws of the association.

10. *Prohibition of certain contracts after the appointment of the Board of Control.*—(1) When a Board of Control has been appointed under section 9, the Governor in Council may, by notification published in the *Bombay Government Gazette*, declare that after the date appointed in the said notification, any forward or ready contract entered into except by or through the agency of a member of a recognised cotton association shall be void.

(2) No court shall entertain any suit or proceeding relating to any contract declared to be void under the provisions of sub-section (1) and no claim shall be allowed in any court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

(3) Any person entering into such contract shall, on conviction, be liable to a fine not exceeding Rs. 1,000 for such offence.

11. *Bar of suits and proceedings against officers, etc.*—No suit, prosecution or other legal proceedings whatsoever shall be entertained in any court against any officer or servant of a recognised cotton association or Board of Control for anything in good faith done or intended to be done in pursuance or execution of this Act or by-laws made thereunder.

12. *Savings.*—(1) Contracts entered into under the provisions of the Bombay Cotton Contracts Act, 1922, shall be deemed to be valid, <sup>Bom.</sup> except in so far as they may be inconsistent with any of the provisions of <sup>XIV of</sup> 1922. this Act and by-laws made thereunder.

(2) Forward contracts entered into before the date when this Act comes into operation and which are otherwise valid, shall not be deemed to be invalid merely because they contravene the provisions of section 8.

[Appendix 1—*contd.*]

### STATEMENT OF OBJECTS AND REASONS.

1. The Bombay Cotton Contracts Act, 1922, will expire at the end of October 1932, unless it is further extended by notification. The present bill is intended to take its place.

2. Clauses 1 to 8 of the bill follow the general lines of the Act of 1922, with this difference that whereas the Act of 1922 provided for the recognition only of the East India Cotton Association Ltd., the present bill follows the lines of the Bombay Securities Contracts Control Act, 1925, under which the Native Share and Stock Brokers' Association is recognised. While providing for recognition of the East India Cotton Association and its present articles of association and by-laws it enables Government to recognise more than one cotton association, if at any time it should be found desirable to do so, and also provides for the withdrawal of recognition from the East India Cotton Association or any other body which may have been recognised under the Act. Government's policy is that there should normally be one body in control of the cotton trade of Bombay, but if at any time that one association shows itself over a period of time unable to provide for the proper regulation of cotton market in Bombay then it is necessary that Government should have power to license another association. And for this power to be effective it must also have the power to withdraw recognition.

3. Clauses 9 and 10 of the bill give Government special powers to deal with times of abnormal trade. For a long time past trading in the Bombay cotton market has been very irregular and the operations of many dealers have been persistently obstructed and interfered with. Government realise that world factors have aggravated the situation; but after consulting all sections of the trade they are satisfied that the regulation of the Bombay cotton market has been seriously defective. And they consider it necessary that, in case the disorganisation of the market should continue or recur, they should be empowered to interfere and improve that regulation in such a way as to secure free trading in the market and to minimise outside interference. In normal times Government do not desire to interfere in matters of trade, except to the extent necessary to give statutory recognition to whatever organisation the trade may find best suited to its needs. But the events of the past few months have made it clear that the present organisation of the Bombay cotton market has been unsuited to abnormal circumstances. And the control of cotton in Bombay is not merely a matter of local concern. The ramifications of the trade extend to cotton growing districts throughout India and the effects of disorganisation in Bombay are quickly felt in the rural areas and up-country markets. Government therefore consider it necessary to ask the legislature to give them the special powers provided in clauses 9 and 10 of this bill, partly in the interests of a number of bona fide traders and dealers in Bombay who are anxious to trade in the normal way and have been prevented from doing so, but particularly in order that the growers of cotton throughout India may obtain

[Appendix 1—concl.]

the best possible prices for their produce, for which purpose free and regular trading in the Bombay market is essential.

4. In recognition of the service which the Bombay cotton market owes to cotton growers throughout the country Government will require that, as a basis for continuing the recognition of the East India Cotton Association or of recognising any other association in its place, it shall have three representatives of the growers of cotton on its board of directors.

5. Government are, moreover, satisfied that a contributory cause of the weakness and ineffectiveness of the present association in regulating the Bombay cotton trade has been that, despite the statutory powers of regulation which have been given to it, it has allowed one of the two main cotton markets in Bombay to be controlled by a subsidiary association, the Bombay Cotton Brokers' Association. Consequently Government will require that in future any recognised association shall be in sole possession and control of its markets.

23rd August 1932.

GHULAM HUSSAIN HIDAYATALLAH.

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APPENDIX 2.

BILL No. XIV OF 1932.

*A Bill to fix a scale of standard weights and measures for the presidency of Bombay.*

(As published in the "Bombay Government Gazette" of the 19th August 1932.)

WHEREAS it is expedient to fix a scale of standard weights and measures for the presidency of Bombay and to provide for the adoption of the same in specified areas in the said presidency: And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction <sup>5 & 6</sup> of the Governor required by section 80C of the said Act have been <sup>Geo.V,</sup> obtained for the passing of this Act; It is hereby enacted as follows:— <sup>c. 61.</sup>

PART I.

PRELIMINARY.

1. *Short title.*—This Act may be called the Bombay Weights and Measures Act, 1932.

2. *Extent and commencement.*—(1) This Act shall apply to the whole of the presidency of Bombay.



[Appendix 2—*contd.*]

(2) Part I shall come into force at once. Government may, by notification in the *Bombay Government Gazette*, direct that Parts II, III, V and VI shall come into force in any district, area or place on a date to be specified in such notification.

(3) When Government has directed that Parts II, III, V and VI shall come into force in any district, area or place under sub-section (2), Part IV shall come into force in such district, area or place three months after the date specified in the notification.

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

(1) “Inspector” means an inspector of weights, measures, weighing and measuring instruments appointed under section 17;

(2) “Measuring instrument” includes any instrument for the measurement of length, capacity or volume;

(3) “Mint” means His Majesty’s Mint, Bombay;

(4) “Mint Master” means the officer appointed for the time being to be the Master of the Mint, Bombay;

(5) “Prescribed” means prescribed by rules or regulations made under this Act;

(6) “Primary standards” mean the weights and measures prepared and stamped under Section 5;

(7) “Rules” and “regulations” mean the rules and regulations made under section 39 and section 40, respectively;

(8) “Secondary standards” mean the weights and measures prepared and stamped under section 7;

(9) The expression “verification” or “re-verification” with its grammatical variations, used with reference to a weight, measure, weighing or measuring instrument, includes the process of comparing, checking or testing such weight, measure, weighing or measuring instrument;

(10) “Weighing instrument” includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines, and other instruments for weighing; and

(11) “Working standards” mean the weights and measures provided under section 9.

## PART II.

### STANDARDS OF WEIGHTS AND MEASURES.

4. *Standard weights and measures.*—The weights and measures including the multiples and sub-multiples thereof described in the first schedule shall be the weights and measures authorised to be used in every place in which this Part has come into force. These weights and measures are called standard weights and measures for the purposes of this Act.

5. *Primary standards.*—For the purpose of verifying the secondary standards, such standard weights and measures as Government may

[Appendix 2—contd.]

direct shall be prepared at the Mint by the Mint Master. They shall be made of such material, weight, length, form and specifications and in such manner as may be determined by Government by notification in the *Bombay Government Gazette*. They shall be stamped with the stamp of the Mint. The standard weights and measures so prepared and stamped shall be called Primary Standards.

6. *Custody of primary standards.*—The primary standards shall be kept in the custody of such officer in the City of Bombay as Government may direct. They shall, once at least in every period of five years, be verified, adjusted or renewed, if necessary, at the Mint in such manner and by such officer as Government may direct.

7. *Secondary standards.*—For the purpose of verifying the working standards and weights and measures in use in any area, such standard weights and measures as Government may direct shall be prepared at the Mint by the Mint Master. They shall be made of such material, weight, length, form and specifications and in such manner as may be prescribed and shall be stamped with the stamp of the Mint. The standard weights and measures so prepared and stamped shall be called Secondary Standards.

8. *Custody and verification of secondary standards.*—(1) The secondary standards shall be kept—

(i) in the City of Bombay by such officer and at such place as Government may direct ;

(ii) elsewhere by the Collectors in the Government treasuries at the headquarter towns of their respective districts and at such other town or place within their respective districts as Government may direct.

(2) Government may direct any municipality or district local board to keep the secondary standards at such places, in such custody and in such manner as may be prescribed.

(3) Once at least in every period of five years such secondary standards shall be verified with the primary standards and shall be adjusted or renewed, if necessary, in the prescribed manner by such officer as Government may direct.

(4) A secondary standard which is not so verified, adjusted or renewed within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

9. *Working standards.*—(1) For the purpose of verifying weights and measures in use in any area, Government may provide such standard weights and measures as it thinks fit, to be working standards. They shall be made of such material, weight, length, form and specifications and shall be prepared by such agency and shall be stamped by such person and in such manner as may be prescribed. When they are not prepared at the Mint, they shall be verified with the secondary standards before being stamped.

[Appendix 2—*contd.*]

(2) The working standards shall be kept by such officers and such municipalities as Government may direct, at such places, in such custody and in such manner as may be prescribed.

(3) A working standard shall be verified or re-verified by such person, at such place and in such manner, as may be prescribed.

(4) A working standard shall not be deemed legal, nor be used for the purposes of this Act, unless it has been verified or re-verified within such period as may be prescribed before the time at which it is used.

A working standard which has become defective shall not be legal, nor be used for the purposes of this Act, until it has been re-verified.

10. *Weighing and measuring instruments.*—Weighing and measuring instruments shall be kept at all places where secondary standards or working standards are kept. Such instruments shall be kept in such number and in such manner as may be prescribed.

11. *Prohibition of weights and measures other than standard weights and measures.*—(1) Subject to the provisions of section 44 and notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made in any area in which this Part has come into force, for any work to be done or goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to one of the standard weights or measures and it shall not be lawful to use any other weight or measure in relation to any such dealing or contract.

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1) shall be void.

Such dealing or contract is hereinafter called "trade".

### PART III.

#### VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

12. *Stamping.*—Every weight, except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length or capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters. A weight or measure which does not conform to the provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules and regulations.

13. *Stamping and verification of weights and measures.*—No weight or measure shall be used for trade unless it has been verified or re-verified within the prescribed period and stamped by an inspector with a stamp of verification under this Act :

Provided that Government may prescribe the amount of error to be tolerated in weights, measures, weighing or measuring instruments used for trade.

[Appendix 2—contd.]

14. *Use of weighing or measuring instrument not verified and stamped prohibited.*—No weighing or measuring instrument shall be used for trade unless it has been verified or re-verified within the period fixed and stamped in the prescribed manner by an inspector with a stamp of verification.

15. *Empowering municipalities and district local boards to stamp weights, etc.*—Government may empower any municipality or district local board authorised under this Act to keep secondary and working standards to stamp weights, measures, weighing and measuring instruments.

16. *Provision of means of verification and stamping.*—Government shall provide proper and sufficient means for verifying, adjusting and stamping weights, measures, weighing and measuring instruments in the City of Bombay, in all headquarter towns in the districts and at such other places as Government may determine :

Provided however that municipalities and district local boards authorised to keep secondary and working standards under this Act shall also provide proper and sufficient means for verifying, adjusting and, if empowered under section 15, for stamping weights, measures, weighing and measuring instruments at such places within their respective limits, as Government may determine.

17. *Appointment of inspectors of weights and measures.*—Government or a municipality or a district local board authorised under this Act to keep secondary and working standards shall appoint a sufficient number of persons to be inspectors of weights, measures, weighing and measuring instruments and for keeping the secondary and working standards in safe and proper custody and for the discharge of the other duties of inspectors under this Act and the rules and regulations.

18. *Inspectors to enter into recognizance.*—Every inspector shall forthwith on his appointment enter into a recognizance with Government or the municipality or district local board, as the case may be, in such sum as may be prescribed for the due performance of the duties of his office, for the due payment, at the time and in the manner required by the authority appointing him, of all moneys received by him under this Act and for the safety of the secondary and working standards and the stamps and appliances for verification committed to his charge and for their due surrender immediately on ceasing to hold office.

19. *Verification and stamping by inspectors.*—(1) Every inspector shall, for the purposes of the verification of weights, measures, weighing and measuring instruments, attend with the working standards in his custody at such time and place within his jurisdiction as may be appointed in this behalf by the authority appointing him.

(2) He shall verify every weight, measure, weighing or measuring instrument which is brought to him for the purpose of verification or re-verification and which is of the same denomination as one of such working standards. If he finds such weight and measure correct, he

[Appendix 2—*contd.*]

shall, if he is an inspector appointed by Government or by a municipality or district local board, empowered under section 15, stamp the same with a stamp of verification in the prescribed manner. If such inspector is one appointed by a municipality or district local board, not empowered to stamp under section 15, he shall, after such verification, forward the weight, measure, weighing or measuring instrument to the nearest inspector appointed by Government.

(3) It shall be competent to an inspector appointed by Government to inspect the work of stamping done by an inspector appointed by a municipality or district local board within the area under his charge.

20. *Power to inspect weights, etc., and to enter shops, etc., for that purpose.*—(1) Every inspector authorised in writing in this behalf by the authority appointing him may, at all reasonable times, inspect all weights, measures, weighing and measuring instruments, within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight, measure, weighing or measuring instrument with a secondary or working standard or a weighing or measuring instrument prescribed for this purpose.

He may seize and detain any weight, measure, weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been used for the commission of such offence.

(2) For the purpose of such inspection, the inspector may enter any place, whether open or enclosed, where he has reasonable cause to believe that there is any weight, measure, weighing or measuring instrument which he is authorised by this Act to inspect.

21. *Inspector not to be maker, seller or adjuster of weights and measures or weighing or measuring instruments.*—An inspector shall not, during the time he holds office, derive any profit from or be employed in the making, adjusting, or selling of weights, measures, weighing or measuring instruments :

Provided that in any area or place in which it appears to Government desirable that an inspector should be allowed to adjust weights, measures, weighing or measuring instruments, Government may, if it thinks fit, authorise such inspector to adjust weights, measures or such instruments accordingly.

22. *Inspectors to be public servants.*—Every inspector appointed by a municipality or district local board under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

23. *Government or municipality or district local board may determine difference.*—If any difference arises between an inspector and any other person as to the meaning or construction of any rule or regulation or as to the method of verifying, adjusting or stamping any weight, measure, weighing or measuring instrument, such difference shall, at the request of either party, be referred to such officer as Government may direct or to the municipality or district local board, as the case may be, and the

[Appendix 2—*contd.*]

decision of such officer or the municipality or district local board shall be final.

**24. Control over inspectors.**—(1) All inspectors appointed by Government shall be subordinate to the Collector who shall exercise supervision and control over them. The Collector may call for reports from such inspectors either periodically or otherwise for the purpose of carrying into effect the purposes of this Act.

(2) Inspectors appointed by a municipality or district local board under section 17 shall be subordinate to the president of such municipality or district local board. He shall exercise the same power in regard to such inspectors as the Collector may exercise under sub-section (1) in regard to inspectors appointed by Government.

**25. Levy of fees.**—Government and with the previous sanction of Government, a municipality or district local board authorised under section 15 or 16, may charge such fees for the verification, re-verification, adjustment and stamping of weights, measures, weighing and measuring instruments as may be prescribed.

Half of the charges levied by a municipality or district local board, as the case may be, under this section shall be credited to Government.

**26. Power of municipalities and district local boards to combine for the purposes of the Act.**—(1) With the sanction of Government any two or more municipalities or district local boards may combine, as regards either the whole or any part of the area within their jurisdiction for all or any of the purposes of this Act upon such terms and in such manner as may be mutually agreed upon.

(2) An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties, as if he had been appointed by each of the municipalities and district local boards which is a party to such agreement.

**27. Expenses of municipality and district local board.**—Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or district local board under and for the purposes of this Act and the rules and regulations shall be paid out of the municipal or local fund.

**28. Validity of weights and measures, etc., duly stamped.**—A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure in all places in which this part has come into force, unless found to be false or defective, and shall not be liable to be restamped because used in any place other than that in which it was originally stamped.

**29. Stamped weights, etc., to be prima facie deemed correct in any court.**—A weight, measure, weighing or measuring instrument duly stamped under the provisions of this Act or the rules or regulations shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of

[Appendix 2—*contd.*]

Government or the municipality or district local board, as the case may be, or by any person acting under the general or special authority of such public servant.

## PART IV.

### PENALTIES.

30. *Penalty for fraudulent use of weight, measure, etc.*—Whoever fraudulently uses any weight, measure, weighing or measuring instrument, shall, on conviction, be punished with rigorous imprisonment which may extend to three months or with fine or with both.

31. *Penalty for making, selling, disposing of false or defective weight, measure, etc.*—Whoever wilfully or knowingly makes, sells or disposes of or causes to be made, sold or disposed of any weight, measure, weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine or with both.

32. *Penalty for sale by weight or measure other than standard weight or measure.*—Whoever sells any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with fine which may extend to rupees five hundred.

33. *Penalty for use and possession of weight, measure, etc., not authorised.*—Whoever uses or has in his possession for use for trade any weight, measure or weighing or measuring instrument which is not authorised, verified or stamped under or in accordance with the provisions of this Act and the rules and regulations shall, on conviction, be punished with fine which may extend to rupees five hundred and any dealing or contract had or made by such weight, measure, weighing or measuring instrument shall be void.

34. *Penalty for giving short weight or measure.*—Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser a less weight or measure than is purported to be sold shall, on conviction, be punished with fine which may extend to rupees three hundred.

35. *Penalty for possessing for use weight, etc., not verified or stamped.*—Whoever uses or has in his possession for use for trade any weighing or measuring instrument not verified or re-verified and stamped under this Act, shall, on conviction, be punished with fine which may extend to rupees two hundred.

36. *Penalty for forging, etc. of weights, measures, etc.*—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any weight, measure, weighing or measuring instrument or removes a stamp from any weight, measure, weighing or measuring instrument and inserts the same into another weight, measure, weighing or measuring instrument or wilfully increases or diminishes a weight or

[Appendix 2—*contd.*]

measure so stamped shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight, measure, weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

37. *Penalty for neglect or refusal to produce weight for inspection.*—Whoever neglects or refuses to produce for inspection all weights, measures, weighing and measuring instruments in his possession or on his premises or refuses to permit an inspector authorised to examine the same or any of them or obstructs the entry of the inspector under section 20 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction, be punished with fine which may extend to rupees five hundred.

38. *Penalty for breach of duty by inspector.*—If an inspector stamps a weight, measure, weighing or measuring instrument in contravention of the provisions of this Act or of the rules or regulations or is guilty of a breach of any duty imposed on him by this Act or by the rules or regulations, he shall, on conviction, be punished with rigorous imprisonment for a period which may extend to one year or with fine or with both.

## PART V.

### RULES AND REGULATIONS.

39. *Power of Government to make rules.*—(1) Government may make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, such rules may prescribe—

(a) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made ;

(b) the places at which, the custody and manner in which secondary standards shall be kept by municipalities and district local boards ;

(c) the procedure for the verification, adjustment or renewal of primary and secondary standards ;

(d) the composition, weight, length, form and specifications and use of working standards, the authority by whom and the manner in which they shall be provided, the agency by whom they shall be made, the person by whom and the manner in which they shall be stamped, and the places at which and the custody and manner in which they shall be kept ;

(e) the procedure for the verification or re-verification of working standards and the person by whom and the place where they shall be verified or re-verified ;



[Appendix 2—*contd.*]

(f) the number of weighing instruments to be kept and necessary particulars regarding the same ;

(g) the authority by whom certified scales shall be provided for the purposes of this Act and the rules and regulations and the manner in which they shall be verified ;

(h) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area ;

(i) the inspection, verification, re-verification, adjustment and stamping of weights, measures, weighing and measuring instruments in use in any area, including the prohibition of stamping in cases where the nature, denomination, material or mode of construction of the weight, measure, weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such weights, measures, weighing and measuring instruments shall be verified or re-verified ;

(j) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced ;

(k) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights, measures, weighing and measuring instruments ;

(l) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as regards any trade ;

(m) the amount of error to be tolerated in weights, measures, weighing and measuring instruments used or intended to be used for trade ;

(n) the fees to be charged for the verification, re-verification, adjustment and stamping of weights, measures, weighing and measuring instruments and the collection and levy of the same ;

(o) the seizure, detention and destruction of weights, measures, weighing and measuring instruments which are not authorised by this Act and in regard to which no regulations have been made under section 40 ;

(p) the matters other than those specified in section 40 in respect of which regulations may be made by municipalities or district local boards ;

(q) the qualifications, functions and duties generally of inspectors under this Act and the rules and regulations ;

(r) any other matters for which no provision or insufficient provision is made in this Act and for which provision is, in the opinion of Government, necessary.

(3) The power to make rules under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(4) All rules so made shall have effect as if enacted in this Act.

40. *Power of municipality and district local board to make regulations.*—  
(1) Every municipality and district local board, authorised to keep secondary or working standards under this Act shall, with the previous

[Appendix 2—*contd.*]

sanction of Government, make regulations not inconsistent with this Act and the rules for the area subject to its jurisdiction, providing for—

(a) the verification, adjusting and stamping of weights, measures, weighing and measuring instruments in use within the area subject to its jurisdiction and for the stamping thereof, when such municipality or district local board is empowered under section 15 ;

(b) the seizure, detention and destruction of weights, measures, weighing and measuring instruments which are not authorised by this Act ;

(c) the inspection of weights, measures, weighing and measuring instruments ;

(d) the duties generally under this Act of the inspectors appointed by such municipality or district local board ; and

(e) any other matters in respect of which it is authorised by rules to make regulations.

(2) The regulations for the time being in force shall be kept open for public inspection at the municipal and district local board offices at all reasonable times and printed copies thereof in the vernacular language of the area subject to the jurisdiction of the municipality or district local board, and in the case of city and borough municipalities in English as well as in the vernacular shall be kept on sale at cost price.

## PART VI.

## MISCELLANEOUS.

41. *Protection to persons acting in good faith.*—No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

42. *Cognizance of offences.*—No prosecution under this Act shall be instituted except by or with the previous sanction of an inspector.

43. *Delegation of powers by Government.*—Any of the powers and duties conferred and imposed upon Government by this Act may be exercised and performed, subject to such conditions as Government may think fit, by any person whom Government may, by general or special order, empower in this behalf.

44. *Power to exempt specified persons, articles or trades from provisions of the Act.*—Government may, by notification in the *Bombay Government Gazette*, and subject to such conditions and restrictions as it may think fit to impose, exempt any person, commodity, trade or any class of trades specified in the notification from all or any of the provisions of this Act.

45. *Repeal and amendments.*—On the coming into force of this Part in any area—

(a) the enactments specified in Part I of the second schedule shall be deemed to have been amended to the extent and in the manner specified in the third column thereof ;

[Appendix 2—*contd.*]

(b) the enactments specified in Part II of the said schedule shall be deemed to have been repealed, so far as they apply to the presidency of Bombay, to the extent specified in the third column thereof:

Provided that—

(i) the said repeal shall not affect the validity or invalidity of anything already done under the enactments repealed by this Act;

(ii) all appointments made, notifications and notices issued, rules, by-laws and orders made, contracts entered into and suits and other proceedings instituted under any Act or enactment repealed by this Act shall, so far as they are not inconsistent with the provisions of this Act and the rules and regulations, continue in force and be deemed to have been made, issued, entered into and instituted under this Act.

### THE FIRST SCHEDULE.

(See section 4.)

#### *Standard Weights and Measures.*

##### Weights—

The Bombay Tola of 180 grains.

The Bombay Seer of 80 tolas.

The Bombay Maund of 40 seers.

The sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$ ,  $\frac{1}{16}$  and  $\frac{1}{32}$  and the multiples 2, 4 and 8 of the tola, seer and maund.

The pound avoirdupois equal to 7,000 grains and the sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$ , 1, 2, 4 and 8 ounces, the multiples 1, 2, 4, 7, 14 and 28 lbs.

##### Dry Measures—

The Bombay Seer.

The sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{8}$  seer.

The Bombay Chatak =  $\frac{1}{16}$  seer.

The Bombay Champa of 2 seers.

The Bombay Payali of 4 seers.

The Bombay Maund of 16 payalis.

The Bombay Map of 2 maunds.

The unit of capacity called the Bombay Seer is equivalent to the volume occupied by 80 tolas of air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8.143.

##### Liquid Measures—

The Bombay seer.

The sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$  and  $\frac{1}{16}$  seer.

The multiples 2, 4 and 8 seers.

The Imperial gallon.

The Pint =  $\frac{1}{8}$  gallon.

[Appendix 2—*contd.*]

The unit of capacity called the Imperial gallon contains ten British standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer at 30 in.

Length—

The Yard.

The Inch =  $\frac{1}{36}$ th yard, and

The Foot =  $\frac{1}{3}$ rd yard.

The Furlong of 220 yards.

The Mile of 1,760 yards.

Area—

The Square Yard, Square Foot and Square Inch.

The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.

The Brass of 100 cubic feet.

The Square of 100 square feet.

The unit of area is the square yard. The unit of area for land measurement is the guntha of 121 square yards.

THE SECOND SCHEDULE.

(See section 45.)

PART I.

*Enactments amended.*

No. and year of Act.	Title.	Amendments.
III of 1901	The Bombay District Municipal Act, 1901.	<p><i>Acts of the Governor of Bombay in Council.</i></p> <p>For section 143 the following section shall be substituted, namely :—</p> <p>" 143. The president, vice-president, or any councillor or officer authorised by the municipality in this behalf may at all reasonable times enter into any place where weights, measures, weighing or measuring instruments are used for purposes of trade and inspect such weights, measures, weighing or measuring instruments."</p>

## [Appendix 2—contd.]

No. and year of Act.	Title.	Amendments.
VI of 1923	The Bombay Local Boards Act, 1923.	After section 61A the following section shall be inserted, namely :— “ 61B. The president, vice-president or any councillor or officer authorised by the local board in this behalf may at all reasonable times enter into any place where weights, measures, weighing or measuring instruments are used for the purpose of trade and inspect such weights, measures, weighing or measuring instruments.”
XVIII of 1925	The Bombay Municipal Boroughs Act, 1925.	For section 177 the following section shall be substituted, namely :— “ 177. The president, vice-president, chief officer or any councillor authorised by the municipality in this behalf may at all reasonable times enter into any place, where weights, measures, weighing or measuring instruments are used for purposes of trade and inspect such weights, measures, weighing or measuring instruments.”

## PART II.

*Enactments repealed.*

No. and year of Act.	Title.	Extent of repeal.
		<i>Acts of the Governor General in Council.</i>
XXXI of 1871	The Indian Weights and Measures of Capacity Act, 1871.	The whole.
II of 1889	The Measures of Length Act, 1889.	The whole.
		<i>Acts of the Governor of Bombay in Council.</i>
Regulation XII of 1827.	A regulation for the establishment of a system of police throughout the zilas subordinate to Bombay for providing rules for its administration and for defining the duties and powers of all police authorities and servants.	Section 20.

[Appendix 2—contd.]

No. and year of Act.	Title.	Extent of repeal.
III of 1886	The Bombay General Clauses Act, 1886.	In Schedule B the entry relating to section 20 of Bombay Regulation XII of 1827.
III of 1888	The City of Bombay Municipal Act, 1888.	Sections 418, 419 and 420. Section 461, clause (o), sub-clause (i). In section 471, the entries relating to section 420, sub-section (2), clauses (a), (b), (c) and (d) and sub-section (3), clauses (a) and (b).
III of 1901	The Bombay District Municipal Act, 1901.	Clauses (e) and (ee) of sub-section (7) of section 48.
IV of 1904	The Bombay District Municipal (Amendment) Act, 1904.	Section 3.
IV of 1921	The City of Bombay Municipal (Amendment) Act, 1921.	Sections 2, 3 so far as it relates to sub-clause (i) of clause (o) of section 461 and section 4.
XVIII of 1925	The Bombay Municipal Boroughs Act, 1925.	Clauses (h) and (i) of section 61.

STATEMENT OF OBJECTS AND REASONS.

The question of prescribing a scale of standard weights and measures for this Presidency has been under the consideration of Government from time to time since the passing of the Indian Weights and Measures of Capacity Act, 1871, by section 8 of which the Governor in Council is empowered to introduce a system of weights and measures, consistent with the statutory units prescribed by section 3. Although that Act has been on the Statute Book for more than 55 years, no notifications have yet been issued under it, as it was hoped that weights and measures based on the statutory units would be gradually and generally adopted without further intervention on the part of Government. This hope has not, however, been realised. Moreover, the rules under the said Act are intended to apply only to Government offices, municipal bodies and Railway Companies (see section 12). Similarly, the Indian Measures of Length Act, 1889, does not contain sufficient provisions for enforcing the standardisation of measures of length.

2. The whole question was examined very carefully between the years 1890 and 1894 by the Government of India in consultation with the local Government. In 1911 a Committee of the Bombay Legislative Council was appointed to make proposals for the standardisation of weights and measures. The Committee unanimously recommended that Government should forthwith undertake legislation to secure for themselves power to prescribe the weights and measures which alone should, after a certain date, be used in specified areas. Government

[Appendix 2—*contd.*]

accepted generally the recommendations of the Committee. A Bill was prepared on the lines of the Committee's recommendations, but the question had to be deferred, as a Committee was appointed by the Government of India to enquire into the question of the feasibility of securing the use of uniform weights and measures for the whole of India. The Government of India refrained during the War from dealing with the question of the standardisation of weights and measures, as any radical change of system would have involved at any rate a temporary dislocation of trade.

3. The question was taken up by the Government of India again in 1921, when, in view of the fact that the subject of Weights and Measures was made provincial under the Reforms (subject to legislation by the Indian Legislature as regards standards), it was decided to leave the question of provincial standardisation of weights and measures for such action as the local Government considered expedient.

In 1923 a Committee was appointed by the local Government to consider the question. This Committee submitted its report in May 1924. The Committee's recommendations have been carefully considered by Government, and this Bill is intended to give effect to the said recommendations.

4. The scheme of the proposed legislation is as follows :

The Act will apply to the whole of the Presidency of Bombay, but the whole of it will not be brought into operation at once all over the Presidency. Government have been empowered to extend the Act except Part IV which provides for penalties to any area. Part IV will come into operation in that area three months after the date when the rest of the Act is brought into operation there.

The Act defines standard weights and measures and describes them in the first schedule. It provides that those weights and measures alone would be the weights and measures which are authorised for use by the public in the area in which the Act would be in operation. As it would be prohibitive to prepare and maintain all the standard weights and measures specified in the first schedule, it is provided that Government should direct the preparation of such of the standard weights and measures to be called primary standards, as they would think fit. Since the primary standards will not be available for testing weights and measures in actual use, it is considered desirable to prepare and maintain two other sets of standards, viz. :—(1) secondary standards and (2) working standards. Secondary standards will be derived from primary standards and will be kept by the Collectors in the districts and such municipalities and district local boards as may be authorised in that behalf by Government. The secondary standards will be prepared at the Mint and will be of such material and specifications as Government may decide (see clauses 7 and 8). Working standards will be prepared by such agency as may be authorised by Government (see clause 9). All the standards would be of the denominations of such standard weights and measures as are specified in the first schedule. Since the primary standards will be kept

[Appendix 2—*contd.*]

in Bombay and the secondary standards in more important towns in the districts and will not ordinarily be transportable, working standards would be available for ready transport for the purpose of checking weights and measures in use in the districts. They are designed for reference and check in the smaller areas and will be maintained also at the important centres where secondary standards will be kept. They will be cheap to make and, though less accurate than secondary standards, will be sufficiently accurate for all practical purposes. They will be made of such material, weight, length, form and specifications, etc., as may be prescribed by rules made by Government under the Act. They can be made at the Mint or purchased locally. In the latter case, they will be checked with secondary standards before being stamped. When made and stamped in the prescribed manner, they shall have the same force and effect as the standard weights and measures. Provision has been made for the verification and re-verification of working standards and for their adjustment and renewal, if necessary.

5. Clause 10 provides for the keeping of weighing and measuring instruments at important centres. Clause 11 contains a provision of fundamental importance. It prohibits the use of any weight or measure other than the standard weight or measure in any area in which the Act would be in operation. It further provides that any contract or dealing not made according to the standard weights and measures will be void.

6. Part III (clauses 12 to 29) contains provisions for the stamping and verification of weights and measures. It shall be the duty of Government and such municipalities and district local boards as are authorised to keep secondary and working standards, to appoint inspectors of weights and measures, to provide facilities for the verification of weights and measures and weighing and measuring instruments. Unless a municipality or a district local board has been authorised to stamp a weight or measure, an inspector appointed by it will not have power to stamp any weights or measures. The adjustment and stamping of weights and measures will be done in the manner prescribed by rules made under the Act. Inspectors will have power to enter places for the purpose of ascertaining whether the provisions of the Act and the rules and regulations made thereunder are properly carried out or not. Power has been taken for Government, the municipalities and district local boards to levy fees for the verification, etc. of weights and measures.

7. Part IV (clauses 30 to 38) deals with penalties. The following acts and omissions are made punishable:—

(1) Fraudulent use of a weight, measure, weighing or measuring instrument ;

(2) Possession of a false weight or measure, weighing or measuring instrument for trade ;

(3) Use or possession for use for trade of a weight or measure which is not verified or stamped in the manner prescribed ;

(4) Forging or counterfeiting a stamp used for the purpose of stamping a weight, measure, weighing or measuring instrument ;



[Appendix 2—concl'd.]

(5) Use of a weight or measure, weighing or measuring instrument with a forged or counterfeit stamp ;

(6) Neglect or refusal to produce any weight, measure, weighing or measuring instrument for inspection ; and

(7) Misconduct of an inspector.

8. Part V (clauses 39 and 40) relates to the power of Government and municipalities and district local boards to make rules and regulations. The last Part headed "Miscellaneous" (clauses 41 to 45) contains an important provision, viz. clause 44 which empowers Government to grant exemption from the provisions of the Act in special cases—such as the sale of drugs, jewels, precious stones, wholesale trades, etc.—where the use of standard weights and measures would not be deemed convenient or practicable.

Schedule II repeals provisions in Municipal Acts relating to the use of standard weights and measures and the old Acts of 1871 and 1889 relating to weights and measures of capacity and length.

RUSTOM JEHANGIR VAKIL.

APPENDIX 3.

BILL No. XVI OF 1932.

*A Bill to amend the Bombay Finance Act, 1932.*

(As published in the "Bombay Government Gazette" of the 25th August 1932.)

Bom. II of 1932. 5 & 6 Geo. V. c. 61. WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purpose hereinafter appearing ; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act 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 :—

1. *Short title.*—This Act may be called the Bombay Finance (Amendment) Act, 1932.

Bom. II of 1932. 2. *Substitution of a new section for section 18 of Bom. II of 1932.*—For section 18 of the Bombay Finance Act, 1932, the following shall be substituted, namely :—

II of 1899. " 18. *Amendments of Schedule I to II of 1899.*—Notwithstanding anything contained in Part IV, in Schedule I to the Indian Stamp Act, 1899, in its application to the Cities of Bombay, Ahmedabad, Poona and Karachi, in respect of any instrument relating to immoveable property situate within the said cities and of the nature described in the articles

[Appendix 3—contd.]

hereinafter specified, for the entries against the said articles in columns 1 and 2 the following entries shall respectively be substituted, namely :—

18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer—

(c) in any other case .. .. The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount of the purchase money only.

The City of Bombay.		The Cities of Ahmedabad, Poona and Karachi.	
		Rs. a. p.	Rs. a. p.
23. CONVEY- ANCE [as defined by section 2 (10)] so far as it relates to im- moveable prop- erty.	where the am- ount or value of the considera- tion for such conveyance as set forth therein exceeds Rs. 200 but does not exceed Rs. 300.	8 8 0	where the am- ount or value of the considera- tion for such conveyance as set forth therein exceeds Rs. 200 but does not exceed Rs. 300.
	where it exceeds Rs. 300 but does not exceed Rs. 400 ..	12 0 0	exceeds Rs. 300 but does not exceed Rs. 400.
	where it exceeds Rs. 400 but does not ex- ceed Rs. 500 ..	15 8 0	exceeds Rs. 400 but does not ex- ceed Rs. 500 ..
	where it exceeds Rs. 500 but does not ex- ceed Rs. 600 ..	10 0 0	exceeds Rs. 500 but does not exceed Rs. 600.
	where it exceeds Rs. 600 but does not exceed Rs. 700 ..	22 8 0	exceeds Rs. 600 but does not exceed Rs. 700.
	where it exceeds Rs. 700 but does not exceed Rs. 800 ..	26 0 0	exceeds Rs. 700 but does not exceed Rs. 800.
	where it exceeds Rs. 800 but does not exceed Rs. 900 ..	29 8 0	exceeds Rs. 800 but does not exceed Rs. 900.

## [Appendix 3—contd.]

The City of Bombay.	Rs. a. p.	The Cities of Ahmedabad, Poona and Karachi.	Rs. a. p.
where it exceeds Rs. 900 but does not exceed Rs. 1,000	33 0 0	exceeds Rs. 900 but does not exceed Rs. 1,000.	24 0 0
and for every Rs. 500 or part thereof in ex- cess of Rs. 1,000.	17 8 0	and for every Rs. 500 or part thereof in ex- cess of Rs. 1,000.	12 8 0
<b>31. EXCHANGE OF PROPERTY—</b> Instrument of.		The same duty as is leviable on a Con- veyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the value of the property of greatest value as set forth in such instrument.	
<b>32. FURTHER CHARGE—</b> Instru- ment of, that is to say, any instru- ment imposing a further charge on mortgaged property— (a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession);		The same duty as is leviable on a Con- veyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount of the further charge secured by such instrument.	
(b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession)—		The same duty as is leviable on a Con- veyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the total amount of the charge (including the original mortgage and any further charges already made) less the duty already paid on such original mortgage and further charge.	
(c) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;			
<b>33. GIFT—</b> Instrument of, not being a Settlement (No. 58) or Will or Transfer (No. 62).		The same duty as is leviable on a Con- veyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the value of the property as set forth in such instrument.	
<b>40. MORTGAGE-DEED,</b> not being an Agreement relating to Deposit of Title-Deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56), or Security Bond (No. 57)— (a) when possession of the property or any part of the property com- prised in such deed is given by the mortgagor or agreed to be given.		The same duty as is leviable on a Con- veyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount secured by such deed.	

[Appendix 3—*contd.*]

58. SETTLEMENT—

A.—Instrument of (including a deed of dower).

(i) where the settlement is made for a religious or charitable purpose—The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement.

(ii) in any other case—The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount or value of the property settled as set forth in such settlement.

Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee.

*Exemptions.*

(a) Deed of dower executed on the occasion of a marriage between Muhammadans.

(b) Hudassa, that is to say, any settlement of immoveable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.

B.—Revocation of—

The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount or value of the property concerned as set forth in the instrument of revocation but not exceeding ten rupees.

63. TRANSFER OF LEASE by way of assignment and not by way of under-lease.

The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount of the consideration for the transfer.

*Exemption.*

Transfer of any lease exempt from duty."

STATEMENT OF OBJECTS AND REASONS.

