

TABLE OF CONTENTS

	PAGES
Agenda for the Second Session of 1935	1-16
Supplementary Agenda	1222-23
<i>Monday, the 8th July 1935.</i>	
New Members sworn	19
Nomination of Chairmen of Council	19
Governor-General's Assent to Acts	19
Reply to the Message of Loyalty and Congratulations from the Bombay Legislative Council on the occasion of His Majesty's Silver Jubilee	20
Questions and Answers	21-46
Local Boards Act Amendment Bill	46-48
City of Bombay Municipal Act Amendment Bill	48-49
Children Act Amendment Bill	49-65
Mussalman Wakf Act Amendment Bill.. .. .	65-68
Public Trusts Registration Bill	70-85
<i>Tuesday, the 9th July 1935.</i>	
Questions and Answers	88-118
Election of a Member to the Finance Committee	118, 138
Public Trusts Registration Bill	119-65
Holiday for <i>Ekadashi</i>	165
<i>Wednesday, the 10th July 1935.</i>	
New Members sworn	167
Reference to the death of Mr. S. H. Covernton	167
Questions and Answers	168-92
Adjournment Motion (Disallowed)	193
Public Trusts Registration Bill	193
Government resolution <i>re</i> Distribution of subsidy to be received from the Government of India for Village Improvement Work	194-242
<i>Thursday, the 11th July 1935.</i>	
Government resolution <i>re</i> Distribution of subsidy to be received from the Government of India for Village Improvement Work	245-51
Mussalman Wakf Act Amendment Bill	251-306
<i>Monday, the 15th July 1935.</i>	
New Members sworn	309
Questions and Answers	309-39
Presentation of a petition regarding the Hindu Law of Adoption Bill	339
Bills not moved	339-40, 342, 374
Municipal Boroughs Act Amendment Bill (Rao Saheb P. D. Kulkarni)	340-41
Bombay Shops Bill (Mr. R. R. Bakhale)	342-61
City of Bombay Municipal Act Amendment Bill (Mr. A. G. Greville Bullocke)	362-74
Local Boards Act Amendment Bill (Mr. G. S. Gangoli)	374-76
Primary Education Act Amendment Bill (Mr. G. S. Gangoli)	376-85

<i>Tuesday, the 16th July 1935.</i>		PAGES
Questions and Answers		388-99, 428-29
Primary Education Act Amendment Bill (Mr. G. S. Gangoli) ..		399-407, 429-30
City of Bombay Municipal Act Amendment Bill (Franchise)—Rao Bahadur S. K. Bole		407-26
City of Bombay Municipal Act Amendment Bill (Seats)—Rao Bahadur S. K. Bole		426-28
Primary Education Act Amendment Bill (Mr. V. N. Patil)		431-53
Bhagdari and Narvadari Tenures Act Amendment Bill (Khan Bahadur Vali Baksh A. Patel)		453
Village Police Act Amendment Bill (Mr. V. N. Patil)		453-54
Parsi Public Trusts Registration Bill (Dr. M. D. Gilder)		454
City of Bombay Municipal Act and City of Bombay Police Act Amendment Bill (Mr. A. N. Surve)		454
Public Trusts Registration Bill (Select Committee)		455
<i>Wednesday, the 17th July 1935.</i>		
New Member sworn		458
Indian Motor Vehicles Act Amendment Bill		458-514
<i>Thursday, the 18th July 1935.</i>		
Indian Motor Vehicles Act Amendment Bill		517-70
<i>Friday, the 19th July 1935.</i>		
Questions and Answers		573-99
Indian Motor Vehicles Act Amendment Bill		599-616
Mussalman Wakf Act Amendment Bill		616-46
<i>Saturday, the 20th July 1935.</i>		
Mussalman Wakf Act Amendment Bill		649-88
District Police and City of Bombay Police Acts Amendment Bill		688
<i>Monday, the 22nd July 1935.</i>		
Address to His Excellency the Governor <i>re</i> Appointment of Council Secretaries		691-706
Condolence resolution <i>re</i> Quetta earthquake		706-09
Resolution regarding—		
Re-grant of certain lands to zamindars in Sind		709-10
Government's Answers to Council Questions		711-27
Remedial Measures to check gambling in American Futures		727-47
Presentation of an Appeal by the Birth Control League of Poona		723
<i>Tuesday, the 23rd July 1935.</i>		
Questions and Answers		750-72
Resolution regarding—		
Remedial measures to check gambling in American Futures		772-83
Separation of Broach and Panch Mahals		793-805
Relief of Agricultural Indebtedness		805-27
<i>Wednesday, the 24th July 1935.</i>		
New Member sworn		830
District Police and City of Bombay Police Acts Amendment Bill		830-55
Local Boards Act Amendment Bill		855-79
Municipal Boroughs Act Amendment Bill		879-91
<i>Thursday, the 25th July 1935.</i>		
New Member sworn		894
District Police and City of Bombay Police Acts Amendment Bill		894-930
Supplementary Grants—		
Additional staff for Courts in Sholapur District		930-35

TABLE OF CONTENTS

3

<i>Friday, the 26th July 1935.</i>		PAGES
Questions and Answers		938-63
Supplementary Grants—		
Additional Staff for Courts in Sholapur District		963-69
Improvements to Hubli-Sholapur Road		969-71
Electric installation in the Judicial Buildings at Nadiad		971-74
Raising and Strengthening the Sehwan Protective Bund		974-76
Appointment of two Assistant Inspectors of Factories		976-81
Establishment of a linked court at Hukeri		981-83
Discontinuance of experiment of abolishing Prant Officers		983-84
Temporary appointment of Resident Magistrate at Hubli		984-87
Temporary appointment of an additional Presidency Magistrate		987
New section in Sir J. J. School of Art, Bombay, for teaching Poster- designing and Commercial Art		987
Temporary staff for the Court of the Additional Presidency Magis- trate, Bombay		987
Rice crop duty experiments in the Fuleli Canal System		987-93
Scheme for improvement of marketing in India		993-98
Conversion of office of Official Assignee, Karachi, into a Government Office		998
Temporary appointment of Assistant Manager at the Commissioner's Printing Press, Karachi		998
Reconstruction of a portion of the Poona-Sholapur Road		999-1000
Introduction of Bombay Weights and Measures Act, 1932		1000-16
Refund of fees realised from Development Department Quarries		1016-18
Temporary additional staff for the Royal Institute of Science, Bombay		1018
Additional clerks for talukas affected by the Lloyd Barrage		1018-19
Continuance of the Left Bank Drainage Division (Sind)		1019-23
<i>Saturday, the 27th July 1935.</i>		
New Member sworn		1026
Questions and Answers		1026-41
Prevention of Adulteration Act Amendment Bill		1041-72, 1077
Co-operative Societies Act Amendment Bill		1072-77
<i>Monday, the 29th July 1935.</i>		
Prevention of Adulteration Act Amendment Bill		1079-95
Borstal Schools Act Amendment Bill		1095-97
Identification of Prisoners Act Amendment Bill		1097
District Police Act Amendment Bill		1097-1103
Prorogation of Council		1103

Appendices		1104-1223

APPENDIX 1.

BILL No. XVII OF 1934.

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

(As published in the "Bombay Government Gazette"
of the 4th August 1934.)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, for the purpose hereinafter appearing; And whereas the previous sanction of the Governor required under section 80C 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 Local Boards (Amendment) Act, 1934.

2. *Insertion of new section after section 94 of Bom. VI of 1923.*—After section 94 of the Bombay Local Boards Act, 1923, the following section shall be inserted, namely:—

"94A. *Levy of fixed amount as cess from certain taluqdari lands.*—Notwithstanding anything contained in section 93 or 94, the amount of cess leviable under section 93 from a taluqdar in respect of any taluqdari land which is held by him and with regard to which the amount leviable as the cess credited to the local fund of the district is fixed under any promise made to or undertaking incurred by Government in the favour of such taluqdar prior to the date on which the Bombay Local Boards (Amendment) Act, 1927, came into force, shall be the amount fixed under such promise or undertaking or the amount which may from time to time be fixed by Government with the consent of such taluqdar."

STATEMENT OF OBJECTS AND REASONS.

Clause (c) of sub-section (1) of section 93 of the Bombay Local Boards Act, 1923, was inserted by Bombay Act X of 1927 to make it clear that the local fund cess is leviable on taluqdari lands. Sub-section (2) of section 94 was inserted by Bombay Act V of 1928 to provide that the method of assessment of the local fund cess followed in the case of alienated villages under sub-section (1) shall be followed in the case of taluqdari lands. These provisions affect promises made or undertakings incurred in respect of certain taluqdari lands under which long before the enactment of the above Acts Government have agreed to accept a fixed sum for all demands on account of the local fund cess. The object of this Bill is to provide that notwithstanding anything contained in section 93 or 94 as amended by Bombay Act X of 1927 and Bombay Act V of 1928, the local fund cess leviable in respect of taluqdari lands in regard to which a promise or undertaking as aforesaid has been made shall be the

[Appendix 1—*contd.*]

fixed amount agreed under such promise or undertaking. The Bill also provides that the amount so fixed may be varied by Government with the consent of the taluqdar.

27th July 1934.

S. N. BHUTTO.

APPENDIX 2.

BILL No. XVIII OF 1935.

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

(As published in the "Bombay Government Gazette" of the 13th June 1935.)

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, 1935.

2. *Amendment of section 70 of Bom. III of 1888.*—In section 70 of the City of Bombay Municipal Act, 1888,—

(1) in proviso (1) to sub-section (1), after the words "of the Corporation", the words, figure and brackets "in the manner prescribed in sub-section (2)" shall be inserted;

(2) in sub-section (2), for the words "other than a contract relating to the acquisition of immoveable property or interest therein or a right thereto", the words and brackets "(other than a contract relating to the acquisition of immoveable property or interest therein or a right thereto), required to be under seal" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Sub-section (1) of section 70 of the City of Bombay Municipal Act, 1888, requires that every contract entered into by the Municipal Commissioner on behalf of the Corporation must be in such form as would bind the Commissioner if the contract were entered into on his own behalf. The provisos to the said sub-section provide for two exceptions for which the seal of the Corporation is essential, viz., (a) any such contract even if entered into by the Commissioner would require to be under seal, and (b) when such contract is for the execution of any work or supply of materials or goods involving an expenditure exceeding Rs. 500. Sub-section (2) of section 70, before it was amended by Bombay Act XIII of 1933, was in a negative form and it did not impose the requirement of the seal but merely laid down the mode in which the seal was to be affixed. The amending Act has changed the wording

[Appendix 2—*contd.*]

of sub-section (2) from a negative to a positive form, with the result that it now requires that every contract, however insignificant, shall be sealed with the seal of the Corporation. The Corporation states that this has led to considerable practical inconvenience, as the sub-section (2), as amended by Bombay Act XIII of 1933, imposes an obligation on the Corporation to affix its seal to every contract entered into by them even if it be of the most trivial character, e.g., monthly tenancies, occupation agreements or licences, etc. The object of the Bill is to obviate the inconvenience and the inconsistency, which were not contemplated when sub-section (2) was amended, and to provide that in the case of contracts and other instruments other than those relating to the acquisition of immovable property or any interest therein or a right thereto, it is necessary to affix the seal of the Corporation only to those contracts and other instruments which are required to be under seal.

10th June 1935.

S. N. BHUTTO.

APPENDIX 3.

BILL No. XIX OF 1935.

A Bill to amend the Bombay Children Act, 1924.

(As published in the "Bombay Government Gazette"
of the 28th June 1935.)

WHEREAS it is expedient to amend the Bombay Children Act, 1924, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Children (Amendment) Act, 1935.

2. *Insertion of new Part IV-A in Bom. XIII of 1924.*—After Part IV of the Bombay Children Act, 1924, the following shall be inserted, namely:—

"PART IV-A.

Prohibition of publication of names, addresses or other details concerning children or young persons involved in offences.

27-B. *Penalty for publishing names and addresses of children or young persons involved in offences.*—(1) No report in any newspaper or news-sheet of any offence by or against a child or young person or of any proceedings in any Court relating to such offence shall disclose the name, address or school, or include any particulars calculated to lead to the identification, of any such child or young person, nor shall any picture be published as being or including a picture of any such child or young person.

[Appendix 3—*contd.*]

(2) Any person who publishes any report or picture in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term not exceeding two months or with fine or with both."

STATEMENT OF OBJECTS AND REASONS.

Accounts of offences by children and young persons or of offences in which children or young persons are involved are often published. Such publication is against the welfare of the child or young person concerned and is likely to do permanent injury to such child or young person. In the interests of children and young persons it is desirable that such publication should be prohibited. This Bill is intended to carry out that object.

19th June 1935.

C. W. A. TURNER.

APPENDIX 4.

BILL No. V OF 1935.

(A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. V of 1935 (A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay), have the honour to report as under :—

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

Clause 5—Proposed new section 6C.—We have amended sub-clause (ii) of sub-section (1) of this section to make it clear that the court has to ascertain whether the whole or any substantial portion of the subject matter of the wakf is situated within the local limits of its jurisdiction.

Sub-section (2) of this section, as originally drafted, provided that if any person appearing at the enquiry held under the said section denied any of the matters which the court was competent to ascertain under sub-section (1) and undertook to institute a suit within three months for a declaration to that effect, the court was bound to stay the enquiry until the said suit was finally decided. Under this provision, a mere

*Note.—The signatures of Khan Bahadur Allahbaksh, Rao Bahadur N. E. Navle, Sardar Davar T. K. Modi, Khan Bahadur A. E. Patel, Mir Bande Ali Khan Talpur, Mr. A. K. Resaldar, Dr. P. G. Solanki, Syed Miran Mahomed Shah and Mr. G. E. Matcheswalla will be notified when received.

[Appendix 4—*contd.*]

undertaking given by the person would have compelled the court to stay the enquiry. In our opinion, such a provision would have defeated the very object of the section and would have enabled a person by giving an undertaking from time to time and without actually instituting a suit to get a stay of the enquiry. We have, therefore, re-drafted sub-section (2) and have made it clear that unless such a suit is actually instituted the court shall not stay the enquiry commenced under the section.

We have also re-drafted sub-section (3) and have provided that the court itself must ascertain whether a suit on the institution of which an enquiry under the section has been stayed, has been decided, and that after the final decision of such suit the court shall proceed with the enquiry in regard to such matters as may not have been decided in such suit.

Sub-section (4) has also been altered and it is provided that the court holding an enquiry under this section shall record its findings as to the matters mentioned in sub-sections (1) and (3), except such matters as may have been decided in the suit.

Proposed new section 6D.—This section, as originally drafted, provided that the register of wakfs should contain a record of such particulars as might be prescribed by rules made under the Act. In our opinion, it would be more convenient to specify in the section itself the main particulars which are to be recorded in the register of wakfs. We have, therefore, amended the section specifying the particulars which are to be recorded in the register of wakfs. We have added that the name of the mutawalli shall be one of the particulars to be so recorded.

Proposed new section 6E.—We have made amendments in sub-section (3) of this section which are consequential on the amendments made in section 6C.

Proposed new section 6F.—We have inserted the words “and findings recorded under section 6C” in this section to make it clear that not only the entries made by the court in the register of wakfs but also the findings recorded by the court under section 6C shall be final only for the purposes of this Act.

Proposed new section 6H.—This section relates to the liability of the mutawalli of a wakf to maintain accounts. It may be difficult for the mutawallis of wakfs having small incomes or having no income at all to comply with the provisions of this section. We have, therefore, added a proviso to this section enabling the local Government by rules made in that behalf to exempt from the provisions of this section any particular wakf or class of wakfs.

Proposed new section 6I.—We have substituted the words “Wakf Fund of the district concerned” for the words “Local Government” to make it clear that the contributions paid under this section are to be credited to a separate fund called “the Wakf Fund” constituted under section 6J.

[Appendix 4—*contd.*]

This section contains a proviso enabling the local Government by rules made in that behalf to exempt from the liability of making a contribution any particular wakf or class of wakfs.

Proposed new section 6L.—Sub-section (2) of this section, as originally drafted, provided that the wakf committee should be constituted in such manner and should consist of such number of members as may be prescribed by rules. We are of opinion that the constitution of the wakf committee is such an important matter that it should not be left to rules but should be embodied in the Act itself. We have, therefore, amended sub-section (2) of this section and have endeavoured to provide a constitution on as reasonable a basis as possible, taking care to see that all the interests in the district are fully and adequately represented.

Proposed new section 6M.—Sub-section (2) of this section, as originally drafted, provided that if any matter relating to the suspension, removal, or dismissal of a mutawalli or trustee, the appointment of a mutawalli or trustee, the settlement, cancellation or alteration of a scheme for the administration of a wakf, was referred to a wakf committee, and such committee has made its recommendation, the court, if it intended to pass any order, must accept the recommendation of the committee and pass an order in accordance with such recommendation. In our opinion, this provision is inconsistent with the provision in section 6L (1) which provides that the committee is "to advise and assist the court". Moreover, in actual practice such a provision will result in much difficulty and inconvenience. We have, therefore, amended sub-section (2) by providing that the court may pass such orders as it thinks fit, after giving due consideration to the recommendations of the committee.

We have also provided that no order shall be passed by the court under this section to the prejudice of any mutawalli or trustee without giving such mutawalli or trustee an opportunity to be heard.

We are of opinion that the wakf committee, for the performance of its duties under this section, should be empowered to require any person to produce any document or to attend before it for the purpose of giving evidence or for the production of any document which is necessary for the purpose of any matter referred to it by the court for opinion, advice, report or recommendation.

Proposed new section 6N.—We have made a slight change in this section to make its meaning clear.

Proposed new section 6Q.—This section provides for the publication of the list of wakfs in the local official gazette. We are of opinion that the list should also be published in the principal vernacular of the district in a newspaper circulating in the district. We have amended the section accordingly.

Clause 12.—Section 6H requires a mutawalli to keep and maintain regular accounts of the property of the wakf, but there is no provision in the Act providing for a penalty for failure to keep such accounts or for

[Appendix 4—contd.]

keeping false accounts. We have, therefore, amended section 10 of the original Act accordingly.

Clause 13.—As the wakf committee is now given power under section 6N to order the production of documents and the attendance of persons for the purpose of giving evidence, we have amended section 10A by providing that failure to comply with such orders will be punishable as an offence.

Clause 14.—This clause relates to the amendment of section 11 of the original Act, which contains provisions empowering Government to make rules for the various matters referred to in the provisions of the Act. We have added several clauses in this section providing for all the matters for which rules are to be made under the various provisions of the Act. We have also added that rules should be made for the appointment and remuneration of auditors appointed under the Act and for the management, custody, investment and disbursement of the wakf fund.

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

(Signed) S. T. KAMBLL.
 („) S. N. BHUTTO.
 („) K. C. SEN.
 („) H. M. RAHIMTOOLA.
 („) R. R. KALE
(subject to a minute of dissent).
 („) J. A. MADAN.
 („) PESTANSHAH N. VAKIL.
 („) SYED MUNAWAR
(subject to a minute of dissent).
 („) R. B. SHINDE.
 („) J. A. COLLACO.

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

I have signed the report subject to the following dissent :—

In my opinion there should be a provision made for the surplus remaining after the application of the Wakf Fund as provided for in 6K. The surplus may be expended towards carrying out the intent of the creator of the wakf or if need be by the court by an application of the doctrine of *cy pres*. It will be observed that the object of the Act XLII of 1923 which the Bill seeks to amend and of such amendment is to make provision for, among other things, the better management and administration

[Appendix 4—contd.]

of wakf properties and provision is made for supervision and control by a special Part VI and also by Clause 11 empowering the making of Rules among which special mention is made of a rule indicating the purpose for which a Wakf Fund shall be applied. It therefore follows that there should be a provision in the body of the Bill about the disposal of the surplus of the Wakf Fund.

A provision dealing with surplus finds a place in the Bengal Wakf Act [*vide* Section 63 (2)]. I think that some such amendment as the following may be appropriate in this behalf.

The insertion of the words "and the surplus, if any, being expended by the court towards an object by an application of the doctrine of *cy pres*" between "Wakfs" and "and generally" in line 8 of Clause 6K.

Poona, 18th June 1935.

(Signed) R. R. KALE.

(Minute of dissent by Mr. Syed Munawar, M.L.C.)

I am opposed to the grant of exemption to any particular wakf or class of wakfs from maintaining or rendering accounts on the score of their small incomes. To-day some wakfs may have little incomes, but to-morrow when the wakf properties are developed they may derive fairly big incomes. If such small wakfs are not entered in the Register of Wakfs and no account is taken of them, there is a grave danger of such wakfs ceasing to exist as wakfs in time to come, even with considerable increase in their incomes. The nature of protection that such wakfs require, so long as they are small wakfs, is only exemption from payment of annual contribution to the Wakf Fund. This necessary concession for such small wakfs is provided for in Clause 6I. I am therefore of the opinion that the proviso under Clause 6H should be deleted and consequential changes should be effected in the succeeding clauses.

20th June 1935.

(Signed) SYED MUNAWAR.

Note.—Deletions made by the Select Committee are shown in square brackets.

BILL No. V OF 1935.

A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay for the purposes herein-after appearing ;

XLII
of
1923.

[Appendix 4—*contd.*]

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 sanction of the Governor under section 80C of the said Act have been obtained for the passing of this Act;

5 & 6
Geo.
V, c.
61.

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Mussalman Wakf (Bombay Amendment) Act, 1935.
2. *Heading after the preamble of XLII of 1923.*—After the preamble of the Mussalman Wakf Act, 1923, hereinafter called the principal Act, the heading “Part I” shall be inserted.
3. *Amendment of section 2 of XLII of 1923.*—In section 2 of the principal Act,—
 - (a) after clause (b), the following shall be inserted, namely :—

“(bb) ‘District’ means a district constituted under section 3 of the Bombay Civil Courts Act, 1869, and includes the City of Bombay.”
 - (b) after clause (e), the following shall be added, namely :—

“(ee) ‘Wakf Committee’ means a committee constituted under section 6L.”
4. *Heading after section 2 of XLII of 1923.*—After section 2 of the principal Act, the heading “Part II” shall be inserted.
5. *Insertion of Parts III to VI in XLII of 1923.*—After section 6 of the principal Act, the following parts shall be inserted, namely :—

“PART III.