The purpose of this Bill is to remove doubts which have arisen as to the interpretation and effect of section 18 of the Bombay Finance Act, II of 1932, which amended the Indian Stamp Act, 1899; and section 18 of the Bombay Finance Act has accordingly been entirely redrafted. This amending bill does not make subject to enhanced duties any instrument or class of instruments which was not intended to have been made subject

[Appendix 3—concl'd.]

to enhanced duties under section 18 of the Bombay Finance Act, but by stating specifically each of the articles under which instruments subject to enhanced duty fall and the kind of property to which such instruments relate, it is hoped to remove all doubts and to carry into effect what was the intention of the Legislative Council when section 18 of the Bombay Finance Act was enacted. As it is not the wish of Government that the enhanced duties should operate to the detriment of charitable or religious trusts, opportunity has been taken by this amending Bill to exempt from the enhanced duties property settled for a charitable or religious purpose.

24th August 1932.

GHULAM HUSSAIN HIDAYATALLAH.

APPENDIX 4.

BILL No. XIII OF 1932.

*A Bill further to amend the Bombay Hereditary Offices Act.*

(As published in the "Bombay Government Gazette"  
of the 11th August 1932.)

Bom.  
III of  
1874.

WHEREAS it is expedient further to amend the Bombay Hereditary Offices Act for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1932.

2. *Amendment of section 64 of Bom. III of 1874.*—In section 64 of the Bombay Hereditary Offices Act, hereinafter referred to as the said Act,

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

"(2) *The Collector may delegate certain powers to Mamlatdars and Mahalkaris.*—The Collector is empowered to delegate to the Mamlatdar or Mahalkari the powers exercisable by him under clause (a) of sub-section (1)."

(ii) Sub-section (2) shall be re-numbered as sub-section (3).

3. *Amendment of section 75 of Bom. III of 1874.*—In section 75 of the said Act, after the word "may" the following shall be inserted, namely:—

"Save in respect of any matter in which he has delegated his powers to a Mamlatdar or Mahalkari under sub-section (2) of section 64,"

4. *Amendment of section 77 of Bom. III of 1874.*—In section 77 of the said Act,—

(i) after the words "Deputy Collector" where they first occur, the words "or from every decision passed by a Mamlatdar or

[Appendix 4—*contd.*]

Mahalkari exercising the powers delegated to him under sub-section (2) of section 64." shall be inserted ; and

(ii) after the words "Deputy Collector" where they occur for the second time, the words, "or Mamlatdar, or Mahalkari" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to empower the Collector to delegate to Mamlatdars and Mahalkaris the power to determine the heirs of inferior village servants under section 64 (1) (a) of the Bombay Hereditary Offices Act. As this power has to be exercised in every district in which the Act is in force, it is necessary to provide for such delegation so as to avoid delay and inconvenience which the determination of such heirs by the Collector would involve. The proposed amendment of section 64 will give effect to this object. The amendment in section 75 is consequential. It is considered necessary to provide for an appeal from the decision of a Mamlatdar or Mahalkari under the powers delegated to him and this is effected by the amendment of section 77.

GHULAM HUSSAIN HIDAYATALLAH.

29th July 1932.

APPENDIX 5.

BILL No. XVII OF 1932.

*A Bill to amend the Bombay Borstal Schools Act, 1929.*

(As published in the "Bombay Government Gazette"  
of the 29th August 1932.)

WHEREAS it is expedient to amend the Bombay Borstal Schools Act, Bom. 1929, for the purposes hereinafter appearing ; and whereas the previous XVIII sanction of the Governor General required by sub-section (3) of section of 1929. 80A of the Government of India Act has been obtained for the passing 5 & 6 of this Act ; It is hereby enacted as follows :—  
Geo.V,  
c. 61.

1. *Short title.*—This Act may be called the Bombay Borstal Schools (Amendment) Act, 1932.

2. *Amendment of section 12 of Bom. XVIII of 1929.*—In sub-section (1) of section 12 of the Bombay Borstal Schools Act, 1929, after the word "school" where it occurs for the second time, the words "or to be more than twenty years of age", shall be inserted.  
Bom. XVIII of 1929.

[Appendix 5—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

There is no provision in the Borstal Schools Act under which a term of detention in a Borstal School can be commuted to a term of imprisonment when an offender is found to be too old to be suited for detention in a Borstal School. A case recently occurred in which an offender who had been ordered by a Court to be detained in a Borstal School was found by the Medical Officer of the Prison and the Visiting Committee to be more than 22 years of age. It is proposed to amend section 12 of the Act to make appropriate provision for such cases.

W. F. HUDSON.

17th August 1932.

APPENDIX 6.

BILL No. XIX OF 1932.

*A Bill further to amend the City of Bombay Police Act, 1902.*

(As published in the "Bombay Government Gazette"  
of the 15th September 1932.)

Bom. IV of 1902. WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 1932.

Bom. IV of 1902. 2. *Amendment of section 40 of Bom. IV of 1902.*—In sub-sections (1) and (2) of section 40 of the City of Bombay Police Act, 1902, after the word "section" the following words shall be inserted, namely:—

"or in the absence of any such Magistrate or officer, any police officer not below the rank of a Sub-Inspector or Sergeant".

STATEMENT OF OBJECTS AND REASONS.

Whenever there is rioting or disorder simultaneously in different parts of the City of Bombay, it is impossible for the officer in charge of a section to be present at every place within his section, where it may be necessary to disperse an unlawful assembly. This defect in section 40 of the City of Bombay Police Act, 1902, came very prominently to notice during the recent communal riots in the City. It is, therefore, proposed to amend section 40 to empower any police officer not lower in rank than that of a Sub-Inspector or Sergeant to disperse an unlawful assembly.

W. F. HUDSON,

1st September 1932,

## APPENDIX 7.

## BILL No. XVIII OF 1932.

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

(As published in the "Bombay Government Gazette"  
of the 12th September 1932.)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Bom.  
VI of  
1923.

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1932.

2. *Insertion of section 28A in Bom. VI of 1923.*—After section 28 of the Bombay Local Boards Act, 1923, hereinafter referred to as the said Act, the following new section shall be inserted, namely:—

Bom.  
VI of  
1923.

"28A. *Extension of term of office of members of local boards in Sind.*—Notwithstanding anything contained in section 28, the term of office of the members of all local boards in Sind is hereby extended up to and inclusive of the 31st day of March 1933."

3. *Amendment of section 127 of Bom. VI of 1923.*—In sub-section (1) of section 127 of the said Act, after the word "Act," the words "or by or under any enactment for the time being in force shall be inserted.

4. *Insertion of sections 131A and 131B in Bom. VI of 1923.*—After section 131 of the said Act, the following sections shall be inserted, namely:—

"131A. *Power of Government to dissolve and reconstitute local boards on the alteration of limits of districts or talukas.*—(1) When, during the term of office of the members of a district or taluka local board, the limits of the district or taluka are altered on account of the constitution of a new district under the Bombay Land Revenue Code, 1879 or for any other reason, the Government may, by order published in the *Bombay Government Gazette*, dissolve such local board from a date specified in the order and direct a local board—

Bom.  
V of  
1879.

(i) to be reconstituted for the district or taluka of which the local board has been dissolved, or

(ii) to be established for a new district or taluka which has been constituted.

The members of the local board which has been dissolved shall vacate their offices from the date specified in the order.

(2) The district or taluka local board reconstituted or established under the provisions of sub-section (1) shall consist of such number of members, either elected or nominated in such manner and in such proportion, as the Government shall, by order in writing, direct.

The president and vice-president of the local board so reconstituted or established shall be elected in the manner provided in this Act.



[Appendix 7—*contd.*]

(3) The members of a local board reconstituted or established under the provisions of sub-section (2) shall hold office for such period, not exceeding one year, as the Government shall, by order in writing, specify.

(4) On the expiry of the period of office of the members of a local board under the provisions of sub-section (3), the local board of the district or taluka, as the case may be, shall be constituted in the manner provided in sections 5 and 6.

131B. *Vesting of property, etc., of local boards which have been dissolved in reconstituted local boards.*—(1) When a local board has been dissolved and reconstituted or established under section 131A, so much of the local fund and other property vesting in the local board which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, a local board reconstituted or established under section 131A as the Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the local board which has been dissolved in respect of civil and criminal proceedings, contracts, agreements, and other matter or thing arising in or relating to any part of the area subject to the authority of the local board reconstituted or established, shall vest in such local board.

(3) Any notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed by the local board which has been dissolved in respect to any part of the area subject to the authority of the local board which has been reconstituted or established, shall be deemed to have been made, issued or imposed by such local board, unless and until it is superseded by any notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made issued or imposed by such local board."

#### STATEMENT OF OBJECTS AND REASONS.

The new district of Dadu in Sind consists of parts of the former revenue districts of Karachi and Larkana. Under section 4 of the Bombay Local Boards Act, 1923, it is incumbent on Government to establish a district local board for the new district. The statutory term of office of the members of all existing local boards in Sind will expire by or before the end of the current calendar year. It has been found impracticable to complete the preparations for election to local boards in the new district of Dadu and the other districts, the limits of which have been consequentially altered, within this term. It is, therefore, necessary to meet the situation by extending the period of the term of office of local boards in Sind; new section 28A is intended to extend the term of office of the members of local boards in Sind up to 31st March 1933.

2. Under section 127 of the Act, Government have power to provide for performance of the duties of a local board in case of default, but this power is limited to such duties as are imposed on a local board by or under the said Act. Cases of default by a local board in the performance of duties imposed on it by some other enactment may occur. It is in the

[Appendix 7—*contd.*]

public interest that, as in the case of municipalities, provision should be made for the performance of any statutory duties imposed on local boards. It is, therefore, proposed to amend section 127 of the Act so as to include provision similar to that contained in section 178 (1) of the Bombay District Municipal Act, 1901, and section 218 (1) of the Bombay Municipal Boroughs Act, 1925.

3. Under the existing Act, there is no provision authorising the dissolution of local boards during the term of office of the members of the boards and the reconstitution or establishment of new boards in their place, when the limits of districts or talukas are altered. The difficulty which has arisen in consequence of the constitution of Dadu District may arise in future whenever districts or talukas are to be abolished or amalgamated. It is, therefore, proposed to provide in the Act that the local boards of districts or talukas, the limits of which are altered, during the term of office of the members, can be dissolved and new boards constituted or established in their place, as a temporary measure, to function only until such time as arrangement can be made for the election of new local boards. It is proposed, therefore, that Government should have power to direct that the new boards so constituted or established shall hold office for a period not exceeding one year, and should consist either of elected and nominated members or of elected or nominated members only. Section 131A is intended to carry this purpose into effect. Section 131B makes necessary provision for the vesting in or transfer of property, rights and liabilities of the boards which have been dissolved to the newly constituted or established boards.

RUSTOM JEHANGIR VAKIL.

## APPENDIX 8.

### BILL No. XII OF 1931.

*A Bill further to amend the Bombay Municipal Boroughs Act, 1925.*

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

WHEREAS it is expedient further to amend the Bombay Municipal Boroughs Act formerly known as Bombay Act XVIII of 1925 in manner hereinafter appearing; It is hereby enacted as follows:—

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

2. *Amendment of section 33 of Bom. Act XVIII of 1925.*—In the proviso to sub-section (1) of section 33 after the words "Before the coming into operation of this Act" the following words "or a person appointed or to be appointed as a Chief Officer by a Municipal Borough having an annual income of less than two lakhs of rupees" shall be inserted.

Bom.  
Act  
XVIII  
of  
1925.

[Appendix 8—contd.]

## STATEMENT OF OBJECTS AND REASONS.

Section 33 of the Bombay Municipal Boroughs Act formerly known as Bombay Act No. XVIII of 1925 imposes an obligation upon a Municipal Borough to appoint a Chief Officer who shall be a graduate of a recognised University. But in the interests of finances and convenience of a Municipal Borough with an annual income of less than two lakhs of rupees, a latitude is necessary for a Municipal Borough to prefer an experienced non-graduate to a graduate of a recognised University for filling up the post of a Chief Officer. This amending bill aims at giving this desirable latitude to a Municipal Borough.

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

## APPENDIX 9.

## BILL No. XXIV OF 1931.

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

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

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

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

2. *Amendment of section 39 of Bom. III of 1888.*—In sub-section (1) of section 39 add the following after the word "councillors" in line 5 "three of whom will be members belonging to the Mahommedan community, three belonging to the Backward Classes and one belonging to the Depressed Classes".

## STATEMENT OF OBJECTS AND REASONS.

The past experience of the school committee shows that it is very difficult for members of the Backward and Depressed Classes to get elected in the school committee. This amendment seeks to reserve seats for these classes as is done in School Boards in the Districts.

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

## APPENDIX 10.

## BILL No. XXXVII OF 1931.

*A Bill further to amend the Bombay Hereditary Offices Act, 1874.*

(As introduced on the 2nd October 1931 and published in the  
"Bombay-Government Gazette" of the 21st October 1931.)

WHEREAS it is expedient to amend the Bombay Hereditary Offices Act, 1874, in the manner hereafter appearing; It is enacted as follows:—

Bom.  
III of  
1874.

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

2. *Amendment of section 53 of Bom. III of 1874.*—In section 53 at the end after the word "officiate" add the following words:

"or in default of such Watandar, an outsider who is fit and willing to officiate".

## STATEMENT OF OBJECTS AND REASONS.

Act No. III of 1874 permits a Representative Watandar whose duty it is to officiate to appoint a deputy in certain cases (*vide* section 42). Section 53, however, of the said Act as it now stands restricts the right of such watandar in the selection of deputies, who are required, according to the strict wording of the section, to be selected, firstly, from amongst the members of the same family if there be a member of such family fit and willing to officiate and, secondly, in case of default of such members, from amongst the watandars of the same watan if there be such a watandar fit and willing to officiate. But section 53 is silent as to who should be selected as a deputy in default of the above two classes of persons. Till 1927 Representative Watandars were allowed to nominate outsiders as their deputies. By Government Resolution No. 8322/24 dated 1st November 1927 Government issued a general order under section 53 authorising the Collector only to appoint on behalf of Government an outsider as a deputy when no suitable and willing person is available for appointment either from among the Representative Watandar's family or from among the Watandars of the same Watan. It is sought by the present amendment to give the Representative Watandar also the right to select competent and willing deputy from outside the Watan family under similar circumstances.

(Signed) H. R. DESAI,  
M.L.C.

## APPENDIX 11.

## BILL No. XXXIX OF 1931.

*A Bill further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay.*

(As introduced on the 2nd October 1931 and published in the "Bombay Government Gazette" of the 21st October 1931.)

IX of 1887. WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the "Provincial Small Cause Courts (Amendment) Act of 1931".

2. *Amendment of second schedule to Act of 1887.*—In sub-clause (a) of clause 4 in the Second Schedule of the said Act, after the words "A written instrument" the following shall be added :—  
"or instruments or orally."

## STATEMENT OF OBJECTS AND REASONS.

This Act was amended last year by Bill No. VIII of 1930 so as to enable the Small Causes Court Judge to entertain a suit for ejectment where the property has been let under a lease made by a written instrument. This Bill is introduced to enable the said Court to entertain an ejectment suit when the agreement of tenancy is oral or by correspondence and not only by a written instrument. In a majority of cases the property is leased orally and not by written instrument. Such cases are excluded from the jurisdiction of the Small Causes Court; and the present provision is of a very limited nature. This Bill is intended to extend the jurisdiction of the said Court.

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

## APPENDIX 12.

## BILL No. XLI OF 1931.

*A Bill further to amend the Sind Incumbered Estates Act, 1896.*

(As introduced on the 2nd October 1931 and published in the "Bombay Government Gazette" of the 21st October 1931.)

Bom. XX of 1896. WHEREAS it is expedient further to amend the Sind Incumbered Estates Act, 1896, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Sind Incumbered Estates (Amendment) Act, 1931.

[Appendix 12—*contd.*]

2. *Amendment to section 3 of the Sind Incumbered Estates Act, 1896.*—In sub-section (1) of section 3 of the Sind Incumbered Estates (Amendment) Act, 1896, hereinafter called the said Act—

(a) After the words “ or liabilities incurred to Government ” insert “ or to the Co-operative Societies or Co-operative Banks ”.

Bom.  
XX of  
1896.

3. *Amendment of section 11 of the Sind Incumbered Estates Act, 1896.*—In sub-section (1) of section 11 of the said Act after the words “ and are approved by the Commissioner ” insert “ *Sixthly*, all debts or interest pertaining to such debts, due to Co-operative Societies or Co-operative Banks ”.

### STATEMENT OF OBJECTS AND REASONS.

It has been regretfully observed that the zamindars or jagirdars, who owe debts to the Co-operative Societies or Co-operative Banks, seek protection under this Act with the unaltruistic motive of escaping these liabilities. Since the said Act as it stands at present does not contain any provision which may goad the authorities of the Incumbered Estates Department to give preference to the Societies' debts, in the matter of repayment, the Co-operative Societies Department is subjected to great inconvenience and irretrievable loss. As a matter of fact the tendency of seeking protection with a view to escape or avoid the repayment of society debts in time has of late been gaining ground among the zamindars, and as a sequel to it, not only the Co-operative institutions are being seriously handicapped, but if this reprehensible tendency is not checked forthwith, it will give a fatal set-back to the whole movement, the utility of which has never been disputed. The above amendment is therefore proposed to solve this difficulty, which it is impossible to obviate otherwise.

(Signed) M. A. KHUARO,

M.L.C.,

Larkana, Sind.

### APPENDIX 13.

#### BILL No. XLII OF 1931.

*A Bill further to amend the Bombay Public Conveyances Act, 1920.*

(As introduced on the 2nd October 1931 and published in the “ Bombay Government Gazette ” of the 21st October 1931.)

WHEREAS it is expedient further to amend the Bombay Public Conveyances Act, 1920, in the manner hereinafter occurring ; It is hereby enacted as follows :—

Bom.  
VII of  
1920.

1. *Short title.*—This Act may be called the Bombay Public Conveyances Amendment Act, 1931.

[Appendix 13—contd.]

Bom.  
VII  
of  
1920.

2. *Amendment of section 11 of Bom. VII of 1920.*—In section 11 (1) of the Bombay Public Conveyances Act, 1920, the words “and without furnishing a security of Rs. 100 for good behaviour if the driver is a servant” shall be added at the end.

#### STATEMENT OF OBJECTS AND REASONS.

As various cases of abductions and rape of female passengers by drivers who are engaged as servants are occurring due to the bad character of such drivers of public conveyances. Moreover, the drivers are in many cases very oppressive to the public using the conveyance and have no regard for the prevention of cruelty to animals. The ordinary criminal law is not enough to bring those people to book and it is considered that if a security is demanded it will act as a prevention to many a malpractice by a driver. Hence it is necessary to take a security from them for good behaviour. With this object in view, the above amendment of the Bombay Public Conveyances Act, 1920, is proposed.

(Signed) A. K. RESALDAR.

#### APPENDIX 14.

#### BILL No. IV OF 1932.

*A Bill further to amend the Deccan Agriculturists' Relief Act No. XVII of 1879.*

(As introduced on the 14th March 1932 and published in the “Bombay Government Gazette” of the 7th April 1932.)

WHEREAS it is expedient further to amend the Deccan Agriculturists' XVII Relief Act in the manner hereinafter appearing; And whereas the of 1879. previous sanction of the Governor General of India as required by 5 & 6 section 80A of the Government of India Act has been obtained for the Geo. V introduction of this Act; It is hereby enacted as follows :—  
c. 61.

1. *Short title.*—This Act may be called the Deccan Agriculturists' Relief (Amendment) Act of 1932.

2. *Amendment of section 2 of Act XVII of 1879.*—In section 2, clause (1) and explanation (a) and (b) shall be omitted and the following shall be substituted, namely :—

“An agriculturist” shall be taken to mean a person who owns land in his own right and who ordinarily engages personally in agriculture in British territory within the limits of the Bombay Presidency, provided that his yearly income from sources other than agriculture does not exceed Rs. 500 and that his aggregate net income from all sources does not exceed Rs. 1,000.

[Appendix 14—*contd.*]

*Explanation* :—

(a) A person who is a female or minor member of the family of an agriculturist as above defined and who has as such a right either to be maintained by him or to participate in the family agricultural income shall be deemed to be an agriculturist for the purposes of this Act.

(b) A person does not cease to be an agriculturist within the meaning of the definition if he is prevented from cultivating land by age or physical infirmity or if he temporarily ceases to do so owing to necessity or reasonable cause. Absence in the Military Services of His Majesty the King Emperor shall be deemed to be reasonable cause within the meaning of this explanation.

(c) A person otherwise coming within the definition shall not be considered to be an agriculturist in reference to a certain transaction, unless he or the person through whom he claims was also an agriculturist as hereby defined at the time when the transaction took place.

(d) A party to a suit who is not described as an agriculturist in the decree of the original Court which tries the suit shall be barred from claiming the status of an agriculturist. The words "Proceedings consequent on that decree" shall include all miscellaneous applications, execution proceedings and appeals except an appeal in which the finding about the status in the decree is challenged.

#### STATEMENT OF OBJECTS AND REASONS.

The present definition of an "Agriculturist" in the Deccan Agriculturists' Relief Act XVII of 1879 is far from satisfactory. Under the present definition a rich trader or a rich money-lender having lands can get himself declared an agriculturist and claim the special advantage under the provisions of this Act. Messrs. Arthur and Bodas, Commissioners appointed by Government to report on the working of this Act in 1924, had also reported that the present definition of an "Agriculturist" in the Act should be changed. A person having no lands of his own but merely working as a labourer in fields is at present included in the definition of an "Agriculturist". There is absolutely no reason why legislation should differentiate between a labourer in a field and a labourer, say, in a factory. There is again no reason why there should be special protection for well-to-do agriculturists who are generally quite competent to take care of their own interests. In the definition proposed have been included as agriculturists only persons who own lands in their own rights, whose income from non-agricultural sources is not very substantial and whose net annual income from all sources does not exceed Rs. 1,000. Minors and females dependent upon agriculturist have been included in the proposed definition. Provision is also proposed to be made for non-exclusion of agriculturists who are temporarily prevented from following their agricultural pursuit, by age, infirmity or any other sufficient cause. At present the status of an agriculturist can be claimed by a party even after the decree, in execution or other miscellaneous proceedings; not only that even if it is once decided in one Darkhast, it



[Appendix 14—*contd.*]

can again be raised in another Darkhast from the same decree (say a year or two later). It is neither desirable nor just that the same question should be allowed to be reopened and tried afresh every now and then. A decree duly passed must have some finality attached. This is also proposed to be remedied by the present amendment.

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

## APPENDIX 15.

### BILL No. V OF 1932.

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

(As introduced on the 14th March 1932 and published in the  
"Bombay Government Gazette" of the 7th April 1932.)

Bom. III of 1888. WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 193 .

Bom. III of 1888. 2. *Amendment of section 16 of Bom. III of 1888.*—In section 16 (1) of the City of Bombay Municipal Act after clause (f) the following shall be inserted namely :—

“(g) fails to pay any arrears of any kind due by him to the Municipality within three months after a special notice in this behalf has been served upon him.”

### STATEMENT OF OBJECTS AND REASONS.

It is desirable that there should be a provision in the City of Bombay Municipal Act, 1888, similar to that in sub-section (e) of section 28 of the Bombay Municipal Boroughs Act, 1925 and in sub-section (2) of section 15 of the Bombay District Municipal Act, 1901.

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

## APPENDIX 16.

## BILL No. VI OF 1932.

*A Bill further to amend the Bombay University Act, 1928.*

(As introduced on the 14th March 1932 and published in the  
"Bombay Government Gazette" of the 7th April 1932.)

WHEREAS it is expedient further to amend the Bombay University Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay University (Amendment) Act, 1932.

2. (a) *Amendment of section 20 of Bom. IV of 1928.*—In section 20, clause 1 (e), omit the last eleven words beginning from "who are etc."

(b) *Amendment of section 20 of Bom. IV of 1928.*—In section 20, clause 2, delete "three years" and substitute therefor "one year" and add a proviso at the end of clause 2 :—

"Provided that if any vacancy occurs during the tenure of the office of a sitting member, the same may be filled by a by-election and the member elected to fill it will hold office only for the unexpired period of the sitting member's tenure."

3. (a) *Amendment of section 22 of Bom. IV of 1928.*—In clause (v) of section 22 delete the word "twenty" and substitute therefor the word "forty".

(b) *Amendment of section 22 of Bom. IV of 1928.*—In clause (vi) of the same section delete the word "five" and substitute therefor the word "ten".

4. *Repeal of section 46 of Bom. IV of 1928.*—Section 46. Delete the whole section.

## STATEMENT OF OBJECTS AND REASONS.

This amending bill has become necessary because of certain difficulties and doubts regarding the working of the constitution under the new Act which had been revealed during the last two or three years. It embodies the majority of the recommendations made by the Senate last June. The Senate has considered this question at two different meetings in great detail and the recommendations contained in the four amendments finally adopted in June represent the considered opinion of the Senate on the question. The amendments affect entirely the internal constitution and working of University authorities and do not affect the constitution of the Senate or allocation of powers as between the Senate and the other University authorities. They concern chiefly with the Syndicate and the Academic Council.

[Appendix 16—*contd.*]

The provisions of the Bill are further explained in the following notes on clauses :—

*Clause 2 (a).*—The changes sought to be introduced into the Syndicate constitution are two-fold. The first is regarding the exclusion of teachers from among the number of Syndics elected by the Senate. It has been found that this exclusion is both unnecessary and harmful. The chief intention of introducing this bar against teachers was thereby to make the Syndicate a purely administrative body depending entirely in academic matters on the advice of the Academic Council and the Board of Post-graduate Studies. In practice it has been found that the Syndicate substantially modifies or tries to modify the recommendations of these bodies even in purely academic matters. This has resulted in questions of the revised syllabuses and the recognition of post-graduate teachers being sent to and fro from the Academic Council and the Board to the Syndicate and back ; and the work is in consequence proceeding at an extremely slow pace. This difficulty would be partially met if the senate is given the option, if it so wishes, of strengthening the teaching element in the Syndicate. Further, in view of the fact that the rigid division of powers contemplated in the Act has not proved practicable, there is no justification now left for the special bar against teachers.

*Clause 2 (b).*—The second amendment seeks to restore the practice, which obtained under the Act of 1904, of electing the whole Syndicate annually. The powers of the senate have been very substantially curtailed by the new Act and it has merely supervisory powers. At the same time the new Senate has been made very much more representative than before and it is desirable that it should be able to influence the trend of the general policy of the Syndicate. As the present Act works, however, there is no way in which this can be done. For only three members of the Syndicate elected by the Senate retire every year and on account of certain defective wording of the Act, even these three do not retire all at once. Thus the intention of proportional representation is completely defeated and the smaller groups in the Senate have never any chance of making their voice heard in the Syndicate. If the Syndicate is elected annually, proportional representation will work properly and in the case of any considerable dissatisfaction being felt by the Senate as a whole with the working of the Syndicate, the possibility of changing the personnel of the Syndicate to some extent will be open. In view of the fact that almost all powers of direct action have been taken away by the new Act from the Senate, it is desirable that at least this small control of the Syndicate's activities through annual elections be restored. That a considerable friction in working is caused by the present arrangements has been made clear during the budget discussions of the last two years.

*Clause 3 (a) and (b).*—The amendment to the constitution of the Academic Council is simple in its nature. It merely seeks to enlarge the Academic Council by doubling the representation now given to the Boards of Studies and the Senate. The strength of the Academic Council will consequently be increased from about 34 members to 59 members.

[Appendix 16—*contd.*]

The present Academic Council is found to be inconveniently small. The representation given to the Boards of Studies is so meagre that some Boards of Studies have to be combined for the purpose of the election of one representative and even composite Boards such for example as the History Board which looks after the courses of studies in History, Economics, Sociology and Geography can have only one representative in the Academic Council. It has been found that under the new Act Faculties do not function at all except for the election of the Dean and all the details of teaching regulations and course of studies are practically settled in the Academic Council. Considerable inconvenience has been felt because of almost the entire non-representation of some subjects in that body and the very partial representation of many important subjects. The best way of meeting this difficulty the Senate has felt would be to increase the representation of the Boards of Studies and the Senate in the Academic Council. That an Academic Council of about 60 members is not at all too large a body will be realised if this number is compared with the membership of the Academic Council of other Indian Universities.

*Clause 4.*—This amendment is consequential on the amendments to section 20 as hereinbefore stated.

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

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## APPENDIX 17.

### BILL No. VII OF 1932.

*A Bill further to amend the Deccan Agriculturists' Relief Act, 1879.*

(As introduced on the 14th March 1932 and published in the  
"Bombay Government Gazette" of the 7th April 1932.)

WHEREAS it is expedient further to amend the Bombay Deccan <sup>XVII</sup> Agriculturists' Relief Act, 1879, in manner hereinafter appearing; It is <sup>1879</sup> enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Deccan Agriculturists' Relief (Amendment) Act, 1932 .

2. *Amendment of section 34 of XVII of 1879.*—In section 34 in the last but one line, delete the word "two" and substitute therefor the word "six".

3. *Amendment of section 35 of XVII of 1879.*—In section 35, in line 5 between the word "value" and the word "and" insert the following :—

"or by consent of parties does not exceed rupees one hundred."

[Appendix 17—*contd.*]

## STATEMENT OF OBJECTS AND REASONS.

The object of the original Act No. XVII of 1879 was to place Courts of Law within an easy distance from the homes of the people and to make them more absolute, less technical, less dilatory and less expensive. In view of improved means of communications and the abolition and amalgamation of Civil Courts in certain areas, it is necessary to extend the area of the jurisdiction of village munsiffs. It is further desirable that the Munsiff's jurisdiction should be further extended by consent of parties on the lines of the Madras Village Munsiff System.

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

## APPENDIX 18.

## BILL No. VIII OF 1932.

*A Bill further to amend the Bombay Village Police Act, 1867.*

(As introduced on the 14th March 1932 and published in the  
"Bombay Government Gazette" of the 7th April 1932.)

WHEREAS it is expedient further to amend the Bombay Village Police Act, 1867, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Village Police (Amendment) Act, 1932 .
2. *Amendment of section 14 of Bom. VIII of 1867.*—In section 14 of the Bombay Village Police Act, 1867, hereinafter called the said Act, the following clause shall be inserted at the end, namely :—  
" or, the person charged has not taken steps to have the case transferred to a Magistrate within whose jurisdiction the said village is situate."
3. *Amendment of section 17 of Bom. VIII of 1867.*—In section 17 of the said Act, the following clause shall be inserted after the word "oral", namely :—  
" unless the person charged requires them to be reduced to writing,"
4. *Amendment of section 18 of Bom. VIII of 1867.*—In section 18 of the said Act, the following clause shall be inserted at the end, namely :—  
" and to make it subject to the right of the person charged to be tried by a Magistrate within whose jurisdiction the said village is situate."

[Appendix 18—*contd.*]

## STATEMENT OF OBJECTS AND REASONS.

The conditions have changed, since 1867, when the said Act came into operation, and require a revision of some of its provisions to make it more harmonious with the present state of affairs; the Bill, therefore, seeks to give an option to the person charged (1) to have his case tried by a Magistrate, and (2) to have the proceedings recorded in writing if he so chooses.

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

## APPENDIX 19.

## BILL No. X OF 1932.

*A Bill further to amend the Bombay City Municipalities Act, being Bombay Act No. XVIII of 1925.*

(As introduced on the 14th March 1932 and published in the "Bombay Government Gazette" of the 7th April 1932.)

*Preamble.*—WHEREAS it is expedient further to amend the Bombay City Municipalities Act of 1925; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act of 1932.

2. *Amendment of section 18 of Bom. XVIII of 1925.*—At the end of clause 2 of section 18, the following proviso shall be added:—

"Provided that when such a fresh election has to be made it shall be held after the expiry of the term of office of a President or Vice-President."

## STATEMENT OF OBJECTS AND REASONS.

Last year it so happened that the President of the City Municipality of Bhusaval held a meeting for the election of a President some time before the period of his office expired. This procedure was objected to by some members of the municipality and the President notwithstanding the objection held the election of the President. This gave rise to a civil suit which was subsequently withdrawn. This amending Bill aims at making it quite clear that no election of a President or Vice-President can be legally held before the expiry of the period of his office.

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

## APPENDIX 20.

## BILL No. XI OF 1932.

*A Bill further to amend the Dekkhan Agriculturists' Relief Act XVII of 1879 in its application to the Presidency of Bombay excluding Aden and the City of Bombay.*

(As introduced on the 14th March 1932 and published in the "Bombay Government Gazette" of the 7th April 1932.)

XVII  
of  
1879.

WHEREAS it is expedient further to amend the Dekkhan Agriculturists' Relief Act, 1879, in its application to the Presidency of Bombay excluding Aden and the City of Bombay in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor of Bombay required by section 80C 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 Dekkhan Agriculturists' Relief (Bombay Amendment) Act, 193 .

2. *Extent and operation.*—(1) This Act extends to the whole of the Presidency of Bombay excluding Aden and the City of Bombay.

(2) It shall come into operation on the 1st day of November 1931.

XVII  
of  
1879.

3. *Amendment of section 13 of XVII of 1879.*—In clause (c) of section 13 of the Dekkhan Agriculturists' Relief Act for the words "any money which he may have agreed to pay in contravention of section 257A of the Code of Civil Procedure" the words "any money which he may have agreed to pay in excess of the decretal account without the previous sanction of the Court in that respect" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

Section 13, clause (c) of the Dekkhan Agriculturists' Relief Act (XVII of 1879) not having been expressly repealed is not affected by the repeal of section 257A of the Civil Procedure Code, 1882, by the Civil Procedure Code, 1908 (*vide* 35 B 307). Consequently, therefore, in taking accounts under the said section any amount in excess of the judgment debt which the debtor has agreed to pay cannot be debited to him, without previous sanction of the court which passed the decree. In such a case difficulties are always experienced by decree holders, whenever they have to obtain sanction required by section 257A of the Civil Procedure Code (1882). Court is generally reluctant to grant it, since section 257A of the Civil Procedure Code (1882), which in fact had authorised court to grant it, has been repealed. The court which takes account of the principle, refuses to give debit as the necessary sanction was not obtained. The creditor finds thus on the horns of a dilemma in that he does not obtain sanction nor does he get his debt debited.

In fact the non-repeal of section 13 (c) of the Dekkhan Agriculturists' Relief Act presumably presupposes that a sanction is necessary, but the provision in section 257A (1882) which invests the power in court to

[Appendix 20—*contd.*]

accord sanction, has been repealed without an adequate amendment in section 13 (c) of the Dekkhan Agriculturists' Relief Act. This has affected the position of creditor.

In these circumstances to meet the obvious anomaly and to give remedy to persons likely to suffer in consequence it has become necessary to introduce this amendment and to lay down in express terms the duties of the court in this connection.

(Signed) P. D. KULKARNI,  
M.L.C.

## APPENDIX 21.

### BILL No. XII OF 1932.

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

(As introduced on the 14th March 1932 and published in the  
"Bombay Government Gazette" of the 7th April 1932.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom.  
III of  
1888.

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1932.

2. *Amendment of section 16 of Bom. III of 1888.*—(a) In clause (f) of sub-section (1) of section 16 of the City of Bombay Municipal Act, 1888, for the full stop at the end a semi-colon shall be substituted, and the word "or" shall be added at the end; and

Bom.  
III of  
1888.

(b) After clause (f) the following clause shall be inserted, viz. :—

"(ff) fails to pay any arrears of any kind due by him to the Municipality within three months after a special notice in this behalf has been served upon him."

### STATEMENT OF OBJECTS AND REASONS.

With a view to introduce uniformity in the Acts relating to Municipalities in force in the Bombay Presidency as regards disqualification incurred by councillors as a result of non-payment of municipal arrears due by them, it is considered desirable that there should be a provision in the City of Bombay Municipal Act, 1888, also similar to that in sub-section (e) of section 28 of the Bombay Municipal Boroughs Act, 1925, and which was incorporated in the Bombay District Municipal Act, 1901, by Bombay Act, XII of 1931.

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



## APPENDIX 22.

## BILL No. XX OF 1932.

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

(As published in the "Bombay Government Gazette" of the  
17th September 1932.)

Bom. WHEREAS it is expedient further to amend the City of Bombay  
III of Municipal Act, 1888, for the purpose hereinafter appearing; It is  
1888. hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1932 .

Bom. 2. *Amendment of schedule H to Bom. III of 1888.*—In schedule H  
III of to the City of Bombay Municipal Act, 1888, for the entry:—  
1888.

“Vegetable product” or “Vanaspati”, that is to say, ghi substitutes which are not pure ghi but which resemble ghi.	10 annas per Bombay Maund.”
--	-----------------------------

the following entry shall be substituted, namely:—

“Ghi substitutes (of whatever composition) which are not pure ghi but which resemble pure ghi and are capable of being used as substitutes for pure ghi.	10 annas per Bombay Maund.”
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## STATEMENT OF OBJECTS AND REASONS.

Under schedule H to the City of Bombay Municipal Act, 1888, as amended by section 21 of Bombay Act XIX of 1930, town duty can be levied on “Vegetable product” or “Vanaspati” ghi. The intention of the Corporation was to levy the duty, not only on vegetable ghi, but on all substitutes which resemble ghi and are capable of being used as such. The amending bill which is prepared at the suggestion of the Bombay Municipal Corporation makes it clear that the duty is leviable on all edible vegetable oils and solidified whale or other fish oils which resemble ghi and which are being utilised as such.

15th September 1932.

RUSTOM JEHangIR VAKIL.

## APPENDIX 23.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBELI.

Transferred 1. *Starting of Electrical Engineering Degree course at the College of Engineering, Poona.*

There is a keen public demand for more “vocational” as opposed to general education. The application of electricity to industry in the Bombay Presidency is increasing day by day. Consequently

[Appendix 23—contd.]

there is a growing demand for more and more men qualified in Electrical Engineering and the question of making provision for an Electrical Engineering Degree course in the College of Engineering, Poona, has been receiving the attention of Government for some time past. As far back as 1925 the Director of Public Instruction first submitted proposals to Government on this point. Although the desirability of giving effect to these proposals was admitted in view of financial stringency action was deferred. In October 1928 the Advisory Committee of the college reopened the question and recommended that a Degree course in Electrical Engineering should be instituted at the earliest possible date. The Director was, therefore, asked to ascertain and report to Government whether a beginning could be made with the existing equipment and staff of the college at a comparatively small additional expenditure and to submit a very modest scheme with due regard to the financial position of Government. The Director, therefore, submitted proposals which involved a recurring expenditure of Rs. 3,080 rising to Rs. 4,160 and a non-recurring expenditure of Rs. 45,000 which could be spread over four or five years. However, Government was unable to make the necessary provision in the budget for 1931-32 and the question was postponed *sine die* till the financial position improved. Owing, however, to the urgency and importance of the matter, and the demand for the Electrical Engineering Degree course being very great, with the approval of the Advisory Committee of the college, the Principal of the college again submitted a very modest scheme for the sanction of Government. The proposals involved no recurring or non-recurring expenditure in the first year of the scheme. From the second year onwards the expenditure on the scheme for the next six years as estimated at present is not likely to be very large as will be seen from the details in the accompanying statement A which also shows the estimated receipts from fees. These figures speak for themselves. As the Bombay University recognised the college for a Degree course in Electrical Engineering provisionally for a period of three years from June 1932 in the first instance and as the scheme submitted by the Director promised to be at least self-supporting very shortly after its introduction, in anticipation of the approval of the Legislative Council Government sanctioned it with effect from June 1932. If Government had waited to obtain the previous approval of the Legislative Council, the scheme could not have been brought into operation until June 1933 and a year would have been lost. Although the scheme does not involve any expenditure during the current financial year, it commits Government to both recurring and non-recurring expenditure in future years and relates to a new service. The Legislative Council is therefore requested to sanction a token grant of Rs. 10.