Powers of the Court to call for Particulars.

6A. *Power of court to call upon the mutawalli to submit statement.*—
(1) Notwithstanding anything contained in section 3, it shall be competent to the court, on failure of a mutawalli to furnish a statement as required under the said section, to require the mutawalli to furnish, within such time as the court shall fix, a statement containing all or any of the particulars referred to in the said section, including a copy of the deed or instrument, if any, creating the wakf.

(2) The provisions of section 4 shall apply to a statement furnished under this section as if such statement had been furnished under section 3.

6B. *Power of court to require statement of accounts at any time.*—
(1) Notwithstanding anything contained in section 5, it shall be competent to the court, on failure of a mutawalli to furnish a statement of accounts as required under the said section, to require the mutawalli to prepare and furnish, within such time as the court may fix, a statement of accounts of the nature described in the said section and for such period as the court may think fit.

[Appendix 4—contd.]

(2) The provisions of section 6 shall apply to any statement of accounts required to be furnished under this section as if such statement of accounts were a statement of accounts furnished under section 5.”

PART IV.

Powers of the Court to Enquire.

6C. *Power of court to enquire and call upon mutawalli to submit a statement of particulars and accounts.*—(1) A court may, either on its own motion or upon the application of any person claiming to have an interest in a wakf, hold an enquiry in the prescribed manner at any time to ascertain—

(i) whether a wakf is a wakf to which this Act applies ;

[(ii) whether any property is the property of such wakf and is situate within the local limits of the jurisdiction of the court ; and]

(ii) whether any property is the property of such wakf and whether the whole or any substantial portion of the subject matter of such wakf is situate within the local limits of the jurisdiction of the court ; and

(iii) who is the mutawalli of such wakf.

[(2) If any person appears at such enquiry and denies the existence of the wakf, or that the property is the property of such wakf, or that the property is situate within the local limits of the jurisdiction of the court, or that he is the mutawalli of such wakf, and undertakes to institute within three months a suit for a declaration to that effect and for other appropriate relief, the court shall stay the enquiry, and, if such suit is so instituted, shall continue the stay until the suit is finally decided.]

(2) *If it comes to the knowledge of the court that a suit has been instituted in any court in regard to any of the matters mentioned in sub-section (1), it shall stay the enquiry so far as it relates to, or is likely to be affected by the court's findings or order in regard to such matters, until the suit is finally decided in that court.*

[(3) If no such undertaking is given, or if after the expiry of the three months no such suit has been instituted, the court shall proceed with the enquiry.]

(3) *The court shall from time to time ascertain whether such suit has been finally decided and after the final decision of the suit, it shall proceed with the enquiry in regard to such matters, if any, as may not have been decided in such suit.*

[(4) On completion of the enquiry provided for in sub-section (1), if the court is satisfied that the wakf in question is a wakf to which this Act applies, that the property of the wakf is situate within the local limits of its jurisdiction, and that a particular person is the mutawalli of such wakf, the court shall pass orders accordingly and the court shall require such mutawalli to furnish statements of the kind described in sections 3 and 5 accompanied by the documents specified therein, and

[Appendix 4—*contd.*]

the provisions of sections 3 and 5 shall apply to such statements of accounts as if they were statements furnished under those sections.]

(4) *On completion of the enquiry provided for in sub-sections (1) and (3) the court shall record its findings as to the matters mentioned in the said sub-sections, except such matters as may have been decided in the aforesaid suit.*

(5) *Save as provided in this section, the court shall not, when acting under this section, try or determine any question of the title of any person claiming adversely to the wakf.*

PART V.

Registration, Wakf Accounts and Wakf Funds.

[6D. *Registration of Wakfs.*—Every court shall cause to be prepared and maintained in the prescribed manner a register of wakfs the property of which is situate within the local limits of its jurisdiction. Such register shall be called the Register of Wakfs and shall contain a record of the particulars required to be furnished under section 3 and such other particulars as may be prescribed.]

6D. *Registration of Wakfs.*—(1) *The court shall, after the submission of a statement under section 6A and an enquiry, if necessary, held under section 6C, or merely after an enquiry held under section 6C, record, in such form as may be prescribed in a register called the Register of Wakfs, the following particulars:—*

(a) *a description of the wakf property sufficient for the identification thereof;*

(b) *the gross annual income from such property;*

(c) *the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or of the period which has elapsed since the creation of the wakf, whichever period is shorter;*

(d) *the amount of the Government revenue and cesses, and of all rents, annually payable in respect of the wakf property;*

(e) *an estimate of the expenses annually incurred in the realisation of the income of the wakf property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (c) relate;*

(f) *the amount set apart under the wakf for—*

(i) *the salary of the mutawalli and allowances to individuals;*

(ii) *purely religious purposes;*

(iii) *charitable purposes;*

(iv) *any other purposes;*

(g) *the name of the mutawalli; and*

(h) *such other particulars as may be prescribed.*

(2) *A statement, if any, furnished under section 6A shall be filed with the said Register of Wakfs.*

[Appendix 4—*contd.*]

6E. *Amendment of entries in Register of Wakfs.*—(1) When any change occurs in any of the particulars recorded in the Register of Wakfs, the mutawalli shall report to the court such change in the prescribed form, accompanied by the prescribed fee. The provisions of section 3 shall, so far as may be, apply to any such statement.

(2) For the purpose of verifying the correctness of the entries in the Register of Wakfs or ascertaining any change which may have occurred in such register, the court may hold an enquiry in the prescribed manner.

[(3) When the court is satisfied that the provisions of sub-section (1) have been duly complied with, the court shall amend the entry relating to the said wakf in the Register of Wakfs in accordance with the statement, and shall file it along with the statement relating to the said wakf filed under sections 3, 4, 5, 6A, 6B or 6C.]

(3) *If the court, after receiving a report under sub-section (1) and holding an enquiry, if necessary, under sub-section (2), or merely after an enquiry held under sub-section (2), is satisfied that a change has occurred in any of the particulars recorded in the Register of Wakfs with regard to a wakf, it shall amend in the prescribed manner the entry or entries affected by such change and shall file the report furnished under sub-section (1) along with the statement, if any, relating to the said wakf filed under section (3).*

[6F. *Entries in the Register of Wakfs to be final, subject to section 6G.*—The entries made by the court in the Register of Wakfs shall, subject to the provisions of section 6G, be final for the purposes of this Act.]

6F. *Entries in the Register of Wakfs and findings recorded under section 6C to be final subject to section 6G.*—*The entries made by the court in the Register of Wakfs and findings recorded under section 6C shall, subject to the provisions of section 6G, be final for the purposes of this Act.*

6G. *Amendment of Register of Wakfs by order of court.*—A civil court of competent jurisdiction deciding any question relating to any wakf in respect of which an entry has been recorded in the Register of Wakfs may direct that the court shall make an amendment in the entries in the Register of Wakfs relating to the said wakf which is consequential upon its decision and the court shall amend the entry accordingly.

6H. *Maintenance of accounts and their audit.*—(1) Every mutawalli of a wakf in respect of which an entry has been recorded in the Register of Wakfs shall keep regular accounts of all moveable and immoveable property received, and of all payments made by him on behalf of the wakf of which he is the mutawalli. Such accounts shall be kept in such form and shall contain such particulars as may be prescribed.

(2) The account shall be balanced on the thirty-first day of March in each year, and shall be examined and audited annually or at such other intervals, in such manner and by such person as may be prescribed.

[Appendix 4—contd.]

(3) Every auditor acting under sub-section (2) shall have access to the accounts and to all books, vouchers and other documents and records in the possession and under the control of the mutawalli :

Provided that the Local Government may, by rules made in this behalf, exempt from the provisions of this section any particular wakf or class of wakfs.

6I. *Annual contribution from wakfs.*—Every wakf shall, for the purpose of meeting the charges and expenses incidental to the registration, superintendence, administration and control of wakfs, the maintenance of the registers of wakfs, the scrutiny and audit of accounts of wakfs, the institution and defence of suits and proceedings relating to wakfs, and generally carrying into effect the purposes of this Act, be liable to pay to the *Wakf Fund of the district concerned* [Local Government] annually such contribution, on such date and in such manner as may be prescribed :

Provided that the Local Government may, by rules made in this behalf, exempt from the provisions of this section any particular wakf or class of wakfs.

6J. *Wakf Fund.*—For each district there shall be created a fund to be called the *Wakf Fund of the district concerned*, and there shall be placed to the credit thereof the following sums, namely :—

- (a) any fee which may be levied under this Act,
- (b) contributions under section 6I,
- (c) any sums received by the *Wakf Fund* from private sources,
- (d) any sums allotted by Government or by any local authority to the *Wakf Fund*.

6K. *Application of Wakf Fund.*—The *Wakf Fund* of a district shall be under the control and management of the court and shall be applicable to the payment of charges for and expenses incidental to the registration, superintendence, administration and control of wakfs, the maintenance of the Register of Wakfs, the scrutiny and audit of accounts of wakfs, the institution and defence of suits and proceedings relating to wakfs, and generally carrying into effect the purposes of this Act.

PART VI.

Supervision and Control.

6L. *Constitution and appointment of Wakf Committee.*—(1) There shall be constituted in each district a wakf committee to advise and assist the court in all matters relating to the registration, superintendence, administration and control of wakfs.

[(2) Such committee shall be constituted in such manner and consist of such number of members, who shall be persons professing the Mussalman faith, as Government may prescribe.]

[Appendix 4—contd.]

The Committee shall consist of:—

- (a) the members of the Indian and Local Legislatures,
- (b) two members elected in the prescribed manner by the mutawallis of all wakfs in the district registered under the Act,
- (c) two members elected in the prescribed manner by the members of the district local board professing the Mussalman faith, from among their number,
- (d) one member elected in the prescribed manner by the members, professing the Mussalman faith, of each municipality in the district constituted under the Bombay District Municipal Act, 1901,
- (e) two members elected in the prescribed manner by the members, professing the Mussalman faith, of each municipality in the district, constituted under the City of Bombay Municipal Act, 1888, the City of Karachi Municipal Act, 1933, or the Bombay Municipal Boroughs Act, 1925, and
- (f) such other members not exceeding one-fourth of the total number of the members of the Committee as the Local Government may nominate:

Provided that no person who does not ordinarily reside in the district or does not profess the Mussalman faith shall be eligible to be a member of the Committee.

6M. *Functions of Wakf Committee.*—(1) It shall be competent to the court to refer at any time to the Wakf Committee or any three or more members thereof, for advice, opinion, enquiry, report or recommendation, within such time as the court may direct, any matter relating to the registration, superintendence, administration and control of wakfs, and in particular any matter relating to—

- (a) the conduct of a mutawalli or a trustee in the administration of a wakf or his fitness to continue as a mutawalli or a trustee,
- (b) the settlement, cancellation or alteration in a scheme for the administration of a wakf, or
- (c) the application of the funds of a wakf or any surplus thereof.

(2) When the court has referred any of the matters mentioned in sub-section (1) to a wakf committee or any members thereof for advice, opinion, enquiry, report or recommendation, and the committee or the members thereof as the case may be, have, either unanimously or by a majority, made their recommendation in relation to the matter referred to them, [it shall be competent to] the court may [to] pass orders as it thinks fit, after giving due consideration to [in accordance with] such recommendation [but not otherwise]—

- (i) suspending, removing or dismissing a mutawalli or trustee,
- (ii) appointing a new mutawalli or trustee,
- (iii) settling, cancelling or altering a scheme for the administration of a wakf,

[Appendix 4—*contd.*]

(iv) directing the application of the funds of a wakf or any surplus thereof, in a particular manner or to a particular purpose, [not inconsistent with the objects and purposes of the wakf]

(v) generally for carrying out the purposes of the Act.

Provided that nothing in this section shall be deemed to authorise a court to pass any order [in relation to the administration of a wakf or the settlement, cancellation or alteration of a scheme] which is inconsistent with the objects and purposes of the wakf.

Provided further that no order under this section shall be passed to the prejudice of any mutawalli or trustee without giving such mutawalli or trustee an opportunity to be heard.

(3) *For the performance of any of the duties under sub-section (2), the Wakf Committee or any members thereof to whom the Court has referred any matter for advice, enquiry report, or recommendation, the committee or such members thereof may by order in writing require—*

(a) *the production of any document necessary for the purpose;*

(b) *the attendance of any person for the purpose of giving evidence or for the production of any document referred to in clause (a).*

6N. *Court's power to authorise members of Wakf Committee to institute suits, etc.*—Notwithstanding anything contained in section 92 of the Code of Civil Procedure, 1908, it shall be competent to the court, after such enquiry as it may think fit, (a) to authorise any one or more of the members of a Wakf Committee to institute or defend any suit or proceeding for the purposes of the protection or recovery of the property of a wakf or for the application of the property of a wakf to any public, charitable or religious purpose and (b) to allocate from the Wakf Fund such sums as may, in the opinion of the court, be necessary for the aforesaid purpose.

6O. *Inspection of wakf property, records and accounts.*—(1) It shall be competent to the court to direct one or more members of the wakf Committee to undertake the inspection, in the prescribed manner, of the property, records and accounts of any wakf and to report to the court, within such time as the court may direct, the result of such inspection.

(2) The court may order payment from the Wakf Fund to the member or members undertaking an inspection referred to in sub-section (1) such sum as may be prescribed *in respect of* [to cover] the costs incurred by the member or members for the purpose of such inspection.

(3) It shall be competent to a court to employ upon such terms and conditions as may be prescribed such persons as may in the opinion of the court be necessary for carrying out the purposes of this Act and to pay them such remuneration from the Wakf Fund as may be prescribed.

6P. *Court's power to order special audit.*—It shall be competent to the court at any time to order a special audit of the accounts of a wakf

[Appendix 4—*contd.*]

by an accountant possessing the prescribed qualifications and to order the cost of such audit to be paid by the mutawalli from the income of the property of the wakf or out of the Wakf Fund.

6Q. *Publication of lists of Wakfs.*—There shall be published annually on such date as the Local Government may determine in the local official Gazette and in the principal vernacular of the district in a newspaper circulating therein [in the local official Gazette on such date as the local Government may determine] a list of wakfs and a statement of the sums standing to the credit of the Wakf Fund, under the signature of the Court and in such form as the Local Government may prescribe.”

6. *Insertion of a new heading after section 6Q.*—After section 6Q inserted by this Act, into the principal Act, the heading “Part VII” shall be inserted.

7. *Amendment of section 7 of XLII of 1923.*—In section 7 of the principal Act after the word and figure “section 4”, the words and figures “section 6A or section 6B or section 6C” shall be inserted.

8. *Amendment of section 8 of XLII of 1923.*—In section 8 of the principal Act—

(a) after the word and figure “section 4” the words and figures “or section 6A or section 6C” shall be inserted; and

(b) after the word and figure “section 5” the words and figures “or section 6B or section 6C” shall be inserted.

9. *Amendment of section 9 of XLII of 1923.*—In section 9 of the principal Act,—

(a) after the word and figure “section 4”, the words and figures “or section 6A or section 6C” shall be inserted;

(b) after the word and figure “section 5” the words and figures “or section 6B or section 6C” shall be inserted;

(c) after the word and figure “section 6” the words and figures “or section 6H or section 6P or any entry in the Register of Wakfs or any statement, notice, intimation, report, accounts or any document filed under this Act” shall be inserted.

10. *Insertion of new section after section 9 of XLII of 1923.*—After section 9 of the principal Act, the following shall be inserted, namely:—

“9A. *Provisions of Code of Civil Procedure to apply.*—(1) The provisions of the Code of Civil Procedure, 1908, relating to—

(a) the proof of facts by affidavits,

(b) the enforcing of the attendance of any person and his examination on oath,

(c) the enforcing of the production of documents, and

(d) the issuing of commissions shall apply to all proceedings held by a court under this Act and provisions relating to the service of summonses shall apply to the service of notices thereunder.

[Appendix 4—*contd.*]

(2) The provisions of the said Code relating to the execution of decrees shall, so far as they are applicable, apply to the execution of orders passed by the Court under this Act”.

11. *Heading after section 9A of this Act.*—After section 9A inserted by this Act, into the principal Act, the heading “Part VIII” shall be inserted.

12. *Amendment of section 10 of XLII of 1923.*—In section 10 of the principal Act—

(a) after the word and figure “section 4”, the words and figures “or section 6A or section 6C” shall be inserted;

(b) after the word and figure “section 5”, the words and figures “or section 6B or section 6C” shall be inserted;

(c) after the word “accounts” where it occurs for the first time, the words, figure and letter “or who is required by section 6H to keep regular accounts” shall be inserted;

(d) after the word “document” where it occurs for the second time, the words “or keep to regular accounts” shall be inserted;

(e) after the word “statement” where it occurs for the fourth time the words “or keeps accounts” shall be inserted.

13. *Insertion of new sections after section 10 of XLII of 1923.*—After section 10 of the principal Act, the following shall be inserted, namely:—

“10A. *Penalty for non-compliance with any other order.*—(1) If any person fails to comply with any order passed by the Court or by the *Wakf Committee or any member thereof* under or in pursuance of the provisions of this Act, such person shall, if such failure to comply is not punishable under any of the sections of this Act, be on conviction punishable with fine which may extend to one thousand rupees.

(2) A Criminal Court may, in passing an order of conviction for an offence under sub-section (1), specify the period within which the person convicted shall comply with the provisions of this Act which may be found to have been contravened by him, and may also prescribe a daily fine not exceeding Rs. 50 for every day for the period during which the default continues after the expiry of the period so specified:

Provided that, if the person failing to comply with any direction issued by such Court satisfies such Court that there is good reason for his failure to do so and applies for an extension of the period specified under this section, such Court may, if it thinks fit, extend the period and may remit the whole or any part of the fine paid or due.

10B. *Cognizance of offences.*—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Court given in the prescribed manner.

(2) No Criminal Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

10C. *Prosecution of, and suits against, persons acting in good faith.*—No suit or prosecution or other proceeding shall be instituted against any

[Appendix 4—*contd.*]

person for anything which is in good faith done or intended to be done under this Act.

10D. *Recovery of sums due under this Act.*—All sums due under this Act shall be recoverable as arrears of land revenue.”

14. *Amendment of section 11 of XLII of 1923.*—(1) In sub-section (2) of section 11 of the principal Act—

(a) in clause (a) after the word and figure “ section 3 ”, the words and figures “ or under section 6A or section 6C ” shall be inserted ;

[(b) in clause (b) after the word and figure “ section 4 ”, the words and figures “ or under section 6A or section 6B or section 6C ” shall be inserted ;]

(b) *For clause (b) the following shall be substituted, namely :—*

(b) *the manner in which notice to be published under section 4 and the fees to be charged upon application made to a court under sub-section (1) of section 4 or under section 6A or section 6B or section 6C.*

(c) in clause (c) after the word and figure “ section 5 ”, the words and figures “ or section 6B or section 6C ” shall be inserted ;

(d) in clause (d) after the word and figure “ section 6 ”, the words and figures “ or section 6H or section 6P ” shall be inserted ;

(e) *In clause (e), after the brackets and letter “ (e) ” the words “ the manner of inspection and ” shall be inserted.*

(f) after clause (f), the following shall be inserted, namely :—

“(f1) the manner in which subject to the provisions of section 9A an inquiry shall be held by the Court and the Wakf Committee under section 6C or 6M and the manner in which the parties shall be represented in such inquiry and the costs of such inquiry shall be borne,

(f2) the manner in which the Register of Wakfs shall be prepared and maintained under section 6D,

(f3) the form in which a change in any of the particulars recorded in the Register of Wakfs shall be reported and the amount of fee to accompany such report and the manner in which the inquiry shall be held and the entries in the Register of Wakfs shall be amended under section 6E,

[(f4) the form in which the accounts shall be prepared, kept and furnished under section 6H and the particulars to be entered therein and the manner in which, and intervals at which, and the persons by whom, such accounts shall be audited,]

(f4) *the form in which the accounts shall be prepared, kept and furnished, the particulars to be entered therein, the manner in which, the interval at which and the persons by whom such accounts shall be audited and exemption granted under section 6H ;*

[(f5) the amount and the date on which contribution shall be paid and exemptions granted under section 6I,]

[Appendix 4—*contd.*]

(f5) the amount of contribution, the date on which and the manner in which it shall be paid and exemptions granted under section 6I ;

(f6) the appointment and remuneration of auditors appointed under the Act ;

(f7) the management, custody, investment and disbursement of the Wakf Fund ;

(f8) the purpose for which a Wakf Fund shall be applied under section 6K,

(f9) the number of members who shall constitute a Wakf Committee the period of office of a Wakf [such] committee and the manner in which such committee shall hold its meetings and the procedure to be followed at their meetings,

(f10) the manner in which the inspection of the property, records and accounts of a wakf shall be carried out, the sum which shall be paid in respect of [to cover] the costs of the members of the Wakf Committee undertaking such inspection, the terms and conditions on which persons shall be employed and the remuneration which shall be paid to such persons, under section 6O,

(f11) the qualifications of an accountant appointed under section 6P ;

(f12) the form in which a list of wakfs shall be published under section 6Q.”

(2) After sub-section (2) of section 11 of the principal Act, the following new sub-section shall be added, namely :—

“ (3) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council and such rule shall after notification in the local official Gazette be deemed to have been modified or rescinded accordingly :

Provided that when in the opinion of the Local Government such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the Local Government may by notification in the local official Gazette declare that the modification or rescission shall have no effect and thereupon the rules shall remain in force as if they had not been modified or rescinded.”