*Demand voted and now increased.*

Rs. 1,62,31,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 23rd July 1932.

## STATEMENT A.

Statement showing the estimated receipts from fees and the expenditure to be incurred in connection with the teaching of the course for the Degree of Electrical Engineering at the College of Engineering, Poona.

Details.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.	1938-39.	Total.
	I year.	II year.	III year.	IV year.	V year.	VI year.	VII year.	
<i>Receipts.</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Fee receipts ... ..	2,000	3,600	4,800	5,600	5,600	5,600	5,600	32,800
<i>Expenditure.</i>								
Additional Staff—*								
1. Electrical Mechanic (Rs. 110—5—160) .....	.....	.....	990†	1,865	1,425	1,485	1,545	6,810
2. Storekeeper (Rs. 60—5—100) ... ..	.....	.....	540†	765	825	885	945	3,960
3. Hamal at Rs. 20 ... ..	.....	.....	180†	240	240	240	240	1,140
Contingencies—								
1. Recurring ... .. } .....		10,000‡	2,000‡	2,000‡	2,000‡	2,000‡	2,000‡	20,000
2. Non-recurring ... .. } .....								
Tours ... ..	.....	250	500	500	500	500	500	2,750
Total expenditure ... ..	.....	10,250	4,210	4,870	4,990	5,110	5,230	34,660

\* Non-pensionable service and pay subject to 10 per cent. temporary out.

† For nine months of the year 1934-35 from June 1934.

‡ Note.—Of these amounts Rs. 300 should be treated as a recurring expenditure.

APPENDIX 24.

STATEMENT OF DEMAND FOR A TOKEN EXCESS GRANT.

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

Transferred 1-A. *Grant-in-aid to the Hospitals Maintenance Fund Committee equal to the amount of entertainment, totalisator and betting taxes collected in connection with the Special Hospital Day Races held on the 12th March 1932.*

At the request of the Hospitals Maintenance Fund Committee and with the approval of Government, the Western India Turf Club, Limited, held a special additional race day on the 12th March 1932 for the benefit of the hospitals in Bombay and Poona. Government agreed to hand over to the Hospitals Maintenance Fund Committee the amounts of the entertainment, totalisator and betting taxes collected in connection with the Special Hospital Day Races on the condition that the Committee would distribute this amount together with the amount received by it from the proceeds realised by the Western India Turf Club, Limited, in the following proportion :—

Government Hospitals in Bombay City	..	40 per cent.
Municipal Hospitals in Bombay City	..	40 „
The Sassoon Hospitals, Poona	..	20 „

The total amount realised by Government from the entertainment, totalisator and betting taxes and credited to Provincial Funds was Rs. 48,735-9-8. As, however, moneys credited to Provincial Funds cannot be expended without the necessary provision in the budget estimates, the amount to be paid to the Hospitals Maintenance Fund Committee had to be treated as a grant-in-aid to the Committee and debited to "32-Medical." Sufficient savings were available under the head "32-Medical" for the year 1931-32 and the amount of the grant was met from those savings. This was an item of new service and the sanction of the Legislative Council was therefore necessary to the payment of this grant, but as the financial year had almost come to a close when the grant was paid there was no time left for approaching the Legislative Council for necessary sanction. The sanction of the Council is therefore requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

32-Medical—Transferred.

Rs. 47,37,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 2nd September 1932.

## APPENDIX 25.

## STATEMENT OF DEMAND FOR A TOKEN EXCESS GRANT.

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

Transferred 1-B. *Provision of a roadway in connection with the Kotri Bridge Project.*

In 1929 the Agent, North Western Railway, informed this Government that in connection with the running of the new heavy engines it was proposed to reconstruct the girders and roadway arrangements of the Kotri Bridge over the Indus, including complete change of the flooring. The existing roadway which was the property of the Railway Administration was along the railway track and in the proposed rearrangement of the bridge flooring it was inconvenient to keep it there. The Agent, however, reported that road facilities could be provided in connection with the Kotri Bridge Project on cantilevers outside the railway girders for one way traffic in each direction, the cantilevers balancing one another. The estimated cost of this work based on using second hand material available from the reconstructed girders was put down at Rs. 4,61,400. In addition to this there was the cost of strengthening the main girders to take road cantilevers with their load and this was estimated to cost Rs. 2,89,900. The Agent therefore enquired of this Government whether for purposes of Civil Administration a roadway on the bridge was required and, if so, whether the Bombay Government were prepared to contribute towards the cost of the works. The Commissioner in Sind and the Chief Engineer in Sind who were consulted in the matter reported that the abolition of the road-bridge would be a most retrograde step, for, if Sind was ever to be opened up and road traffic to increase, a road bridge at Kotri was indispensable. It was brought to the notice of Government that if the roadways were not constructed at the time of reconstruction of the Railway bridge, new steel would have to be used and the cost of both the works would amount to Rs. 10,15,000. Government therefore accepted the liability amounting to Rs. 7,51,300 (Rs. 4,61,400 + Rs. 2,89,900) and asked the Railway authorities to carry out the works.

In the existing financial circumstances the work could not be financed from the ordinary revenues of the Province. The question of meeting the cost from the petrol tax fund was therefore considered. The Kotri Bridge being on the Kotri-Hyderabad Section of the Karachi-Hyderabad Rohri-Punjab Road—a class I road—was eligible for being financed from that source. Further, this work was considered to be of all-India importance for which kind of works the Government of India could contribute half the amount out of their reserve in the Road Development Account. The Government of India were accordingly approached for a contribution for this work but they did not agree to the proposal. Hence the entire cost of the work fell upon the ordinary share of this Government in the petrol tax fund. In the meantime, the Railway authorities proceeded

[Appendix 25—contd.]

with this work and raised a debit of Rs. 3,95,047 during the year 1931-32, which the Accountant General, Bombay, had no alternative but to accept on behalf of this Government. As the question of a contribution was under correspondence with the Government of India for a long time, the financial year 1931-32 had closed by the time their final orders were received. Owing to this, no allotment could be sanctioned for this work during 1931-32, though there were sufficient savings in the petrol tax fund to meet the amount required. The total grant voted by the Legislative Council for 1931-32 under the head 41, Civil Works—Provincial (Partly Reserved and Partly Transferred), viz. Rs. 1,37,08,020 is not exceeded by the acceptance of the debit of Rs. 3,95,047. As, however, expenditure was incurred in 1931-32 on a work not provided for in the Budget for that year, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10. Government propose to levy tolls on the bridge roadway.

*Demand voted and now increased.*

41, Civil Works—Provincial (Partly Reserved and Partly Transferred).

Rs. 1,37,08,020 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 14th September 1932.

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APPENDIX 26.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM J. VAKIL.

Transferred 2. *Re-employment of Dr. Y. N. Kadam, Psyl. Ass. (Lond.), L.R.C.P. & S. (Ed.), L.R.F.P.S. (Glas.), as Superintendent, N. M. Mental Hospital, Naupada, Thana, on a new contract.*

As a measure of retrenchment Government decided in December 1931 to abolish the whole-time post of Superintendent, N. M. Mental Hospital, Naupada, Thana, in the scale of Rs. 500—50—900 and to appoint the Civil Surgeon, Thana, to hold the Superintendentship of the Mental Hospital as a collateral charge with a special pay of Rs. 150 per mensem. Dr. Y. N. Kadam, the incumbent of the post, was accordingly served with a notice of discharge and his services were terminated on 17th March 1932. The abolition of the post of Superintendent, N. M. Mental Hospital, Thana, was a step which Government undertook with great reluctance, and their action was subsequently criticised in the Council. On a further consideration of the case Government decided to create a temporary post of Superintendent, N. M. Mental Hospital, Thana, on a reduced pay of Rs. 450 per mensem for a period of two years with effect from 18th March

[Appendix 26—contd.]

1932 and to re-appoint Dr. Y. N. Kadam to hold it on a new contract on the understanding that he would not be subjected to the 10 per cent. cut in pay and that, in respect of his past service, he would not receive any gratuity and the pension admissible to him would be withheld during the period of his re-engagement. These terms have been accepted by Dr. Kadam and he has been re-engaged with effect from 18th March 1932. The creation of this temporary post involves some extra cost to Government against which there is a saving on account of the special pay of Rs. 150 per mensem payable to the Civil Surgeon, Thana, for holding the Superintendentship, of the Mental Hospital as a collateral charge and of the monthly pension of about Rs. 118 admissible to Dr. Kadam which is to be withheld during the period of his re-engagement. In addition Government will also save the amount of gratuity admissible to Dr. Kadam in respect of his past service. The grounds which led Government to restore the post of Superintendent, N. M. Mental Hospital, Naupada, Thana, are that Naupada is by far the largest Mental Hospital in the Presidency apart from Yeravda having accommodation for 318 inmates as against 176 at Ratnagiri, the next largest institution. Dr. Kadam gives lectures at the Grant Medical College on mental diseases. This Mental Hospital is a training centre for the students at the Grant Medical College and the Gordhandas Sunderdas Medical College and it would be a retrograde step to deprive the Bombay Medical students of the opportunities of study under Dr. Kadam, the only trained alienist in the Presidency apart from the Superintendent of the Yeravda Mental Hospital. The expenditure on account of this post will be met from the savings in the provision made in the current year's budget under "32-Medical—Transferred". As the expenditure in question relates to a new service the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

32-Medical (Transferred).

Rs. 44,48,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 26th July 1932.

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APPENDIX 27.

STATEMENT OF DEMAND FOR SUPPLEMENTARY  
GRANT.

The Honourable Mr. W. F. HUDSON, C.I.E., I.C.S.

Reserved 3. *Formation of Plant Division.*

Under the provisional reorganization scheme of the Public Works Department in Sind the Lloyd Barrage Circle of the Lloyd Barrage and Canals Construction with its five Divisions viz., Right Works

[Appendix 27—*contd.*]

Division, Left Works Division, Transport and Supply Division, River Works Division and Power Supply Division, were to continue until their necessity ceased or till 30th June 1932, whichever was earlier. The Lloyd Barrage Circle and its five Divisions were, however, actually abolished as from the 28th April 1932. The salvage value of buildings and tools and plant of the late Lloyd Barrage Circle is estimated at Rs. 55 lakhs. There is reason to hope that this salvage value will be fully realised, but its realization is contingent on the disposal of surplus plant and machinery being directed and controlled with the maximum of efficiency and this can only be possible through the agency of an independent Division responsible therefor. The Chief Engineer in Sind accordingly proposed that a new Division, known as Plant Division, should be formed for the purpose after the abolition of the Lloyd Barrage Circle with its five Divisions. The Chief Engineer's proposals regarding the reorganization of the Public Works Department in Sind, including the division mentioned above, were provisionally accepted by Government in November 1931, as suitable and necessary as far as the end of the financial year 1932-33. The provisional reorganization of the Public Works Department in Sind on these lines was shown in the form of a chart in the Appendix to the official pamphlet—"Sind and Lloyd Barrage, Fourth edition (as revised up to December 31st, 1931)"—issued to all Members of the Legislative Council. Though the formation of the Plant Division was thus approved by Government in November 1931, provision for it could not be made in the current year's budget estimates as the question of strength of establishment to be provided for was still under discussion and as it was not possible to submit at that date a detailed demand for the sanction of Council. At the same time it was not possible to entrust the heavy and onerous duty of collection and storage of scattered costly heavy plant and machinery to any other Divisions in Sind. It was, therefore, absolutely necessary that the formation of the separate Division should be carried into effect as early as possible, as any delay therein would have involved Government in the danger of a serious loss. In these circumstances and in view of the extreme urgency of the case Government have sanctioned the formation of the Plant Division up to the 31st March 1933, with effect from the 28th April 1932 under the direct control of the Chief Engineer in Sind, with headquarters at Sukkur. The Chief Engineer has, however, been instructed to close it down earlier than the 31st March 1933, if collection, storage and disposal of surplus plant can be expedited to allow of this being done.

2. The following establishment has also been sanctioned for the Plant Division :—

Establishment.	Period.
1 Executive Engineer on Pay of Rs. 1,535 per mensem plus Rs. 400 Overseas Pay ..	}
1 Assistant Executive Engineer at Rs. 1,050 per mensem .. ..	
3 Supervisors at Rs. 318 per mensem each ..	
	10 months.



[Appendix 27—concl'd.]

Establishment.	Period.
1 Supervisor at Rs. 342 per mensem ..	} 2 months.
1 Supervisor at Rs. 246 per mensem ..	
1 Supervisor at Rs. 105 per mensem ..	5 months.
1 Storekeeper at Rs. 200 per mensem ..	8 months.
1 Storekeeper at Rs. 130 per mensem ..	2 months.
1 Assistant Storekeeper at Rs. 100 per mensem ..	8 months.
1 Accountant at Rs. 180 per mensem ..	} 10 months.
1 Head Clerk at Rs. 160 per mensem ..	
1 Senior Accounts Clerk at Rs. 125 per mensem ..	
1 Clerk at Rs. 100 per mensem ..	
1 Clerk at Rs. 85 per mensem ..	
1 Clerk at Rs. 80 per mensem ..	
3 Clerks at Rs. 70 per mensem each ..	
1 Senior Sub-divisional clerk at Rs. 70 per mensem ..	
1 Junior Sub-divisional clerk at Rs. 50 per mensem ..	
1 Draftsman at Rs. 115 per mensem ..	
1 Assistant Draftsman at Rs. 100 per mensem ..	
1 Tracer at Rs. 65 per mensem ..	
2 Naiks at Rs. 22 per mensem each ..	
3 Peons at Rs. 20 per mensem each ..	
1 Tyndal at Rs. 22 per mensem ..	
13 Khalasis at Rs. 20 per mensem each ..	

## 3. The extra cost on account of the creation of the Plant Division

	Rs.	
*Establishment ..	55,070	Rs. 59,620*
Travelling allowance ..	3,050	
Contingencies ..	1,500	
	<u>59,620</u>	

during the current year amounts to Rs. 59,620\* and it will be debited to the head "55" and met partly from the current year's grant for "establishment" and partly from that for "works" under that head placed at the disposal of the Chief Engineer. As the expenditure incurred is on a new service and as the funds have been made available by savings within the same grant, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

"55-Construction of Irrigation, Navigation, Embankment and Drainage Works—(Lloyd Barrage and Canals Construction—Reserved)"

Rs. 1,02,28,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 9th August 1932.

## APPENDIX 28.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 4. *Constitution of the Chief Account Office for the Excise Department.*

Prior to the amalgamation of the non-gazetted staff of the Salt and Excise Departments in 1920, the auditing and accounting of excise expenditure in each district of the Presidency proper devolved on the Treasury Officer. After the amalgamation the excise account work was centralised in the Chief Account Office of Customs, Salt and Opium. A temporary staff (consisting of 1 Assistant Accountant, 2 Auditors and 4 clerks) was then sanctioned for the work and its cost debited to "6, Excise." Subsequently in view of the fact that work in connection with the collection of duty and issue of permits was entrusted to the Chief Account Officer, additional permanent staff (consisting of 1 Supervisor, 1 Shroff and 2 clerks) was entertained. In 1922 two clerks were retrenched in consequence of a reduction in excise audit work. In 1924 the Salt and Excise Departments were separated. Experience meantime had showed that the centralization of the excise account work in the Chief Account Office of Customs, Salt and Opium was a distinct advantage compared with the former unsatisfactory system of making payments to the mofussil establishments at the district treasuries. The establishment began to get their pay without delay and travelling allowance and contingent bills were properly audited before payment. Above all the Chief Account Officer began to maintain a close watch over the flow of expenditure against the sanctioned budget grants—a very important and responsible function which has devolved on heads of departments under the Reforms Scheme of 1919. The Commissioner of Excise was thus able to watch the expenditure of the Presidency proper as a whole and could obtain statistics of expenditure without the delay which was previously involved in having to collect them from 20 districts for consolidation in his own office. With the approval of the Government of India, the excise work was therefore allowed to continue from year to year at the Chief Account Office of Customs, Salt and Opium on payment by the Bombay Government of  $\frac{1}{3}$ th of the cost on account of the pay and allowances of the Chief Account Officer. In 1931 the Government of India, however, desired to discontinue this arrangement and asked the Government of Bombay to make their own arrangements for the conduct of excise account work.

2. The excise account work done in the Chief Account Office of Customs, Salt and Opium did not represent the total excise account work of the Department. The compilation of statistics and checking of excise revenue statements from districts was done in the Commissioner's office while the checking of foreign liquor shop accounts, assessment of vend fee and issue of permits was done in the Vend Fee Office. In order to co-ordinate all the account work a scheme was prepared for the constitution of a

[Appendix 28—*contd.*]

separate Excise Account Office in charge of a gazetted officer by amalgamating the staffs engaged on excise account work in the following offices :—

- (1) The Chief Account Office of Customs, Salt and Opium.
- (2) The Vend Fee Office.
- (3) The Commissioner's Office.

The new Chief Account Office of Excise was brought into effect from 1st May 1932, the date from which the arrangements for the excise account work in the office of the Chief Account Officer of Customs, Salt and Opium were terminated. The new office consists of the following staff:—

No. of Post.	Designation.	Scale of pay.
		Rs.
1	Chief Account Officer of Excise.	300—15—420—20—500 <i>plus</i> Bombay compensatory allowance (average Rs. 70 per mensem).

*Ministerial Staff.*

1	Head Accountant	.. 200—10—250.
1	Deputy Accountant	.. 150—5—200.
3	Auditors*	.. 125—5—175.
1	Shroff†	.. 60—4—100—3—160 <i>plus</i> special pay Rs. 30.
8	Clerks†	.. 60—4—100—3—160.
3	Clerks	.. 50—5/2—90—5—140.
2	Candidates	.. 40-0-0 (each).

*Menials.*

1	Daftarband	.. 30-0-0.
1	Naik	.. 24-0-0.
3	Peons	.. 20-0-0 (each).

(\*The revised pay for new entrants has been fixed at Rs. 110—5—155).

(†The revised pay for new entrants has been fixed at Rs. 50—5/2—90—5—140).

The average monthly cost of the former arrangements amounted to Rs. 2,889-13-0. The average monthly cost of the staff in the new office amounts to Rs. 2,803-15-0. There will thus be a net saving of Rs. 85-14-0 per mensem or Rs. 1,030-8-0 per annum. In view, however, of the creation of a post on Rs. 300—500 and other changes involved, the scheme is considered as a new service requiring the sanction of the Legislative Council to a token grant of Rs. 10.

*Demand voted and now increased.*

Rs. 54,40,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 16th August 1932.

## APPENDIX 29.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL, Kt.

*Transferred 5. Extension of the Nasik Road Central Prison.*

In order to provide additional accommodation for prisoners convicted in connection with the civil disobedience movement, the Inspector General of Prisons, in April 1932, submitted his proposals for the construction of a tented extension inside the walls of the existing Nasik Road Central Prison. By erecting this extension inside the main wall of the prison it was possible to economise in building material, staff, equipment, offices and godowns and additional water supply and lighting. As the matter was urgent, especially in view of the advent of the monsoon, Government approved of the work, estimated to cost Rs. 18,247. The actual allotment asked for by the Superintending Engineer, Central Circle, for expenditure on the work was Rs. 17,200 as it was estimated that the jail labour could carry out useful work to the extent of approximately Rs. 1,000. Government have authorised the Superintending Engineer to incur expenditure to the extent of Rs. 17,200. Along with the work, lighting arrangements were also necessary and hence an estimate amounting to Rs. 1,193 for providing electric installation was approved by Government.

The total amount required for the work thus comes to Rs. 18,393 and it will be made available by Government later on from savings in the current year's grant under the head 41-Civil Works, Provincial (Partly Reserved and Partly Transferred). As however the expenditure on the work is of the nature of a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41-Civil Works, Provincial (Partly Reserved and Partly Transferred).

Rs. 1,27,90,000 + Rs.10.

FINANCE DEPARTMENT :

Bombay Castle, 26th August 1932.

## APPENDIX 30.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

*Transferred 6. Expenditure in connection with the experimental consignment of mangoes to England.*

The Empire Marketing Board was willing to co-operate in a scheme of experimental consignment of mangoes to England. It was therefore arranged between the Board and the Horticulturist to Government that

[Appendix 30—*contd.*]

ten successive weekly shipments, each of 100 trays, over the period from the middle of April till the end of June, should be consigned to the Secretary of the Empire Marketing Board. The Board undertook to make a detailed examination of the fruit, retain samples under observation and hand over the bulk of the consignments to suitable firms for marketing. The Imperial Council of Agricultural Research agreed to finance the scheme at a cost of Rs. 4,000. This amount was required for meeting the expenses in connection with the purchase of the fruits, packing cases, freight charges, etc. Government undertook to assist in the matter and authorised the Director of Agriculture to serve as agent for the purchase and shipment of the mangoes. An allotment of Rs. 4,000 was provisionally placed at his disposal to finance the operations pending the receipt of the amount from the Imperial Council, which has been recently remitted. As the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

34-Agriculture—Transferred.

Rs. 23,96,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 29th August 1932.

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APPENDIX 31.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

THE HONOURABLE MR. W. F. HUDSON.

**Reserved 7.** *Raising and strengthening of the Unharwah Right Bank Manguli and bringing it to standard cross section of a river embankment.*

As the Unharwah Right Bank Manguli was not up to the standard bund section, it was necessary to bring it to the standard river bund section and to carry out thorough repairs as required by the Indus River Commission specifications for river bunds. If this Manguli breached or over-topped, the Haibat Loop behind would be in danger as it is also not of the standard section. A breach in the Haibat Loop would cause enormous loss to Government as well as the public. A very large area of valuable land and several towns and villages would be flooded and the direct loss to Government caused through damage to irrigation works

[Appendix 31—*contd.*]

and loss of revenue would probably be not less than Rs. 10 lakhs in addition to that involved on account of expenditure on relief measures, takavi, etc. The loss to the people on account of damage to crops, buildings, etc., would be probably not less than one crore of rupees. In the circumstances it was absolutely necessary to carry out the work before the current abkalani, and the Chief Engineer in Sind was accordingly authorised to commence it in April last. The work, which is classified under the head "15-Other Revenue expenditure financed from ordinary revenues", has been completed at a cost of Rs. 12,794 and this amount will be met by reappropriation from savings in the current year's grant under the heads "XIII" and "15". As, however, the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

"XIII-Deduct-Working Expenses", "15-Other Revenue Expenditure Financed from Ordinary Revenues", and Refunds of Revenue under the heads "XIII" and "XIV"—Reserved.

Rs. 64,01,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 29th August 1932.

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APPENDIX 32.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

Reserved 8. "26-Police".

*Replacement of two motor lorries by new ones for the Bombay City Police Force.*

The equipment of the motor transport section of the Bombay City Police includes two Albion lorries, which were bought in 1924 and are now completely worn out. These lorries are used for relieving guards in ordinary times and for the rapid conveyance of armed police in times of disturbances, etc. They are now so old that they are continually breaking down, and their general condition is so bad that it is no longer financially sound to go on repairing them.

The recent communal riots in Bombay City have conclusively proved that the motor transport section of the Police force must be kept up to strength. The replacement of the two worn out lorries was therefore

[Appendix 32—*contd.*]

an urgent need and Government accordingly sanctioned the purchase of two three-ton Morris Commercial chassis and the construction of bodies thereon at a total cost not exceeding Rs. 18,350.

The cost is proposed to be met by reappropriation from savings in the grants under the head "26-Police" but as, on account of the amount of the expenditure, it must be regarded as relating to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

Rs. 1,74,00,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 30th August 1932.

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### APPENDIX 33.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL.

Transferred 9. *Communication works financed from the petrol tax fund.*

It is now understood that there will be more money available from the Central Road Development Account for expenditure in this Presidency than was expected when the budget estimates were framed. The approval of the Legislative Council is, therefore, requested to the expenditure entered in the fifth column of the appended statement. Items 1 to 17 and 19 are works in progress. Items 20 to 25 are new experimental works, and half of the cost of items 20 to 24 will be met from the central reserve fund. All of the works have been approved by the Provincial Road Board.

*Demand voted and now increased.*

41-Civil Works—Provincial (partly Reserved and partly Transferred).

Rs. 1,27,90,000 + Rs. 3,74,000.

FINANCE DEPARTMENT :

Bombay Castle, 8th September 1932.

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APPENDIX 33—*contd.*

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*Statement showing the additional amounts required during the year 1932-33 for certain Communication works financed from the petrol tax fund.*

Name of work.	Amount of estimate.	Expenditure to end of 1931-32.	Provision for 1932-33.	Additional amount now asked for.	Remarks.
1	2	3	4	5	6
<i>Bombay-Ahmedabad-Rajputana Road.</i>					
1. Constructing link road from Damanganga to Vapi (2 miles) on Talasari-Vapi Section in the Surat and Broach Division.	40,766	464	12,000	9,700	
2. Constructing bridges, etc., on Surat-Sahol Section in the Surat and Broach Division.	48,640	33,908	.....	9,400	The work is expected to be completed during the current financial year.
3. Improving miles 4 to 9/8 of Matwad-Navsari Section in the Surat and Broach Division.	1,15,197	81,595	80,000	15,000	
4. Improving Manor-Varoti Section in the Thana Division.	2,00,810	81,955	45,000	5,000	
5. Diversion round Pardi on Vapi-Bulsar Section in the Surat and Broach Division.	34,257	432	13,400	13,000	The estimate is under revision.
<i>Bombay-Agra Road.</i>					
6. Diversion of Bombay-Agra Road round Thana town on Sion-Thana Section in the Thana Division.	99,493	203	21,000	15,000	
<i>Bombay-Poona-Bangalore Road.</i>					
7. Resurfacing with asphalt the approach portion to Poona, 5 miles on each side on Bombay-Poona Section in the Poona Division.	28,650	22,650	.....	900	The work is expected to be completed during the current financial year.

8.	Making improvements to low-lying miles 75 to 84 on Poona side of Khandala on Khandala-Poona Section in the Poona Division.	2,82,966	75,780	65,000	82,000
9.	Asphalting the road between Hubli and Bhairi-Devarkoppa in the Dharwar Division.	99,189	28,000	44,000	18,500
	<i>Dhulia-Lhusawal-Edlabad-Nagpur Road.</i>				
10.	Bridges between Bhusawal and Warangaon on Bhusawal-Edlabad Section in the Khandesh Division.	47,858	48,916	...	1,200
	<i>Bombay-Konkan-Goa Road.</i>				
11.	Masonry drains with reinforced cement concrete slabs over 146 nallas on Vadkal-Mahad and Mahad-Poladpur Sections in the Ratnagiri Division.	8,15,878	59,982	40,000	79,000
12.	Bridge over the Gad river near Kankavli on the Section from Phonda to border of Ratnagiri near Kankavli in the Ratnagiri Division.	1,47,111	11,932	30,000	11,000
13.	Bridge over the Junaoli river on Malwan-Phonda Section (Phonda to Kankavli) in the Ratnagiri Division.	1,87,069	8,489	30,000	11,500
14.	Bridge over the Kasal river on Malwan-Phonda Section (border of Ratnagiri to Kasal) in the Ratnagiri Division.	1,06,998	.....	30,000	5,000
15.	Constructing 8 masonry bridges over the Linga, Ratambi and Umroth Nallas in miles 29-39 of Malwan-Phonda Road in the Ratnagiri and Belgaum Divisions.	64,911	36,580	16,000	10,000
	<i>Sholapur-Bijapur-Hubli Road.</i>				
16.	Causeway over Bonni Nalla between Navalgund and Nargund in the Dharwar Division.	83,318	10,496	20,000	7,500

The additional amount is required to pay off the contractor's bills.

The work is expected to be completed during the current financial year.

Name of work. 1	Amount of estimate. 2	Expenditure to end of 1931-32. 3	Provision for 1932-33. 4	Additional amount now asked for. 5	Remarks. 6
<i>Karachi-Hyderabad-Rohri-Punjab Road (East Road).</i>	Rs.	Rs.	Rs.	Rs.	
17. Improvements to the section from Hyderabad to Hala in No. IV Division, Rohri Canal.	99,265	.....	14,400	13,000	
18. Improvements to the section from Sakrand to Moro in No. III Division, Rohri Canal.	65,871	.....	.....	60,000	
<i>Kotri-Dadu-Shikarpur-Baluchistan Road (West Road).</i>					
19. Brick-paving the Shikarpur-Kotri, Baluchistan Section in a width of 12' and surfacing it with a 2" thick carpet of sand and bitumen in the Begari Canals Division.	1,50,340	62,006	30,000	29,000	
<i>Experimental Works.</i>					
20. Providing semi-grouted 2" asphalt macadam surface in mile 5/4 to 5/7 of Bandra-Ghod-bunder Road in the Thana Division.	16,183	... ..	.....	8,000	
21. Providing a full grout asphalt macadam surface 2" thick (using overburnt brick bats as aggregate) for the Eastern approach of the Ellis Bridge, Ahmedabad.	5,303	.....	.....	2,600	
22. Providing a semi-grout asphalt macadam surface 2" thick (using overburnt brick bats as aggregate) in mile No. 2 of Ahmedabad-Bareja Road in the Ahmedabad Division.	15,060	.....	.....	7,400	Half of the cost of these works will be met by the Government of India from their reserve in the Road Development Account.
23. Providing 2½" (brick) asphalt macadam (full grout) over brick-on-edge soling 4½" deep in furlong 15/1 of Sanand-Viramgam Road in the Ahmedabad Division.	3,816	.....	.....	1,900	

24.	Providing 2½" (brick) asphalt macadam (full grout) on a foundation consisting of brick-on-edge soling 4½" deep on top in furlong 15/2 of Sanand-Virangam Road in the Ahmedabad Division.	4,622	.....	.....	2,800
25.	Providing cement concrete road surface for the Western approach of the Ellis Bridge, Ahmedabad.	5,887	.....	.....	5,800
	Total ...	.....	.....	.....	8,74,000

## APPENDIX 34.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL.

Transferred 10. *Improvements to Dharamtar-Mahableshwar Road by raising certain portions in Section I from Dharamtar to Mahableshwar (miles 49 and 50).*

The work of constructing masonry drains with reinforced cement concrete slabs over 146 nallas on Vadkal-Mahad and Mahad-Poladpur Sections of Dharamtar-Mahableshwar Road has been sanctioned by Government at an estimated cost of Rs. 3,15,373. The work is in progress since the year 1931-32. A provision of Rs. 40,000 has been made for it in the current year's Budget of 41-Civil Works—Provincial from the Petrol tax fund and an additional allotment of Rs. 79,000 is proposed to be sanctioned to pay off the Contractor's bills after obtaining a supplementary grant from the Legislative Council, *vide* Demand No. 9. The Superintending Engineer, Southern Circle, now reports that this work is almost complete, except on three drains Nos. 307, 313 and 314 which are situated in miles Nos. 49 to 50 of Dharamtar-Mahableshwar Road. The Superintending Engineer further reports that the work of improving miles Nos. 49 and 50, which is only a part of the work of improving Dharamtar-Mahableshwar Road by raising certain portions in Section I from Dharamtar to Dasgaon (miles 13 to 50) and which was sanctioned by Government in April 1932 at an estimated cost of Rs. 66,825, overlaps the portion of the road where the three drains referred to above are to be constructed. If these works (drains as well as improving miles 49 and 50) are to be carried out simultaneously, the Superintending Engineer reports that a saving of Rs. 1,448 can be effected together with the following further advantages:—

(a) The diversion road will be prepared only once instead of twice and the traffic which is very heavy on this road will be much less inconvenienced. It is very difficult to maintain a diversion on account of the heavy traffic on this road.

(b) Consolidation of the road metal will be done only once instead of twice.

(c) Before the new bank is formed, old metal consolidated on completion of drains will have to be scraped off resulting in extra cost.

(d) Masonry work once done as per sanctioned design will have to be opened out again soon after, for raising in order to suit the raised embankment.

(e) Hard murum filling below metal will be required only once.

[Appendix 34—contd.]

(f) There will be a saving in establishment charges as no extra establishment will be required for supervising the work of raising portions in these two miles.

The Superintending Engineer estimates the cost of improving miles 49 and 50 at Rs. 25,674 which, after taking into account the saving of Rs. 1,448 mentioned above, will be Rs. 24,226, or say Rs. 24,000. Government approve of the Superintending Engineer's proposal to carry out these 2 works simultaneously. The amount required will be made available by Government from anticipated savings in the current year's provision for petrol tax works under the head 41-Civil Works—Provincial. As the expenditure relates to a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10. The remaining portion (miles 13 to 48) will be taken up hereafter as funds permit.

*Demand voted and now increased.*

41-Civil Works—Provincial (partly Reserved and partly Transferred).

Rs. 1,27,90,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 8th September 1932.

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#### APPENDIX 35.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

Reserved 11. *Raising and strengthening Saidabad Jhalli Bund in miles 29/0 to 37/0.*

The Saidabad Jhalli Bund formed the right bank of the Ghar Canal in part of its length. This Canal flowed unregulated and in consequence its banks were not subjected to full pressure of the high flood level of the river Indus. The Ghar Canal above mile 8/5, i.e. above the point of crossing of the new Dadu Canal, has now been closed off and abandoned and the bund is subjected directly to the full high flood level of the river. In case of high inundation the country on the left of the Dadu Canal would in these circumstances have been flooded and the Dadu Canal and North Western Railway line would have been in danger of breaching involving very heavy loss to the public and to Government. It has therefore been absolutely necessary to carry out the work and the Chief Engineer in Sind was accordingly authorised to commence it in May last.

[Appendix 35—*contd.*]

The work, which is classified under the head "15-Other Revenue Expenditure financed from Ordinary Revenues", is expected to be completed at a cost of Rs. 13,990, which will be met by reappropriation from savings in the current year's grant under the heads "XIII" and "15". As, however, the expenditure in question relates to a new service the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

"XIII—Deduct—Working Expenses", "15—Other Revenue Expenditure financed from Ordinary Revenues" and Refunds of Revenue under the heads "XIII" and "XIV"—Reserved.

Rs. 64,01,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 8th September 1932.

### APPENDIX 36.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 12. *Expenditure in connection with the Sugarcane Research Scheme for the Bombay Deccan.*

At the February-March session of 1932, the Legislative Council sanctioned a token grant of Rs. 10 in connection with the Sugarcane Research Scheme for the Bombay Deccan. A large part of the grant of Rs. 57,473 allotted last year from the funds of the Imperial Council of Agricultural Research remained unutilised owing to the delay involved in the selection and appointment of the three principal officers required for the scheme. Ultimately it was decided, in consultation with the Imperial Council of Agricultural Research, to appoint Rao Saheb B. P. Vagholkar, Deputy Director of Agriculture, as Agriculturist-Officer in charge of the scheme, Dr. J. K. Basu as Soil Physicist and Dr. R. D. Rege as Crop Physiologist. The total expenditure on the scheme during the year 1932-33 is estimated at Rs. 1,38,497, details of which are shown in the appended statement. To meet this expenditure an amount of Rs. 51,515, being the balance of the grant made by the Imperial Council of Agricultural Research, which remained unutilised last year, is available. A provision of Rs. 23,000 has also been made in the current year's estimates under the head "34, Agriculture" as the contribution of the Local Government towards the cost of the scheme. The balance of Rs. 63,982

[Appendix 86—*contd.*]

(or Rs. 64,000 in round figures) will be met from the funds of the Imperial Council of Agricultural Research. As the sanctioned grant of Rs. 23,000 for the current year will be increased by the expenditure to be met from the funds of the Imperial Council of Agricultural Research, the expenditure is brought to the notice of the Legislative Council. The sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

34, Agriculture (Transferred).

Rs. 23,96,000 + Rs. 10.

FINANCE DEPARTMENT:

Bombay Castle, 10th September 1932.



[Appendix 36—contd.]

## STATEMENT SHOWING DETAILS OF THE EXPENDITURE OF Rs. 1,38,497.

## Capital Cost.

	Amount.	Remarks.
	Rs.	
(1) Construction of buildings ...	25,764	It has been possible to economise the cost on the construction of buildings by securing lower rates and by reducing the size of certain buildings.
(2) Outlet and special supply channel from the main canal constructed by the Public Works Department.	4,224	
Total ...	29,988	This item was not included in the original estimates. After selecting the site for the new station it was deemed advisable to have a special outlet and supply channel from the Nira Right Bank Canal.
(3) Equipment—		
<i>I—Live Stock and Dead Stock—</i>		
(a) Purchase of cattle ...	2,100	
(b) Purchase of implements ...	1,308	
(c) Weigh-bridge and weighing machines.	1,927	
(d) Rain-gauge ...	50	
(e) Cane-crushing mills and accessories.	9,894	
(f) Office furniture ...	600	
(g) Reference books ...	1,000	
(h) Water measuring devices ...	6,498	
Total ...	28,372	
<i>II—Land Improvement—</i>		
(1) Fencing ...	3,889	
(2) Levelling land, making channels, etc.	3,800	
(3) Land acquisition ...	400	
<i>III—Laboratory fittings and apparatus.</i>		
	9,996	
Total ...	17,065	

[Appendix 36—concl.]

Recurring Expenditure.

	Amount.	Remarks.
	Rs.	
<i>Pay of Officers—</i>		
Agriculturist-Officer in charge of the Scheme on Rs. 680 in the scale of Rs. 320—40—1,200.	5,688	These provisions take into account the emergency out of 10 per cent.
Soil Physiologist on Rs. 400 in the scale of Rs. 320—40—1,200.	3,240	
Crop Physiologist on Rs. 400 in the scale of Rs. 320—40—1,200.	2,890	
Total ..	11,808	
<i>Pay of Establishment—</i>		
Six Graduate Assistants	9,567	
Six Non-Graduate Assistants	2,230	
Three Clerks and Storekeepers	1,824	
One Engine Driver	648	
One Laboratory Assistant	530	
Five Laboratory Boys	738	
Five peons and watchmen	942	
Total ...	16,479	
<i>Allowances—</i>		
Travelling allowance	3,500	
Conveyance allowance	2,315	
Total ...	5,815	
<i>Contingencies—</i>		
Rents, rates and taxes	1,650	
Office Expenses and Miscellaneous	1,000	
Service Postage and Telegrams	800	
Cultivation charges	23,000	
Materials and Wages	8,000	
Total ...	33,350	
Grand Total ...	1,88,497	

## APPENDIX 37

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL.

Transferred 13. EXTENSION OF THE PERIOD OF THE POST OF LAY SECRETARY, J. J. GROUP OF HOSPITALS.