NOTIFICATION.

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 25th June 1935.

No. 522.—With reference to the footnote to the Report of the Select Committee on Bill No. V of 1935 (A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay) published at pages 91 to 96 of the *Bombay Government Gazette*, Part V, dated the

[Appendix 4—contd.]

24th June 1935, it is notified that Rao Bahadur N. E. Navle, M.L.C., Sardar Davar T. K. Modi, M.L.C., Mr. A. K. Resaldar, M.L.C., and Dr. P. G. Solanki, M.L.C., have signed the Report of the Select Committee and that Khan Bahadur A. E. Patel, M.L.C., has signed the same subject to a minute of dissent as shown below :—

(Minute of dissent by Khan Bahadur A. E. Patel, M.L.C.)

I have signed this report subject to the following minute of dissent :—

1. I desire that in clause 6D (I) (b), the words " with main particulars " be added at the end. I mean the gross income should be shown in main divisions such as, (1) income from rents etc. of immoveable property, (2) income from the investments in the shape of interest or dividends, (3) private donations, and (4) miscellaneous.

My object in proposing this is, that from a bird's eye view of the statement in the Register, it can be at once known whether the management of the immoveable properties is going on satisfactorily or not, and the cause of the increase or decrease in the gross income can also be ascertained, so as to put those interested in the Wakf, to an inquiry.

2. The original bill did not contain a proviso to clause 6H, at the end, as is now introduced by the select committee, on an analogy of the proviso appearing at the end of clause 6I.

Clause 6H refers to keeping accounts and auditing, while 6I refers to contributions to be made by the Wakfs, and thus both clauses stand on a different footing.

I can understand the desirability of the proviso at the end of clause 6H, so as to provide exemptions from contributions for wakfs for small incomes or similar other reasons. But the exemption from keeping of accounts and audit should not be given on any other consideration but that of small incomes.

The wording of the proviso is however wide enough to include other considerations and I would therefore desire that the proviso should be so worded as to limit the exemption only to those wakfs which are yielding small incomes, say, of about 1,000 to 2,000 rupees yearly.

I also desire that this limit should be provided in the Act itself and should not be left open for the rules, so that wakafs of small incomes may get automatic exemption as a class.

3. Clause 6K restricts the application of the Wakf Fund, created under clause 6J, to the carrying into effect the purposes of this Act.

It is no doubt created primarily for this purpose, but I am tempted to think, that after satisfying all the needs, there will yet remain some surplus.

I therefore desire that this surplus, after making due provision for a reserve fund, should be made available for the purposes of providing religious as well as secular education and other charitable and beneficent activities which may be beneficial to the community as a whole.

[Appendix 4—contd.]

Similarly, there may be cases in which the purpose of the original wakaf may have become impossible of realization or it may be that after satisfying all the reasonable needs and demands of the original wakafs, there may yet remain a surplus, owing to the unforeseen increase in income or for other similar causes. In all such cases, the Court ought to be empowered to direct the application of such surplus to other beneficial activities, useful to the community at large, or to the beneficiaries under the Trust.

I therefore desire that some provision may be made, on the same lines as is provided in clause 36 of "the Bill to provide for the better administration and governance of Hindu temples in the City of Madras and endowments attached thereto" printed in *Bombay Government Gazette* of Thursday, the 2nd May 1935.

4. Clause 6L provides for a constitution of a Wakaf Committee in each district. I think there may be cases in which it might be thought desirable to appoint a separate wakaf committee for each sub-division of a district. For instance, it may be quite convenient to do so, in the case of Broach and Panch Mahals sub-divisions of the District. I therefore suggest addition of words "or sub-division of a District as the case may be" after the words "in each district" in clause 6L (1) in the first line.

5. Clause 6M enumerates the functions of the Wakaf Committee. It is contemplated to be an advisory body only, and can only act whenever the District Judge thinks fit to refer any matter for opinion.

I think it would be better if the Wakaf Committee had been given some independent powers, at least of inspection of the account books and of requiring the Mutawalli to furnish information required. Without such powers of initiation, the committee, I fear, will be a lifeless body, unable to grow to its full stature, so as to be able to displace the Government machinery in which, almost all the powers are at present centralised.

6. Clause 6H (2) provides for the audit of accounts and clause 6P provides for a special audit. The audit fees are to be ordered by the Court under clause 6P or in accordance with a scale of fees to be prescribed under clause J (a) or clause 6 (o). A general complaint of the Mutawallis is that the wakaf accounts are generally very simple, and contained in a few pages, giving details of a few fixed items of income and expenditure, and the fees levied are often-times very heavy and altogether disproportionate to the work put up.

I would therefore think that it would be better if some graded maximum limit of fees applicable to wakafs of small and large incomes respectively had been laid down in the Act itself—say at the rate of $\frac{1}{2}$ per cent. or 1 per cent. with a maximum limit, and the District Court may be given powers to order special fees, only in special cases, on the report submitted by the auditor.

[Appendix 4—contd.]

I should also desire to point out the hardship and inconvenience caused to the Mutawallis who are called upon to attend the office of the auditor from day to day till their turn comes and the auditor finds time to examine their books.

In many cases, Mutawallis are men of position and prestige and some have to attend their official duties, and can scarcely find time to attend from day to day. Many of them are only Honorary workers, and this hardship will scare them away in derogation to the interests of the wakafs, particularly in such cases where funds do not permit them to employ paid clerks.

It would be convenient for both parties concerned if the auditor is required to go to the office of individual wakafs and a list of such wakafs be prepared and maintained, with the concurrence of the District Court in the office of the auditor. Auditors of the Co-operative Department do at present go to the individual societies for audit and inspection and I think some similar provision could easily be prescribed in this case also.

7. There appears to be no provision made for the custody and investment of the wakaf incomes and funds. Sometimes, they run into thousands and are lying idle with the Mutawallis.

At times, there are cases of misappropriations also, and there are cases in which funds have been permanently lost to the wakafs, owing to death or straitened circumstances of the Mutawallis.

I therefore desire that in clause 14, a further sub-clause may be added, so as to enable Government to make rule in this behalf.

Similarly, there have been cases where owing to bad management or ill-discretion of the Mutawallis, the properties of the wakafs are indiscriminately sold, mortgaged or leased out on perpetual basis; and I think it is desirable to add one more sub-clause to clause 14 of the Act, so as to empower the Court to declare all such acts of the Mutawallis as invalid, unless they are done with permission of the Court, after the passing of this Act.

Broach, 22nd June 1935.

(Signed) ALIBHAI E. PATEL.

H. K. CHAINANI,

Secretary to the Legislative Council
of the Governor of Bombay.

NOTIFICATIONS.

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 1st July 1935.

No. 556.—In modification of this office notification No. 522, dated the 25th June 1935, published in the *Bombay Government Gazette*, Part V,

[Appendix 4—concl'd.]

dated the 27th June 1935, at pages 113 to 117, so far as it relates to the publication of the signature of Mr. A. K. Resaldar, M.L.C., to the Report of the Select Committee on Bill No. V of 1935 (A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay), it is notified that Mr. A. K. Resaldar, M.L.C., has subsequently sent a minute of dissent as shown below :—

(Minute of dissent by Mr. A. K. Resaldar, M.L.C.)

I have signed the report subject to the following dissent :—

The provisos to clauses 6H and 6I provide that " the Local Government may, by rules made in this behalf, exempt from the provisions of this section any particular wakf or class of wakfs ".

I am of opinion that the above provisos may be so amended as to read as under :—

" Provided that the Local Government may, by rules made in this behalf, exempt from the provisions of this section wakfs or class of wakfs only having an income of Rs. 50 or less."

Ahmedabad, 28th June 1935.

(Signed) A. K. RESALDAR.

H. K. CHAINANI,

Secretary to the Legislative Council
of the Governor of Bombay.

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 2nd July 1935.

No. 565.—With reference to the foot-note to the Report of the Select Committee on Bill No. V of 1935 (A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay) published at pages 91 to 96 of the *Bombay Government Gazette*, Part V, dated the 24th June 1935, it is notified that Mr. Syed Miran Mahomed Shah, M.L.C., and Mir Bandehali Khan Talpur, M.L.C., have signed the Report of the Select Committee.

H. K. CHAINANI,

Secretary to the Legislative Council
of the Governor of Bombay.

BILL No. XX OF 1935.

A Bill for the registration of trusts created or existing for a public purpose of a religious or charitable nature and for the filing and audit of accounts of such trusts with a view to ensure the better management thereof.

(As published in the "Bombay Government Gazette"
of the 29th June 1935.)

WHEREAS it is expedient to provide for the registration of trusts created or existing for a public purpose of a religious or charitable nature and for the filing and audit of accounts of such trusts with a view to ensure the better management thereof; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80-A and of the Governor required under section 80-C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title, extent and operation.*—(1) This Act may be called the Bombay Public Trusts Registration Act, 1935.

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

(3) Government may, by notification in the *Bombay Government Gazette*, direct that this Act shall come into force in any district or area on such date as may be appointed in the notification.

2. *Application and saving.*—(1) The provisions of this Act shall in the first instance apply to public trusts created or existing solely for the benefit of the Hindu community or any section of such community and, having an annual gross income of not less than Rs. 2,000.

(2) Subject to the provisions of sub-section (3), Government may, by notification in the *Bombay Government Gazette*, direct that all or any of the provisions of this Act shall apply to any other specified public trust or class of public trusts.

(3) The provisions of this Act shall not apply to public trusts to which the Mussalman Wakf Act, 1923, applies and Government may, by notification in the *Bombay Government Gazette*, direct that all or any of the provisions of this Act shall not apply to any specified public trusts or class of public trusts.

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

(1) "Manager" means a trustee or any person who for the time being either alone or in association with some other person or persons administers the property of any public trust.

(2) "Prescribed" means prescribed by rules made under this Act.

(3) "Public trust" means an express or constructive trust created or existing for public purposes of a religious or charitable nature.

[Appendix 5—*contd.*]

(4) "Registrar" means an officer appointed under section 4 to exercise the powers and perform the duties of a Registrar of Public Trusts.

(5) "Rules" means rules made under section 24.

(6) Words or expressions used but not defined in this Act and defined in the Indian Trusts Act, 1882, shall have the meanings assigned to them in that Act.

4. *Appointment of Registrars.*—Government may appoint Registrars of Public Trusts for the purposes of this Act and may define the district or area within which each of them shall exercise his powers and perform his duties.

5. *Obligation to furnish particulars relating to public trust.*—(1) Every manager of the property of a public trust, created before or after the commencement of this Act, shall, within twelve months of the commencement of this Act, or, in the case of any such trust created after the commencement of this Act, within twelve months of the vesting in or the assumption by him of the administration of the property of such trust, submit to the Registrar within whose jurisdiction the whole or any substantial portion of the subject matter of such trust is situate a statement in the prescribed form and accompanied by the prescribed fee, containing the following particulars :—

(a) the names of the trustees and the mode of succession to the office of trustee by custom or otherwise,

(b) the description of the trust property, both moveable and immoveable, sufficient for the identification thereof.