*Payment of the honorarium of Rs. 300 per mensem for 4 months to Lieutenant-Colonel H. G. Dyer, R.A.S.C. (Retired), Lay Secretary, J. J. Group of Hospitals, to scrutinise all voted expenditure on St. George's Hospital.*

In the J. J. Group of Hospitals there are now over 500 beds occupied, and, when the extra 300 beds provided from the Governor's Fund are put into use, the total bed accommodation will be over 800. In order to relieve the Medical Superintendent and the other medical and teaching staff, both paid and honorary, of all administrative work a post of Lay Secretary was created in 1930 for this Group of Hospitals for 2 years in the first instance on pay of Rs. 1,000 per mensem plus the usual Bombay House Rent Allowance. Lieutenant-Colonel H. G. Dyer, R.A.S.C. (Retired), was appointed to this post and he took charge of his duties on the 8th October 1930. This officer by opening a central supply office for the different hospitals forming the group and by concentrating the general lay administration of the hospitals has been able to effect considerable improvement in administration as well as economies. The economies effected are shown in the statement embodied in the Surgeon General's note which is appended. The Lay Secretary has been able to show a net saving of Rs. 54,000 yearly or the daily cost per patient has been brought down from Rs. 1-13-4 to Rs. 1-5-6. In order to obtain favourable rates from contractors for various hospital supplies the Lay Secretary has been empowered to call joint tenders for all the Bombay hospitals. The pooling of hospital contracts has thus also led to a certain saving of expenditure to Government. The appointment has been an unqualified success and the creation of the post has been fully justified. As the period of the post expires on 8th November 1932 (Lieutenant-Colonel Dyer has been allowed a month's extension in order to complete his work at St. George's Hospital) Government have decided to extend it for a further period of three years on the present terms but the Lay Secretary will also be required to look to the lay administration of such other Government hospitals in Bombay City as may be placed in his charge and in addition to act as an expert adviser to the Surgeon General on all matters connected with the lay administration of the hospitals of the Presidency which the Surgeon General may refer to him. As Lieutenant-Colonel Dyer is not willing to continue in the post on the terms offered to him by Government the post has been advertised by the Surgeon General. The approval of the Legislative Council is asked for to the continuance of this post as proposed above.

[Appendix 37—*contd.*]

During the budget discussion at the last Session of the Legislative Council an Honourable Member contended that compared with other Government hospitals in Bombay City the scale of expenditure at St. George's Hospital was excessive. In the course of the discussion, the Honourable Minister for Local Self-Government gave an assurance to the House that the accounts of this hospital would be looked into and every possible economy devised. The Honourable Minister further undertook to depute the Lay Secretary to do this work. In fulfilment of this promise Lieutenant-Colonel H. G. Dyer has been appointed for a period of 4 months from July last to examine the whole system of accounts and expenditure of St. George's Hospital, to suggest improvements and economies and to submit to the Surgeon General a report before the period of his appointment expires. As this work will not be completed before 7th November 1932, it has been decided to extend the period of the Lay Secretary's appointment at the J. J. Hospital by one month. For these additional duties at St. George's Hospital, Government have sanctioned to the Lay Secretary an honorarium of Rs. 300 per mensem for 4 months. As this expenditure, which will be met from savings under "32-Medical", relates to a new service the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

A copy of the note prepared by the Surgeon General on the Lay Secretary's work during 1930-32 is appended.

*Demand voted and now increased.*

32-Medical—Transferred.

Rs. 44,48,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 9th September 1932.

[Appendix 37—*contd.*]

### Note on the Lay Secretary's work.

During the last 20 years the activities of the J. J. and allied hospitals have been increasing considerably with the result that the Superintendent who is also a member of the professional staff found it impossible to look after the administrative part of his duties properly and the economy and efficiency were adversely affected. The present Superintendent of the J. J. Hospital brought this fact to the notice of the Surgeon General who investigated the question thoroughly and was convinced that in the interest of economy and efficiency the lay administration should be separate and under the control of an independent officer. The Superintendent whose hands were quite full with professional work, had neither the time to go into the details of accounts, diets, clothing and other matters in connection with the lay administration, nor had the requisite experience. The matter was represented to Government in 1930 and the post of the Lay Secretary for the J. J. Group of Hospitals was created and the administration of all the hospitals of this group which were managed independently by their respective Superintendents, was placed under the control of an officer and in accordance with Government Resolution, General Department, No. 7849, dated 1st October 1930, Lieutenant-Colonel Dyer, R.A.S.C. (Retired), was selected for the post. The selection was indeed a very happy one as Lieutenant-Colonel Dyer possesses all the necessary qualifications for the post. The duties assigned to the Lay Secretary are :—

- (1) The Secretary will work under the immediate control of the Surgeon General.
- (2) All members of the Hospital staff must treat requisitions or requests for information received from the Secretary in connection with the discharge of his duties as proceeding from the Surgeon General and comply with them accordingly.
- (3) The Secretary will be in immediate charge of the hospital office, the stores Department, and all the staff concerned, and will have the duties and responsibilities of an officer exercising such immediate charge. He will be generally responsible for the internal economy of the Hospitals. More specifically—
- (4) He will see that the full amount of security is duly taken from the contractors and from the members of the office staff who

[Appendix 37—*contd.*]

are liable to give securities. He will also make proper arrangement for the safe custody of all securities deposited.

(5) He will examine all service books and see that they are kept in safe custody and are maintained up-to-date. He will deal with all cases of pension and gratuities and submit them with his remarks to the Surgeon General.

(6) He will pass all requisitions from the different wards and departments of the Hospitals for all stores of which a stock is maintained, unless such requisitions are excessive in which case he will refer them to the Superintendents concerned for scrutiny and if not satisfied will refer to the Surgeon General for orders.

(7) He will on receipt of requisitions for replacements or repairs of articles of furniture and equipment of the Hospitals satisfy himself by enquiry that such replacements or repairs have not been necessitated by an act of negligence on anybody's part. If he is not so satisfied he will make a special report to that effect to the Surgeon General.

(8) He will report to the Superintendent concerned and to the Surgeon General when the cost of diets exceeds the sanctioned scale.

(9) He will call for contracts, scrutinise tenders and examine the articles and stores supplied, both with regard to quality and quantity. He is however not empowered to accept contracts.

(10) He will see that the contractors keep to the terms and specifications of their respective contracts.

(11) He will examine the cash books and account books daily and will initial them in token of his having done so. He will verify the cash balance daily and will sign the cash book.

(12) He will see that all monies including paying patients' fees and confinement fees due to the hospitals are collected and credited to Government. He will grant and sign receipts for all payments.

(13) He will visit periodically the hospitals, kitchens, the stores and laundry house and keep himself in touch with all matters so far as they lie within the sphere of his duties.

(14) He will supervise the Trust Funds and other hospital funds and their accounts and see that the orders of the Surgeon General or the administrator of the funds concerned are carried out.

(15) He will closely scrutinise all expenditure and whenever the budget grants are likely to be exceeded he will bring the matter at once to the notice of the Surgeon General.

(16) He will bring to the notice of the Surgeon General all irregularities and all cases of wastage, loss and misuse, also any

[Appendix 37—*contd.*]

abnormal and excessive expenditure which comes to his knowledge.

(17) He will visit portions of the Hospitals daily to satisfy himself as to the internal management of the wards and various departments. He will be in close touch with Senior Resident Medical Officer in all matters that concern the strictly professional part of the Hospital—Complaints, offences, etc., of the menial staff.

(18) He will consult the Superintendent concerned in all matters concerning Hospital management so far as they come within the sphere of his duties.

Lieutenant-Colonel Dyer overhauled the whole of the administration after a careful study and managed to effect considerable economy. This was done not by cutting down any items of expenditure or reducing the diets, extras, clothing, medicines, etc., required for the patients but by pooling all the hospitals of the J. J. Group for the purposes of obtaining supplies by contract which secured much more favourable rates; by close supervision of the supplies received and of the diets and extras issued to patients; by carefully studying the market rates for all the items of supply including diets, clothing, medicines, sera, etc., and obtaining these at the most favourable rates and by exploring every avenue where economy was possible and by preventing waste and misappropriation.

The pooling of Hospitals for contract purposes was so successful that the system was extended to other Bombay Hospitals and from the commencement of the current financial year all Government Hospitals in Bombay are brought within its scope.

It might be stated that the scale of diets was not reduced or altered nor the extras prescribed by the Medical Officers cut down but the diets were issued as before and the Medical Officers were at liberty under the lay administration to prescribe any extras they considered necessary. Prior to 1930 it was found that the percentage of extras prescribed had risen to very abnormal figure of 44.9 per cent. in the J. J. Hospital while the normal figure should not exceed 15 per cent. On a careful scrutiny the abnormal rise was found to be due to several causes, the chief ones being (i) the want of appreciation of the value of the different types of basic diets by the Medical Officers who to supplement an unsuitable type of diet prescribed added extras like milk, sugar, rice, etc., while another type of diet which contained all these items could have served the purpose; (ii) want of proper supervision and scrutiny by the Medical Officer prescribing diets, etc., as very often the extras were allowed to be continued even after the need for them had passed and the patients were able to take ordinary diets. In some cases it was found that diets and extras were drawn for days even after the patients were discharged. The supervision by the Lay Secretary eliminated all these sources of waste.

[Appendix 37—contd.]

The statement given below shows at a glance the economy brought about by the Lay Secretary during the period of two years as compared with the expenditure for the year previous to his appointment:—

*Comparative statement showing expenditure at the J. J. Hospital on major fluctuating items before and after the appointment of the Lay Secretary.*

Period to which figures refer.	Diet of patients.	Clothing charges.	Medicines and Instruments.	Sera and vaccines.
	Rs.	Rs.	Rs.	Rs.
November 1929 to October 1930.	1,11,662	6,778	65,576	23,745
November 1930 to October 1931.	78,726	1,496	48,531	15,838
November 1931 to October 1932.*	59,560	1,304	32,672	6,454
Daily cost per patient for the same periods.	0 11 11-8	0 0 8-7	0 7 0-1	0 2 6-4
	0 9 0-4	0 0 1-9	0 5 6-8	0 1 9-8
	0 8 7-0	0 0 2-2	0 4 8-5	0 0 11-1

Period to which figures refer.	X-Ray articles.	Contract grant.	Total.	Daily average No. of in-patients.
	Rs.	Rs.	Rs.	
November 1929 to October 1930.	9,387	57,613	2,74,761	410
November 1930 to October 1931.	2,808	47,802	1,95,251	882†
November 1931 to October 1932.*	4,862	44,412	1,49,264	304†
Daily cost per patient for the same periods.	0 1 0	0 8 1-9	1 18 4-4	Before ap- pointment.
	0 0 3-8	0 5 5-8	1 6 4-5	After ap- pointment.
	0 0 8-4	0 6 4-8	1 5 6-0	After ap- pointment.

\* Obtained by doubling the actuals for six months, November 1931 to April 1932.  
 † 50 beds of the Killappa Balaram Pavilion closed down from July 1931.



[Appendix 37—*contd.*]

It will be seen that the daily cost of diet per head has come down from Re. 0-11-11·3 to 0-8-7 in two years and the total cost from Rs. 1-13-4·4 to 1-5-6. Considering the fact that the daily average of in-patients treated at this group of Hospitals exceeds 300 the total amount saved per annum is not an insignificant amount as shown below :—

The above statement does not include fixed items of expenditure viz., pay of the establishment, water and electric charges, laboratory supplies etc. However all these are being studied and scrutinised with a view to find means to reduce the cost without affecting the necessary supplies.

*Diets*.—The total cost of diets for the year ending 31st October 1930 viz., during the year previous to the creation of the post of the Lay Secretary was Rs. 1,11,662 for daily attendance of 410 in-patients viz., at the rate of Re. 0-11-11·3 per head, it was brought down to Rs. 78,726 for a daily average of 382 during 1930-31 viz., at the daily rate of Re. 0-9-0·4 per head. For the current year the expense under this head has come down to Rs. 59,560 for a daily average of 304 patients viz., Re. 0-8-7 per head. The percentage of saving for the first year has been 24·3 and for the second year 28·1 or in actual amount Rs. 25,310 and Rs. 23,223 respectively. Part of this saving has, no doubt, been due to fall in prices of food stuffs during the two years. It is not possible to compare the prices of many different items of food stuffs during the period of three years covered by this note as the fall has not been uniform in case of different items, but it might safely be said that the fall in case of all the articles taken together has not been more than 12 per cent. on the whole. Against this the considerable rise, during the last three years in all the items of foreign origin, might be set off. It might however be safely said that under the old system of administration by the Superintendent it is doubtful if full advantage could have been obtained of the fall in prices ; as it has been already stated that the Superintendent has neither the time nor the requisite experience to find out the current wholesale market rates.

*Clothing*.—The above table shows a reduction of 74·7 per cent. in the expenditure. This has been brought about by using up all the accumulation of previous years and limiting the purchase strictly to the quantities required for use during the year. A Central Linen Department was organised by the Lay Secretary for all the Hospitals of the group where clothing required for these institutions was turned out very economically. A saving of about Rs. 5,000 has been brought about annually under this heading alone.

*Medicines and Instruments*.—A saving of 32·7 per cent. has been brought about under this head. The actual saving, taking into consideration the number of in-patients during the years under consideration, has been Rs. 12,567 during 1930-31 and Rs. 15,915 during 1931-32. This result has been brought about by a careful study of the price of lint, cotton, wool and other supplies and surgical appliances and buying them at the most favourable rates.

[Appendix 37—concl'd.]

The quality of the articles purchased was inspected and approved by the Superintendents of the Hospitals and no complaints received from the Medical Officers.

*Sera and Vaccine.*—The cost was brought down by 63·5 per cent. This was done by the adoption of a contract system and the contract for all sera and vaccines purchased was given to reliable firms who not only quoted favourable rates but offered a substantial commission of 30 per cent. on all purchases. It might be stated that no complaint has been received from the Medical Officers about the quality of sera and vaccines and in case of antitetanic serum whose price has been reduced by 50 per cent. the results have been more favourable than the more expensive stuff purchased at retail prices from other firms.

*Articles of X-Ray etc.*—By similar system of scrutiny of the current prices, wholesale purchase and supervision the cost has come down by about 30 per cent. in two years causing an annual saving of very nearly Rs. 5,000.

*Contract grant.*—There has been a slight rise under this head which is due to increased consumption of gas, electricity etc., and slight rise in price of miscellaneous articles purchased under this head.

It will be seen from the above statement that the net saving of Rs. 60,745 has been effected during the year 1930-31 and Rs. 54,461 during 1931-32.

It is proposed to extend the scope of the activities of the Lay Secretary to other Government Bombay Hospitals and it is hoped the saving will be very considerable and will justify the creation of a permanent appointment. The services of the Lay Secretary will also be utilised to overhaul the system of administration in other large Hospitals in the Presidency in the near future.

(Sd.) M. S. IRANI,

27th August 1932.

Lieutenant-Colonel, I.M.S.,

Officiating Surgeon General with the  
Government of Bombay.

#### APPENDIX 38.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

Reserved 14. *Additional Police Staff required for a new Police Station and an outpost to be opened in connection with the new Sind Left Bank Feeder Railway.*

The Sind Left Bank Feeder Railway was opened to the public on 10th December 1931. This new Railway consists of the following three sections:—

(1) Padidan-Tharushah-Mehrabpur section, length 43·63 miles

[Appendix 38—contd.]

(2) Tando Adam-Sakrand-Nawabshah section, length 53·80 miles.

(3) Sakrand-Tharushah chord, length 65·73 miles.

Arrangements to police the new line are necessary and it has been decided to open a Railway Police station at Sakrand and an outpost at Nawabshah. The staff required for the Police station is 1 Sub-Inspector, 4 head constables and 11 constables and that for the outpost 1 head constable and 2 constables. Government have satisfied themselves that it is not possible to provide this additional staff from the existing strength of railway Police or district Police in Sind. They have therefore decided to entertain the necessary additional staff from the 1st October 1932. The cost on account of the pay and allowances of the staff amounts to Rs. 3,186 for five months of the year 1932-33 as shown in detail below :—

	Cost per mensem.
(v) <i>Pay of Establishment.</i>	
	Rs.
1 Sub-Inspector of Police on 75—5—145—150—160 per mensem ... ..	75
5 head constables on Rs. 28 to Rs. 50 per mensem each ... ..	140
13 constables on Rs. 21 to Rs. 25 per mensem each .	273
Special duty (plain clothes) allowance to 1 head constable at the rate of Rs. 5 per mensem and to 1 constable at the rate of Rs. 3 per mensem ...	8
Writer's allowance to 1 head constable at the rate of Rs. 3 per mensem and to 1 constable at the rate of Rs. 2 per mensem ... ..	5
Literacy allowance to 5 head constables and 13 constables at the rate of Re. 1 per mensem each ... ..	18
Total ...	519

(vi) *Allowances, Honoraria, etc.*

Permanent travelling allowance at the rate of Rs. 40 per mensem to 1 Sub-Inspector ... ..	40
House rent allowance at the rate of Rs. 12 per mensem to 1 Sub-Inspector ... ..	12
Clothing allowance at the rate of Rs. 3·3 per mensem to 1 Sub-Inspector ... ..	3·3
House rent allowance to 5 head constables and 13 constables at the rate of Rs. 2 per mensem each ... ..	36
Total ...	91·3

[Appendix 38—concl'd.]

<i>(iii) Contingencies.</i>	Cost per mensem.
Clothing charges to 5 head constables and 13 constables at the rate of Re. 1.5 per mensem each.	Rs. 27
Total ...	<u>27</u>
Grand Total ...	637.8
	× 5 months
	<u>3,186.5</u>

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

*Demand voted and now increased.*

26, Police—Reserved.

Rs. 1,74,00,000 + Rs. 10.

FINANCE DEPARTMENT :  
Bombay Castle, 9th September 1932.

APPENDIX 39.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY  
GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL.

Transferred 15. *Construction of the Pimpri-Bhawandgad section of the Waghai-Nawapur Road in the Surat Division.*

For the exploitation of the Central Dangs a first class road from Waghai to Bhawandgad which will take the place of the railway originally proposed is essential. This will comprise the two western sections of the through road from Waghai to Ahwa which leads ultimately to the railway at Nawapur. The Dangs are rich in teak timber and are favourably situated with regard to railways and markets, but the internal system of roads is so incomplete that it is extremely difficult to get timber out to the railway. The Waghai-Ahwa portion of the Waghai-Nawapur Road is 20½ miles in length and consists of three sections. The cost of construction of these sections is estimated as shown below:—

	Cost. Rs.
I. Waghai-Pimpri section (8 miles 53 chains in length).	1,50,250

[Appendix 39—contd.]

	Cost. Rs.
II. Pimpri-Bhawandgad section (5 miles 28 chains in length).	52,410
III. Bhawandgad-Ahwa section (6 miles 27 chains in length).	85,172

The work of constructing I and III Sections of the road was treated as a new item of expenditure and funds were provided for it in the budget estimates for the year 1927-28 and 1930-31 when the matter was brought to the notice of the Legislative Council. The work on the second section was taken in hand in 1929-30 but was inadvertently not included in the list of new items of expenditure. A provision of Rs. 5,000 was allotted for it by the Chief Conservator on the understanding that it was a work in progress having been inadvertently included in a statement of such works submitted by the Conservator of Forests, Northern Circle. This irregularity was brought to the notice of Government when the Chief Conservator submitted the plan and estimate for this section for the final sanction of Government. When the whole road is completed, an eventual net revenue of Rs. 2,50,000 is expected. The work on the three sections is in progress. Details of the expenditure incurred and to be incurred on the construction of the sections from Waghai to Ahwa are given below:—

Name of section.	Amount spent to end of March 1932.	Amount sanctioned for 1932-33.	Amount required for completing section.
	Rs.	Rs.	Rs.
Waghai-Pimpri and Pimpri-Bhawandgad.	57,491	12,272	1,32,897
Bhawandgad-Ahwa	4,895	8,000	72,271

In the interests of Government revenue it is desirable to complete the scheme as early as possible as the full additional revenue cannot be secured until the whole road is completed. The amount required for expenditure on the second section in the current year will be met from the grants at the disposal of the Chief Conservator. As the expenditure in question relates to a new service the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

S-A—Forest Capital Outlay charged to Revenue.  
(Transferred).

Rs. 1,29,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 13th September 1932.

## APPENDIX 40.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

**Transferred 16.** *Expenditure in connection with cotton research schemes financed from the funds of the Indian Central Cotton Committee.*

The most prominent work of the Department of Agriculture in this Presidency is on cotton, which is the greatest crop in point of value, and in several directions substantial progress has been made. The Agricultural Department is responsible for a survey of the cottons already in cultivation, their improvement by selection or breeding; also for the multiplication of the improved seed and securing a permanent supply of such improved seed; and for propagauda for the extension of the growth of improved cotton. The work of the Department has been greatly facilitated by the Indian Central Cotton Committee which makes substantial grants from its funds for the various cotton schemes undertaken by the Agricultural Department. Up to the year 1931-32, the grants made by the Committee were paid in monthly instalments and were lodged in a Personal Ledger Account. The expenditure on pay, travelling allowance and contingencies of the staff engaged on the work used to be met from such payments. The Auditor General has since given a ruling that the grants made by the Indian Central Cotton Committee to Provincial Governments are essentially receipts accruing in respect of a provincial subject within the meaning of Devolution Rule 14 (I) (b) and as such the grants should merge in provincial balances. The Government of India have decided that expenditure from these grants should be budgeted for as ordinary expenditure of the Agricultural Department and that the grants should be credited to a separate deposit head in the provincial section of the account, the necessary transfer of funds representing actual expenditure being made at the end of the year to the appropriate service head. With effect from the year 1932-33, the subsidies will be credited to the local ledger head "Deposit Account of the grant made by the Indian Central Cotton Committee." The expenditure on account of the schemes will be recorded at first under a separate sub-head "Cotton operations subsidised by the Indian Central Cotton Committee" subordinate to the head "34, Agriculture". At the end of the year, this expenditure will be transferred by debit to the deposit account mentioned above and corresponding credit given to "34, Agriculture". In the current year, the Indian Central Cotton Committee has sanctioned grants aggregating in all Rs. 2,38,900 for the following schemes:—

1. Physiological Cotton Research Scheme, Surat.
2. Cotton Wilt Research Scheme, Dharwar.
3. Gujarat Boll-worm Clean up Scheme.

## [Appendix 40—contd.]

4. Schemes for the distribution of cotton seed at Hubli, Gadag, Surat and Athni.
5. Banilla Cotton Scheme.
6. Cotton Breeding Schemes at Broach and Jalgaon.
7. Sind Cotton Seed Distribution and Extension Scheme.
8. Sind Cotton Physiological Scheme.

Details of the expenditure are given below :—

	Presidency.	Sind.
	Rs.	Rs.
Pay of Officers ... ..	22,305	7,571
Pay of Establishment ... ..	46,217	31,339
Allowances ... ..	9,680	6,500
Contingencies ... ..	1,04,670	8,714
Contribution of the Indian Central Cotton Committee to Provident Fund ... ..	1,344	560
	1,84,216	54,684
Grand total ...	2,38,900	

As the expenditure is subject to the vote of the Legislative Council, as in the case of all other expenditure under the head "34, Agriculture", the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

34, Agriculture—Transferred.

Rs. 23,96,000 + Rs. 10.

**FINANCE DEPARTMENT :**

Bombay Castle, 15th September 1932.

**APPENDIX 41.**

**STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.**

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 17. *Rice Physiology Scheme promoted by the Imperial Council of Agricultural Research.*

The Imperial Council of Agricultural Research has approved a Scheme for the conduct of research in Rice Physiology prepared by

[Appendix 41—*contd.*]

Mr. R. H. Dastur, Professor of Botany, Royal Institute of Science, Bombay. The research is expected to last for three years, and the Research Council have sanctioned an expenditure of Rs. 10,800 to be spread over the whole period. A grant of Rs. 3,500 was made by the Research Council during 1931-32 but it could not be utilised before the close of the year.

According to the ruling of the Auditor General, it is necessary for the local Government to provide for the expenditure on this scheme in the ordinary way in its own budget. The following expenditure is expected to be incurred during the current year under "31—Education":

	Rs.
	3,500 for apparatus.
	1,215 for pay of the Rice Research assistant for nine months at Rs. 150 per mensem minus the 10 per cent. cut.
Total ...	<u>4,715</u>

The Imperial Council of Agricultural Research is being separately asked to place at the disposal of the local Government the balance of the amount specified above, in addition to Rs. 3,500 already provided by them. As the amount of Rs. 4,715 can be met from anticipated savings within the demand the sanction of the Council is requested to a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

31-Education—Transferred.

Rs. 1,62,81,000 + Rs. 10.

FINANCE DEPARTMENT:

Bombay Castle, 14th September 1932.

#### APPENDIX 42.

#### STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

Reserved 18. *Excess expenditure under "25-Jails and Convict Settlements".*

The renewal of the Civil Disobedience Movement has necessitated the provision of extra accommodation for a large number of prisoners for whom there was no room in the existing prisons.



[Appendix 42—contd.]

Towards the end of January 1932 the Visapur Prison had to be re-opened and a camp prison at Yeravda started. These prisons, however, were found to be insufficient to accommodate the prisoners convicted in connection with the Civil Disobedience Movement and a camp prison at Nasik Road had therefore to be opened in the middle of June 1932.

The Civil Jail in the Arthur Road Prison had to be converted into a female prison and one chawl of the Development Department at Worli had to be converted into a civil jail on the 8th February 1932. This temporary female jail and the temporary civil jail were closed on the 25th July 1932. The other temporary prisons are expected to be required up to the end of the current financial year.

The recent riots in Bombay further necessitated the provision of extra accommodation for a large number of prisoners arrested in connection with them and three chawls of the Development Department had to be converted into a temporary prison. This temporary prison was closed on the 31st August 1932.

Overcrowding in the jails in Sind has been for the past several years a very serious problem. It was to some extent alleviated by the conversion of the Sub-Jail at Shikarpur into a Special Prison in 1926 and the extension of the Karachi District Prison in 1928 but still remained a serious matter and provision for the extension of the Hyderabad Central Prison to accommodate 466 additional prisoners was therefore made in the budget for the year 1930-31. The extension of the Hyderabad Central Prison was completed in February 1932 and the additional temporary establishment necessitated thereby has been sanctioned for a period of six months as a tentative measure with effect from the 1st April 1932. In view of the continuance of the Civil Disobedience Movement this temporary establishment must be continued. The probable total expenditure up to the end of the current financial year on account of the total increased jail accommodation it has been necessary to provide is estimated at Rs. 3,65,000 as shown in the accompanying statements.

The Legislative Council is, in these circumstances, requested to sanction a supplementary grant of Rs. 3,65,000.

*Demand voted and now increased.*

Rs. 22,84,000 + Rs. 3,65,000.

FINANCE DEPARTMENT:

Bombay Castle, 20th September 1932.

[Appendix 42—contd.]

Supplementary Budget Estimate for the New Worli Temporary Jail at Worli, Bombay, for the year 1932-33.

25, Jails and Convict Settlements—A-Jails— (a) Presidency Jails.	Estimate of expenditure for 1932-33.	Remarks.
Pay of Officers—	Rs.	
Presidency Jails—Voted.		
Pay of Establishment—		
1 Jailor, pay Rs. 115	460	
2 Clerks, 2 (50)	400	
32 Warders, 8 (38), 29 (30)	3,930	
1 Medical S. M. S. Officer at Rs. 116 + 25 = 141.	564	
Compounder at Rs. 53	212	
Allowances and Honoraria—		
Additional conveyance allowance to Superintendent Rs. 25 per mensem and clerk Rs. 45 per mensem.	280	
Travelling allowance to Gazetted Officer	138	
Travelling allowance to Non-Gazetted Officers.	40	
House rent and other allowances to S. M. S. Officer at Rs. 10 per mensem.	160	
Compensatory allowance to Jailor	40	
Clothing allowance to Jailor	44	
Deferred pay to C. O.'s	44	
Total	6,269	
Contingencies—		
Dietary charges	15,555	
Hospital charges	222	
Clothing and bedding	310	
Sanitation charges	444	
Charges for moving prisoners	44	
Miscellaneous services and supplies	6,000	
Contingent charges*	44	*Include house rent for Chawls, electric installation and current charges, etc.
Extraordinary charges	44	
Total	22,619	
Total	28,888	

[Appendix 42—contd.]

*Supplementary Budget Estimate for the New Female Prison  
at Arthur Road Prison for the year 1932-33.*

25, Jails and Convict Settlements— Presidency Jails.	Estimate of expenditure for 1932-33.	Remarks.
<b>Pay of Establishment—</b>	<b>Rs.</b>	
8 Matrons—		
1 (60) } ... ..		
2 (25) } ... ..	440	
		Provision made for 4 months only as the jail has been closed from 1st August 1932.
<b>Total ...</b>	<b>440</b>	
<b>Contingencies—</b>		
Sanitation charges ... ..	50	
Miscellaneous Services and Supplies ... ..	100	
<b>Total ...</b>	<b>150</b>	
<b>Total ...</b>	<b>590</b>	

[Appendix 42—contd.]

Supplementary Budget Estimate for the New Temporary Extension  
Camp Jail at Yeravda for 1932-33.

25, Jails and Convict Settlements— Central Jails.	Estimate of expenditure for 1932-33.	Remarks.
	Rs.	
Pay of Officers—(Non-voted)		
Pay of Establishment—		
2 Jailors—1 (150), 1 (100) ... ..	2,865	Exempt from 10 per cent. cut. Provision made excluding 10 per cent. C. S. E. Cut.
3 Clerks—1 (85), 1 (60), 1 (45) ... ..	2,076	
58 Warders—1 (32), 2 (27), 2 (24), 3 (25), 50 (21).	15,070	
Medical—		
1 S. M. S. Officer—Pay Rs. 74 per mensem and duty allowance Rs. 25 per mensem.	1,604	Excludes 10 per cent. C. S. E. Cut.
Allowances and Honoraria—		
Travelling Allowance to Non-Gazetted Officers—Voted.	379	
Clothing allowance to Jailors ... ..	90	
Deferred Pay to C. Os. ... ..	300	
Total ...	22,384	
Contingencies—		
Dietary charges ... ..	38,950	
Hospital charges ... ..	4,000	
Clothing and Bedding ... ..	80	
Sanitation charges ... ..	6,000	
Charges for moving prisoners ... ..	3,000	
Miscellaneous Services and Supplies ... ..	17,950	
Contingent charges ... ..	1,500	
Extraordinary charges ... ..	270	
Total ...	66,700	
Jail Manufactures—		
Transfer from Jail Manufacture for clothing and bedding.	5,000	
Total ...	94,084	

## [Appendix 42—contd.]

Supplementary Budget Estimate for Temporary Jail at Visapur  
for 1932-33.

25, Jails and Convict Settlements— District Jails.	Estimate of expenditure for 1932-33.	Remarks.
	Rs.	
<b>Pay of Officers—</b>		
1 Superintendent (₹00—25—750)—Voted ...	5,425	Provision made deducting 10 per cent. out. (Increment due on 1st February 1933).
<b>Pay of Establishment—</b>		
3 Jailors—1 (250) subject to 10 per cent. out, and 1 (150) and 1 (100).	5,536	
4 Clerks—1 (85), 1 (50), 2 (40) ...	2,402	Subject to 10 per cent. out.
89 Warders and Head Warders—1 (55), 1 (40), 8 (32), 8 (27), 9 (25), 9 (24), 30 (22), 38 (21).	29,797	
Do. Reserve Guard 1 (40), 1 (32), 2 (25), 15 (22), 11 (21).		
1 Motor Driver—Pay Rs. 50 ...	600	
<b>Medical—</b>		
1 Medical Officer—Pay Rs. 200 and duty allowance Rs. 100.	2,430	Provision made deducting 10 per cent. out.
2 S. M. S. Officers—1 (158 + 85) and 1 (95 + 25).	3,441	Do.
1 Compounder—Pay Rs. 45 and duty allowance Rs. 5 per mensem.	525	Do.
<b>Allowances and Honoraria—</b>		
Travelling Allowance to Gazetted Officers ...	500	Provision for Superintendent and Medical Officer. For transfers from other Jails.
Travelling Allowance to Non-Gazetted Officers.	2,000	
House rent to 1 Jailor ...	90	
<b>Local Allowances—</b>		
1 Superintendent at Rs. 100 per mensem...		
1 Medical Officer at Rs. 50 per mensem ...		
1 Jailor at Rs. 25 per mensem ...		
2 Jailors at Rs. 20 per mensem ...		
1 Chief Head Warder Rs. 7 per mensem ...		
29 Head Warders Rs. 6 per mensem ...	10,046	
84 Warders at Rs. 5 per mensem ...		
1 Clerk Rs. 15 per mensem ...		
8 Clerks Rs. 10 per mensem ...		
1 Compounder Rs. 5 per mensem ...		
1 S. M. S. Officer Rs. 15 per mensem ...		
1 Do. Rs. 10 per mensem ...		
Clothing allowance to Jailors 8 (Rs. 8-12-0)...	125	
Deferred pay to C. Os. ...	600	
<b>Total ...</b>	<b>63,517</b>	

[Appendix 42—contd.]

25, Jails and Convict Settlements — District Jails.	Estimate of expenditure for 1932-33.	Remarks.
		Rs.
<b>Contingencies—</b>		
Dietary charges ... ..	56,950	This figure is based on previous experience and includes cost of vegetables and condiments to be purchased.
Hospital charges ... ..	3,400	
Clothing and Bedding ... ..	50	Includes cost of purification of water.
Sanitation charges ... ..	4,000	
Charges for moving prisoners ... ..	3,000	
Miscellaneous Services and Supplies ... ..	18,950*	These figures are based on previous experience. Every economy will be observed in incurring expenditure.
Contingent charges ... ..	1,500	
Extraordinary charges ... ..	1,500	
Total ... ..	88,950	
<b>Jail Manufactures—</b>		
Raw Materials ... ..	5,000	It is proposed to start a small factory where such industries as sewing-cobbling and carpentry will be done.
Tools and Plant ... ..	1,000	
Total ... ..	6,000	
Add—Transfers from Jail Manufactures ... ..	10,000	For Prison clothing.
Total ... ..	1,68,467	

\* Includes Rs. 2,000 for Temporary Post and Telegraph Office at Visapur.

## [Appendix 42—contd.]

Supplementary Budget Estimate for the New Temporary Extension  
Jail at Nasik Road Central Prison for the year 1932-33.

25, Jails and Convict Settlements— Central Jails.	Estimate of expenditure for 1932-33.	Remarks.
	Rs.	
Pay of Officers—		
1 Deputy Superintendent ... ..	3,900	
Pay of Establishment—		
2 Jailors—Pay Rs. 100 each ... ..	1,600	Provision of 1 Jailor for seven months and one for nine months.
8 Clerks—1(35) and 2(40) ... ..	1,155	
5 Head warders and warders—1(32), 1(27), 2(24), 1(25) ... ..	924	
90 Warders at Rs. 21 per mensem ... ..	4,410	
1 S.M.S. Officer at Rs. 95 average pay ... ..	467	Deducting 10 per cent. O. S. E. Cut.
Deferred pay to C.Os. ... ..	200	
Allowances and Honoraria—		
House rent allowance to Deputy Superinten- dent. ... ..	450	
Local allowance to S.M.S. Officer—1(35) ... ..	221	Deducting 10 per cent. cut.
Local Allowance to warders—		
5 Head warders at Rs. 5 each ... ..	175	
Do. warders, 30 (3) ... ..	680	
Clothing allowance to Jailors, 2 (3-12-0)—One for 7 months and the other for 9 months. ... ..	60	
Travelling allowance to Non-Gazetted Officers—Voted. ... ..	800	
Total ... ..	14,492	
Contingencies—		
Dietary charges ... ..	19,972	
Hospital charges ... ..	1,000	
Clothing and bedding. ... ..	40	
Sanitation charges ... ..	8,000*	
Charges for moving prisoners ... ..	2,000	
Miscellaneous Services and Supplies Contingencies ... ..	2,000	
Extraordinary charges ... ..	500	
Total ... ..	1,000	
Total ... ..	84,512	
Jail Manufactures ... ..	1,500	
Transfers from Jail Manufactures ... ..	1,500	For clothing and bedding.
Total ... ..	52,004	

\* Provision covers the high cost of water received from the Distillery and electric lighting charges.

[Appendix 42—contd.]

Supplementary Budget Estimate on account of opening of Extension at Hyderabad Central Prison for 1932-33.

25, Jails and Convict Settlements— Central Jails.	Estimate of expenditure for 1932-33.	Remarks.
	Rs.	
Pay of Officers ... ..	Nil	
Pay of Establishment—		
1 Jailer—Pay Rs. 100 per mensem ...	1,000	Provision for 10 months only excluding 10 per cent. cut.
1 Clerk—Pay Rs. 85 per mensem ...	776	
22 Warders—2(40), 1(27), 1(25), 2(24), 4(22), 12(21).	6,116	
Allowances and Honoraria—		
Compensatory allowance to warders 22 at Rs. 3 each.	782	
Clothing allowance to Jailer ...	88	
Deferred Pay to C. Os. ...	700	
Total ...	9,412	
Contingencies—		
Dietary charges ... ..	10,000	
Hospital charges ... ..	1,000	
Clothing and Bedding ... ..	.....	
Sanitation charges ... ..	1,000	
Charges for moving Prisoners ... ..	500	
Miscellaneous Services and Supplies ... ..	400	
Contingent charges ... ..	300	
Extraordinary charges ... ..	50	
Total ...	13,250	
Jail Manufactures—		
Transfer from Jail Manufacture ...	1,000	
Total ...	23,662	



[Appendix 42—concl'd.]

*Supplementary Budget Estimate for the New Temporary Civil  
Jail at Worli, for the year 1932-33.*

25, Jails and Convict Settlements.	Estimate of expenditure for 1932-33.	Remarks.
	Rs.	
<b>Allowances and Honoraria—</b>		
Additional allowance to the Superintendent to visit the Civil Jail at Worli at Rs. 25 per mensem.	100	Provision made for 4 months only as the Jail has been closed from 25th July 1932.
Conveyance allowance to clerk at Rs. 1-8-0 per day.	180	
Total ...	280	
<b>Contingencies—</b>		
Miscellaneous Services and Supplies ... ..	25	Do. includes rent for Chawl.
Contingent charges ... ..	2,000	
Total ...	2,025	
Total ...	2,305	

## SUMMARY.

Name of Prisons.	Provisions.
	Rs.
Temporary Worli Prison ... ..	28,888
Temporary Female Prison at Arthur Road ... ..	590
Temporary Extension Camp at Yeravda ... ..	94,084
Temporary Prison at Visapur ... ..	1,68,467
Temporary Extension Camp Prison at Nasik Road ..	52,004
Extension of Hyderabad Central Prison ... ..	23,662
Temporary Civil Jail at Worli ... ..	2,305
Grand Total ...	3,65,000

## APPENDIX 43.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL, Kt.

Transferred 19.—*Communication works in the Ratnagiri Division under the head 60-Civil Works.*

The grant of Rs. 1,53,000 for the current year voted by the Legislative Council under the head 60-Civil Works includes a provision of Rs. 40,700 for the following communication works in the Ratnagiri Division and was intended for their completion :—

	Rs.
(1) Bridge over the Gad river at Aravli (included in the project for improvements to Hatkhamba-Poladpur Road) .. .. .	23,000
(2) Bridge over the Muchkundi river at Waked (included in the project for improvements to Pali-Phonda Road) .. .. .	1,700
(3) Bridge over the Savitri river (included in the project for improvements to Dharamtar-Mahableshwar Road) .. .. .	16,000
	40,700

In view however of surrenders made late in the year 1931-32 an additional allotment of Rs. 22,756 is required during the year 1932-33 for their completion for the reasons given below :—

(1) *Bridge over the Gad river at Aravli.*—According to the contract conditions the work was to be completed during 1931-32. However, owing to slow progress on the work by the contractor an extension of time up to 15th November 1932 has been given. The saving on the work during 1931-32, owing to slow progress of the contractor which was not foreseen earlier, was surrendered by the Superintending Engineer in January and February 1932 when it was too late to carry out any alterations in the provision proposed for 1932-33. The additional amount required for completion is Rs. 1,038.

(2) *Bridge over the Muchkundi river at Waked.*—The work was practically completed during 1931-32 except the payment of land compensation and certain small items. Funds to the extent of Rs. 439 are required during 1932-33 to complete the work, the provision of Rs. 1,700 in the Budget being intended for the payment of land compensation.

(3) *Bridge over the Savitri river.*—The provision of Rs. 78,900 for the work for 1931-32 together with an additional allotment of Rs. 15,000 sanctioned during the course of the year were intended for completion of the portion given out on contract. Owing to the

[Appendix 43—*contd.*]

slow progress of the contractor, a sum of Rs. 21,279 was however surrendered by the Superintending Engineer in January and February 1932, i.e. at a time when it was too late to alter the provision proposed for the work for 1932-33. An additional amount of Rs. 21,279 is now required to settle the contractor's accounts finally and to complete the work in all respects during the current financial year.

In addition to the allotment of Rs. 22,756 required for the above works, a sum of Rs. 1,870 is also required for providing Hume Pipe drains on 43 nallas (included in the project for improvements to Dharamtar-Mahableshwar Road) for which no provision exists in the current year's Budget. This work was to be completed during 1931-32. However, certain finishing items such as consolidation work, etc., had to be postponed to the next rains in order to avoid abnormal expenditure on artificial watering.

A supplementary demand of Rs. 24,626 under the head "60-Civil Works" is asked for in order to complete these works.

*Demand voted and now increased.*

60-Civil Works—Transferred.

Rs. 1,53,000 + Rs. 24,626.

FINANCE DEPARTMENT :

Bombay Castle, 21st September 1932.

#### APPENDIX 44.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL.

Transferred 20.—*Provision for certain works in connection with the Poona Drainage Improvement Scheme—IIInd Section.*

In the budget for 1931-32 an amount of Rs. 77,943 was provided for works in connection with the Poona Drainage Improvement Scheme, IIInd Section. As it was not possible to expend the provision fully before the termination of the financial year, an amount of Rs. 15,000, intended for the undermentioned works, was surrendered to Government after the 10th February 1932 :—

	Rs.
(1) Part expenditure on workshop and oil filter shed.	1,500
(2) Additional fuel tank	5,500
(3) Heenan Froud Mechanical Coolers .. .. .	8,000
	15,000

[Appendix 44—*contd.*]

The surrender was accepted, but it was too late to reprovide the amount in the current year's budget.

It has been represented to Government that it is essential that these works should be carried out as soon as possible and that the non-provision of the Mechanical Coolers would entail a loss to Government of more than Rs. 2,000 annually. It is therefore proposed to sanction the sum of Rs. 15,000 required, by re-appropriation from savings in the provision for other works, made under "56-A—Capital Outlay on Improvements of Public Health—Transferred". As, however, the expenditure on the work is of the nature of a new service, the sanction of the Legislative Council is requested to the demand for a token grant of Rs. 10.

*Demand voted and now increased.*

"56-A—Capital Outlay on Improvements of Public Health—  
Transferred."

Rs. 3,25,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 24th September 1932.

APPENDIX 45.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY  
GRANT.

The Honourable Mr. W. F. HUDSON.

Reserved 21.—*Temporary establishment required for the purpose of compiling the completion report of the Llyod Barrage and Canals Construction Project.*

Rule 33 of the rules governing the submission of estimates for, and the construction of, irrigation works, the cost of which exceeds the powers of sanction of Provincial Governments, requires that a completion report of the work shall be prepared for transmission through the Governor General in Council to the Secretary of State in Council in the form prescribed as soon as the construction estimate has been closed. The Llyod Barrage and Canals Construction Project was sanctioned by the Secretary of State for India. The works are approaching completion and it is necessary that the task of writing up the necessary completion report shall be taken in hand before the officers associated with the scheme are transferred from Sind or before they proceed on leave prior to retirement.

2. The Completion Report will embody, *inter alia*, matters relating to the following subjects :

(a) Design and methods of construction adopted in building the Barrage and the Canal Head Works.

[Appendix 45—*contd.*]

(b) Design, methods and costs of excavation of Canals and all associated works ;

(c) Difficulties met with during the construction period and how they were overcome ;

(d) Plant used, e.g. Dragline Excavators and their organization. This information will be highly instructive and of great importance to all Engineers and to others concerned with the future working of the Barrage and Canals and will be of considerable interest to the Engineering World at large.

3. The Llyod Barrage and Canals Construction Scheme is one of unprecedented magnitude. The reports and statements to be prepared will be voluminous and the information to be incorporated will be very useful not only to this Government but also to other Governments as methods introduced on this scheme have been original in so far as they have not been attempted previously in India on a work of this nature.

4. In the circumstances it has been decided to create a temporary appointment of a Special Officer in the office of the Chief Engineer in Sind, for a period of six months in the first instance, to compile the Completion Report of the Llyod Barrage and Canals Construction Project and to appoint Mr. J. L. Grant, A.C.G.I., A.M.Inst., C.E., I.S.E., Executive Engineer, to it on his return from leave on the 19th October 1932. The appointment is to be declared equal in importance to a divisional charge. Mr. Grant will draw the same emoluments as he is entitled to as an ordinary Executive Engineer. It may be mentioned that a Special Officer of the rank of Chief Engineer was specially appointed to write the Completion Report of the Punjab Triple Canals Project (1917) which was comparatively of much lesser magnitude.

5. The services of one of the officers in the Bombay Service of Engineers in Sind are to be placed temporarily at the disposal of the Special Officer. He will be given his grade pay *plus* duty allowance of Rs. 50 per mensem admissible to an Assistant Engineer employed in an administrative office and compensatory local allowance as a non-touring officer. The other establishment to be allowed on a temporary basis is as under :—

<p>2 Typists at Rs. 70 per mensem each.</p> <p>1 Draftsman at Rs. 120 per mensem.</p>	}	<p>Subject to the general cut of 10 per cent. so long as it remains in force.</p>
<p>1 Naik at Rs. 22 per mensem ..</p> <p>2 Peons at Rs. 20 per mensem each.</p>	}	<p>Subject to the cut of 5 per cent. so long as it remains in force, if appointed from the existing staff or 12½ per cent. if outsiders are appointed.</p>

6. The total estimated extra cost during the current year is Rs. 14,000 (Rs. 9,000 non-voted and Rs. 5,000 voted) and it is debitable to the head "55". During the next year it is estimated at Rs. 2,800

[Appendix 45—*contd.*]

(Rs. 1,800 non-voted and Rs. 1,000 voted). The estimated extra voted cost involved during the current year viz. Rs. 5,000 will be met from the voted grant for the Llyod Barrage and Canals Construction Project under the head "55". However, as the item is of the nature of a new service the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

"55-Construction of Irrigation, Navigation, Embankment and Drainage Works—Llyod Barrage and Canals Construction—Reserved".

Rs. 1,02,28,000 + Rs. 10.

## FINANCE DEPARTMENT.

Bombay Castle, 27th September 1932.

## APPENDIX 46.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

Reserved 22., *Permanent increase in the strength of the Sholapur City Police Force.*

The riots which occurred in Sholapur in May 1930 proved the inadequacy of the police force there and made it necessary to employ an additional force consisting of one Inspector, one Sub-Inspector, 18 Head Constables, 144 Constables and three clerks. It was at first intended to recover the cost of this additional force from the inhabitants responsible for the riots, but no such recovery was actually made as after the Delhi Pact the Government of India agreed to recompense the local Government for the cost of the additional police up to the end of May 1932. From the beginning of June the force has been continued on a temporary basis at the cost of provincial revenues.

2. The riots of 1930 were not the only occasion on which the peace of Sholapur has been disturbed in recent years. Other grave riots and strikes have occurred and have proved the necessity of a permanent increase in the police force, since, unlike Ahmedabad and other large industrial towns in the Bombay Presidency, Sholapur is not a military station and military aid is not readily available to support the police in a sudden outbreak.

3. The minimum permanent increase which will ensure the maintenance of law and order consists of one Inspector, 12 Head Constables, 103 Constables and two clerks. Of the remainder of the present temporary police one Sub-Inspector, six Head Constables and 29 Constables will be continued temporarily and 12 Constables and one

[Appendix 46—*contd.*]

clerk will be disbanded. The present temporary force has been sanctioned up to 1st December 1932. The extra expenditure (calculated on an average basis) involved in the three months of the current financial year on account of the pay and allowances of that portion of the force which is to be made permanent amounts to Rs. 12,480 and it will be met from the provision already made for "Additional Police Establishment" in the current year's budget under "26, Police". As the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

"26-Police"—Reserved.

Rs. 1,74,00,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 28th September 1932.

#### APPENDIX 47.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sirdar Sir RUSTOM VAKIL.

Transferred 23. *Contour and levelling survey of the areas on the Mutha Canals (near Poona) in connection with anti-malarial measures.*

As a result of certain suggestions made by the Government of India regarding co-operation between military and civil authorities in anti-malarial measures, a joint advisory committee on anti-malarial measures at Poona was formed in the beginning of the current year, as an experimental measure, consisting of representatives of the Local Government, the Poona City and Suburban Municipalities, the Poona District Local Board, the Poona and Kirkee Cantonments and the G. I. P. and the M. & S. M. Railways. The committee with the aid of an expert sub-committee investigated the questions of the causes of malaria in and around Poona City, the seriousness of the harm done and the measures which should be undertaken to combat the evil. The enquiries of the committee clearly show (1) that the incidence of malaria in the areas immediately adjoining Poona City and Cantonment is appalling and a menace to both the areas and (2) that it is mainly to be attributed to the Mutha Right and Left Bank Canals.

2. The main causes of excessive malaria are reported to be—

(1) The conditions brought about by the Mutha Left and Right Bank Canals, both because of the supersession of old pre-canal water arrangements, bandharas on streams, storage tanks and irrigation wells and the difficulties of the drainage on the irrigated command area ;

[Appendix 47—*contd.*]

(2) Disuse of old wells and tanks in the city and cantonments after the introduction of piped water supply, and unsuitable arrangements for drainage of the waste water from this mal abundant supply.

3. As to the urgency of the question it is reported that—

(1) The population of the villages adjoining Poona, on the canal area, has fallen by fifty per cent., from 8,000 to 4,000 in the last thirty years.

(2) Some of these villages are practically deserted and many of the residential bungalows and institutions in the area have actually been closed.

(3) The spleen index figure is up to 100 per cent.

(4) The spleen index figure in the adjoining portion of the city is from 25 per cent. to 60 per cent. (anything above 12 per cent. is excessive).

4. It is represented that no schemes for dealing with the most serious causes of malaria can be framed except on the basis of remodelling the drainage of the Canal area and that this cannot be done without a contour survey of that area. The cost of carrying out a contour survey and levelling survey of the nullas in the command area of the Mutha Left and Right Bank Canals between Khadakwasla and Poona and Kirkee Cantonments has been roughly estimated at Rs. 2,023. Government are satisfied that the proposed work is very necessary and urgent and propose to sanction its execution as soon as the rainy season is over. A preliminary general malaria survey which was also very urgent and useful has already been executed at the cost of Rs. 250 only. Sufficient savings are available in the current year's budget under the head "33-Public Health—Transferred" to which the charge of Rs. 2,023 proposed to be incurred shortly is debitable. As, however, this is an item of new service, the sanction of the Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

33-Public Health—Transferred.

Rs. 23,70,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 28th September 1932.

#### APPENDIX 48.

STATEMENT OF DEMANDS FOR GRANTS TO COVER THE EXCESSES AND NEW SERVICES, SHOWN IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1930-31 AND IN THE REPORT OF THE ACCOUNTANT-GENERAL THEREON.

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

In his report on the Appropriation Accounts of the Government of Bombay for the year 1930-31, the Accountant-General, Bombay, has reported excess expenditure and expenditure on new services under the



[Appendix 48—contd.]

following heads, which requires the sanction of the Legislative Council :—

	Rs.	
(1) XIII-Working Expenses and 15-Other revenue expenditure financed from ordinary revenues—Reserved.	1,06,480	}
(2) 22-General Administration—Transferred.	49	
(3) 45-Superannuation Allowances and Pensions—Reserved.	47,882	
(4) 52-Extraordinary charges—Reserved.	414	}
(5) 41-Civil Works—Partly Reserved and Partly Transferred.	1,31,848	
(6) Loans and Advances by Provincial Government—Reserved.	4,228	
		New Services.

(1) XIII-Working Expenses and 15-Other revenue expenditure financed from ordinary revenues—Reserved.—There was an excess of Rs. 1,06,480 on the voted grant for 1930-31 under the heads “ XIII-Working Expenses ” and “ 15-Other Revenue Expenditure financed from ordinary revenues ” as shown below :—

	Rs.
Voted Grant .. .. .	68,74,000
Expenditure .. .. .	69,80,480
Excess ..	1,06,480

Details by major and minor heads are given in the statement.

Major and minor head of account.	Final modified grant.	Expenditure.	Excess (+) or Saving (-)
	Rs.	Rs.	Rs.
<i>XIII—Working Expenses.</i>			
Works and Repairs .. .. .	36,60,809	37,15,760	+46,939
Reserve .. .. .	8,012		
	36,68,821		
Establishment .. .. .	4,46,240	4,51,167	+ 4,927
Pensionary charges .. .. .	1,77,090	2,12,113	+35,113
Tools and Plant .. .. .	9,400	9,181	— 219
Refunds of revenue .. .. .	15,539	14,068	— 1,471
Total, XIII ..	43,17,000	44,02,289	+85,289

[Appendix 48—contd.]

Major and minor head of account.	Final modified grant.	Expenditure.	Excess (+) or Saving (—)
	Rs.	Rs.	Rs.
<i>15—Other Revenue Expenditure.</i>			
Public Works Department—			
Works and Repairs .. .. .	20,42,165	21,21,070	+ 5,990
Reserve .. .. .	72,915		
	21,15,080		
Establishment .. .. .	50,568	45,966	— 4,602
Pensionary Charges .. .. .	64,000	69,215	+ 5,215
Tools and Plant .. .. .	600	471	— 129
Refunds of Revenue .. .. .	1,752	1,822	+ 70
Total, 15 .. .. .	22,32,000	22,38,544	+ 6,544
Total, XIII and 15 (Public Works Department).	65,49,000	66,40,833	+ 91,833
45—Civil .. .. .	3,25,000	3,39,047	+ 14,047
Grand Total, XIII and 15 .. .. .	68,74,000	69,80,480	+1,06,480

It will be seen from the statement that the excess of Rs. 91,833 on the grant under the control of the Public Works Department was due to excess expenditure on "Works and Repairs" (Rs. 52,929) and "Pensionary Charges" (Rs. 40,328), partly counterbalanced by small savings under other heads. Reasons for these excesses are given below:—

*Excess of Rs. 52,929 under "Works" and "Repairs".*—In view of large savings under Irrigation heads in previous years, a lump deduction of 2 per cent. on the provisions for "Works" and "Repairs" under the heads "XIII" and "15" was made for the first time in the budget for 1930-31. The lump cut, which amounted to Rs. 1,08,000, was shown in the budget against the total grant for "Works" and "Repairs". It was not distributed by each controlling officer, as it was considered probable—in view of the experience of previous years—that the cut would be covered by savings at the close of the year. This expectation was, however, not realised, and an excess of Rs. 52,929 occurred at the close of the year. Since 1931-32, the lump deductions are distributed by each controlling officer and only the net grants are placed at their disposal, with strict instructions not to exceed them without the previous permission of Government. Such excesses are not, therefore, likely to occur in future.

*Excess of Rs. 40,328 under Pensionary Charges.*—Up to 1930-31 pensionary charges were provided for at the rate of 14 per cent. of the cost of establishment under each Irrigation head. The excess in 1930-31

## [Appendix 48—contd.]

was due to the different systems, followed in budgeting and accounting for establishment charges, as explained below.

In the budget, provision for ordinary establishment under Irrigation heads (with the exception of Lloyd Barrage and Canals Construction Project) is made at 24 per cent. of the estimated outlay on "Works" and "Repairs." In addition to the percentage provision for ordinary establishment, each head is debited with the estimated cost of special establishment, if any. In accounts, the actual cost of special establishments is debited direct to the heads concerned, whereas the ordinary establishment charges are distributed *pro rata* to the several heads, in proportion to the actual outlay on works and repairs under those heads. As the methods of budgeting and accounting for establishment charges differ and as the pensionary charges are dependent on establishment, variations between the budget provisions and actuals under pensionary charges occur at the close of the year. The question of revising the existing methods of budgeting for establishment charges under the several heads, so that the budget provisions may correspond as far as possible with the actuals, is at present under examination and it is hoped that, when this question is finally settled, large variations between the budget grant and actuals which occur under the existing system will vanish.

*Excess of Rs. 14,647 under 15-Civil.*—The excess was due to the decision of Government to levy percentage charges for establishment and tools and plant on all minor irrigation works, executed through the agency of the Public Works Department prior to 1930-31. As this decision was arrived at late in March 1931, no supplementary grant could be obtained to cover these charges before the close of the year.

(2) *22-General Administration—Transferred.*—The total grant of Rs. 1,60,000 sanctioned by the Legislative Council under this head for the year 1930-31 included Rs. 1,44,000 for the salaries of the Ministers and Rs. 16,000 for their travelling allowances. Owing to the posts of the Ministers having remained vacant for some time after the Council elections during that year, the actual expenditure on the salaries of the Ministers amounted to Rs. 1,36,916, resulting in a saving of Rs. 7,804 in the budget provision. The expenditure on the travelling allowances of the Ministers, however, amounted to Rs. 23,133, owing to more extensive touring by them during the course of the year, and thus resulted in an excess of Rs. 7,133 over the budget provision. The total expenditure amounted to Rs. 1,60,049, which meant an excess of Rs. 49 only over the grant of Rs. 1,60,000 sanctioned by the Council. The sanction of the Council is requested to this excess of Rs. 49.

(3) *45-Superannuation Allowances and Pensions—Reserved.*—The sanctioned budget grant of Rs. 57,09,000 (including refunds) under this head was based on past actuals. The progress of expenditure in the course of the year showed that the budget estimate was too low. A supplementary grant of Rs. 2,20,000 was, therefore, obtained from the Council on 17th March 1931. This supplementary grant, however,

## [Appendix 48—contd.]

proved insufficient and the actual expenditure at the end of the year exceeded the total sanctioned grant by Rs. 47,882. The main factor which is responsible for this excess is that every year large amounts of pensions are being drawn from treasuries of this Government by a number of pensioners belonging to other provinces, who come to stay in this Presidency, and the commuted value of whose pensions are being recovered by this Government and credited under the capital head "60-B, Payments of commuted value of pensions", and it is always difficult to estimate beforehand the expenditure on account of such pensions. The sanction of the Council is requested to the excess of Rs. 47,882 over the total sanctioned grant.

(4) *52-Extraordinary charges—Reserved.*—An expenditure of Rs. 414 was incurred during the year 1930-31 on refunds owing to cancellation of sales of land commanded by the Lloyd Barrage. No provision was made in the budget estimate of 1930-31 for the refunds. The Legislative Council is requested to sanction the excess of Rs. 414.

(5) *Grant-in-aid to the District Local Board, East Khandesh.*—A loan of Rs. 5 lakhs was sanctioned to the District Local Board, East Khandesh, in the year 1911 for the construction of certain new roads in the East Khandesh District. In the year 1920 these roads were provincialized. The District Local Board paid the instalments towards the repayment of the loan till March 1930, when the Board approached Government for remission of the balance of the loan, Rs. 1,31,848, then outstanding. Government decided that the roads in question were required for administrative convenience and, if the Board had not undertaken the liability, Government would have had to find money from provincial funds. They therefore remitted the outstanding balance of the loan, Rs. 1,31,848 by making a grant-in-aid of that amount from funds already voted by the Legislative Council for grants-in-aid under "41- Civil Works". As the Public Accounts Committee has reported that this transaction amounted to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

(6) *Grant of advances to revenue employees for buying and storing provisions.*—Owing to the social and economic boycott of subordinates of the Revenue and Police Departments in Kolaba District in May 1930, the Collector was authorised to grant interest-free advances to them up to a maximum of two months' pay, recoverable in four equal monthly instalments, in order to enable them to purchase and store foodstuffs for the rains. The total expenditure incurred on this account, viz., Rs. 4,228, was debited to the sub-head "Miscellaneous Loans and Advances" under "Loans and Advances by Provincial Government", the charge being met by reappropriation. As the Public Accounts Committee has reported that this transaction amounted to a new service the sanction of the Legislative Council is requested to the demand of a token sum of Rs. 10.

[Appendix 48—*contd.*]

2. The amounts for which the sanction of the Legislative Council is required are summarised below :—

	Rs.
XIII-Working Expenses and 15-Other revenue expenditure financed from ordinary revenues—Reserved.	1,06,480
22-General Administration—Transferred ..	49
45-Superannuation Allowances and Pensions—Reserved.	47,882
52-Extraordinary charges—Reserved .. .. .	414
41-Civil Works—Partly Reserved and partly Transferred.	10
Loans and Advances by Provincial Government—Reserved.	10

FINANCE DEPARTMENT :

13th August 1932.

## APPENDIX 49.

### BILL No. XXI OF 1932.

*A Bill to amend and consolidate the law relating to the constitution of Village Panchayats.*

(As published in the "Bombay Government Gazette" of the 27th September 1932.)

WHEREAS it is expedient to amend and consolidate the law relating to the constitution of village panchayats, with a view to increase their utility in the further development of local self-government in rural areas and in the administration of civil and criminal justice ; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act and of the Governor required under section 80C of the said Act have been obtained for the passing of this Act ; It is hereby enacted as follows :—

5 & 6  
Geo.V.  
c. 61.

## CHAPTER I.

### PRELIMINARY.

1. *Short title.*—This Act may be called the Bombay Village Panchayats Act, 1932 .

2. *Extent.*—It extends to the whole of the Presidency of Bombay, except the City of Bombay.

[Appendix 49—*contd.*]

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

- (1) “by-laws” means by-laws made under section 107 ;
- (2) “case” means, with reference to any judicial proceeding a criminal proceeding in respect of any offence triable by a panchayat ;
- (3) “district local board”, used with reference to any local area, means a district local board established under the Bombay Local Boards Act, 1923, for the district in which such local area is situated ;
- (4) “offence” means any act or omission made punishable by any law for the time being in force ;
- (5) “panchayat” means a panchayat established under this Act ;
- (6) “prescribed” means prescribed by rules or by-laws made under this Act ;
- (7) “rules” means rules made under section 106 ;
- (8) “sarpanch” means a sarpanch elected under section 14 ;
- (9) “school-board” means a school-board constituted under section 3 of the Bombay Primary Education Act, 1923 ;
- (10) “suit” means a civil suit triable by a panchayat under this Act ;
- (11) “tax” means a tax, cess, rate, or other impost leviable under this Act ;
- (12) the expression “the term of a panchayat” means the period for which the elected members thereof shall hold office under section 11 ;
- (13) “village” means any local area declared to be a village under section 4.

Bom.  
VI of  
1923.

Bom.  
IV of  
1923.

## CHAPTER II.

### ESTABLISHMENT AND CONSTITUTION OF PANCHAYATS.

4. *Declaration of village.*—On a written application made—

- (i) by the district local board with previous notice to the Collector,
- (ii) by the Collector with previous notice to the district local board, or

(iii) by not less than twenty adult residents of any local area, the Commissioner may, by notification in the *Bombay Government Gazette*, declare the local area in respect of which the application has been made to be a village, or that such local area is included in or excluded from the village :

Provided that in the case of an application made under clause (iii), the Commissioner may make the aforesaid declaration after consulting the Collector and the district local board.

5. *Establishment of panchayats.*—In every village there shall be a panchayat.

## [Appendix 49—contd.]

6. *Constitution of panchayats.*—(1) A panchayat shall consist of the following members, namely :—

(a) such elected members, not being less than five or more than seven in number, as the district local board may determine ;

(b) an officiating patel in the following order of preference :—

(i) the senior officiating revenue patel if there be more than one officiating revenue patel in the village, or

(ii) the officiating revenue patel, if there be not more than one officiating revenue patel in the village, or

(iii) the officiating patel, if there be no separate officiating revenue patel in the village ; and

(c) the holder, or if there be more than one such holder, the principal holder, nominated by the Collector. If any such holder is unable or unwilling to serve, the Collector shall nominate a representative of such holder as the Collector may approve.

For the purposes of clause (c), a holder means a holder of a village to whom the rights of Government to payment of rent or land revenue are wholly or partially transferred.

(2) The decision of the Collector as to who is the senior officiating revenue patel or the principal holder shall be final.

(3) Where a district local board determines that the number of elected members of a panchayat shall exceed five, failure to elect more than five such members shall not affect the constitution of a panchayat.

7. *Election.*—(1) The election of elected members to a panchayat shall be held on such date as the Collector may appoint in this behalf.

(2) All adult persons who ordinarily reside in or who own or occupy a house which is assessed to house-tax in the village shall be entitled to vote at the election.

Such election shall be conducted in the manner prescribed by rules.

(3) The Collector shall after such enquiry as he considers necessary decide, in any case of dispute or doubt, who is qualified to vote at such election.

8. *Disqualifications.*—No person may be elected a member of a panchayat, or continue as such, who—

(a) is a female, or

(b) is under 21 years of age, or

(c) does not ordinarily reside in the village, or

(d) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to furnish security for good behaviour under the Code of Criminal Procedure, 1898, such sentence or order not having been subsequently reversed or remitted, so long as such sentence has not expired or so long as such order is in force, unless he shall have by an order which Government is hereby empowered to make, been relieved from the disqualification arising on account of such sentence or order, or

[Appendix 49—*contd.*]

(e) has been adjudged by a competent court to be of unsound mind, or

(f) has been adjudicated an insolvent and has not obtained his discharge, or

(g) has been removed from office under section 21 and five years have not elapsed from the date of such removal, unless he shall have, by an order which the district local board after the expiry of one year from the date of such removal is hereby empowered to make, been relieved from the disqualification arising on account of such removal from office.

9. *Collector to declare election invalid.*—(1) If the Collector, after such enquiry as he considers necessary, is satisfied that any member has been elected in contravention of the provisions of section 8, or that any corrupt practice or irregularity has been committed in connection with such election, and that such illegality, corrupt practice or irregularity has materially affected the result of the election, the Collector may declare the election of such member to be invalid, and such declaration shall be final.

(2) A person shall be deemed to have committed a corrupt practice—

(a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury, to any person, or

(b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

EXPLANATION 1.—A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

EXPLANATION 2.—“A promise of individual profit”—

(i) does not include a promise to vote for or against any particular measure which may come before a panchayat for consideration, but

(ii) subject thereto includes a promise for the benefit of the person himself or any person in whom he is interested.

10. *Fresh election, if election invalid.*—If the Collector declares the election of any member invalid under section 9, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

11. *Term of office of elected members.*—(1) The elected members of a panchayat shall, save as otherwise provided in this Act, hold office for a term of three years.

(2) The district local board may, by order in writing, with reasons recorded therein, extend the said term to a period not exceeding one year. Any such order shall be notified in such vernacular paper, if any, circulating in the village, as the district local board may approve.

12. *Commencement of term of office.*—(1) The term of office of the elected members shall be deemed to commence on the date of the first meeting after the election of such members.



[Appendix 49—*contd.*]

(2) The term of office of the outgoing members shall be deemed to extend to and expire with the day before such meeting.

(3) The term of office of an *ex-officio* member of a panchayat shall continue so long as he holds office in virtue of which he is such a member.

(4) The term of office of a member nominated under sub-section (3) of section 6 shall be determined by rules.

(5) An outgoing member may, if qualified, be re-elected or re-nominated.

13. *Resignation of members.*—Any elected or nominated member may resign his office by giving notice in writing to that effect to the sarpanch and such resignation shall take effect from the date of its acceptance.

14. *Election of sarpanch and deputy sarpanch.*—(1) Every panchayat shall be presided over by a sarpanch who shall be elected by the members from among their own number. The panchayat shall also elect one of its members to be deputy sarpanch.

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(2) A sarpanch and members holding office in a panchayat established under the Bombay Village Panchayats Act, 1920, and continued under section 115 shall be deemed to have been elected under this section and shall continue to hold their respective offices until a new panchayat is constituted under the provisions of this Act.

15. *Term of office of sarpanch and deputy sarpanch.*—Save as otherwise provided in this Act, a sarpanch or deputy sarpanch shall hold office for a period of one year, but shall be eligible for re-election :

Provided that the term of office of such sarpanch or deputy sarpanch shall be deemed to extend to and expire with the day previous to that on which their successors respectively are elected or on the date on which the term of the panchayat expires, whichever is earlier :

Provided further that if the term of the panchayat is due to expire within six months after the expiry of the term of office of sarpanch or deputy sarpanch, the sarpanch or deputy sarpanch, as the case may be, shall continue to hold office until the date on which the term of the panchayat expires.

16. *Sarpanch to carry on current duties until his successor is appointed.*—After the expiry of his term of office, the sarpanch shall continue to carry on the current administrative duties of his office until such time as a new sarpanch shall have been elected and shall have taken over charge of his duties.

17. *Election of sarpanch on establishment of panchayat, etc.*—(1) On the establishment of a panchayat for the first time under this Act, or on its reconstitution or establishment under section 101 or 102, a meeting shall be called by the president of the district local board who shall appoint a person who is not a member of the panchayat to preside over the meeting until the panchayat elects its own chairman for that meeting.

## [Appendix 49—contd.]

The person so appointed shall have no right to vote. In the case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn by the president in such manner as he may determine. The chairman so elected shall then preside at such meeting and the meeting shall then proceed to elect the sarpanch.

(2) On the expiry of the term of a panchayat, or on the expiry of the period of one year for which a sarpanch ordinarily holds office as provided in section 14, the sarpanch shall convene a meeting of the panchayat for the election of a new sarpanch. He shall preside at such meeting, but shall not vote thereat unless he is a member of the panchayat at that time. In the case of an equality of votes, the result of the election shall be decided by lot to be drawn by the presiding sarpanch in such manner as he may determine :

Provided that when no meeting for the election of a sarpanch has been called by the retiring sarpanch within fifteen days from the date of expiry of either of the aforesaid periods, the president of the district local board shall proceed to convene a meeting of the panchayat in the manner described in sub-section (1) and a new sarpanch shall be elected accordingly.

18. *Resignation by sarpanch or deputy sarpanch.*—The deputy sarpanch may resign his office by giving notice in writing to the sarpanch.

The sarpanch may resign his office by giving notice in writing to the president of the district local board.

Such resignation shall take effect from the date of its acceptance.

19. *Time and place of sitting of panchayat and procedure at meetings.*—The time and place of sitting and the procedure at a meeting of the panchayat shall be in accordance with by-laws.

20. *Executive of panchayat.*—The executive power for the purpose of carrying out the provisions of this Act and the resolutions passed by a panchayat vests in the sarpanch who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act. In the absence of the sarpanch, the powers and duties of the sarpanch shall, save as otherwise prescribed in this Act, be exercised and performed by the deputy sarpanch.

21. *Removal from office.*—The district local board may, after giving due notice to the panchayat and after such enquiry as it thinks fit, remove from office any elected member, or any sarpanch or deputy sarpanch who, in its opinion, is unfit to be a member or sarpanch or deputy sarpanch, as the case may be, or is persistently remiss in the discharge of his duties. A sarpanch or deputy sarpanch so removed may, at the discretion of the district local board, also be removed from the panchayat unless he is an *ex-officio* member of the panchayat. The district local board may also remove the secretary of a panchayat in a like manner and for similar reasons.

[Appendix 49—*contd.*]

22. *Leave of absence.*—(1) Any elected or nominated member of a panchayat who, during his term of office,—

(a) is absent for more than four consecutive months from the village unless leave so to absent himself, which shall not exceed six months, has been granted by the president of the district local board; or

(b) absents himself for six consecutive months from the meetings of the panchayat without the leave of the said president,

shall cease to be a member and his office shall become vacant.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the president of the district local board, whose decision shall be final.

23. *Filling up of vacancies.*—(1) Any vacancy due to the disablement, death, resignation, disqualification, absence without leave or removal of a sarpanch or a deputy sarpanch, or an elected or nominated member, shall be filled, as soon as convenient, by the election of a sarpanch or deputy sarpanch or the election or nomination of a member, who shall hold office so long only as the sarpanch, deputy sarpanch or member, in whose place he has been elected or nominated would have held office if the vacancy had not occurred.

(2) The meeting for the election of a sarpanch under sub-section (1) shall be convened by the president of the district local board in the manner described in sub-section (1) of section 17.

24. *Vacancy not to affect proceedings of panchayat.*—During any vacancy in the panchayat, the continuing members may act as if no vacancy has occurred.

25. *Temporary provision pending establishment of panchayats under this Act.*—Notwithstanding anything contained in this Act, the village fund shall, until such date as Government may notify in the *Bombay Government Gazette*, be administered, so far as may be, under the provisions of this Act by the panchayats constituted immediately prior to the coming into operation of this Act, which panchayats shall be deemed to have been established under this Act.

### CHAPTER III.

#### ADMINISTRATIVE POWERS AND DUTIES.

26. *Administrative powers and duties of panchayats.*—(1) It shall be the duty of a panchayat, so far as the village funds at its disposal will allow, to make adequate provision for the village in regard to such of the following matters as the district local board may from time to time direct, namely :—

(a) the supply of water for domestic use ;

(b) the cleansing of the public roads, drains, tanks and wells (other than tanks and wells used for irrigation) and other public places or works in the village ;

[Appendix 49—contd.]

(c) the construction, maintenance and repair of public roads, drains and bridges :

Provided that, if the roads, drains and bridges vest in any other public authority, such works shall not be undertaken without the consent of such authority ;

(d) sanitation, conservancy, and the prevention and abatement of nuisances ;

(e) the preservation and improvement of the public health ;

(f) the maintenance and regulation of the use of public buildings vesting in the panchayat, grazing lands, tanks and wells (other than tanks and wells used for irrigation) ;

(g) the lighting of the village ; and

(h) control of fairs, bazars, slaughter-houses and cart-stands.

(2) A panchayat may also make provision for carrying out any other work or measure which is likely to promote the health, safety, comfort, or convenience of the inhabitants of the village and which may be approved by the district local board.

27. *Powers of district local board to transfer maintenance of institutions and execution of other works.*—The district local board may, at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in section 26, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work :

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

28. *Other duties.*—(1) The panchayat shall,—

(i) subject to regulations to be made by the school board in this behalf, supervise the village school and carry out such repairs as may be necessary for the maintenance and upkeep of the same ; and

(ii) subject to by-laws to be made by the district local board in this behalf,—

(a) supervise the labour employed by local boards on works within the village ;

(b) supervise repairs to dharamsalas ;

(c) manage and maintain cattle-pounds ;

(d) execute such works as are entrusted to it by the district local board ; and

(e) perform such other administrative duties as may be assigned to it by Government by notification in the *Bombay Government Gazette* after consultation with the district local board.

(2) The regulations to be made by the school board shall be made within six months from the passing of this Act. If no such regulations are made within the said period, Government may make such regulations.

[Appendix 49—*contd.*]

## CHAPTER IV.

INCORPORATION OF VILLAGE PANCHAYAT; ITS  
PROPERTY AND FUND.

29. *Incorporation of village panchayat.*—Every panchayat shall be a body corporate by the name of “the village panchayat of \_\_\_\_\_” and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, whether within or without the limits of the village over which it has authority, to lease, sell or otherwise transfer moveable or immoveable property which may become vested in or be acquired by it, and to contract and do all other things necessary for the purposes of this Act :

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Collector.

30. *Property of panchayat.*—(1) It shall be competent to the district local board from time to time to direct that any property vesting in such local board shall vest in a panchayat.

(2) Every work constructed by a panchayat shall vest in such panchayat.

31. *Village fund.*—(1) There shall be in each village a fund, which shall be called the village fund.

(2) The following shall form part of, or be paid into, the village fund, namely :—

(a) the amount which may be allotted to the village fund by Government under the provisions of section 191 of the Bombay District Municipal Act, 1901 ;

(b) the proceeds of any tax imposed under sections 87, 88 and 89 ;

(c) all fines and sums ordered to be paid as compensation realised under sections 44, 45 and 46 ;

(d) all other sums ordered by a court to be placed to the credit of the village fund ;

(e) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the village servants ;

(f) sums contributed to the village fund by Government or a district local board ;

(g) all sums received by way of loans from Government or the district local board or by way of gift ;

(h) such other sums as may be assigned to the village fund by any general or special order of Government ;

(i) the income of any property vesting in the panchayat under section 30 ; and

(j) fees levied for the institution of suits and cases under section 58.

[Appendix 49—contd.]

32. *Application of village fund.*—All property vested in the panchayat under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force shall be applied subject to the provisions and for the purposes of this Act.

## CHAPTER V.

### ESTABLISHMENT AND ACCOUNTS.

33. *Appointment of Secretary.*—Every panchayat shall appoint a secretary. Such appointments shall be subject to the approval of the district local board.

34. *Schedule of servants.*—Subject to the provisions of section 97, a panchayat shall determine and submit for information to the district local board a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the panchayat by or under this Act.

35. *Appointment of servants.*—(1) The sarpanch shall appoint the servants of the panchayat and pay their salaries from the village fund at his disposal. He may also, in cases of emergency, engage such temporary servants as he may deem necessary. The sarpanch may, from time to time, by a written order, fine, suspend or dismiss any servant appointed by him.

(2) An appeal shall lie against an order passed under sub-section (1) to the panchayat.

36. *Budget and accounts.*—(1) A panchayat shall determine annually and shall submit to the district local board, on or before such date and in such form as may be prescribed by Government, a statement of—

(a) the opening balance and estimated income of the panchayat for the following year ;

(b) the expenditure proposed on establishment and the discharge of the duties specified in sub-section (1) of section 26 ;

(c) the expenditure proposed under sub-section (2) of section 26 and sub-section (1) of section 28.

(2) The district local board shall, within two months from the date of the receipt of such statement, either approve the same or direct that the proposed expenditure on any of the duties specified in sections 26 and 28 shall be increased or decreased :

Provided that the district local board shall not have power to direct that the total proposed expenditure shall exceed the estimated income of the village fund for the following year.

(3) A panchayat shall maintain its accounts in such form as may be prescribed by Government and submit to the district local board annual returns thereof on or before such date and in such form as may be prescribed by Government.

[Appendix 49—*contd.*]

## CHAPTER VI.

## JUDICIAL POWERS OF PANCHAYATS.

37. *Power of Government to empower panchayats to try suits and cases.*—Government may, by notification in the *Bombay Government Gazette*, empower, from such date as may be mentioned in this behalf, a panchayat to try such suits as are specified in section 39 and to take cognizance of such offences as are specified in section 41.

38. *Saving of pending proceedings.*—Every suit or case of the nature specified in sections 39 or 41, pending in any court and cognizable by a panchayat empowered under section 37 and all proceedings arising from and incidental to any such suit or case shall be tried, heard and determined by such court or any other court having jurisdiction to try, hear and determine the same, as if this Act had not been passed.

39. *Suits triable by panchayats.*—(1) Save as otherwise provided in section 40, the panchayat shall have power to try the following suits, namely :—

(a) suits for money due on contracts, not affecting any interest in immoveable property ;

(b) suits for the recovery of moveable property or for the value of such property.