(c) the gross average annual income of such property estimated on the income of the three years preceding the date on which the statement is submitted or of the period which has elapsed since the creation of the trust, whichever period is shorter.

(d) the amount of the average annual expenditure in connection with the public trust estimated on the expenditure incurred within the period to which the particulars under clause (c) relate,

(e) any other particulars as may be prescribed.

(2) A copy of the deed or instrument creating the public trust shall accompany such statement or if no such deed or instrument has been executed or if a copy thereof cannot be obtained such statement shall contain full particulars so far as they are known to the manager of the origin, nature and object of the public trust.

(3) Such statement shall be signed by the manager or his agent specially authorised in this behalf.

(4) Every person signing the statement shall verify it in the manner prescribed.

6. *Power of Registrar to call upon the manager to submit statement and Registration of Public Trusts.*—(1) A Registrar may either on his own

[Appendix 5—*contd.*]

motion or upon the petition of a person having an interest in a public trust hold an enquiry in the prescribed manner to ascertain—

- (i) whether a trust is a public trust,
- (ii) whether any property is the property of such trust,
- (iii) whether the whole or any substantial portion of the subject matter of the trust is situate within his jurisdiction,
- (iv) who is the manager of such trust,
- (v) the origin, nature and object of such trust,
- (vi) the amounts of gross average annual income and expenditure of such trusts, and
- (vii) any other such particular as may be prescribed under sub-section (1) of section 5.

(2) If it comes to the Registrar's knowledge that a suit has been instituted in any Court in regard to any of the matters mentioned in sub-section (1), he shall stay the enquiry so far as it relates to, or is likely to be affected by the Court's findings or orders in regard to such matters, until the suit is finally decided in that Court.

(3) The Registrar shall from time to time ascertain whether such suit has been finally decided and after the final decision of the suit, he shall proceed with the enquiry in regard to such matters as may not have been decided in such suit.

(4) On completion of the enquiry provided for in sub-sections (1) and (3), the Registrar shall record his findings as to the matters mentioned in the said sub-sections.

(5) For the purpose of this section the Registrar shall have and may exercise the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :—

- (a) enforcing the attendance of any person and examining him on oath,
- (b) compelling the production of documents and material objects,
- (c) issuing commissions for the examination of witnesses,
- (d) proof of facts by affidavits.

(6) Save as provided in this section, the Registrar shall not determine any question of title between persons claiming adversely to each other or to the trust.

7. *Register of Public Trusts.*—The Registrar shall, after the submission of a statement under section 5 and an enquiry, if necessary, held under section 6, or merely after an enquiry held under section 6, record entries in such form as may be prescribed in a register called the Register of Public Trusts and shall file the statement, if any.

8. *Amendment of entries in Register of Public Trusts.*—(1) When any change occurs in any of the particulars recorded in the Register of

[Appendix 5—contd.]

Public Trusts, the manager shall report to the Registrar such change in a statement in the prescribed form and accompanied by the prescribed fee.

(2) For the purpose of verifying the correctness of the entries in the Register of Public Trusts or ascertaining whether any change has occurred in any of the particulars recorded in such Register, the Registrar may hold an enquiry in the prescribed manner and exercise for the purpose of such enquiry all the powers exercisable by the Registrar under section 6.

(3) If the Registrar, after receiving a report under sub-section (1) and holding an enquiry, if necessary, under sub-section (1), or merely after an enquiry held under sub-section (2), is satisfied that a change has occurred in any of the particulars recorded in the Register of Public Trusts with regard to a public trust, he shall amend in the prescribed manner the entry or entries affected by such change and shall file the statement furnished under sub-section (1) along with the statement, if any, relating to the said trust filed under section 5.

9. *Stay of inquiry or entry in Register.*—No Registrar shall proceed with an enquiry under section 6 or 8, or shall act under section 7, in regard to any public trust particulars of which have been recorded in the Register of Public Trusts by, or in respect of which an enquiry under section 6 or 8 is pending before the Registrar of any other district or area.

10. *Entries in Register of Public Trusts to be final subject to section 11.*—Entries made by the Registrar in the Register of Public Trusts in accordance with the provisions of sections 6 and 8 shall, subject to the provisions of section 11, be final for the purposes of this Act.

11. *Amendment of Register by order of Court.*—A Civil Court of competent jurisdiction deciding any question relating to any registered public trust may direct that the Registrar shall make an amendment in the entry in the Register of Public Trusts relating to the said trust in accordance with its decision; and the Registrar shall amend the entry accordingly.

12. *Maintenance of accounts and their audit.*—(1) Every manager of a public trust in respect of which an entry has been recorded in the Register of Public Trusts under section 6 shall keep regular accounts of all moveable and immoveable property, except such articles as are of a perishable nature received, and of all payments made by him on behalf of the public trust of which he is the manager. Such accounts shall be kept in such form and shall contain such particulars as may be prescribed.

(2) The accounts shall be balanced on the thirty-first day of March in each year and shall be examined and audited annually or at such other intervals, in such manner and by such persons as may be prescribed.

[Appendix 5—*contd.*]

(3) Every auditor acting under sub-section (2) shall have access to the accounts and to all books, vouchers, other documents and records in the possession or under the control of the manager.

(4) Within six months after the thirty-first day of March of the year for which the accounts are balanced, every manager shall prepare and furnish to the Registrar, a full and true statement of the accounts, with the audit note if the accounts are audited under sub-section (2), in such form and containing such particulars as may be prescribed together with the audit note, if any, relating thereto :

Provided that the Registrar may, if he is satisfied that there is any sufficient cause for so doing, extend the time for the furnishing of any statement of accounts and audit note under this section.

Exception.—Nothing in this section shall apply—

(1) to any public trust

(a) which is governed by the Religious Endowments Act, 1863,

(b) in respect of which a scheme has been settled under section 92, Civil Procedure Code, 1908, or

(2) to any trust property which is vested in the Treasurer of Charitable Endowments, the Administrator General, the Official Trustee or any society registered under the Societies Registration Act, 1860.

13. *Inspection of registers and filed documents.*—(1) The Register of Public Trusts shall be open to inspection by any person on payment of such fee as may be prescribed.

(2) All statements, notices, intimations, accounts, and audit notes filed under this Act shall be open to inspection, subject to such conditions and on payment of such fee as may be prescribed.

14. *Grant of copies.*—The Registrar shall on application furnish to any person, on payment of such fee as may be prescribed, a copy certified under his hand, of any entry or portion thereof in the Register of Public Trusts or any document filed with him.

15. *Annual contribution from public trusts.*—Every public trust shall, for the purpose of meeting the charges for and expenses incidental to the registration of public trusts, the maintenance of the register of such trusts, the scrutiny and audit of accounts of such trusts and generally carrying into effect the provisions of this Act, be liable to pay to Government annually such contribution, on such date and in such manner, as may be prescribed.

16. *Public Trusts Fund.*—For each district or area in which this Act is brought into force under section 2 there shall be created a fund to be called the Public Trusts Fund of the district concerned and there shall be placed to the credit thereof the following sums, in so far as they arise in such district or area, namely :—

(a) any fees which may be levied under section 5, 8, 13 or 14,

(b) contributions under section 15,

[Appendix 5—contd.]

(c) any sums received by the Public Trusts Fund from private sources,

(d) any sums allotted by Government or by any local authority to the Public Trusts Fund.

Explanation.—For the purpose of this section the City of Bombay shall be deemed a district.

17. *Application of Public Trusts Fund.*—The Public Trusts Fund of a district or any area as created under section 16 shall, subject to the provisions of this Act, be under the control and management of the Registrar and shall be applicable to the payment of charges for and expenses incidental to the registration of public trusts, the maintenance of the registers of such trusts, the scrutiny and audit of accounts of such trusts and generally carrying into effect the provisions of this Act.

18. *Penalty for failure to furnish or for furnishing false statements under section 5, 6 or 7.*—If any manager fails or neglects to submit a statement to the Registrar as required under section 5, 6 or 8 or submits a statement under either of these sections which he knows or has reason to believe to be false in any material particular, such manager shall on conviction be punishable with fine not exceeding Rs. 500.

19. *Penalty for failure to furnish statement of accounts or furnishing false statements under section 10.*—If any manager fails or neglects to keep accounts or to furnish a statement of accounts under section 12 or furnishes a statement which he knows or has reason to believe to be false in any material particular, such manager shall on conviction be punishable with fine not exceeding Rs. 200.

20. *Penalty for failure to comply with the order of Registrar.*—If any person fails to comply with any order issued by the Registrar under or in pursuance of the provisions of this Act, such person shall on conviction be punishable with fine which may extend to Rs. 100.

21. *Penalty for continuing offence and power of Magistrate to direct compliance with the provisions of the Act.*—Any Court may, in passing an order of conviction for any of the offences under section 18, 19 or 20, specify a period within which the person convicted shall comply with the provisions of the Act which may be found to have been contravened by him and may also prescribe a daily fine not exceeding Rs. 50 for every day for the period during which the default continues after the expiry of the period so specified :

Provided that if the person failing to comply with any direction issued by the Court satisfies the Court that there was good reason for his failure to do so and applies for extension of the period specified under this section, the Court may, if it thinks fit, extend the period and may remit the whole or any part of the fine paid or due.

22. *Cognizance of offences.*—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Registrar given in the prescribed manner within whose jurisdiction the whole or

[Appendix 5—*contd.*]

a substantial portion of the subject matter of the public trust in respect of which the offence is alleged to have been committed is situate.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

23. *Registrars to be public servants.*—Every Registrar appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

24. *Prosecution of persons acting in good faith.*—No suit or prosecution or other proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

25. *Recovery of sums due under this Act.*—All sums due under this Act shall be recoverable as arrears of land revenue.

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

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for all or any of the following purposes, namely :—

(a) Prescribing the form in which a statement shall be furnished to the Registrar and the fee payable along with such statement under section 5 (1).

(b) Prescribing the particulars to be included in the statement to be furnished to the Registrar under section 5 (1), clause (e).

(c) Prescribing the manner in which the statement furnished to the Registrar shall be verified under section 5 (4).

(d) Prescribing the manner in which the Registrar shall make an inquiry under sections 6 and 8.

(e) Prescribing the form of Register of Public Trusts to be kept under section 7 and the manner in which entries recorded therein shall be amended under section 8 (3).

(f) Prescribing the form of the statement reporting a change and the fee payable along with such statement under section 8.

(g) Prescribing the form and particulars of accounts to be kept in respect of a public trust under section 12 (1).

(h) Prescribing the manner in which and the persons by whom the accounts of public trusts shall be audited under section 12 (2).

(i) Prescribing the form and particulars of accounts to be furnished to the Registrar under section 12 (4).

(j) Prescribing the fee payable for the inspection of the Register of Public Trusts under section 13 (1).

(k) Prescribing the conditions under which inspection of statements, notices, intimations, accounts and audit notes shall be permitted and the fees payable for such inspection under section 13 (2).

[Appendix 5—contd.]

(l) Prescribing the fee payable for obtaining certified copies of entries in the Register of Public Trusts and of documents filed with the Registrar under section 14.