(c) suits for compensation for wrongfully taking and injuring moveable property ;

where the amount or value of the claim does not exceed twenty-five rupees.

(2) With the written consent of both the parties, recorded in the presence of the panchayat, suits of the nature described in sub-section (1), but the value of which does not exceed one hundred rupees, shall be triable by such panchayats.

(3) Government may, by notification in the *Bombay Government Gazette*, direct that any panchayat may try any suit of the nature described in sub-section (1), up to such value as may be specified in the notification not exceeding one hundred rupees.

40. *Suits not triable by panchayats.*—No suit shall be brought before any panchayat—

(i) on a balance of partnership account ;

(ii) for a share or part of a share under any intestacy, or for a legacy or part of a legacy under a will ;

(iii) by or against the Secretary of State for India in Council or a public officer in his official capacity ;

(iv) by or against a minor or a person of unsound mind ; and

(v) on account of any dispute or matter in respect of which any suit or application would be cognizable by a revenue court.

[Appendix 49—contd.]

41. *Offences cognizable by panchayats.*—(1) The following offences as well as abetments of an attempts to commit such offences shall be cognizable by panchayats, namely :—

(a) Under the Indian Penal Code—

	Section.
Voluntarily causing hurt .. .. .	323
Assault or use of criminal force otherwise than on grave and sudden provocation .. .. .	352
Assault or use of criminal force on grave and sudden provocation .. .. .	358
Theft, where the value of the property stolen does not exceed Rs. 10 .. .. .	379
Mischief, when the loss or damage caused does not exceed Rs. 10 in value .. .. .	426
Intentional insult, with intent to provoke a breach of the peace .. .. .	504

Provided that no offence of theft shall be cognizable by any panchayat, unless an accused person has been either apprehended or recognised and named.

(b) Under the Cattle Trespass Act, 1871—

	Section.
Forcibly opposing the seizure of cattle or rescuing the same .. .. .	24

(c) Breaches of by-laws made punishable under this Act.

(2) Government may, by notification in the *Bombay Government Gazette*, empower any panchayat to take cognizance of any or all of the following offences under the Indian Penal Code, as well as abetments of, or attempts to commit, (any) such offences, namely :—

	Section.
Negligently doing any act known to be likely to spread the infection of any disease dangerous to life .. .. .	269
Fouling the water of a public spring or reservoir .. .. .	277
Causing danger, obstruction or injury to any public way .. .. .	283
Theft, where the value of the property stolen does not exceed Rs. 20 .. .. .	379
Mischief, when the loss or damage caused does not exceed Rs. 20 in value .. .. .	426
Criminal trespass .. .. .	447
House trespass .. .. .	448
Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property .. .. .	461
Adultery .. .. .	497
Enticing, or taking away, or detaining with criminal intent a married woman .. .. .	498



[Appendix 49—*contd.*]

42. *Certain persons accused of theft not to be tried by panchayats.*—No panchayat shall take cognizance of any offence of theft punishable under section 379 of the Indian Penal Code, in which the accused—

(a) has been previously convicted of an offence punishable, under Chapter XII or Chapter XVII of the Indian Penal Code, with imprisonment of either description for a term of three years or upwards ;

(b) has been previously fined for theft by any panchayat ;

(c) is a registered member of a criminal tribe under section 4 of the Criminal Tribes Act, 1924 ; or

(d) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898.

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43. *Offences by or against public servant not cognizable by panchayats.*—No panchayat shall take cognizance of any offence specified in section 41 in which either the complainant or the accused is a public servant serving in the district in which the village for which the panchayat is established is situated :

Provided, however, that a panchayat shall not be debarred from taking cognizance of an offence for a breach of a by-law, notwithstanding that the complainant in the case is a public servant.

44. *Conviction by a panchayat not a previous conviction.*—A conviction by a panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code.

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45. *Maximum penalties.*—(1) The following are the maximum penalties which may be inflicted by a panchayat for the offences mentioned in section 41 :—

(a) Under the Indian Penal Code—

Fine not exceeding Rs. 10 or double the amount of the loss or damage caused up to a limit of Rs. 20 ;

(b) Under section 24 of the Cattle Trespass Act, 1871—

Fine not exceeding Rs. 5 ; and

(c) for a breach of a by-law made punishable under this Act—

Fine not exceeding Rs. 10 or Rs. 2 a day for a continuing breach as provided in sub-section (3) of section 107.

(2) No sentence of imprisonment, whether substantive or in default of fine or of whipping, shall be inflicted by a panchayat.

46. *Power of Government to empower particular panchayats to inflict enhanced penalties.*—Government may empower, by a notification in the *Bombay Government Gazette*, a panchayat to inflict the following maximum penalties :—

(a) Under the sections of the Indian Penal Code mentioned in section 41—

Fine not exceeding Rs. 20 or double the amount of the damage or loss caused, whichever is greater.

(b) Under section 24 of the Cattle Trespass Act, 1871—

\* Fine not exceeding Rs. 10.

[Appendix 49—*contd.*]

47. *Compensation to complainants.*—In inflicting any fine under section 45 or section 46, the panchayat may direct that the whole or any portion of the fine recovered shall be applied—

(a) towards defraying the expenses properly incurred in the case by the complainant, or

(b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

48. *Compensation to accused for false or frivolous case.*—If a panchayat is satisfied, after enquiry, that a case brought before it is false, frivolous or vexatious, such panchayat may order the complainant to pay the accused such compensation, not exceeding Rs. 5, as it thinks fit.

49. *Youthful offenders.*—Instead of passing any sentence, a panchayat may discharge, after due admonition, a youthful offender who, in the opinion of such panchayat, is, at the time of conviction of the offence, under the age of sixteen years.

50. *Members interested not to sit on panchayat.*—No member of a panchayat who is a party to, or interested in, any suit or case shall sit on the panchayat while it is trying such suit or case.

Any dispute as to whether a member of a panchayat is a party to or interested in a suit or case shall, on a written application of a party to such suit or case, be referred to the Collector or such officer as he may authorise in this behalf to decide. The decision of the Collector or such officer shall be final.

51. "*Res judicata*" and pending suits and cases.—(1) No panchayat shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard and decided by, a court of competent jurisdiction in a previously instituted suit between the same parties or those under whom they claim.

(2) Where an accused person has been tried for any offence, no panchayat shall take cognizance of such offence or, on the same facts, of any other offence of which the accused might have been charged or convicted.

52. *Suits to include whole claim.*—Every suit instituted before a panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the panchayat.

If a plaintiff omits to sue in respect of or intentionally relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

53. *Limitation for suits and cases.*—(1) No suit shall be entertained by a panchayat after the expiration of three years from the time when the right to sue first accrued :

[Appendix 49—*contd.*]

Provided that the period of limitation for the suits specified in the schedule shall be the period prescribed in the said schedule in respect of such suits.

(2) No case shall be cognizable by a panchayat after the expiration of six months from the date on which the offence was committed.

54. *Panchayat before which suits to be instituted.*—Every suit under this Act shall be instituted before the panchayat of the village in which the defendant or each of the defendants, where there are more than one, resides at the time of the institution of the suit, irrespective of the place where the cause of action arose.

55. *Panchayat before which cases to be instituted.*—Every case under this Act shall be instituted before the panchayat of the village in which the offence was committed.

56. *Return of complaints.*—Any magistrate upon receiving a complaint of facts constituting an offence cognizable by a panchayat shall, unless reason be shown to the contrary, return the complaint for presentation to the panchayat having jurisdiction to try the same.

57. *Bar of jurisdiction of courts in suits and cases.*—Notwithstanding anything contained in any law for the time being in force no court shall entertain any suit specified in section 39 or take cognizance of any offence specified in section 41, unless and until the Collector has passed an order in writing under section 86.

## CHAPTER VII

### PROCEDURE OF PANCHAYATS IN SUITS AND CASES.

58. *Suits and cases: how instituted.*—Any person who wishes to institute a suit or case under this Act before a panchayat shall make an application orally or in writing to the sarpanch or during his absence from the village to such other member of the panchayat as the sarpanch may appoint in this behalf and shall at the same time pay the prescribed fees.

59. *Substance of application to be recorded.*—The substance of the application shall be recorded without delay in the prescribed register and the signature or thumb-impression of the applicant shall be taken on the register.

60. *Plaintiff or complainant to attend next sitting of panchayat.*—Every suit or case instituted in accordance with the provisions of section 40 shall be brought before the panchayat at its next sitting and the plaintiff or complainant, as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

61. *Summons to be issued to defendant or accused.*—The panchayat, after hearing the application, shall cause a written summons in the prescribed form to be served on the defendant or accused, as the case may

[Appendix 49—*contd.*]

be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the plaintiff or complainant to attend and produce his evidence at such time and place :

Provided that the panchayat may, for reasons to be recorded, after hearing the application and examining the plaintiff or complainant, refuse to issue a summons and dismiss the suit or complaint.

62. *Summons by whom served.*—Such summons shall ordinarily be served by the patel or village headman. Where there are two patels in a village, one of whom is a revenue patel and the other a police patel, the summons shall ordinarily be served by the revenue patel if it relates to a suit and by the police patel if it relates to a case :

Provided, however, that a panchayat may cause the summons to be served through any other person.

63. *Mode of service of summons.*—The summons shall be in duplicate, signed by the presiding member of the panchayat and shall, as far as possible, be served personally on the defendant or accused, as the case may be, whose signature or thumb-impression shall be taken in token of service. If the defendant or accused cannot be found and the panchayat is satisfied that he is evading service or if he refuses to take the summons, the panchayat may order service to be made on an adult male member of his family residing with him, or by affixing a copy thereof upon some conspicuous part of the house in which he ordinarily resides.

64. *Mode of service outside village.*—If a defendant or accused is, at the time of the issue of the summons, outside the village of the panchayat, the summons may be forwarded by the panchayat to the Collector or to any officer not below the rank of a mamlatdar, who may be authorised by the Collector in this behalf, and the Collector or such officer shall cause the summons to be served as if it were a summons from his own court.

65. *Exemption of certain persons from appearance in suits.*—(1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance before a panchayat in any suit.

(2) Persons exempted from personal appearance in any court under section 133 of the Code of Civil Procedure, 1908, shall also be exempt <sup>v of</sup> 1908. from personal appearance before a panchayat in any suit.

66. *Issue of summons to witnesses.*—(1) A panchayat may, if it considers the evidence of, or the production of a document by, any person necessary in a suit or case, issue a summons to such person to compel him to attend or to produce or cause the production of such document, and such person shall be bound to comply with the directions contained in the summons. Such summons shall be in the form and served in the manner hereinbefore prescribed.

(2) A panchayat may refuse to summon a witness or to enforce a summons already issued against a witness where, in its opinion, the

[Appendix 49—*contd.*]

attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances, would be unreasonable.

(3) No panchayat shall enforce the attendance of any person living outside the village to give evidence, or to produce a document, unless such sum of money is deposited with the panchayat as appears to the panchayat to be sufficient to defray his reasonable expenses.

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1872. (4) No panchayat shall compel any person to give evidence or to disclose any communication which such person cannot be permitted to give or compelled to disclose under the provisions of the Indian Evidence Act, 1872, or under any other law for the time being in force.

67. *Pleaders, etc., excluded from appearance.*—No pleader, vakil, or mukhtyar, and no advocate or attorney of a High Court, shall be permitted to appear on behalf of any party to any suit or case before a panchayat :

Provided that any party to any such suit or case may be permitted, on reasonable cause being shown to the satisfaction of the panchayat, to employ any relation, servant, dependant, or friend who is not and who has not previously been a pleader, vakil, or mukhtyar or an advocate or attorney of a High Court, to appear either conjointly with or in lieu of such party.

When a relation, servant, dependant, or friend appears in lieu of a party, he shall be furnished by such party with a power of attorney defining the extent to which he is empowered to act.

68. *Decision of suit or case on facts ascertained.*—(1) It shall be the duty of a panchayat to ascertain the facts of a suit or case before it by every lawful means in its possession after holding such inquiry and in such manner as it thinks proper.

(2) Nothing in any enactment relating to evidence or procedure shall in any way affect the powers of a panchayat to hold such inquiry.

(3) After holding such inquiry, a panchayat may pass such decree or order, with or without costs, subject to the provisions of this Act, as may in its opinion seem just and equitable.

69. *Decision of the panchayat.*—The decision of the panchayat shall be in accordance with the opinion of the members of the panchayat who are present at the sitting or of the majority of such members. If the members are equally divided, the person presiding shall have a second or casting vote.

70. *Adjournment.*—The panchayat may, from time to time, adjourn the hearing of any suit or case :

Provided that such adjournment is, in its opinion, unavoidable or necessary to a just and equitable decision of the suit or case.

71. *Disposal of suits and cases in absence of party concerned.*—(1) If the plaintiff or complainant fails to appear, after having been informed of the time and place fixed for the hearing, the panchayat may hear and decide the suit or case in his absence.

[Appendix 49—*contd.*]

(2) The panchayat may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been served upon him in the manner hereinbefore prescribed, or if he has been informed of the time and place fixed for hearing:

Provided that no sentence shall be passed by a panchayat on any accused, unless he has appeared, either in person or by a representative, before the panchayat, and the substance of his statement has been recorded in the prescribed register.

(3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the panchayat may apply to the District Magistrate or to any officer not below the rank of a second class magistrate authorised by the District Magistrate in this behalf, and such District Magistrate or officer may compel the accused to appear in person before the panchayat as if he were a court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before the panchayat, the panchayat shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

72. *Compromise.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, a panchayat may decide any suit or case within its jurisdiction in accordance with any settlement, compromise or oath agreed to by the parties.

73. *Death of parties.*—When any party to a suit dies before a decree has been passed, the suit shall abate, but a fresh suit may be brought on the same cause of action, and the period during which the suit was pending shall be excluded in computing the period of limitation prescribed under section 53 for the fresh suit.

74. *Panchayat not to revise or alter its decision.*—(1) Except as provided in sub-section (2), a panchayat shall not have power to cancel, revise or alter any decree or order passed by it.

(2) On application made within one month from the date of the decree or order of a panchayat, the panchayat may, for reasons to be recorded in writing, restore any suit which has been dismissed for default, or in which an *ex-parte* decree has been passed against the defendant.

75. *Interest and instalments.*—In suits for money, a panchayat may, in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six per cent. per annum, from the date of the decree until the date of payment.

When a panchayat decrees the payment of a sum of money in a suit, it may direct that it be paid by instalments, without interest, or with interest not exceeding the above rate.

76. *Reference by panchayat to Collector.*—When any panchayat is of opinion that any suit or case before it is of such a nature, or of such intricacy or importance that it ought to be tried by a court, it shall stay

[Appendix 49—*contd.*]

proceedings and refer the matter to the Collector or any officer not below the rank of mamlatdar who may be authorised by the Collector in this behalf, for his orders.

77. *Panchayat's decrees and orders not to be questioned.*—Except as provided in section 86, no decree or order of a panchayat shall be called in question in any court on the ground that it was passed without jurisdiction.

78. *Finality of decrees and orders.*—Every decree or order passed by a panchayat in any suit or case under this Act shall be final, and, except as provided in section 86, shall not be subject to any appeal, revision or review.

## CHAPTER VIII.

### EXECUTION.

79. *Satisfaction or adjustment of decree to be recorded.*—If, on the application of a decree-holder or judgment-debter, the panchayat, after enquiry, finds that the decree has been satisfied or adjusted, wholly or in part, the panchayat shall record the fact in the prescribed register.

80. *Execution through Collector.*—(1) If, after a period of one month from the date of a decree, the decree remains unsatisfied or unadjusted, in whole or in part, the decree-holder may, within one year of the date of the decree, apply to the panchayat for execution.

(2) On such application for execution, the panchayat shall certify to the Collector that the decree remains unsatisfied or unadjusted, in whole or in part and on receipt of such certification the Collector shall, provided that the panchayat shall have certified to the Collector within one year from the date of the application for execution,—

(a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue ; or

(b) if the decree is for any specific moveable property, cause the decree to be executed as if it were a decree of a civil court, and in so acting may exercise all the powers of a civil court.

81. *Execution of instalment decree through Collector.*—(1) If, after a period of one month from the date fixed for the payment of any instalment of a sum of money decreed by a panchayat under section 75, an instalment or any portion thereof remains unpaid, the decree-holder may, within one year of the date when it fell due, apply for execution to the panchayat.

(2) On such application for execution, the panchayat shall certify to the Collector that the instalment or a portion thereof still remains unpaid, and on receipt of such certification the Collector shall, provided the panchayat shall have certified to the Collector within one year from the date of the application for execution, proceed to recover the amount of the instalment so remaining unpaid as if it were an arrear of land revenue.

[Appendix 49—*contd.*]

82. *Satisfaction of decree or instalment after certificate.*—If the decree or the instalment is fully satisfied and satisfaction is recorded under section 79, after the issue of the certificate to the Collector under section 80 or 81, but before the decree has been executed through the Collector, the panchayat shall forthwith certify such satisfaction to the Collector who shall thereupon stay the execution proceedings. All sums of money realised by execution through the Collector shall, after satisfaction of the decree, be refunded to the judgment-debtor.

83. *Fine and compensation when payable.*—(1) Every sum ordered to be paid as compensation and every fine imposed under sections 45, 46, 47 and 48 by a panchayat shall be payable at once :

Provided that the panchayat may allow any person ordered by it to pay compensation or fine to pay the same within such time, not exceeding four days, as it may think proper and on such terms as to security as it shall seem to the panchayat necessary to impose.

(2) *Mode of recovery.*—If the amount of fine or compensation remains unpaid for four days from the date of the order, the panchayat shall recover the same by distraint and sale of the defaulter's moveable property.

(3) If the amount of fine or compensation is not fully recovered, the panchayat shall certify accordingly to the Collector, and on receipt of such certification the Collector shall, provided the panchayat shall have certified to the Collector within a period of one year from the date when the amount became recoverable by the panchayat under sub-section (2), proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the panchayat.

84. *Fine or compensation, when realised, to be recorded.*—As soon as the amount of fine or compensation referred to in section 83 is realised by the panchayat, whether directly or through the Collector, the amount so realised shall be entered in the prescribed register, and shall be credited by the panchayat to the village fund.

85. *Payment of compensation out of village fund.*—Any money which has been ordered by the panchayat, under section 47 or section 48, to be paid as expenses or compensation, shall be paid by it out of the amount realised under sections 45 and 46 and the payment so made shall be debited to the village fund.

86. *Collector may cancel jurisdiction or quash proceedings.*—(1) The Collector may, at any time, either of his own motion or on a reference made by a panchayat under section 76 by order in writing, cancel the jurisdiction of a panchayat with respect to any suit or case, or quash any proceedings of a panchayat at any stage, or cancel any decree or order passed by a panchayat.

(2) When an order has been passed by a Collector under sub-section (1) in respect of any suit, the plaintiff may institute a fresh suit for the same relief in a civil court, and the period from the date of the institution of the suit before the panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.



[Appendix 49—contd.]

(3) Where an order has been passed by the Collector under sub-section (1) in respect of any case, proceedings in respect of the same offence may be instituted in the court of a magistrate having jurisdiction.

## CHAPTER IX.

### TAXATION AND RECOVERY OF CLAIMS.

87. *House-tax.*—Every panchayat shall levy a house-tax in the village at such rate and in such manner as may be prescribed.

88. *Pilgrim tax.*—With the approval of the district local board and in accordance with by-laws, a panchayat may levy a tax on pilgrims resorting periodically to a shrine or any sacred place within the limits of the village.

89. *Additional taxation.*—(1) With the approval of the district local board and in accordance with by-laws a panchayat may levy—

(i) any tax upon the owners or occupiers of houses and lands within the limits of the village ;  
and

(ii) an octroi.

(2) Any person aggrieved by the assessment, levy or imposition of any such tax or octroi may appeal to the district local board. The decision of the district local board in the matter shall be final.

(3) Government may suspend the levy or imposition of any tax or octroi referred to in sub-section (1) and may at any time rescind such suspension.

90. *Power of district local board to increase taxation of panchayat.*—

(1) If in the opinion of the district local board the regular income of a panchayat falls below what is necessary for the proper discharge of the duties specified in sections 26 and 28, the district local board may call upon the panchayat to take steps, within six months, to increase its income to such extent as the district local board considers necessary. If the panchayat fails to take adequate steps to increase its income to the required extent, the district local board, may require it to increase the house-tax :

Provided that the district local board shall not compel the panchayat to increase the house-tax beyond the maximum rate to be prescribed by rules in this behalf.

(2) Any panchayat may appeal to the Commissioner against an order made under sub-section (1) and the Commissioner may stay the execution of such order until he has decided the appeal.

91. *Recovery of taxes and other dues.*—(1) When any tax has become due, a panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the

[Appendix 49—*contd.*]

amount due from him, specifying the date on or before which the amount shall be paid.

(2) If any person fails to pay any tax or any other sum due from him to a panchayat under this Act or the rules or by-laws on or before the specified date of payment, the panchayat shall cause a writ of demand to be served on the defaulter.

(3) If the sum for which a writ of demand has been served is not paid within 15 days from the date of such service, the panchayat may levy such sum by distraint and sale of the moveable property of the defaulter.

(4) For every writ of demand issued under sub-section (2) a fee shall be chargeable at such rate as may be prescribed by by-laws.

(5) If a panchayat is unable to recover a tax or other sum due to it as aforesaid, it may furnish to the mamlatdar or mahalkari a statement of the arrears due, with a request for the recovery of the same through the village officers, and on receipt of such statement of arrears, the mamlatdar or mahalkari may, provided such statement of arrears shall have been furnished by the panchayat to the mamlatdar or mahalkari within one year from the date specified in the bill presented under sub-section (1), proceed to recover the same as an arrear of land revenue through the village officers. For the recovery of such sums, the village officers shall be remunerated by the panchayat in such manner as may be prescribed by rules.

(6) If a panchayat fails to recover any tax, fine or other sum due to it, or neglects to take action under sub-sections (2) and (3) of section 83 or (2) and (3) of this section, the district local board may apply to the Collector to recover the same as an arrear of land revenue:

Provided that no such application shall be made to the Collector after the expiry of one year from the date when the amount became certifiable under sub-section (3) of section 83 or from the date specified in the bill presented under sub-section (1) of this section, as the case may be.

On receipt of such application from the district local board, the Collector may, after holding such enquiry as he thinks fit, proceed to recover the sum as an arrear of land revenue.

92. *Collector's power to direct irrecoverable sums to be written off.*—  
The Collector may direct—

(a) any sum certified by a panchayat and recoverable by him under sections, 80, 81 and 83 and sub-section (6) of section 91;

(b) any arrear of a tax or any other sum due to a panchayat and recoverable, through a malatdar or mahalkari under sub-section (5) of section 91

to be written off if, in the opinion of the Collector, such sum or arrears are irrecoverable.

[Appendix 49—*contd.*]

## CHAPTER X.

## FINANCIAL ASSISTANCE TO PANCHAYATS.

Bom. 93. *Contributions and loans by district local boards.*—Notwithstanding anything contained in the Bombay Local Boards Act, 1923, the district local board—

(i) shall assign to every panchayat within the district not less than one-fifth of the local fund cess realised within the limits of the village, and

(ii) may, subject to rules, grant a loan to such panchayats, for the purposes of this Act.

## CHAPTER XI.

## CONTROL.

94. *Power to call for proceedings, etc.*—(1) The Collector or the district local board shall have power—

(a) to call for any extract from the proceedings of a panchayat, any book or document in the possession or under the control of a panchayat, and any return, statement, account or report which the Collector or the district local board may think fit to require such panchayat to furnish; and

(b) to require a panchayat to take into consideration—

(i) any objection which appears to the Collector or the district local board to exist to the doing of anything which is about to be done or is being done by such panchayat, or

(ii) any information which the Collector or the district local board is able to furnish, and which appears to the Collector or the district local board to necessitate the doing of a certain thing by the panchayat,

and to make a written reply to the Collector or the district local board, as the case may be, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

(2) All or any of the powers given to the district local board under sub-section (1) may be delegated by it to its president, vice-president, chief officer, public health officer or executive engineer.

95. *Power of entry.*—The district local board may authorise its president, vice-president, or any of its officers to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any panchayat or any work in progress under its direction.

96. *Audit of Accounts.*—The audit of the accounts of a panchayat shall, unless provision is otherwise made by Government in that behalf be carried out each year by the district local board, and such board shall, within one month of the completion of the audit, forward a copy of the audit note to the Collector.

[Appendix 49—contd.]

97. *Reduction of establishment.*—(1) If, in the opinion of the Collector or the district local board, the number of persons maintained or proposed to be maintained by a panchayat as officers or servants, or the remuneration given or proposed to be given by the panchayat to such persons is excessive, the panchayat shall, on the requirement of the Collector or the district local board, as the case may be, reduce such number or remuneration.

(2) If there is a difference between the requirement of the Collector or of the district local board under sub-section (1), the panchayat shall refer the matter in difference to the Commissioner whose decision shall be final.

(3) The panchayat may appeal to the Commissioner against any requirement made under sub-section (1), and the decision of the Commissioner in the matter shall be final.

98. *Suspension of execution of order.*—(1) If, in the opinion of the Collector, the execution of any order or resolution of a panchayat, or the doing of anything which is about to be done or is being done by or on behalf of a panchayat, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When the Collector makes an order under sub-section (1), he shall forthwith send to the panchayat affected thereby a copy of the order, with a statement of the reasons for making it.

(3) The Collector shall forthwith submit to the Commissioner a report of every case occurring under this section, and the Commissioner may revise or modify any order made therein and make in respect thereof any other order which the Collector could have made.

99. *Execution of work in case of emergency.*—(1) In cases of emergency, the Collector may provide for the execution of any work or the doing of any act which a panchayat is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the panchayat.

(2) If the expense is not so paid, the Collector may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or so much thereof as is possible, from the balance of such fund in his hands.

(3) The Collector shall forthwith report to the Commissioner every case in which he exercises the powers under sub-section (1).

100. *Default in performance of duty.*—(1) If at any time it appears to the district local board that a panchayat has made default in the performance of any duty specified in section 26, it may order the duty to be performed within a specified period, and, if the duty is not performed within the period specified, the district local board may appoint some person to perform it, and direct that the expense of performance shall be

[Appendix 49—*contd.*]

paid by the defaulting panchayat, within such period as the district local board may fix.

(2) If the expense is not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or so much thereof as is possible, from the balance of such fund in his hands.

(3) The district local board shall forthwith report to the Commissioner every case in which it exercises the powers under sub-section (1).

101. *Dissolution or supersession of panchayat for default.*—(1) If, in the opinion of Government, a panchayat exceeds or abuses its powers, or makes persistent default in the performance of the duties imposed on it under section 26 or any other law for the time being in force, Government may, after reference to the district local board, by an order in the *Bombay Government Gazette*,

(i) dissolve such panchayat, or

(ii) supersede such panchayat for the period specified in the order.

(2) When a panchayat is dissolved or superseded, all members of the panchayat shall, from the date specified in the order, vacate their offices as such members.

(3) When a panchayat is dissolved, it shall be reconstituted in the manner provided in this Act.

(4) If a panchayat is superseded—

(a) all the powers and duties of the panchayat shall, during the period of supersession, be exercised and performed by such person or persons as Government may, from time to time, appoint in that behalf;

(b) all property vested in the panchayat shall, during the period of supersession, vest in Government; and

(c) on the expiry of the period of supersession, the panchayat shall be reconstituted in the manner provided in this Act, and the persons vacating office shall be eligible for re-election or re-nomination.

102. *Dissolution and reconstitution of panchayat on alteration of limits of village.*—(1) When, during the term of the panchayat the limits of a village are altered, Government may, by order published in the *Bombay Government Gazette*, dissolve such panchayat and direct a panchayat—

(i) to be reconstituted for the village of which the panchayat has been dissolved, or

(ii) to be established for a village which has been newly declared.

The members of the panchayat which has been dissolved shall vacate their office from the date specified in the order.

(2) The panchayat reconstituted or established under the provisions of sub-section (1) shall consist of such members, either elected, nominated or appointed in such manner as Government shall, by order in writing, direct.

The sarpanch and deputy sarpanch of the panchayat so reconstituted or established shall be elected in the manner provided in this Act.

[Appendix 49—contd.]

(3) The term of the panchayat so reconstituted or established shall be for such period, not exceeding one year, as Government shall, by order in writing, specify.

(4) On the expiry of the term of the panchayat in accordance with the provisions of sub-section (3), the panchayat shall be constituted in the manner provided by this Act.

103. *Vesting of property, etc., of panchayat which has been dissolved in reconstituted or established panchayat.*—(1) When a panchayat has been dissolved and reconstituted or established under section 102, so much of the village fund and other property vesting in the panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established panchayat, as Government may, by order in writing, direct.

(2) The rights and liabilities of the panchayat which has been dissolved in respect of contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established panchayat, shall vest in such panchayat.

(3) Any notice, tax, order, licence, permission, rule or by-law made, issued or imposed in respect of any part of the area subject to the authority of the reconstituted or established panchayat shall be deemed to have been made, issued or imposed by or in respect of such panchayat, unless and until it is superseded by any notice, tax, order, licence, permission, rule or by-law made, issued or imposed by or in respect of such panchayat.

104. *Effect of dissolution or supersession on pending proceedings.*—When a panchayat is dissolved or superseded under section 101 or 102, the provisions of sub-sections (2) and (3) of section 86 shall be deemed to apply in respect of any suits or cases pending before the panchayat as if the Collector had passed an order under sub-section (1) of section 86.

105. *Authority of Government.*—In all matters connected with this Act, Government shall have and exercise the same authority and control over the district local boards as it has and exercises over them under the Bombay Local Boards Act, 1923. Bom.  
VI of  
1923.

## CHAPTER XII.

### RULES AND BY-LAWS.

106. *Rules.*—(1) Government may, by notification in the *Bombay Government Gazette*, make rules—

(a) under section 6, regulating the manner in which the Collector shall nominate the holder or his representative, and the period for which such nominated member will hold office;

(b) under section 7, prescribing the manner in which the election of members shall be held;

[Appendix 49—*contd.*]

(c) under section 36, prescribing the date of submission and form of annual budgets, returns and accounts;

(d) under section 58, prescribing the fees payable on the institution of suits and cases;

(e) under sections 59, 68, 71, 79 and 84 prescribing the particulars to be entered in registers for suits and cases;

(f) under section 61, prescribing the form of summons;

(g) under sub-section (5) of section 91, prescribing the remuneration of village officers for the recovery of taxes and other sums due to a panchayat and the manner in which such remuneration shall be paid;

(h) under section 93, prescribing the terms on which loans may be granted to a panchayat by the district local board; and

(i) under sub-section (2) of section 111, regulating the delegation by the Collector of the powers therein referred to.

(2) The rules to be made under sub-section (1) shall be subject to the condition of previous publication.

107. *By-laws.*—(1) The district local board may, with the previous sanction of the Commissioner, make by-laws generally for the carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, the district local board may make by-laws—

(a) under section 6, for determining the number of elected members of a panchayat;

(b) under section 19, prescribing the time and place of the sittings and regulating the procedure at meetings of a panchayat, and fixing a quorum;

(c) under section 26—

(i) for the purification and protection from pollution of all sources of water used for drinking purposes;

(ii) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause, disease or injury to health, and the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(iii) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(iv) for the regulation of offensive callings or trades;

(v) for the disposal of corpses by burning or burial;

(vi) for the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(vii) for the removal of noxious vegetation;

(viii) for the repair and removal of dangerous or ruinous buildings;

[Appendix 49—*contd.*]

(ix) for the prevention of the erection of buildings without adequate provisions for ventilation, or the laying out and location of streets ;

(x) for the control of fairs and bazars, and the regulation of markets, slaughter-houses and cart-stands ;

(xi) for the inspection and destruction of unfit food and drink ; and

(xii) for the general regulation of sanitation and conservancy ;

(d) under section 28, for the supervision of labourers employed by local boards, and of repairs to dharamsalas, the management and maintenance of cattle-pounds, and execution of works entrusted by the district local board and performance of other duties assigned by Government ; and

(e) under sections 87, 88 and 89, prescribing the maximum rate for the levy of the house-tax, and for the levy of pilgrim and other taxes leviable by a panchayat.

(3) Any by-law made under the foregoing sub-sections may provide that a contravention thereof shall be punishable—

(a) with a fine, which may extend to Rs. 10, or

(b) in the case of a continuing contravention, with a fine, which may extend to Rs. 2 per day after conviction for the first contravention, during the period within which such contravention continues.

## CHAPTER XIII.

### MISCELLANEOUS.

108. *Punishment for obstruction of officers, members, etc., of panchayat.*—Whoever—

(1) obstructs or molests any officer, servant, agent or member of a panchayat, in the performance of his duty under the provisions of this Act,

(2) prevents or attempts to prevent any person from doing anything which he is empowered or required to do by virtue of this Act.

(3) removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by or under this Act, or

(4) removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the panchayat or under its authority, shall, on conviction by a magistrate, be punished with a fine not exceeding Rs. 50.

109. *Liability of members for loss, waste or misapplication.*—(1) Every member of a panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the panchayat, to which he has been a party, or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member.



[Appendix 49—*contd.*]

(2) If, after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property of the panchayat is a direct consequence of misconduct or gross neglect on his part, the Collector may, by order in writing, direct such member to pay to the panchayat, before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, the Collector shall recover it as an arrear of land revenue and credit it to the village fund.

(4) The decision of the Collector shall be final as to the liability of a member under sub-section (2) and as to the amount to be recovered from him.

110. *Bar of action against panchayat, etc., and previous notice before institution.*—(1) No action shall lie against any member, officer, servant or agent of a panchayat acting under its direction, in respect of anything done in good faith under this Act or any rule or by-law.

(2) No action shall be brought against any panchayat, or any member, officer, servant or agent thereof acting under its direction for anything done or purporting to have been done under this Act, until the expiration of three months next after notice in writing has been left or delivered at the office of the panchayat, and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(3) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

(4) If any panchayat or person, to whom a notice under sub-section (2) is given shall, before an action is brought, tender sufficient amends to the plaintiff and pay into court the amount so tendered, the plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

111. *Delegation of powers.*—(1) Government may, by notification published in the *Bombay Government Gazette*, authorise any person to exercise in respect of panchayats any of the powers vested in it or conferred on district local boards under the provisions of this Act.

(2) Subject to rules made in this behalf, the Collector may delegate to—

(a) a Magistrate of the First Class exercising appellate jurisdiction under section 407 of the Criminal Procedure Code the powers exercisable by the Collector under section 86 (1) in respect of a panchayat in a village within the said jurisdiction of the said Magistrate ;

(b) an officer not below the rank of a Deputy Collector, powers other than the powers under section 86 (1) exercisable by the Collector under the provisions of this Act.

[Appendix 49—contd.]

112. *Local inquiry and reports by panchayats.*—(1) It shall be the duty of every panchayat to inquire and report in any of the following cases :—

(a) Any case where a magistrate has directed that a previous local investigation be made by a panchayat under section 202 of the Code of Criminal Procedure, 1898, and the words “such other person” in sub-section (1) of the said section shall be deemed to include a panchayat : V of 1898.

(b) any case in which a magistrate making an inquiry under section 488 of the Code of Criminal Procedure, 1898, may require from the panchayat in whose village either the wife or child for whose maintenance the application is made or the husband or parent respectively of such wife or child resides, a report as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable, and such report shall be evidence in such inquiry ;

Provided that no member of the panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence, but the magistrate may, in his discretion, call for a further report.

113. *Members, etc., of panchayats to be public servants.*—Every member of a panchayat and every officer and servant maintained by or employed under a panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

114. *Effect of area ceasing to be a village.*—On any area ceasing to be a village, by virtue of any notification under section 4,—

(a) the panchayat shall be dissolved and all members thereof shall vacate office as from the date of the notification ;

(b) the provisions of sub-sections (2) and (3) of section 86 shall be deemed to apply in respect of any suits or cases pending before the panchayat as if the Collector had passed an order under sub-section (1) of section 86 ; and

(c) the unexpended balance of the village fund and the property vesting in the panchayat shall vest in the district local board, to be utilised for the benefit of the inhabitants of the area as the district local board may think fit.

115. *Repeal and savings.*—(1) The Bombay Village Panchayats Act, 1920, is hereby repealed : Bom. IX of 1920.

Provided that—

(a) Such repeal shall not affect the liability of any person to pay any sum due from him under the said Act or the validity or invalidity of anything already done thereunder.

(b) All panchayats established under the Bombay Village Panchayats Act, 1920, and existing immediately before the coming into force of this Act shall be deemed to have been established under this Act ; Bom. IX of 1920.  
and the rights and liabilities of any such panchayats shall be vesting in and attached to the panchayats so deemed to have been established ;

[Appendix 49—*contd.*]

and any appointment, notification, notice, tax, order, permission, rule or by-law made, issued or imposed in respect of any such panchayat under the Act so repealed shall, so far as is not inconsistent with the provisions of this Act, be deemed to have been made, issued or imposed under the provisions of this Act, in respect of the panchayats so deemed to have been established under this Act, unless and until superseded by any appointment, notification, notice, tax, order, permission, rule or by-law made, issued or imposed under this Act.

(2) During such time as this Act and the rules and by-laws shall be in operation in any village, the enactments mentioned in the second Schedule shall, to the extent specified in the third column of the Schedule, cease to have any operation in the said village.

### FIRST SCHEDULE.

#### PERIOD OF LIMITATION.

(See section 53.)

Description of suit.	Period of limitation.	Time from which period begins to run
(1) For the wages of a household servant, artisan or labourer.	One year ..	When the wages accrue due.
(2) For the price of food or drink sold by a keeper of a hotel, tavern or lodging-house.	One year ..	When the food or drink is delivered.
(3) For the price of lodging ..	One year ..	When the price becomes payable.

### SECOND SCHEDULE.

(See section 115.)

No. and year of enactment.	Subject of title.	Extent of repeal.
Bombay Act VII of 1867 ..	The Bombay District Police Act, 1867.	Sections 33 and 34.

[Appendix 49—*contd.*]

## STATEMENT OF OBJECTS AND REASONS.

The working of village panchayats in this Presidency has been engaging the attention of Government for some time. In 1925, Government appointed a committee to examine the whole question of the future of village panchayats, and to consider how panchayats could be made more successful. The committee submitted its report in 1926. The recommendations made by the committee were considered by Government and a draft bill was prepared. In May 1932 the draft bill was further considered at an informal conference of certain members of the Bombay Legislative Council which was presided over by the Honourable the Minister for Local Self-Government. The present bill is intended to give effect to such of the recommendations of the committee appointed in 1925 and of the conference held in May last, as have been accepted by Government. The Bombay Village Panchayats Act, 1920, was passed with the object of giving "the inhabitants of certain small areas the opportunity of providing for the requirements of such areas in respect of water supply, sanitation and other works of public utility, with the object that they may be encouraged to take an interest in local self-government." It was not then intended, as it is now intended, to invest the panchayats with certain judicial and quasi-judicial powers. It is now the intention of Government greatly to extend their powers and it is hoped, also, their utility. The important features of the present bill, which distinguish it from the Act of 1920, are :—

- (1) the extension of the franchise to women ;
- (2) the increase in the powers of taxation of panchayats ;
- (3) the allocation of part of the local fund cess to panchayats ;
- (4) the powers of panchayats to try certain civil and criminal cases of a petty nature in a summary manner.

In view, however, of the large number of amendments which would be necessary to carry out the new purposes in view, it is considered desirable that the present Act should be repealed and re-enacted in a consolidated form. It will be observed that most of the new provisions have been taken and adapted to suit local requirements from the United Provinces Village Panchayats Act, 1920, the Central Provinces Village Panchayats Act, 1920, the Madras Village Panchayats Act, 1920, and the Punjab Village Panchayats Act, 1922. In the following notes on clauses, some of the more important of the new provisions are explained.

## CHAPTER II.

*Clause 4.*—The committee of 1925 have recommended that villagers themselves should be given an opportunity of moving for the establishment of panchayats. This clause, therefore, provides in addition that, if application in writing is made to the Commissioner by 20 adult residents of a local area, steps may be taken for the establishment of a panchayat.

[Appendix 49—*contd.*]

*Clause 6.*—This clause provides for the constitution of a panchayat. In addition to such number of elected members as may be determined by a district local board officiating patel an *ex-officio* member of the panchayat. In the case of inam and sharakati villages, the principal holder of the village or a representative appointed by him will be nominated as a member of the panchayat.

Under the existing provision, a panchayat must consist of such number of members, not less than five, as determined by the district local board. It sometimes happens that candidates for the full number of seats determined by the district local board are not forthcoming, with the result that the panchayat cannot be established at all, and fresh elections have to be made. Provision has, therefore, been made in this clause enabling the panchayat to function when the full number of members determined by the district local board is not forthcoming, provided that out of the members to be elected five have been elected.

*Clause 7.*—It is proposed to extend the elective franchise to females, the residents, and to those who are assessed to house-tax in the village. It is also proposed that the voting should be by ballot. The procedure will be prescribed by Government by rules to be made under the Act.

*Clause 8.*—This clause gives effect to the recommendations of the committee, that the disqualification under clause (g) should not be removeable for a period of one year at least from the date of removal of the person from office.

*Clause 9.*—Under this clause, it is left to the option of the Collector to set aside an election if, in his opinion, any corrupt practice, illegality or irregularity which may have been made during the election has materially affected the result of such election.

*Clause 11.*—This clause provides for the term of office of the elected members of a panchayat.

*Clause 12.*—In the case of a nominated member, his term of office and other matters connected with his nomination will be determined by rules to be made by Government, whereas, in the case of an *ex-officio* member, he will continue to be a member so long as he holds the office of the patel. Power is given to the district local board to extend the term of a panchayat for a period not exceeding one year, if it thinks necessary. The provision is based on section 28 of the Bombay Local Boards Act, 1923.

*Clause 14.*—This clause provides for the election of a sarpanch and a deputy sarpanch.

*Clause 15.*—This clause provides for the period for which a sarpanch and a deputy sarpanch are to hold their respective offices. It is provided that neither of them will vacate his office till his successor is appointed and takes charge or until the expiry of the term of the panchayat, whichever is earlier.

*Clause 16.*—It is necessary to provide that, after the expiry of the term of his office or of the panchayat, the retiring sarpanch shall continue to carry on the current administrative duties of his office.

[Appendix 49—*contd.*]

*Clause 17.*—This clause provides for the election of a sarpanch, on the establishment of a panchayat or on the re-establishment after supersession or on the expiry of the term of the panchayat, or on expiry of the term of his own office. It is provided that, in case of a panchayat which has been established or re-established after supersession, the president of the district local board shall call a meeting of the panchayat, and after such meeting is called, shall leave the panchayat to elect its own chairman to preside at the meeting to be held for the election of the sarpanch. This clause also provides that, in the case of the expiry of the term of the sarpanch or on the expiry of the term of the panchayat, if the retiring sarpanch fails to call a meeting, the president of the district local board should take steps to call a meeting for the purpose. These provisions are based on section 27 of the Bombay Local Boards Act, 1923.

*Clause 20.*—This clause provides that the sarpanch will be the principal executive officer of the panchayat, and will be responsible for the carrying out of the resolutions passed by a panchayat.

*Clause 21.*—This clause refers to the power of the district local board to remove a sarpanch, deputy sarpanch, a member or a secretary of a panchayat.

*Clause 22.*—Provision has been made for the grant of leave to members of a panchayat by the president of the district local board, on the lines or section 30, sub-section (1) clauses (c) and (e), of the Bombay Local Boards Act, 1923.

*Clause 25.*—This is a temporary provision, made on the lines of section 34 of the Bombay Local Boards Act, 1923, providing for the administration of the village fund by the panchayats which are already in existence, until such date as Government may decide to establish a panchayat under this Act.

### CHAPTER III.

*Clause 26.*—The committee has recommended that the control of fairs, bazars, slaughter-houses and cart-stands should be made an obligatory duty of panchayats. The necessary provision has been made in this Act.

*Clause 27.*—This clause enables a district local board to transfer certain institutions to a panchayat for management.

*Clause 28.*—This relates to others duties of a panchayat, regarding the management of village schools, supervision of cattle-pounds and minor works which may be undertaken by the district local board in the village.

### CHAPTER IV.

*Clause 29.*—There is no provision in the Act of 1920 empowering a panchayat to acquire, hold and transfer immoveable property. It is very desirable to make such a provision. In accordance with the committee's recommendation, it is, therefore, proposed to provide for the

[Appendix 49—*contd.*]

incorporation of village panchayats and enable them to hold, acquire and transfer the property vesting in them. The provision is based on section 47 of the Bombay Local Boards Act, 1923.

*Clause 31.*—This clause provides for the constitution of the village fund, which will be under the control and management of a panchayat.

*Clause 32.*—This clause provides that the village fund shall be applied for the purposes of the Act.

#### CHAPTER V.

*Clause 33.*—This clause relates to the appointment of a secretary.

*Clause 35.*—The sarpanch is given the power of appointing servants' suits and paying their salaries from the village fund.

*Clause 36.*—This clause relates to the preparation of budgets and keeping of accounts. The Committee recommended that provision should be made for rules prescribing the registers and returns in which the accounts of the village fund shall be kept and returns thereof submitted to the district local board. This clause gives effect to that recommendation. Corresponding provision has been made in clause 106.

#### CHAPTER VI.

This chapter relates to the judicial powers of panchayats.

The Village Panchayat Committee appointed by the Government of Bombay recommended in their report that the power of trying civil and criminal cases of a petty nature should be given to selected village panchayats on the lines of the U. P. Village Panchayats Act. The object of the provisions in this chapter is to give effect to that recommendation. [The object of these provisions is to make certain suits and offences cognizable by panchayats.]

*Clause 37.*—This clause provides that Government may authorise particular panchayats to have the judicial powers provided in this Act, from such date as they think proper.

*Clause 38.*—This clause provides that pending proceedings in other courts will not be affected by the provisions of this Act.

*Clause 39.*—This clause enumerates suits which will be cognizable by a panchayat.

*Clause 41.*—This clause specifies certain offences which will be triable by a panchayat.

*Clauses 42 and 43.*—These clauses provide that habitual offenders in respect of whom punishment greater than that which a panchayat is empowered to inflict is deemed necessary should not be triable by a panchayat. They also provide that cases in which a public servant is a complainant or accused should not be cognizable by a panchayat.

*Clauses 45 and 46.*—These clauses provide for the maximum penalties which may be imposed by a panchayat, or which a particular panchayat may be empowered to impose.

[Appendix 49—*contd.*]

*Clause 47.*—This clause empowers a panchayat to compensate a person out of the amount of fine imposed under the Act.

*Clause 48.*—This clause also empowers a panchayat to grant compensation to an accused for a frivolous, vexatious or false complaint.

*Clause 49.*—This clause empowers a panchayat to release a youthful offender with due admonition, without inflicting any sentence on him.

*Clause 50.*—This clause provides that a person who is interested in any proceeding shall not sit in a panchayat, when it is trying that proceeding.

*Clause 51.*—This clause provides that a panchayat shall not try any proceeding in which the question at issue has been already decided in a court or is pending for decision before a court.

*Clause 52.*—This clause is based on Order II, Rule 2, of the Civil Procedure Code, and provides that every claim before a panchayat shall include the whole of the claim which the Plaintiff is entitled to make.

*Clause 53.*—This clause read along with the Schedule prescribes special periods of limitation within which a suit or a criminal complaint is to be filed before a panchayat.

*Clause 54.*—In this clause it is provided that a suit will be filed before a panchayat of a village of which the Defendant or, if there are more than one defendants, each of them is resident.

*Clause 55.*—This clause provides for the jurisdiction of a panchayat in criminal cases. It provides that a panchayat is competent to take cognizance of a criminal proceeding which relates to an offence committed within the limits of the village.

*Clause 56.*—This clause provides that the magistrate receiving a complaint cognizable by a panchayat has to send it to the panchayat for trial.

*Clause 57.*—This clause is very important and bars the jurisdiction of courts to take cognizance of civil or criminal proceedings which are cognizable by a panchayat under this Act.

## CHAPTER VII.

This chapter (clauses 58 to 78) relates to the procedure which is to be followed by a panchayat for trying civil or criminal cases. It is intended that the procedure to be followed should be summary and expeditious. The elaborate procedure which is ordinarily followed in courts is not suitable for such a tribunal as a village panchayat.

*Clause 58.*—This clause provides that on the institution of a civil or criminal proceeding, a fee shall be levied.

*Clauses 59 to 61.*—These clauses provide for the steps to be taken on the institution of proceedings. It is provided that the substance of the petition shall be recorded in the register kept by the panchayat.

*Clauses 62 to 64.*—These clauses provide for the service of summons on the parties in proceedings before a panchayat.



[Appendix 49—*contd.*]

*Clause 65.*—This clause provides that women and certain persons of high rank shall be exempt from appearance before a panchayat. The clause is based on sections 132 and 133 of the Civil Procedure Code.

*Clause 67.*—This clause provides that no legal practitioner will be allowed to appear before a panchayat. A similar provision exists in section 79 of the Deccan Agriculturists' Relief Act in regard to the courts of village munsiffs.

*Clause 68.*—This clause provides that a panchayat will not be fettered by any technical rules of evidence or procedure which are ordinarily followed in courts. It is provided that a panchayat may decide disputes before it in a manner which is just and equitable. A similar provision occurs in the United Provinces and Central Provinces Acts.

*Clause 71.*—This clause relates to the decision in civil proceedings in the absence of the Defendant.

*Clause 72.*—This clause relates to the power of a panchayat to pass decrees in terms of the settlement or compromise arrived at by the parties.

*Clause 74.*—This clause provides that the panchayats have no power to alter, cancel, or revise their own decisions except in cases which have been decided *ex parte* and in which in the interests of justice the panchayats are satisfied that they should be restored to file.

*Clause 75.*—This clause empowers a panchayat to grant interest and instalments. It is provided that interest at a rate not exceeding 6 per cent. can only be allowed by panchayats.

*Clause 76.*—Under this clause it is open to a panchayat to move the Collector that any case before it to an ordinary court where it is of opinion that it involves any point which is intricate or important.

*Clause 77.*—This clause provides that a panchayat's decrees or orders will not be called in question on the ground that they were passed without jurisdiction except in the manner provided in clause 85.

*Clause 78.*—This clause is very important and provides that the decrees or orders of a panchayat will be final and will not be subject to any appeal or revision either by a superior authority or by any court except in the manner provided in clause 85.

## CHAPTER VIII.

*Clauses 79 to 86* relate to execution of decrees and orders passed by a panchayat.

*Clause 80.*—This clause provides that, in the case of a decree which has remained unsatisfied or unadjusted, the decree-holder may apply to the panchayat for execution, and the panchayat thereupon will forward the decree for execution to the Collector. The Collector, on the receipt of such a decree, may execute it by recovering the amount due as an

[Appendix 49—*contd.*]

arrear of land revenue or by executing it in the manner in which a civil court would have executed it, provided that the decree is sent to him within one year of the date of the application for execution.

*Clause 81.*—This clause provides for the execution of an instalment decree.

*Clause 83.*—This clause provides for the manner in which fine or compensation ordered by a panchayat to be paid should be recovered. It is provided that such amount will be recovered by the distraint and sale of the defaulter's moveable property, and if any balance remains, it will be recovered through the Collector as an arrear of land revenue.

*Clause 86.*—This clause provides that the Collector, on his own motion, or on a reference by a panchayat, in a case in which he is of opinion that an intricate or important point is involved, has power to transfer such proceeding to an ordinary court.

## CHAPTER IX.

This chapter relates to taxation and recovery of claims. The panchayats are empowered to levy a house-tax, a pilgrim tax, or any other tax from the owners or occupiers of houses and lands within the limits of the village. The panchayats are also empowered to levy an octroi.

*Clauses 87 to 89* relate to the power of panchayats to impose the aforesaid taxes.

*Clause 90.*—This clause provides that the district local board has the power to require a panchayat to increase its house-tax, if it is of opinion that the income of the panchayat is not sufficient for the proper discharge of its duties. The clause is based on such provisions as section 103 of the Bombay Municipal Boroughs Act.

*Clause 91.*—This clause provides for the recovery of taxes and other dues by a panchayat. The procedure provided is that the panchayat will first issue a bill, and then, in the case of a default, a writ of demand, and thereafter, if the default continues, will proceed to recover the same as an arrear of land revenue through the village officers. If the panchayat fails to make any recoveries, the district local board is given power to move the Collector for the recovery of the dues.

*Clause 92.*—In this clause power is given to the Collector to write off any sums recoverable through him, if in his opinion they are irrecoverable.

## CHAPTER X.

This chapter relates to the financial assistance to be given to panchayats by the district local board.

*Clause 93.*—This clause provides that the district local board shall assign to every panchayat within the district not less than one-fifth of the local fund cess realised within the limits of the village. It also gives power to the district local boards to grant loans to panchayats.

[Appendix 49—*contd.*]

CHAPTER XI.

This chapter relates to the control of panchayats by the district local boards and Government.

*Clause 94.*—This clause gives power to the Collector and district local board to call for any proceedings or records from the panchayat. It is based on section 124 of the Bombay Local Boards Act.

*Clause 95.*—This clause empowers district local boards to authorise its officers or members to enter and inspect any property occupied by the panchayat.

*Clause 96.*—This clause provides that the accounts of the panchayat shall be audited by the district local board every year.

*Clause 97.*—This clause gives a right to the Collector and district local board to require a panchayat to reduce its staff, if the Collector or the district local board finds that the expenditure incurred by it on its staff is extravagant.

*Clause 98.*—This clause empowers the Collector to suspend the execution of an order of a panchayat, if, in its opinion, such order is likely to cause injury or annoyance to the public. The clause is based on such provisions as section 125 of the Bombay Local Boards Act and similar provisions in Municipal Acts.

*Clause 99.*—This clause gives a power to the Collector to have, in the case of an emergency, any work executed, if, in its opinion, it is necessary to have such work completed for the health or safety of the public. The clause is based on section 126 of the Bombay Local Boards Act. Similar provision occurs in Municipal Acts.

*Clause 100.*—This clause empowers a district local board to have any obligatory duty of a panchayat performed at the cost of the panchayat.

*Clause 101.*—This clause provides that Government will have power to dissolve or supersede any panchayat, if, in its opinion, it is abusing or exceeding its powers, or is making persistent default in the performance of the duties imposed on it under the Act. The clause is based on such provisions as sections 129 and 130 and 131 of the Bombay Local Boards Act. Similar provisions occur in Municipal Acts.

*Clause 102.*—In this clause Government is empowered to dissolve a panchayat and reconstitute it in cases in which during the term of its office, the limits of a village are altered.

*Clause 103.*—This clause makes provision for the transfer of property, etc., of a panchayat which has been dissolved in consequence of the alteration of the limits of the village.

*Clause 104.*—In this clause it is provided that on the dissolution or supersession of a panchayat, civil and criminal proceedings pending before it may be filed in ordinary courts.

*Clause 105.*—This clause empowers Government to have over district local boards the same authority which it has under the Local Boards Act in respect of any act done by a district local board under this Act.

[Appendix 49—contd.]

## CHAPTER XII.

*Clause 106.* refers to the rule-making power of Government, and *clause 107* to the power of the local board to make by-laws for the purpose of carrying out the provisions of this Act. It is provided that a breach of any by-law made under clause 107 is punishable with a fine.

## CHAPTER XIII.

*Clause 108.*—The object of this provision is to impose a penalty for obstruction or molestation of any officer, servant, agent or member of a panchayat in the performance of his duty, or in the execution of any work prescribed by or authorised under this Act. The clause is based on section 43 of the Madras Village Panchayats Act.

*Clause 109.*—The object of this clause is to make members of the panchayat personally liable for any loss, waste or misapplication of moneys or property belonging to the panchayat, which is the direct consequence of misconduct or gross neglect of duty on his part. It is proposed that the decision of the district local board as to the liability of a member and the amount to be recovered from him should be final, and that the amount, if not paid, should be recovered by the Collector as an arrear of land revenue. The section is based on section 40 of the Madras Village Panchayats Act, 1920.

*Clause 110.*—The object of this clause is to provide that no suit or other legal proceeding shall lie against a member or servant or agent of a panchayat acting under its direction, in respect of anything done or purporting to have been done in good faith under the Act. It is proposed that no suit should be instituted, unless a specific notice is given to such member.

*Clause 111.*—Provision has been made in this clause for the Collector to delegate his power to cancel a panchayat's jurisdiction, or any decree or order passed by it, or to quash proceedings to any magistrate exercising appellate powers in the area. Other powers can be delegated to an officer not lower in rank to that of the Deputy Collector.

*Clause 112.*—The provision is regarding the duty of a panchayat to make a report on an investigation under section 202 of the Code of Criminal Procedure or an inquiry under section 488 of the said Code. This has been inserted on the lines of the Central Provinces Village Panchayats Act, 1920.

*Clause 113.*—This clause provides that every officer or servant of a panchayat will be a public servant within the meaning of section 21 of the Indian Penal Code.

*Clause 114.*—The object of this clause is to make necessary provision for the consequences which would result on a local area ceasing to be a village, by a notification under clause 4, and on the panchayat becoming defunct. It is necessary to provide for the disposal of all pending suits and cases and for the unexpended balance of the village fund and other property of the defunct panchayat.

[Appendix 49—*contd.*]

*Clause 115.*—This clause is a saving and repealing clause. The Bombay Village Panchayats Act of 1920 has been repealed. But all the panchayats established under that Act have been continued as having been established under the present Act. Provision has been made to continue any appointments made or orders issued under the old Act.

RUSTOM JEHANGIR VAKIL.

10th September 1932.

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APPENDIX 50.

BILL No. XIV OF 1932.

(*A Bill to fix a scale of standard weights and measures for the presidency of Bombay.*)

REPORT OF THE SELECT COMMITTEE.

We, the members\* of the Select Committee appointed to consider Bill No. XIV of 1932 (a bill to fix a scale of standard weights and measures for the presidency of Bombay), have the honour to report as follows :—

We have very carefully considered the provisions of the Bill and have made considerable alterations therein. Some of the alterations are verbal or made in the interest of clear and precise drafting. The reasons for the other alterations are noted against the clauses in which they occur.

*Clause 2.*—As the clause originally stood, it was open to Government to bring the Act into force in any individual village of a district if Government so chose. We are of opinion that the Act should be brought into force either in the whole district at one time or, if this is not feasible, only in the municipal areas. We have modified sub-clause (2) of this clause accordingly.

*Clause 3, sub-clause (2).*—We have added the word "Area" in this sub-clause as the measuring instruments with which the Bill deals includes instruments for measuring area also.

*Clause 6.*—We have added the word "and" between "verified" and "adjusted" in order to make it clear that the verification should, in any case, take place once in five years, though adjustment and renewal should take place only if necessary.

*Clause 8, sub-clause (3).*—We think it clearly necessary that if the secondary standards are verified with primary standards and adjusted and renewed, if necessary, they should be marked in token of their verification with the date of such verification.

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\**Note.*—The signatures of Mr. A. G. Greville Bullocke, Mr. L. R. Gokhale, Mr. S. S. Tolani, Dr. M. D. Gilder and Mr. A. W. W. Mackie, C.I.E., I.C.S., will be notified when received.

[Appendix 50—*contd.*]

*Sub-clause (4).*—The addition of the word “marked” in this clause is consequential on the amendment made in sub-clause (3) as mentioned above.

*Clause 9, sub-clauses (3) and (4).*—The reasons for the changes made in these sub-clauses are similar to those mentioned against sub-clauses (3) and (4) of clause 8.

*Clause 10.*—We are of opinion that when the accuracy of weighing and measuring instruments is verified, they should be stamped in the prescribed manner in token of such verification. We have made provision to this effect in this clause.

*Clause 11, sub-clause (1).*—The words in the first part of this sub-clause have been re-arranged in order to make their meaning clearer. We have added the words “or multiples thereof” after the words “standard weights or measures” in order to make it clear that dealings in denominations higher than those prescribed in the standard weights and measures enumerated in the schedule should be deemed to have been made in accordance with the standard weights and measures mentioned therein, although the maximum in each case specified in the schedule, e.g. 56 lbs. in the case of weights or 2 maunds in the case of dry measures may have been exceeded.

*Sub-clause (2).*—We are of opinion that if a dealing or contract is divisible only that portion of it which contravenes the provisions of this Act should be void and not the whole.

*Explanation.*—As the word “such” at the beginning of the second paragraph of sub-clause (2) was likely to convey the meaning that the dealing or contract referred to is one which is void under the provisions of the Act, we have omitted that word and retained the rest of the sentence as an explanation defining the term “trade”.

*Clause 12.*—The additions made to this clause are self-explanatory and call for no remarks.

*Clause 13, sub-clause (1).*—We have deleted the words “within the prescribed period” and substituted therefor the words “in the prescribed manner” which are of wider implication. The original proviso to the clause has been converted into sub-clause (2) as we think that it forms a separate provision by itself and cannot strictly be termed as a proviso to the provision made in sub-clause (1).

*Clause 15.*—This is a new clause which has been inserted by us. We think it will constitute a very salutary check on the circulation of spurious weights or measures or weighing or measuring instruments if a provision is made that no such weight or measure or weighing or measuring instrument is sold or delivered unless it is verified and stamped by an inspector in the prescribed manner.

*Clause 18.*—This corresponds to clause 17 of the original Bill. We think that the inspectors appointed by municipalities and district local boards authorised under the Act to keep secondary and working

[Appendix 50—*contd.*]

standards should be so appointed with the previous approval of Government and should conform to the qualifications prescribed by rules in this behalf. We are further of opinion that the number of such inspectors and the scales of pay to be drawn by them should be in accordance with the rules made in this behalf.

*Clause 20, sub-clause (2).*—If an inspector appointed by a municipality or local board not empowered to stamp under section 15 finds any weight or measure or weighing or measuring instrument incorrect, he should, we think, refer the matter to the nearest inspector appointed by Government for such action as he deems fit. We think that it may in many cases be found impracticable to forward such weights or measures or instruments to the Government inspector as was provided for in the original Bill.

*Sub-clause (3).*—We think that the power to inspect the work of an inspector appointed by a municipality or district local board should be exercised by an officer specially empowered by Government in this behalf.

*Clause 21, sub-clause (3).*—This corresponds to sub-clause (2) of clause 20 in the original Bill. We have recast the provision and redrafted it on the lines of similar provisions in the Bombay District Municipal Act, 1901, the Bombay District Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

*Clause 24.*—We have omitted the word “other” which existed in clause 23 of the original Bill and substituted “interested” so as to minimise the chances of any third person raising a dispute in this matter.

*Sub-clause (2).*—We have further provided that an appeal from the decision of the officer referred to in sub-clause (1) should lie to Government or to such officer as Government may appoint and the decision of Government or such officer should be final.

*Clause 24 of the original Bill.*—We have deleted this clause as we consider it unnecessary.

*Clause 25.*—This corresponds to clause 27 of the original Bill.

*Clause 26, sub-clause (2).*—We are of opinion that it may not, in all cases, be fair to direct, as provided in the original Bill, that half of the fees levied by a municipality or district local board should be credited to Government. We have, therefore, provided that in the case of major municipalities, namely, the Bombay Municipality, the Karachi Municipality and the municipalities governed by the Municipal Boroughs Act of 1925, half of the fees levied under this clause should be credited to Government; and that in the case of the minor municipalities governed by the Bombay District Municipal Act, 1901 (other than the Municipality of Karachi) and in the case of the district local boards the balance of fees levied under the clause should, after defraying all necessary expenses incurred by the municipalities and local boards for purposes of this Act, be credited to Government.

[Appendix 50—*contd.*]

*Sub-clause (3).*—As the balance in the case of minor municipalities except the Municipality of Karachi and the district local boards is to be credited to Government, we think it would be desirable that these municipalities and local boards should forward to Government a monthly statement of expenditure incurred by them under this Act. We have made a provision to this effect accordingly.

*Clause 30.*—We think that the punishment to be imposed for an offence under this clause should not necessarily be rigorous and we have accordingly provided that the imprisonment may be of either description. We have further altered the clause to limit the fine to be imposed under this section to Rs. 500.

*Clause 31.*—We have also imposed a limit of Rs. 500 for a fine to be imposed under this section.

*Clause 36.*—The introduction of this new penalty clause is consequent on the introduction of the new clause 15 as noted above.

*Clause 39.*—We have inserted the word “knowingly” in this clause in order to relieve the inspector of any offence if he inadvertently stamps a weight, measure or a weighing or measuring instrument in contravention of the provisions of the Act or the rules and regulations thereunder. We have also provided that the imprisonment to be imposed on conviction of an offence under this section shall not necessarily be rigorous but may be of either description.

*Clause 40, sub-clause (4).*—This clause corresponds to clause 39 in the original Bill. We have provided that the rules to be made under this Act shall be laid on the table of the Bombay Legislative Council and shall be liable to be modified or rescinded by a resolution of the Council. If any rule is modified or rescinded, it is open to the Governor in Council to sanction such modified rule or to sanction such rescission.

*Clause 43.*—This corresponds to clause 42 in the original Bill. We think it would be very undesirable to vest the power of sanctioning prosecution under this Act in the inspector. We have accordingly provided that a prosecution under this Act shall not be instituted except by or with the previous sanction of the Collector or any officer specially empowered by him in this behalf.

*Clause 45.*—We think that any notification issued by Government under this clause should be issued after previous publication as defined in the General Clauses Act. We do not think it was intended that it should be open to Government to exempt any individual person from the operation of this Act. We have, therefore, omitted the word “person” and substituted therefor the words “class of persons”.

#### FIRST SCHEDULE.

*Weights.*—We think it would be convenient to have a standard weight measuring 56 lbs., as such a measure is, we understand, in common use at present. We have made a provision accordingly.



[Appendix 50—*contd.*]

*Dry Measures.*—We are of opinion the word “Adpao” which represents  $\frac{1}{8}$ th of a seer, should be added as one of the standard weights, as it is in common use at present. We also understand that the word “Adholi”, representing 2 seers, is more commonly used than the word “Champa” which was used in the original Bill. We have modified the definitions accordingly.

We have added three explanations to define the words “grain”, “tola”, “Indian Air” and “Standard Yard”.

*Area.*—We understand that the unit of anna which represents  $\frac{1}{16}$ th of a guntha is very commonly used in measurement work in survey settlements. We think that it should be recognised as a standard measure for area. We have added the word “Volume” to the heading of this paragraph, as the brass of 100 cubic feet is a measure of volume and not of area.

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

- (Signed) RUSTOM J. VAKIL.  
 ( „ ) P. B. ADVANI.  
 ( „ ) G. DAVIS.  
 ( „ ) R. B. EWBANK.  
 ( „ ) R. S. ASVALE (*subject to a minute\* of dissent*).  
 ( „ ) PESTONSHAH N. VAKIL (*subject to a minute\* of dissent*).  
 ( „ ) ABDUL LATIF HAJI HAJRAT KHAN.  
 ( „ ) V. S. PATIL.  
 ( „ ) JEHANGIR B. PETIT.  
 ( „ ) M. A. KHUHRO (*subject to a minute\* of dissent*).  
 ( „ ) P. D. KULKARNI.  
 ( „ ) G. S. GANGOLI.  
 ( „ ) BHIMBHAI R. NAIK.

#### BILL No. XIV OF 1932.

*A Bill to fix a scale of standard weights and measures for the presidency of Bombay.*

(As amended by the Select Committee.)

WHEREAS it is expedient to fix a scale of standard weights and measures for the presidency of Bombay and to provide for the adoption

\* Will be published when received.

[Appendix 50—*contd.*]

of the same in specified areas in the said presidency: And whereas the previous sanction of the Governor General required by sub-section (3) <sup>5 & 6</sup> of section 80A of the Government of India Act and the previous sanction <sup>Geo. V,</sup> of the Governor required by section 80C of the said Act have been <sup>c. 61.</sup> 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 Weights and Measures Act, 193 .

2. *Extent and commencement.*—(1) This Act shall apply to the whole of the presidency of Bombay.

(2) Part I shall come into force at once. Government may, by notification in the *Bombay Government Gazette*, direct that Parts II, III, V and VI shall come into force in any district, ~~area or place or municipal area~~ on a date to be specified in such notification.

(3) When Government has directed that Parts II, III, V and VI shall come into force in any district, ~~area or place or municipal area~~ under sub-section (2) Part IV shall come into force in such district ~~area or place or municipal area~~ three months after the date specified in the notification.

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

(1) “Inspector” means an inspector of weights *and* measures *and* weighing *and* or measuring instruments appointed under section 17 18 ;

(2) “Measuring instrument” includes any instrument for the measurement of length, *area* capacity or volume ;

(3) “Mint” means His Majesty’s Mint, Bombay ;

(4) “Mint Master” means the officer appointed for the time being to be the Master of the Mint, Bombay ;

(5) “Prescribed” *with its grammatical variations* means prescribed by rules or regulations made under this Act ;

(6) “Primary standards” mean the weights and measures prepared and stamped under section 5 ;

(7) “Rules” and “regulations” mean the rules and regulations made under section 39 40 and section 40 41, respectively ;

(8) “Secondary standards” mean the weights and measures prepared and stamped under section 7 ;

(9) The expression “verification” or “re-verification” with its grammatical variations, used with reference to a weight *or* measure *or* weighing *or* measuring instrument, includes the process of comparing

[Appendix 50—*contd.*]

checking or testing such weight or measure or weighing or measuring instrument ;

(10) "Weighing instrument" includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines, and other instruments for weighing ; and

(11) "Working standards" mean the weights and measures provided under section 9.

## PART II.

### STANDARDS OF WEIGHTS AND MEASURES.

4. *Standard weights and measures.*—The weights and measures including the multiples and sub-multiples thereof described in the first schedule shall be the weights and measures authorised to be used in every place in which this Part has come into force. These weights and measures are called standard weights and measures for the purposes of this Act.

5. *Primary standards.*—For the purpose of verifying the secondary standards, such standard weights and measures as Government may direct shall be prepared at the Mint by the Mint Master. They shall be made of such material, weight, length, form and specifications and in such manner as may be determined by Government by notification in the *Bombay Government Gazette*. They shall be stamped with the stamp of the Mint. The standard weights and measures so prepared and stamped shall be called Primary Standards.

6. *Custody of primary standards.*—The primary standards shall be kept in the custody of such officer in the City of Bombay as Government may direct. They shall, once at least in every period of five years, be verified, and if necessary adjusted or renewed, if necessary, at the Mint in such manner and by such officer as Government may direct.

7. *Secondary standards.*—For the purpose of verifying the working standards and weights and measures in use in any area, such standard weights and measures as Government may direct shall be prepared at the Mint by the Mint Master. They shall be made of such material, weight, length, form and specifications and in such manner as may be prescribed and shall be stamped with the stamp of the Mint. The standard weights and measures so prepared and stamped shall be called Secondary Standards.

8. *Custody and verification of secondary standards.*—(1) The secondary standards shall be kept—

(i) in the City of Bombay by such officer and at such place as Government may direct ;

(ii) elsewhere by the Collectors in the Government treasuries at the headquarter towns of their respective districts and at such other town or place within their respective districts as Government may direct.

[Appendix 50—*contd.*]

(2) Government may direct any municipality or district local board to keep the secondary standards at such places, in such custody and in such manner as may be prescribed.

(3) Once at least in every period of five years such secondary standards shall be verified with the primary standards and shall be adjusted or renewed, if necessary, *and shall be marked with the date of verification*, in the prescribed manner by such officer as Government may direct.

(4) A secondary standard which is not so verified, adjusted or renewed *and marked* within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

9. *Working standards.*—(1) For the purpose of verifying weights and measures in use in any area, Government may provide such standard weights and measures as it thinks fit, to be working standards. They shall be made of such material, weight, length, form and *according to such specifications* and shall be prepared by such agency and shall be stamped by such person and in such manner as may be prescribed. When they are not prepared at the Mint, they shall be verified with the secondary standards before being stamped.

(2) The working standards shall be kept by such officers and such municipalities as Government may direct, at such places, in such custody and in such manner as may be prescribed.

(3) A working standard shall be verified or re-verified *and marked* by such person, at such place and in such manner, as may be prescribed.

(4) A working standard shall not be deemed legal, ~~nor~~ *or* be used for the purposes of this Act, unless it has been verified or re-verified *and marked in the prescribed manner* within such period as may be prescribed before the time at which it is used.

A working standard which has become defective shall not be legal, ~~nor~~ *or* be used for the purposes of this Act, until it has been re-verified *and marked in the prescribed manner*.

10. *Weighing and measuring instruments.*—Weighing and measuring instruments *stamped in the manner prescribed by such officer as Government may direct* shall be kept at all places where secondary standards or working standards are kept. Such instruments shall be *of such kind*, kept in such number and *shall be verified, adjusted or renewed* in such manner as may be prescribed.

11. *Prohibition of weights and measures other than standard weights and measures.*—(1) Subject to the provisions of section 44 45 and notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made in any area ~~in which~~ *after this Part has shall have* come into force, *in the said area* for any work to be done or goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to one of the standard weights or measures *or to multiples thereof* and it shall not be lawful to use any other weight or measure in relation to any such dealing or contract.

[Appendix 50—*contd.*]

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1) so far as it contravenes these provisions shall be void.

*Such Explanation.*—Unless there is anything repugnant in the subject or context, a dealing or contract is hereinafter called “trade”.

### PART III.

#### VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

12. *Stamping.*—Every weight which conforms to the provisions of this Act and the rules and regulations except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length area or capacity or volume, which conforms to the provisions of this Act and the rules and regulations shall have the denomination thereof stamped on the outside of such measure in legible figures and letters. A weight or measure which does not conform to the provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules and regulations.

13. *Stamping and verification of weights and measures.*—(1) No weight or measure shall be used for trade unless it has been verified or re-verified within the prescribed period in the prescribed manner and stamped by an inspector with a stamp of verification under this Act :

(2) ~~Provided that~~ Government may prescribe the amount of error to be tolerated in weights or measures or weighing or measuring instruments used for trade.

14. *Use of weighing or measuring instrument not verified and stamped prohibited.*—No weighing or measuring instrument shall be used for trade unless it has been verified or re-verified within the period fixed and stamped in the prescribed manner by an inspector with a stamp of verification.

15. *Sale or delivery of weight, measure, weighing or measuring instrument not verified and stamped prohibited.*—No weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or re-verified and stamped in the prescribed manner by an inspector with a stamp of verification.

15. 16. *Empowering municipalities and district local boards to stamp weights, etc.*—Government may empower any municipality or district local board authorised under this Act to keep secondary and working standards to stamp weights and measures and weighing and or measuring instruments.

16. 17. *Provision of means of verification and stamping.*—Government shall provide proper and sufficient means for verifying, adjusting and stamping weights and measures and weighing and or measuring instruments in the City of Bombay, in all head-quarter towns in the districts and at such other places as Government may determine :

[Appendix 50—*contd.*]

Provided however that municipalities and district local boards authorised to keep secondary and working standards under this Act shall also provide proper and sufficient means for verifying, adjusting *marking* and, if empowered under section 15 16, for stamping weights *and* measures *and* weighing *and* or measuring instruments at such places within their respective limits, as Government may determine.

17. *Appointment of inspectors of weights and measures.*—~~Government or a municipality or a district local board authorised under this Act to keep secondary and working standards shall appoint a sufficient number of persons to be inspectors of weights, measures, weighing and measuring instruments and for keeping the secondary and working standards in safe and proper custody and for the discharge of the other duties of inspectors under this Act and the rules and regulations.~~

18. *Appointment of inspectors of weights and measures.*—(1) Government shall appoint a sufficient number of persons with prescribed qualifications as inspectors for keeping the secondary and working standards in safe and proper custody and for the discharge of the other duties of inspectors under this Act and the rules and regulations.

(2) A Municipality or a district local board authorised under this Act to keep secondary and working standards shall also appoint a sufficient number of persons with prescribed qualifications as inspectors for the purpose of performing the duties of inspectors specified in sub-section (1).

(3) The number and scale of pay of Inspectors appointed under sub-section (2) shall be subject to the approval of Government.

18. 19. *Inspectors to enter into recognizance.*—Every inspector shall forthwith on his appointment enter into a recognizance with Government or the municipality or district local board, as the case may be, in such sum as may be prescribed for the due performance of the duties of his office, for the due payment, at the time and in the manner required by the authority appointing him, of all moneys received by him under this Act and for the safety of the secondary and working standards and the stamps and appliances for verification committed to his charge and for their due surrender immediately on ceasing to hold office.

19. 20. *Verification and stamping by inspectors.*—(1) Every inspector shall, for the purposes of the verification of weights *and* measures *and* weighing *and* or measuring instruments attend with the working standards in his custody at such time and place within his jurisdiction as may be appointed in this behalf by the authority appointing him.

(2) He shall verify every weight *or* measure *or* weighing *or* measuring instrument which is brought to him for the purpose of verification *or* re-verification *and* which is of the same denomination as one of such working standards. If he finds such weight *and* *or* measure *or* weighing *or* measuring instrument correct, he shall, if he is an inspector appointed by Government or by a municipality or district local board, empowered

[Appendix 50—*contd.*]

under section 15 16, stamp the same with a stamp of verification in the prescribed manner. If such inspector is one appointed by a municipality or district local board, not empowered to stamp under section 15 16, he shall, after such verification, ~~forward the weight, measure, weighing or measuring instrument~~ refer the matter to the nearest inspector appointed by Government for such action as he deems fit.

(3) It shall be competent to ~~an inspector appointed by~~ Government to empower an officer to inspect the work of stamping done by an inspector appointed by a municipality or district local board within the area under his charge.

20. 21. *Power to inspect weights, etc., and to enter shops, etc., for that purpose.*—(1) Every inspector authorised in writing in this behalf by the authority appointing him may, at all reasonable times, inspect all weights and measures and weighing and or measuring instruments, within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or a weighing or measuring instrument prescribed for this purpose.

(2) He ~~Such~~ Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which may be used for the commission of such offence.

(2) (3) For the purpose of such inspection, the inspector may at all reasonable times enter into any place where weights and measures and weighing or measuring instruments are used for purpose of trade and inspect such weights and measures and weighing or measuring instruments enter any place, ~~whether open or enclosed, where he has reasonable cause to believe that there is any weight, measure, weighing or measuring instrument which he is authorised by this Act to inspect.~~

21. 22. *Inspector not to be maker, seller or adjuster of weights and measures or weighing or measuring instruments.*—An inspector shall not, during the time he holds office, derive any profit from or be employed in the making, adjusting, or selling of weights or measures or weighing or measuring instruments :

Provided that in any area or place in which it appears to Government desirable that an inspector should be allowed to adjust weights or measures or weighing or measuring instruments, Government may, if it thinks fit, authorise such inspector to adjust weights, measures or such instruments accordingly.