(m) Prescribing the amount of contribution payable by a public trust and the date and the manner of such payment under section 15.

(n) Prescribing the objects in addition to those specified in the said section, to which the Public Trusts Fund shall be applied under section 17.

(o) Prescribing the manner in which the Registrar may give sanction under section 22.

(p) Any other matter not specifically provided for in this Act, but which in the opinion of Government is necessary for carrying into effect the provisions of this Act.

(3) The rules made under this section shall be subject to the condition of previous publication.

(4) The rules made under this section shall be published in the *Bombay Government Gazette* and on such publication shall have effect as if enacted in this Act.

STATEMENT OF OBJECTS AND REASONS.

There exists in the Presidency a large number of trusts created for public purposes of a charitable or religious nature for the benefit of the Hindu community, which it has been represented to Government, are frequently mismanaged and the income and funds relating to them are not properly controlled. There is a considerable body of public opinion in favour of establishing adequate control over the administration of such trusts. There is at present no adequate legal machinery for establishing effective control over such trusts. The existing provisions of law are those contained in the Charitable and Religious Trusts Act, 1920, and in section 92 of the Code of Civil Procedure, 1908. The scope of section 92 is extremely limited as, before taking any action thereunder, it is necessary for the aggrieved party to satisfy the Advocate General that there had been a breach of the trust. The Act of 1920 referred to above no doubt marks an improvement to remedy the state of affairs existing before 1920, as under this Act it is open to any person having an interest in any charitable or religious trust to get the help of the district Court to find out the nature and objects of the trust and to have the accounts of the trust audited. There is, however, no obligation on the trustee of such trusts to keep any accounts at all or to have the accounts audited and as a result it does not appear that any substantial advantage has been taken of this Act.

2. The object of this Bill is, therefore, to secure a further remedy by making compulsory the registration of the more important trusts and the periodical submission and audit of their accounts. The total number of religious and charitable trusts is large, and some of them are of a very petty nature. As at present advised Government do not consider it

[Appendix 5—*contd.*]

advisable to bring all these trusts within the purview of the bill which has, therefore, been so drafted as to restrict its operation only to those trusts which are created or exist for public purposes of a charitable or religious nature for the benefit of the Hindu community or any section of such community and of which the annual gross income is not less than two thousand rupees.

Power is also taken to extend the benefit of the Act to public trusts pertaining to communities other than the Hindu community except those to which the Mussalman Wakf Act, 1923, applies.

Notes on Clauses.

Clause 1.—Power is reserved to Government to apply the Act to such district or area and from such date as Government may notify.

Clause 2.—It is provided that Government may exempt any particular trust or any class of trusts from the operation of the Act.

Clause 3.—This is the definition clause. A public trust is defined as an express or constructive trust created or existing for public purposes of a religious or charitable nature. This definition is based on section 92 of the Civil Procedure Code and the Charitable and Religious Trusts Act, 1920. Neither of these enactments proceed to define “a public charitable trust” or “a public religious trust”. The expression “a trust created or existing for public purpose of a religious or charitable nature” has been judicially interpreted in cases falling under the aforesaid enactments and has obtained a well defined meaning.

Clause 4.—This clause relates to the power of Government to appoint Registrars of public trusts.

Clause 5.—Under this clause managers of the property of public trusts are required to furnish to the Registrar a statement of certain particulars relating to the trust under their management. On the lines of the Charitable and Religious Trusts Act, 1920, and section 92 of the Civil Procedure Code, it is provided that the statement to be furnished shall be to the Registrar in whose jurisdiction the whole or any substantial portion of the subject-matter of the trust is situate.

Clause 6.—This clause makes it clear that the Registrar on his own motion or on the petition of a person interested can hold an inquiry to ascertain whether (a) the whole or a substantial portion of the subject-matter of the trust is in his jurisdiction: (b) who is the manager of such trust: (c) the origin, nature and object of such trust and can call upon a manager to furnish a statement regarding a public trust. This clause also gives the Registrar the power to go into the question whether a trust is a public trust. The provisions of the Charitable and Religious Trusts Act, 1920, do not contain such power and have led to considerable difficulty in the administration of the Act. It is, however, desirable that the Registrar's jurisdiction should be limited in character and should be strictly confined to matters relating to the registration of public trusts. On the lines of section 5 (6) of the Charitable and Religious Trusts Act,

[Appendix 5—*contd.*]

1920, it is provided that he will not have power to decide any question of title of any person claiming adversely to the trust. In sub-clause (2) it is provided that the Registrar shall, if it comes to his knowledge that a suit has been filed, stay the enquiry so far as it relates to the matter affected by court's findings or orders and that such stay should not be ordered until the suit has been actually instituted. Sub-clause (3) imposes on the Registrar a duty to enquire from time to time whether the suit has been finally decided.

Clause 7.—This clause provides for the entries relating to public trusts being made in the Register of Public Trusts to be maintained by the Registrar.

Clause 8.—This clause relates to the registration of alterations in any of the particulars entered in the Register of Public Trusts.

Clause 9.—In order to avoid any conflict between two Registrars, it is provided in this clause that no Registrar shall proceed with an enquiry under section 6 or 8 or shall act under section 7 in regard to any public trust, particulars of which have been recorded in the register of public trusts or in respect of which an enquiry under section 6, 7 or 8 is pending before any Registrar.

Clause 10.—This clause provides that the entry in the register will be presumed to be correct, until the contrary is proved or a new entry is lawfully substituted therefor.

Clause 11.—This clause provides that the entries in the register shall be subject to the decision of a Civil Court of competent jurisdiction. If a Court decides any matter relating to any public trust it can direct the Registrar to amend the entries in the register.

Clause 12.—This clause requires managers of public trusts to maintain accounts. It is also provided that the accounts shall be audited in order that there should not be any conflict with other Acts which contain sufficient provision for the keeping and audit of accounts, an exception has been introduced to the effect that the trusts or the trust property governed by the various enactments specified in the exception shall not be governed by this clause. The provisions in clauses 5, 6 and 8 regarding the registration of trusts will however apply to these trusts and will not cause any conflict.

Clauses 13 and 14.—These clauses relate to the grant of copies and inspection of the register.

Clause 15.—This clause provides that each public trust shall make an annual contribution to Government for defraying the expenses of registration, etc.

Clause 16.—This clause relates to the constitution of a Public Trust Fund for each district or area in which the Act is brought into operation and provides that such fund shall be made up of contributions made under the preceding sections and other items specified in this clause.

Clause 17.—This clause sets out the objects for which a Public Trust Fund can be spent.

[Appendix 5—concl'd.]

Clauses 18 to 21.—These are penal clauses.

Clause 22.—This clause relates to the cognizance of offences under the Act. It is provided that no Court shall take cognizance of an offence under the Act except by or with the sanction of the Registrar, and that no Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence under this Act. It is provided that sanction for prosecution shall be given in a manner prescribed by rules made under the Act. Rules can therefore be made to the effect that no sanction shall be granted unless the trust in respect of which the offence is alleged to have been committed is a trust registered under the Act. The entries in the Register will thus be conclusive for any proceeding in a Criminal Court and will prevent a Criminal Court from going into those questions referred for decision to such officers as may be authorised in that behalf. The decision of such officer shall be final.

Clauses 23 and 24.—These clauses provide that the Registrar shall be deemed to be a public servant and will be protected from actions for acts done in good faith.

Clause 25.—This clause provides that all sums due under the Act will be recoverable as arrears of land revenue.

Clause 26.—This clause is the rule-making clause.

10th June 1935.

S. T. KAMBLI.

APPENDIX 6.

BILL No. XXXI OF 1933.

A Bill further to amend the Bombay City Municipalities Act, 1925.

(As introduced on the 14th August 1933 and published in the "Bombay Government Gazette" of the 13th September 1933.)

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

1. *Short title.*—This Act may be called "City Municipalities (Amendment) Act of 1933".

2. *Amendment of section 12 of Bom. XVIII of 1925.*—In section 12, sub-section (3) (vi), of the City Municipalities Act, add the words "or having a work done by order of the Municipality" after the words "any article" and omit the words "either case" coming after the words "to a value in" and substitute the words "in one of these three cases".

[Appendix 6—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

In City Municipalities Act of 1925, certain disqualifications for becoming a councillor have been given in detail in section 12 (I). In sub-section (3) some exceptions are given in connection with the certain cases of sale and purchase up to a certain amount. There being no material difference between the work executed by order or done by contract, the unequal treatment in case of order in the existing law is not thoroughly justified. The seller or purchaser can deal with the Municipality safely up to a transaction of a certain amount, without incurring risk of disqualification, while a business man cannot accept an order of a single pie in which he regularly trades; this brings many disadvantages in conducting the municipal administration economically and efficiently, particularly in taluka towns; to remove this difficulty and to secure the services of the trading class in their capacity of a councillor, this amendment has been brought.

P. D. KULKARNI, M.L.C.

APPENDIX 7.

BILL No. XII OF 1934.

A Bill further to amend the Bombay Land Revenue Code, 1879.

(As introduced on the 16th March 1934 and published in the "Bombay Government Gazette" of the 12th April 1934.)

WHEREAS it is expedient further to amend the Bombay Land Revenue Code, Act No. V of 1879, in the manner hereinafter appearing; it is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Land Revenue Code (Amendment) Act of 1934.

2. *Operation.*—This Act shall come into force immediately.

3. *Application of the provisions of the Act.*—The provisions of this Act are applicable to all alluvial lands formed before or after this Act comes into force, but not to the alluvial lands disposed of, under section 63 of the Code by the Collector before this Act comes into force.

4. *Amendment of paragraph 1 of section 63 of Bom. V of 1879.*—In section 63, paragraph 1, of the Land Revenue Code of 1879 (Bombay Act V of 1879) where the words "the occupant" occur, substitute the following :—

"The permanent tenant of the bank or shore on which such alluvial land has formed or the occupant of such land in the absence of any permanent tenant thereof."

[Appendix 7—*contd.*]

5. *Amendment of paragraph 3 of section 63 of Bom. V of 1879.*—In section 63, paragraph 3, of the Land Revenue Code of 1879 (Bombay Act V of 1879) where the word “occupant” occurs, substitute the following :—

“The permanent tenant of the bank or shore on which such alluvial land has formed or the occupant of such land in the absence of any permanent tenant thereof.”

6. *Amendment of section 64 of Bom. V of 1879.*—In section 64 of the Land Revenue Code of 1879 (Bombay Act V of 1879) where the words “the occupant” occur, substitute the following :—

“The permanent tenant of the bank or shore on which such alluvial land has formed or the occupant of such land in the absence of any permanent tenant thereof.”

STATEMENT OF OBJECTS AND REASONS.

The provisions regarding the temporary use and disposal of alluvial land in the Bombay Land Revenue Code (Act V of 1879) have been the subject of dispute between landlord and tenants. The policy of the law is to give the benefit of the alluvial lands to the actual cultivator of the bank or shore ; more so, in the case of temporary use of alluvial lands. The spirit of sections 63 and 64 of the Code is also the same ; they are designed to give alluvial lands to persons entitled to cultivate the bank or shore in their own right. But the definition of the word “occupant” in section 3 of the Code is restricted in scope and excludes permanent tenants ; thus creating competition between the occupant-owners and occupant-tenants. Hence amendments in the sections as mentioned in the Bill hereto annexed are found necessary.