22. 23. *Inspectors to be public servants.*—Every inspector appointed by a municipality or district local board under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

23. 24. *Government or municipality or district local board may determine difference.*—(1) If any difference arises between an inspector and

[Appendix 50—*contd.*]

any other person interested as to the meaning or construction of any rule or regulation or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, such difference shall may, at the request of either party the party interested or by the Inspector of his own accord be referred to such officer as Government may direct or to the municipality or district local board, as the case may be, and the decision of such officer or the municipality or district local board shall subject to the provisions of sub-section (2) be final.

(2) An appeal shall lie within the time prescribed from the decision under sub-section (1) to Government or such officer as Government may appoint in this behalf. The decision of Government or such officer under this sub-section shall be final.

~~24. Control over inspectors—(1) All inspectors appointed by Government shall be subordinate to the Collector who shall exercise supervision and control over them. The Collector may call for reports from such inspectors either periodically or otherwise for the purpose of carrying into effect the purposes of this Act.~~

~~(2) Inspectors appointed by a municipality or district local board under section 17 shall be subordinate to the president of such municipality or district local board. He shall exercise the same power in regard to such inspectors as the Collector may exercise under sub-section (1) in regard to inspectors appointed by Government.~~

27. 25. Expenses of municipality and district local board.—Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or district local board under and for the purposes of this Act and the rules and regulations shall may be paid out of the municipal or local fund.

25. 26. Levy of fees.—(1) Government and with the previous sanction of Government, a municipality or district local board authorised under section 15 16 or 16 17, may shall charge such fees for the verification, re-verification, marking, adjustment and stamping of weights or measures or weighing and or measuring instruments as may be prescribed.

~~Half of the charges levied by a municipality or district local board, as the case may be, under this section shall be credited to Government.~~

(2) There shall be credited to Government—

(i) in the case of the Municipal Corporation of the City of Bombay, the Municipality of Karachi and municipalities governed by the Bombay Municipal Boroughs Act, 1925, half of the fees levied under this section ; Bom. XVIII of 1925.  
and

(ii) in the case of municipalities governed by the Bombay District Municipal Act, 1901, other than the Municipality of Karachi and district Bom. 111 of 1901.  
local boards, the balance of the fees levied under this section after defraying all necessary expenses incurred by the said municipalities or local boards under this Act.



[Appendix 50—*contd.*]

(iii) *The municipalities and local boards mentioned in clause (ii) of sub-section (2) shall forward to Government a monthly statement of expenditure incurred by them under this Act.*

26. 27. *Power of municipalities and district local boards to combine for the purposes of the Act.*—(1) With the sanction of Government any two or more municipalities or district local boards may combine, as regards either the whole or any part of the area within their jurisdiction for all or any of the purposes of this Act upon such terms and in such manner as may be mutually agreed upon.

(2) An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties, as if he had been appointed by each of the municipalities and district local boards which is a party to such agreement.

28. *Validity of weights and measures, etc. duly stamped.*—A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure in all places in which this part has come into force, unless found to be false or defective, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

29. *Stamped weights, etc. to be prima facie deemed correct in any court.*—A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act or the rules or regulations shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of Government or the municipality or district local board, as the case may be, or by any person acting under the general or special authority of such public servant.

#### PART IV.

##### PENALTIES.

30. *Penalty for fraudulent use of weight, measure, etc.*—Whoever fraudulently uses any weight or measure or weighing or measuring instrument, shall, on conviction, be punished with rigorous imprisonment of either description which may extend to three months or with fine extending up to rupees five hundred or with both.

31. *Penalty for making, selling, disposing of false or defective weight, measure, etc.*—Whoever wilfully or knowingly makes, sells or disposes of or causes to be made, sold or disposed of any weight or measure or weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine which may extend to rupees five hundred or with both.

32. *Penalty for sale by weight or measure other than standard weight or measure.*—Whoever sells any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with fine which may extend to rupees five hundred.

[Appendix 50—*contd.*]

33. *Penalty for use and possession of weight, measure, etc. not authorised.*—Whoever uses or has in his possession for use for trade any weight or measure or weighing or measuring instrument which is not authorised, verified or stamped under or in accordance with the provisions of this Act and the rules and regulations shall, on conviction, be ~~punished~~ *punishable* with fine which may extend to rupees five hundred and any dealing or contract trade had or made by such weight or measure or weighing or measuring instrument shall be void.

34. *Penalty for giving short weight or measure.*—Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser a less weight or measure than is purported to be sold shall, on conviction, be ~~punished~~ *punishable* with fine which may extend to rupees three hundred.

35. *Penalty for possessing for use weight, etc. not verified or stamped.*—Whoever uses or has in his possession for use for trade any weighing or measuring instrument not verified or re-verified and stamped under this Act shall, on conviction, be ~~punished~~ *punishable* with fine which may extend to rupees two hundred.

36. *Penalty for sale or delivery of weight or measure, etc. not verified or stamped.*—Whoever sells or delivers any weight or measure or weighing or measuring instrument not verified or re-verified and stamped under this Act shall, on conviction, be *punishable* with fine which may extend to rupees one thousand.

36. 37. *Penalty for forging, etc. of weights, measures, etc.*—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any weight or measure or weighing or measuring instrument or removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

37. 38. *Penalty for neglect or refusal to produce weight for inspection.*—Whoever neglects or refuses to produce for inspection all weights or measures or weighing and or measuring instruments in his possession or on his premises or refuses to permit an inspector authorised to examine the same or any of them or obstructs the entry of the inspector under section 20 21 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction, be ~~punished~~ *punishable* with fine which may extend to rupees five hundred.

[Appendix 50—contd.]

38. 39. *Penalty for breach of duty by inspector.*—If an inspector *knowingly* stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules or regulations or is guilty of a breach of any duty imposed on him by this Act or by the rules or regulations, he shall, on conviction, be punished with rigorous imprisonment of *either description* for a period which may extend to one year or with fine or with both.

## PART V.

### RULES AND REGULATIONS.

39. 40. *Power of Government to make rules.*—(1) Government may make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provisions, such rules may prescribe—

(a) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made ;

(b) the places at which, the custody and manner in which secondary standards shall be kept by municipalities and district local boards ;

(c) the procedure for the verification, *re-verification*, adjustment or renewal of primary and secondary standards *and marking of secondary standards* ;

(d) the composition, weight, length, form and specifications and use of working standards, the authority by whom and the manner in which ~~they~~ *such standards* shall be provided, the agency by whom ~~they~~ *such standards* shall be made, the person by whom and the manner in which ~~they~~ *such standards* shall be stamped, and the places at which and the custody and manner in which ~~they~~ *such standards* shall be kept ;

(e) the procedure for the verification or *re-verification* *and marking* of working standards and the person by whom and the place where they shall be verified or *re-verified* ;

(f) the number of weighing instruments to be kept and necessary particulars regarding the same ;

(g) the authority by whom certified scales shall be provided for the purposes of this Act and the rules and regulations and the manner in which they shall be verified or *re-verified* ;

(h) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area ;

(i) the inspection, verification, *re-verification*, adjustment and stamping of weights *and measures* *and weighing and or measuring instruments* in use in any area, including the prohibition of stamping in cases where the nature, denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such

[Appendix 50—*contd.*]

weights *and* measures *and* weighing *and* or measuring instruments shall be verified or re-verified ;

(j) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced ;

(k) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights *and* measures *and* weighing *and* or measuring instruments ;

(l) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as regards any trade ;

(m) the amount of error to be tolerated in weights *and* measures *and* weighing *and* or measuring instruments used or intended to be used for trade ;

(n) the fees to be charged for the verification, re-verification, adjustment and stamping of weights *and* measures *and* weighing *and* or measuring instruments and the collection and levy of the same ;

(o) the seizure, detention and destruction of weights *and* measures *and* weighing *and* or measuring instruments which are not authorised by this Act and in regard to which no regulations have been made under section 40 41 ;

(p) the matters other than those specified in section 40 41 in respect of which regulations may be made by municipalities or district local boards ;

(q) the qualifications, functions and duties generally of inspectors under this Act and the rules and regulations ;

(r) any other matters for which no provision or insufficient provision is made in this Act and for which provision is, in the opinion of Government, necessary.

(3) The power to make rules under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(4) ~~All rules so made shall have effect as if enacted in this Act.~~ *The rules made under this section shall be laid on the table of the Bombay Legislative Council and shall be liable to be modified or rescinded by a resolution of the said Council. If any rule be modified or rescinded, the Governor in Council may sanction such modified rule and republish the same accordingly or may sanction such rescission.*

40. 41. *Power of municipality and district local board to make regulations.*—(1) Every municipality and district local board, authorised to keep secondary or working standards under this Act shall, with the previous sanction of Government, make regulations not inconsistent with this Act and the rules for the area subject to its jurisdiction, providing for—

(a) the verification, adjusting and stamping of weights *and* measures *and* weighing *and* or measuring instruments in use within the area subject to its jurisdiction and for the stamping thereof, when such municipality or district local board is empowered under section 15 16 ;

[Appendix 50—*contd.*]

(b) the seizure, detention and destruction of weights *and* measures *and* weighing ~~and~~ or measuring instruments which are not authorised by this Act ;

(c) the inspection of weights *and* measures *and* weighing ~~and~~ or measuring instruments ;

(d) the duties generally under this Act of the inspectors appointed by such municipality or district local board ; and

(e) any other matters in respect of which it is authorised by rules to make regulations.

(2) The regulations for the time being in force shall be kept open for public inspection at the municipal and district local board offices at all reasonable times and printed copies thereof in the vernacular language of the area subject to the jurisdiction of the municipality or district local board, and in the case of city and borough municipalities in English as well as in the vernacular shall be kept on sale at cost price.

## PART VI.

### MISCELLANEOUS.

41. 42. *Protection to persons acting in good faith.*—No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

42. 43. *Cognizance of offences.*—No prosecution under this Act shall be instituted except by or with the previous sanction of an inspector, the Collector or any officer specially empowered by him in this behalf.

43. 44. *Delegation of powers by Government.*—Any of the powers and duties conferred and imposed upon Government by this Act may be exercised and performed, subject to such conditions as Government may think fit, by any person whom Government may, by general or special order, empower in this behalf.

44. 45. *Power to exempt specified persons, articles or trades from provisions of the Act.*—Government may, after previous publication by notification in the *Bombay Government Gazette*, and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade or any class of trades specified in the notification from all or any of the provisions of this Act.

45. 46. *Repeal and amendments.*—On the coming into force of this Part in any area—

(a) the enactments specified in Part I of the second schedule shall be deemed to have been amended to the extent and in the manner specified in the third column thereof ;

(b) the enactments specified in Part II of the said schedule shall be deemed to have been repealed, so far as they apply to the presidency of Bombay, to the extent specified in the third column thereof :

[Appendix 50—*contd.*]

Provided that—

- (i) the said repeal shall not affect the validity or invalidity of anything already done under the enactments repealed by this Act ;
- (ii) all appointments made, notifications and notices issued, rules, by-laws and orders made, contracts entered into and suits and other proceedings instituted under any Act or enactment repealed by this Act shall, so far as they are not inconsistent with the provisions of this Act and the rules and regulations, continue in force and be deemed to have been made, issued, entered into and instituted under this Act.

**THE FIRST SCHEDULE.**

(See section 4.)

**Standard Weights and Measures.**

**Weights—**

~~The Bombay Tola of 180 grains.~~

~~The Bombay Seer of 80 tolas.~~

~~The Bombay Maund of 40 seers.~~

~~The sub multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$ ,  $\frac{1}{16}$  and  $\frac{1}{32}$  and the multiples 2, 4 and 8 of the tola, seer and maund.~~

~~The pound avoirdupois equal to 7,000 grains and the sub multiples  $\frac{1}{8}$ ,  $\frac{1}{4}$ ,  $\frac{1}{2}$ , 1, 2, 4 and 8 ounces, the multiples 1, 2, 4, 7, 14 and 28 lbs.~~

**Dry measures—**

~~The Bombay seer.~~

~~The sub multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{8}$  seer.~~

~~The Bombay Chatak =  $\frac{1}{16}$  seer.~~

~~The Bombay Champa of 2 seers.~~

~~The Bombay Payali of 4 seers.~~

~~The Bombay Maund of 16 payalis.~~

~~The Bombay Map of 2 maunds.~~

~~The unit of capacity called the Bombay seer is equivalent to the volume occupied by 80 tolas of air free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8.143.~~

**Liquid measures—**

~~The Bombay seer.~~

~~The sub multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$  and  $\frac{1}{16}$  seer.~~

~~The multiples 2, 4 and 8 seers.~~

~~The Imperial gallon.~~

~~The Pint =  $\frac{1}{8}$  gallon.~~

## [Appendix 50—contd.]

~~The unit of capacity called the Imperial gallon contains ten British standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer at 30 in.~~

## Length—

The Yard.

The Inch =  $\frac{1}{36}$ th yard, and

The Foot =  $\frac{1}{3}$ rd yard.

The Furlong of 220 yards.

The Mile of 1,760 yards.

## Area—

The Square Yard, Square Foot and Square Inch.

The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.

The Brass of 100 cubic feet.

The Square of 100 square feet.

The unit of area is the square yard. The unit of area for land measurement is the guntha of 121 square yards.

## THE FIRST SCHEDULE.

(See section 4.)

## Standard Weights and Measures.

## Weights—

The Bombay Tola of 180 grains.

The Bombay Seer of 80 tolas.

The Bombay Maund of 40 seers.

The sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$ ,  $\frac{1}{16}$  and  $\frac{1}{32}$  and the multiples, 2, 4 and 8 of the tola, seer and maund.

The pound avoirdupois equal to 7,000 grains and the sub-multiples  $\frac{1}{8}$ ,  $\frac{1}{4}$ ,  $\frac{1}{2}$ , 1, 2, 4 and 8 ounces, the multiples 1, 2, 4, 7, 14, 28 and 56 lbs.

The grain is that unit of weight in vacuo which when multiplied by 1799·84585 is the weight of the iridio-platinum cylinder in the custody of the Mint Master, Bombay, the value of which is certified by the Standard Department of the British Board of Trade as 1799·84585 grains in vacuo.

Explanation 1.—The equivalent value of the abovementioned iridio-platinum cylinder when weighed in Standard Indian Air against Brass Weights having a specific gravity of 8·143 is 1800·00394 grains; i.e., a brass weight whose value in vacuo is 1800·00394 grains will exactly equilibrate the abovementioned iridio-platinum cylinder in Standard Indian Air.

[Appendix 50—contd.]

*Explanation 2.*—Since the Bombay tola equals 180 grains in vacuo, its absolute value is equivalent to  $\cdot 10000856$  of the absolute value of the abovementioned iridio-platinum cylinder. But in practice, all verifications against the abovementioned iridio-platinum cylinder are carried out by weighments in air, and therefore the value  $1800\cdot 00394$  grains is always used for verifying weights.

*Explanation 3.*—Standard Indian Air is defined as follows :—

Temperature : 85 deg. Fahr.—29·44 deg. Cent. Pressure : A column of mercury at 0 deg. C. 29·8 inches or 756·919 mm. in height. Carbon diow. gas : 0·0006 of the volume of air. Vapour tension : 0·75 inches = 19·05 mm. Latitude at Calcutta 22° 35' 6·6". Height above M. S. L. = 22·6 feet. 1 litre of Standard Indian Air at Calcutta weights 1·14917 grm.

*Dry measures—*

The Bombay seer.

The sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{8}$  seer.

The Bombay Chatak =  $\frac{1}{16}$  seer.

The Adpao =  $\frac{1}{8}$  seer.

The Adholi = 2 seers.

The Bombay payali of 4 seers.

The Bombay Maund of 16 payalis.

The Bombay Map of 2 maunds.

*Liquid measure—*

The Bombay seer.

The sub-multiples  $\frac{1}{2}$ ,  $\frac{1}{4}$ ,  $\frac{1}{8}$  and  $\frac{1}{16}$  seer.

The multiples 2, 4 and 8 seers.

The Imperial gallon.

The Pint =  $\frac{1}{8}$  gallon.

*Dry and Liquid measures—Explanations—*

*Explanation 1.*—The unit of capacity called the Bombay seer is equivalent to the volume occupied by 80 tolas of air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8·143.

*Explanation 2.*—The unit of capacity called the Imperial gallon contains ten British Standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer of 30 in.

*Length—*

The Yard—

The Inch =  $\frac{1}{36}$ th yard, and

The Foot =  $\frac{1}{3}$ rd yard.

The Furlong of 220 yards.

The Mile of 1,760 yards.

The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.



[Appendix 50—contd.]

Area and volume—

*The Square Yard, Square Foot and Square Inch.**The anna of  $\frac{1}{16}$  of the guntha.**The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.**The Square of 100 square feet.**The Brass of 100 cubic feet.*

## THE SECOND SCHEDULE.

(See section 45 46.)

## PART I.

## Enactments amended.

No. and year of Act.	Title.	Amendments.
III of 1901	The Bombay District Municipal Act, 1901.	<p><i>Acts of the Governor of Bombay in Council.</i></p> <p>For section 143 the following section shall be substituted, namely :—</p> <p>“ 143. The president, vice-president, or any councillor or officer authorised by the municipality in this behalf may at all reasonable times enter into any place where weights or measures or weighing or measuring instruments are used for purposes of trade and inspect such weights or measures or weighing or measuring instruments.”</p>
VI of 1923	The Bombay Local Boards Act, 1923.	<p>After section 61A the following section shall be inserted, namely :—</p> <p>“ 61B. The president, vice-president, or any councillor or officer authorised by the local board in this behalf may at all reasonable times enter into any place where weights or measures or weighing or measuring instruments are used for the purpose of trade and inspect such weights or measures or weighing or measuring instruments.”</p>
XVIII of 1925	The Bombay Municipal Boroughs Act, 1925.	<p>For section 177 the following section shall be substituted, namely :—</p> <p>“ 177. The president, vice-president, chief officer or any councillor authorised by the municipality in this behalf may at all reasonable times enter into any place, where weights or measures or weighing or measuring instruments are used for purposes of trade and inspect such weights or measures or weighing or measuring instruments.”</p>

PART II.

Enactments repealed.

No. and year of Act.	Title.	Extent of repeal.
		<i>Acts of the Governor General in Council.</i>
XXXI of 1871	The Indian Weights and Measures of Capacity Act, 1871.	The whole.
II of 1889	The Measures of Length Act, 1889.	The whole.
		<i>Acts of the Governor of Bombay in Council.</i>
Regulation XII of 1827.	A regulation for the establishment of a system of police throughout the zilas subordinate to Bombay for providing rules for its administration, and for defining the duties and powers of all police authorities and servants.	Section 20.
III of 1886	The Bombay General Clauses Act, 1886.	In Schedule B the entry relating to section 20 of Bombay Regulation XII of 1827.
III of 1888	The City of Bombay Municipal Act, 1888.	Sections 418, 419 and 420; Section 461, clause (o), sub-clause (i).  In section 471, the entries relating to section 420, sub-section (2), clauses (a), (b), (c) and (d) and sub-section (3), clauses (a) and (b).
III of 1901	The Bombay District Municipal Act, 1901.	Clauses (e) and (ee) of sub-section (1) of section 48.
IV of 1904	The Bombay District Municipal (Amendment) Act, 1904.	Section 3.
IV of 1921	The City of Bombay Municipal (Amendment) Act, 1921.	Sections 2, 3 so far as it relates to sub-clause (i) of clause (o) of section 461 and section 4.
XVIII of 1925	The Bombay Municipal Boroughs Act, 1925.	Clauses (h) and (i) of section 61.

## APPENDIX 51.

## STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

**Reserved 24. Abolition of the Mounted Police force in Bombay City and purchase of light motor trucks for light motor patrols.**

The recent communal riots in Bombay City have conclusively proved that Mounted Police are of very little use as such for the suppression of serious disorder under the conditions which prevail in the City. The horses are unable to move quickly enough in the streets and when stoned become uncontrollable. The only use of the Mounted Police is to control traffic when large and peaceful crowds assemble in connection with important fairs and festivals and this work can be done equally well by foot police. Experience gained in the various riots which have occurred in Bombay City has shown that light motor patrols are the most effective weapon for use in times of serious riots and disturbances and the motor transport is very useful for many purposes in normal times. Government have accordingly decided to abolish the Bombay Mounted Police and to equip the Bombay City Police with a number of light motor trucks to allow of the organisation of light motor patrols. The annual average savings likely to result from the abolition of the Mounted Police amount to Rs. 45,397, while it is estimated that about Rs. 8,000 will be realised by selling their horses. The annual average expenditure involved in the equipment of the force with motor trucks is estimated at Rs. 30,391 under the head "26-Police" and there will also be a non-recurring charge of Rs. 10,000 under the head "41-Civil Works" for the conversion of stables into garages, extension of the workshop and installation of additional plant. It is proposed to put the scheme into force from the 1st December 1932 and the expenditure non-recurring and recurring under the head "26-Police" involved in the current financial year is shown as detailed below:—

*Non-recurring expenditure.*

	Rs.
Purchase of ten 15 cwt. motor truck and construction of suitable bodies each at a cost of Rs. 3,000 .. ..	30,000

*Recurring expenditure.*

	Cost per mensem.
	Rs.
(i) <i>Pay of Establishment—</i>	
15 drivers (constables) inclusive of leave reserve on Rs. 30—1/3—33—1/4—36 per mensem each ..	450
Special pay to the drivers at the rate of Rs. 25 per mensem each .. ..	375

[Appendix 51—contd.]

	Cost per mensem.
	Rs.
One assistant fitter (constable) on Rs. 30—1/3—33— 1/4—36 per mensem	30
Special pay to the assistant fitter at the rate of Rs. 45 per mensem	45
One carpenter (constable) on Rs. 30—1/3—33—1/4—36 per mensem	30
Special pay to the carpenter at the rate of Rs. 35 per mensem	35
One turner (constable) Rs. 30—1/3—33—1/4—36 per mensem	30
Special pay to the turner at the rate of Rs. 35 per mensem	35
One blacksmith (constable) on Rs. 30—1/3—33—1/4—36 per mensem	30
Special pay to the blacksmith at the rate of Rs. 30 per mensem	30
Increase in the special pay of the painter by Rs. 5 per mensem	5
Total	1,095

(ii) Allowances, Honoraria, etc.—

House rent allowance at the rate of Rs. 7 per mensem to each of the 15 drivers and to the assistant fitter, carpenter, turner and blacksmith	133
Total	133

(iii) Contingencies—

Clothing charges at Re. 1.75 per mensem each to the 15 drivers and the assistant fitter, carpenter, turner and blacksmith	33.25
Running cost and upkeep of 10 trucks at Rs. 90 per mensem each	900
	933.25

Grand Total .. 2,161.25 × 3 months.  
6,483.75

This expenditure is proposed to be met from savings anticipated in the grants under the head "26-Police". The probable estimated non-recurring expenditure of Rs. 10,000 involved in the conversion of stables into garages, etc., if incurred during the current financial year can it is thought be met from savings in the grants under the head "41-Civil

[Appendix 51—contd.]

Works". As the expenditure on account of this change in organisation relates to a new service, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10 under the head "26-Police."

*Demand voted and now increased.*

"26, Police—Reserved."

Rs. 1,74,00,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 7th October 1932.

## APPENDIX 52.

### STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

The Honourable Mr. W. F. HUDSON.

**Reserved 25.** *Appointment of an additional Canal Telegraph and Telephone Inspector for Sind and a peon for him.*

1. The safety of the Sind Canal and bund systems depends to a large extent on the certainty that rapid and reliable information can be sent to the headquarters in the event of any disaster. Inter-communication between the Irrigation Engineer and his staff on the canals and bunds is also necessary in connection with the distribution of water. It is therefore imperative in the interest of Government as well as of the zamindars that efficient telegraphic and telephonic communications shall be maintained along the main canal systems and river embankments in Sind. These communications have been established. In some cases the lines of the Telegraph and the Public Works Department are joint ones while in other cases they are constructed for the use of the Public Works Department only. Owing to complaints of inefficient work in telegraph offices during rains in 1923, the Deputy Post Master General, Sind, advocated the appointment of an Inspector in the Public Works Department and one appointment was then accordingly sanctioned. Before this post was created in 1924 the telegraph system frequently broke down and great inconvenience resulted.

2. The general duties of the Inspector are as under :—

- (a) To advise Executive Engineers on the best arrangements for the disposal of their traffic on lines ;
- (b) To see that the singallers are competent, to examine them before employment and to nominate the most suitable men for any particular post ;
- (c) To co-ordinate the duty hours of the men with the most suitable working hours of the offices and check at intervals the promptness and efficiency with which traffic is disposed of ;

[Appendix 52—contd.]

- (d) To visit large offices and investigate any complaints of delay, cases of general inefficiency and from such visits have a knowledge whether lines are working efficiently or not.

Owing to continual breakdowns in telegraphic and telephonic communications it has been insisted that the Inspector should pay particular attention to the following details :—

- (1) Testing the efficiency of all telephone and telegraph operators and immediately reporting all cases of inefficiency ;
- (2) Examining all telegraph and telephone instruments at least twice a year and more often where necessary ; bringing to the notice of the Director of Posts and Telegraphs, Sind and Baluchistan Circle, any glaring defects in instruments with a view to immediate replacements ;
- (3) Insection of the lines in general, bringing to notice defective types of poles, insulators, etc.
- (4) Examining all recorded messages in each telegraph and telephone office to see that all essential messages are as brief as possible and suggesting cutting out unessential messages and in other ways reducing traffic on congested lines ;
- (5) Putting forward suggestions to the Chief Engineer and the Director of Posts and Telegraphs, for improvements necessary to increase efficiency.

3. Due to the extension of the Canal systems in Sind on account of the completion of the Lloyd Barrage Project, the number of the Canal Telegraph and Telephone Offices in operation has been considerably increased. There are now in all 508 Telegraph and Telephone Offices and 2745 miles of line for the Sind Canal Administration as against 84 Telegraph and Telephone Offices and 1174 miles of line when the post of one Inspector was originally created. A breakdown in telegraphic or telephonic communication may now result in damage involving loss of lakhs of rupees. It is therefore absolutely necessary to have efficient supervision of the lines and instruments. This purpose can no longer be served by the employment of only one Inspector, the work being spread over the whole of Sind and his mode of conveyance being ordinarily a camel. In these circumstances it is proposed to create a second post of a canal telegraph and telephone Inspector on a temporary basis and to appoint to it a retired telegraph official on pay of Rs. 180 per mensem, in addition to his pension. One peon on Rs. 18 per mensem is necessary for the Inspector. Both the Inspector and his peon will be entitled to travelling allowance as admissible under the rules.

4. The cost is debitable to the head " XIII-Irrigation, Navigation, Embankment and Drainage Works for which capital accounts are kept—working expenses," and it is estimated at Rs. 4,000 per annum, including cost of travelling. The extra cost during the current year will amount to about Rs. 1,300 and is proposed to be met out of the savings on the grant for revenue establishment for Sind under the head " XIII." The

[Appendix 52—*contd.*]

item being, however, of the nature of a new service the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

“Irrigation Works charged to Revenue—Reserved (including XIII-Working Expenses and 15-Other Revenue Expenditure financed from ordinary revenues).”

Rs. 64,01,000 + Rs. 10.

FINANCE DEPARTMENT :

Poona, 7th October 1932.

#### APPENDIX 52A.

*(Vide Debates of 11th October 1932.)*

#### REPORT OF THE SELECT COMMITTEE ON MOTION No. I OF 1932 TO AMEND STANDING ORDERS.

We, the members\* of the Select Committee appointed to consider Motion No. I of 1932 to amend the Standing Orders, have the honour to report as follows :—

We have carefully considered the proposed amendments. We think that the first amendment would unnecessarily fetter the discretion of the Select Committee in hearing expert evidence, and we have accordingly deleted the first amendment.

As regards the second amendment, we think it would suffice if the translations of the Select Committee's report, minutes of dissent, if any, and the Bill as amended are despatched two clear days to such members of the Council as have intimated to the Secretary their desire of receiving such translations. We think that even in the case of the Bills in respect of which no translations have been ordered by the Select Committee under Standing Order VIII, 7 (4), the translations should be supplied to the non-English-knowing members. We consider that the provision made under Standing Order VIII, 7 (4), for the publication of the translations is for the benefit of the public, and that even if such translations are not ordered, the non-English-knowing members of the Council should be supplied with translations in order to enable them to discharge the duties of their office satisfactorily.

We recommend that this report and the minutes of dissent, if any, and the proposed draft of Standing Orders as amended should

\* Note.—The signatures of Mr. N. E. Navle, Rao Bahadur G. V. Pradhan and Mr. G. Davis, I.C.S., will be notified when received.

[Appendix 52-A—contd.]

be translated in all the vernaculars in which the original draft was translated.

(Signed) A. M. K. DEHLAVI,  
 ( " ) V. A. SURVE,  
 ( " ) SYED MIRAN MAHOMED SHAH,  
 ( " ) J. G. MORE,  
 ( " ) GHULAM HUSSAIN HIDAYATALLAH,  
 ( " ) A. N. SURVE,  
 ( " ) D. R. PATIL,  
 ( " ) J. S. KADRI.

### MOTION TO AMEND STANDING ORDERS.

Motion No. 1 of 1932.

(As amended by the Select Committee.)

In Standing Order VIII—

(1) ~~In sub-clause (1) of clause 6, for the word "may" in line 1, the word "shall" shall be substituted.~~

(2) ~~In paragraph (a) of sub-clause (2) of clause 2, after the words "is presented" in line 6, the following words shall be inserted, namely:—~~

~~"and also copies of the translations of the same, if any, have been despatched to such members of the Council, as do not know English, 5 clear days before the date on which the Bill is read for the second time."~~

*For sub-clause (a) of clause 2 of paragraph 8, the following shall be substituted, namely:—*

*"(a) that the bill as reported by the Select Committee be read a second time either at once or at some future date to be then stated—*

*Provided that no such motion shall be made—*

*(i) unless copies of the report, of minutes of dissent, if any, and of the bill, if amended, have been despatched to each member 15 clear days before the date appointed for the session; and*

*(ii) unless the copies of the translation of the said report, minutes of dissent and the bill shall have been despatched two clear days before the date mentioned in proviso (i) to each of the members who may have communicated to the Secretary their desire of having the said translation notwithstanding any directions of the Select Committee as regards the publication of the translations under paragraph 7 (4) of this order;*

*Nothing in proviso (i) or (ii) shall affect the power of the President to suspend the operation of either or both of the said provisions and to allow the motion to be made at any time, or"*

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
 of the Governor of Bombay.

Poona, 10th October 1932.



## APPENDIX 53.

## BILL No. XI OF 1932.

(A Bill further to amend the Dekkhan Agriculturists' Relief Act, 1879.)

## REPORT OF THE SELECT COMMITTEE.

We, the members of the Select Committee appointed to consider Bill No. XI of 1932 (a Bill further to amend the Dekkhan Agriculturists' Relief Act, 1879), have the honour to report as follows :—

We have carefully considered the bill.

We have deleted clause 2 of the original bill as being redundant.

*Clause 2.*—We have altered clause 3 of the original bill so as to remove doubts arising from the judgment of the High Court in the case of *Dattatraya vs. Savlo* (34 Bombay Law Reporter 404). We do not think that in taking account under the Dekkhan Agriculturists' Relief Act any sum in excess of the decretal amount should be debited against the debtor even if there is an agreement of the debtor with the creditor to that effect.

We do not recommend that the report of Select Committee and the bill as amended should be translated into any of the Vernaculars.

(Signed) W. F. HUDSON,

( „ ) G. DAVIS,

( „ ) P. D. KULKARNI,

( „ ) H. B. CLAYTON,

( „ ) A. B. ACHREKAR,

( „ ) D. R. PATIL,

( „ ) J. G. MORE,

( „ ) G. V. PRADHAN,

( „ ) M. H. MEHTA,

( „ ) N. E. NAVLE,

( „ ) MIRAN MAHOMED SHAH.

## BILL No. XI OF 1932.

*A Bill further to amend the Dekkhan Agriculturists' Relief Act XVII of 1879. in its application to the Presidency of Bombay excluding Aden and the City of Bombay.*

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Dekkhan Agriculturists' XVII Relief Act, 1879, in its application to the Presidency of Bombay of 1879. excluding Aden and the City of Bombay in manner hereinafter

## [Appendix 53—contd.]

appearing ; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act <sup>5 & 6</sup> and the ~~previous sanction of the Governor of Bombay required by~~ <sup>Geo. V,</sup> section 80C of the said Act ~~have~~ <sup>has</sup> been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Dekkhan Agriculturists' Relief (Bombay Amendment) Act, 1932.

2. ~~Extent and operation.~~ (1) ~~This Act extends to the whole of the Presidency of Bombay excluding Aden and the City of Bombay.~~

(2) ~~It shall come into operation on the 1st day of November 1931.~~

3. *Amendment of section 13 of XVII of 1879.*—~~In clause (e) of XVII section 13 of the Dekkhan Agriculturists' Relief Act for the words of "any money which he may have agreed to pay in contravention of 1879. section 257A of the Code of Civil Procedure" the words "any money which he may have agreed to pay in excess of the decretal account without the previous sanction of the Court in that respect" shall be substituted.~~

2. *For clause (c) of section 13 of the Dekkhan Agriculturists' Relief Act, XVII of 1879, the following shall be substituted, namely :—*

"(c) *in the account of principal there shall not be debited to the debtor any sum in excess of a sum due or to accrue due under a decree which the debtor may have agreed directly or indirectly to pay in pursuance of any agreement relating to the satisfaction of the said decree.*"

G. S. RAJADHYAKSHA,  
Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 8th October 1932.

## APPENDIX 54.

*Supplementary Agenda for the second Session of the Bombay Legislative Council which commenced on Monday, the 19th September 1932 [Vide Standing Order X, 1 (i) (d)].*

## DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

*Resolutions by Mr. J. S. Kadri, M.L.C.*

1. "This Council recommends to Government that an Advisory Board consisting of the elected members of the Bombay Legislative Council, representing Muhammadan Urban and Rural constituencies and of such additional members coopted by the said elected members of

[Appendix 54—*contd.*]

the council, as may make up the total of 7 members, be formed for each Division of the Bombay Presidency, with authority to recommend to the heads of Government Departments, suitable Muhammadan candidates for employment in their respective departments, with the object of securing due representation of qualified Muhammadans in public service, as contemplated in the various resolutions issued by Government on the subject from time to time."

2. "This Council recommends to Government to appoint a committee consisting of officials and non-officials, to enquire into and report on the present condition of Mussalman religious and charitable Wakfs in the Northern Division of the Bombay Presidency, to ascertain the drawbacks and difficulties experienced in the practical working and application of the Mussalman Wakfs Act in the districts and to suggest measures for the efficient administration, supervision and control of the Wakfs."

3. "This Council recommends to Government that an Urdu Training School for women be opened at Ahmedabad to turn out trained mistresses for Urdu Girls' Schools in the Northern Division."

4. "This Council recommends to Government that all judicial offices in the Bombay Presidency be closed on gazetted Muhammadan holidays."

*Resolution by Rao Bahadur R. R. Kale, M.L.C.*

1. "This Council recommends to Government that the orders recently issued reducing by 20 per cent. grants-in-aid to local bodies for primary education be rescinded and the old practice restored."

*Resolutions by Dr. P. G. Solanki, M.L.C.*

1. "This Council recommends to Government to appoint at an early date a committee of non-official members of this Council, with proper representation of labour and depressed class members thereon, to investigate into and report upon the best way of improving the condition of labourers and textile workers (including depressed class labourers and workers) in the Bombay Presidency with special reference to the system of recruitment, hours of work, and the granting of leave, wages, housing, insurance and maternity benefits."

2. "This Council recommends to Government to appoint a committee of officials and non-official majority, to enquire into the grievances of and the sources of discontent prevailing among the tenantry and labourers of Inamdars, Talukdars, Khots and big landholders of Gujrat and to suggest measures for redressing those grievances and removing those sources of discontent."

3. "This Council recommends to Government that they should either stop or reduce substantially all grants to the primary and secondary schools under the control of Government, municipalities and district local boards and to other Government aided institutions as well as dispensaries and hospitals which receive Government grants, where admission is refused

## [Appendix 54—contd.]

to boys and girls and persons of the depressed classes on the plea of custom, religion and orthodoxy and where equal treatment to the children and members of the depressed classes is denied.”

4. “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 in the Presidency.”

5. “This Council recommends to Government to take immediate steps to remove the daily hardships of the ‘Depressed Classes’ which they have to undergo to get their daily supply of water and for that purpose to sanction a grant of money to sink and build wells for these people in the rural areas and villages in the Presidency and to direct the local officers concerned to give necessary help to the members of the depressed classes to enable them to draw water from local board and public wells in places where the public opinion is not hostile to them.”

6. “This Council recommends to Government to take very stringent measures to eradicate the ‘Social Vice’ from the city of Bombay by engaging sufficient vigilance staff and by giving more police help to the ‘Vigilance Association’.”

*Resolutions by Mr. S. S. Tolani, M.L.C.*

1. “This Council recommends to the Governor in Council that all the permanent vacancies in Sind should be filled up by Sindhis first and then by persons belonging to the Presidency and lastly by persons not belonging to this Presidency according to their ability and qualifications, irrespective of communal considerations.”

2. “This Council recommends to the Government that they may be pleased to bring bills before the next session of the Legislative Council introducing joint electorates and also doing away with nominations to the local bodies.”

*Resolution by Mr. L. R. Gokhale, M.L.C.*

1. (As No. 1 of Dr. V. G. Vaishampayan in the main Agenda.)

*Resolutions by Khan Bahadur Jam Jan Mahomedkhan, M.L.C.*

1. “This Council recommends to Government that in the Block Survey which has been done in Sind, the assessment be charged on each petty number of one acre and not on ahas i. e. 4 acres, as is being done at present.”

2. “This Council recommends to Government that in future all the lands within the Barrage Zone be granted by the Revenue Officers,

[Appendix 54—contd.]

Lloyd Barrage, and not by the P. W. D. as is done at present in certain cases."

3. "This Council recommends to Government that the work of construction of the Barrage being now complete, the P. W. D. should in future give 10 days' notice to the Zamindars concerned about the heading up of the Barrage."

4. "This Council recommends to Government that in future rice cultivation be permitted in the Jamrao Tract in Kalar lands which have not been cultivated since the last 20 years."

5. "This Council recommends to Government that no restriction be placed on rice cultivation in lands where rice cultivation has been done since last 50 years."

6. "This Council recommends to Government that the fallow lands which have been forfeited to Government previous to the year 1910 be returned to the owners on payment of fallow assessment."

7. "This Council recommends to Government that the survey of lands be made at places where it is considered necessary by Zamindars if and when it is sought by them, and not without their consent."

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 24th September 1932.

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When a resolution is moved asking Government to give the House an opportunity to express its opinion on the subject before deciding upon any action proposed to be taken by them, the merits of the question on which the action is proposed to be taken cannot be gone into, e.g. when the resolution recommending that Government should consult the Council before deciding upon the abolition of the Kolaba Collectorate came up, the discussion on the merits of the question as to whether the Kolaba Collectorate should or should not be abolished, was held out of order. . . . 1385-86, 1388, 1391, 1393

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