The object of the Bill is to give concessions meant by law for the actual cultivators themselves ; and to bring the letter of the law in accordance with the policy and spirit underlying those provisions.

MANCHERSHA M. KARBHARI, M.L.C.

APPENDIX 8.

BILL No. XXIII OF 1934.

A Bill to prohibit the employment of Children and to limit the hours of work of young persons in shops and to provide for their early closing.

(As introduced on the 11th September 1934 and published in the “Bombay Government Gazette” of the 9th October 1934.)

WHEREAS it is expedient to prohibit the employment of children and to limit the hours of work of young persons in shops ; And whereas it is expedient to provide for their early closing ; And whereas the

[Appendix 8—*contd.*]

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:—

Preliminary.

1. *Short title, extent and operation.*—(1) This Act may be called the Bombay Shops Act, 193 .

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

(3) It shall come into operation in the first instance only in the City and Island of Bombay, in the City and Cantonment of Poona and in the cities of Ahmedabad, Karachi, Sholapur and Hubli; but the Governor in Council may by notification direct that it shall come into operation in any other local area on such date as may be specified in such notification.

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

(a) The expression “shop” includes any premises where any retail trade or business is carried on;

(b) The expression “retail trade or business” includes the sale of refreshments or intoxicating liquors, the business of a barber or hair-dresser and the retail sale by auction, but does not include the sale programmes and catalogues and other similar sales at theatres and places of amusement;

(c) The expression “Shop Assistant” means any person wholly or mainly employed in a shop in connection with the serving of customers or the receipt of orders or the receipt of goods;

(d) The expression “public holiday” means a holiday declared under the Negotiable Instruments Act and includes the *amavasya* day or a day of public rejoicing or mourning;

(e) The expression “week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

(f) The expression “local authority” means the local authority as defined by the General Clauses Act, 1897, or the Bombay General Clauses Act, 1904.

3. *Act not to apply to any fair held or any bazar or sale of work for charitable purposes.*—Nothing in this Act shall apply to any fair lawfully held or any bazar or sale of work for charitable or other purposes for which no private profit is derived.

Conditions of employment.

4. *Hours of employment and meal times.*—(1) On at least one week day in each week, a shop assistant shall not be employed in, about the business of, a shop after half past one o'clock in the afternoon:

Provided that this provision shall not apply to the week preceding a public holiday if the shop assistant is not employed on the public

[Appendix 8—*contd.*]

holiday, and if on one week day in the following week in addition to the public holiday the employment of the shop assistant ceases not later than half past one o'clock in the afternoon.

(2) The occupier of a shop shall fix, and shall specify in a notice in the prescribed form, which must be affixed in the shop in such manner and at such time as may be prescribed, the day of the week on which his shop assistants are not employed after half past one o'clock, and may fix different days for different shop assistants.

(3) Intervals for meals shall be allowed to each shop assistant in accordance with the First Schedule to this Act :

Provided that this provision shall not apply to a shop if the only persons employed as shop assistants are members of the family of the occupier of the shop, maintained by him and dwelling in his house.

(4) In the case of any contravention of or failure to comply with, the provisions of this section, the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

	Rs.
(a) in the case of a first offence	15
(b) in the case of a second offence	50
(c) in the case of a third and subsequent offence	100

unless, in the case of a shop assistant employed after half past one o'clock in contravention of this section, he proves that the shop assistant was employed merely for the purpose of serving a customer whom he was serving at that time, or, where the time of the closing of the shop was also half past one o'clock, that the assistant was employed merely for the purpose of serving customers who were in the shop at that time.

5. *Hours of employment and meal times in the case of shop assistants employed for sale of refreshments.*—(1) The provisions of section 4 of this Act shall not apply to shop assistants employed in any premises for the sale of refreshments, if their employment is wholly or mainly in connection with refreshments for consumption on premises, and if the occupier of the premises, by such a notice as hereinafter mentioned, signifies that he elects that instead of those provisions the following provisions shall apply :—

(a) No such assistant shall be employed for more than sixty-five hours in any week exclusive of meal times ;

(b) Provision shall be made for securing to every such assistant—

(i) thirty-two whole holidays on a week day every year, of which at least two shall be given within the currency of each month and which shall comprise a holiday on full pay of not less than six consecutive days,

(ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday ;

[Appendix 8—*contd.*]

(c) Intervals for meals shall be allowed to every such assistant amounting on a half holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour ;

Provided that this provision shall not apply if the only persons employed as such shop assistants are members of the family of the occupier of the premises, maintained by him and dwelling in his house.

(d) The occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.

(2) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions shall apply, and any of those provisions are not complied with, the occupier of the premises shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

	Rs.
(a) in the case of a first offence	15
(b) in the case of a second offence	50
(c) in the case of a third and subsequent offence	100

(3) For the purposes of this section, the expression "half holiday" means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours including meal-time.

(4) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of the succeeding year, and upon any such withdrawal section 4 of this Act shall apply to the shop in like manner as before the notice was given.

6. *Hours of employment of young persons.*—(1) No person under the age of eighteen years (in this Act referred to as a "young person") shall be employed in or about a shop for a longer period than seventy hours, including meal times, in any week.

(2) No young person shall, to the knowledge of the occupier of the shop, be employed in or about a shop—

(a) having been previously on the same day employed in any factory or workshop, as defined by the Indian Factories Act, 1911, for the number of hours permitted by that Act; or

(b) for a longer period than will, together with the time during which he has been previously employed on the same day in a factory or workshop, complete such number of hours as aforesaid.

(3) In every shop in which a young person is employed a notice shall be kept exhibited by the occupier of the shop in a conspicuous place referring to the provisions of this section and stating the number of

[Appendix 8—*contd.*]

hours in the week during which a young person may lawfully be employed in or about the shop.

(4) Where a young person is employed in or about a shop contrary to the provisions of this section, the occupier of the shop shall be guilty of an offence against this Act, and liable to a fine not exceeding Rs. 15, or where more than one young person is so employed, Rs. 15 for each young person, and, if the occupier of a shop fails to comply with the provisions of this section with respect to notices he shall be guilty of an offence against this Act, and liable to a fine not exceeding Rs. 30.

(5) This section shall apply to wholesale shops and to warehouses in which assistants are employed for hire in like manner as if they were shops within the meaning of this Act and the provisions of sections twenty-one and twenty-two of this Act shall, for the purposes of the enforcement of this section, be construed accordingly.

(6) This section shall not apply to any person wholly employed as a domestic servant.

7. *Prohibition of employment of children.*—No person under the age of twelve years (in this Act referred to as a "child") shall be employed in or about a shop.

Closing of Shops.

8. *Closing of shops on weekly half-holidays.*—(1) Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers not later than one o'clock in the afternoon on one week day in every week.

(2) The local authority may, by order, fix the day on which a shop is to be closed (in this Act referred to as "the weekly half-holiday"), and any such order may either fix the same day for all shops, or may fix—

- (a) different days for different classes of shops ; or
- (b) different days for the different parts of the local area ; or
- (c) different days for different periods of the year.

(3) Where a shop is closed during the whole day on the occasion of a public holiday, and that day is not the day fixed for the weekly half-holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers after the hour at which it is required under this section to be closed either on the half-holiday immediately preceding, or on the half-holiday immediately succeeding, the public holiday.

(4) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the Second Schedule to this Act, but the local authority may, by order made and revocable in the manner hereinafter provided with respect to closing orders, extend provisions of this section to shops of any class exempted under this provision if satisfied that the occupiers of at least two-thirds of the shops of that class approve the order.

[Appendix 8—contd.]

(5) In the case of any contravention of or failure to comply with any of the provisions of this section, the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

	Rs.
(a) in the case of a first offence	15
(b) in the case of a second offence	50
(c) in the case of a third and subsequent offence	100

Provided that the occupier of a shop shall not be guilty of an offence against this Act when a customer is served at any time at which a shop is required to be closed under this section if he proves either that the customer was in the shop before the time when the shop was required to be closed, or that there was reasonable ground for believing that the article supplied to the customer was required in the case of illness.

9. *Closing orders.*—(1) An order (in this Act referred to as “a closing order”) made by a local authority, and confirmed by the Governor in Council in the manner prescribed by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.

(2) The hour fixed by a closing order (in this Act referred to as “the closing hour”) shall not be earlier than seven o'clock in the evening on any day of the week.

(3) The order may—

- (a) define the shops and trades to which the order applies;
- (b) authorise sales after the closing hours in cases of emergency and in such other circumstances as may be specified or indicated in the order; and
- (c) contain any incidental, supplemental or consequential provisions which may appear necessary or proper.

(4) If any person contravenes the provisions of a closing order he shall be guilty of an offence against this Act, and liable to a fine not exceeding—

	Rs.
(a) in the case of a first offence	15
(b) in the case of a second offence	50
(c) in the case of a third or subsequent offence	100

10. *Procedure for making orders.*—(1) Whenever a local authority are satisfied that a *prima facie* case is made out for making a closing order, the authority shall give notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

[Appendix 8—*contd.*]

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the Governor-in-Council, and the Governor-in-Council shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the Governor-in-Council has confirmed any order, the order shall become final :

Provided that every closing order shall be laid before the Legislative Council as soon as may be after it is confirmed, and, if an address is presented to the Governor-in-Council at its session immediately following the confirmation of such order praying that the order may be cancelled, the Governor-in-Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to the power of making any new closing order.

11. *Local enquiries for the purpose of promoting and facilitating early closing.*—(1) Where it appears to the Governor-in-Council, on the representation of the local authority or a joint representation from a substantial number of occupiers of shops and shop assistants in the area of the local authority, that it is expedient to ascertain the extent to which there is a demand for early closing in any locality, and to promote and facilitate the making of a closing order therein, the Governor-in-Council may appoint a competent person to hold a local enquiry.

(2) If, after holding such an enquiry and conferring with the local authority, it appears to the person holding the enquiry that it is expedient that a closing order should be made, he shall prepare a draft order and submit it to the Governor-in-Council together with his report thereon.

(3) If the Governor-in-Council, after considering the draft order and report, and any representations which the local authority may have made in respect thereof, is of opinion that it is desirable that a closing order should be made, he may communicate his decision to the local authority and thereupon there shall be deemed to be a *prima facie* case for making a closing order in accordance with the terms of the draft order, subject to such modifications (if any) as the Governor-in-Council may think fit.

(4) The person who held the enquiry shall, if so directed by the Governor-in-Council on the application of the local authority, assist and co-operate with the local authority in taking the steps preliminary to making the order.

12. *Revocation of closing orders.*—The Governor-in-Council may, at any time on the application of the local authority, revoke or amend a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the Governor-in-Council to revoke or amend the order in so far as it affects the class of shops, but any such revocation or amendment shall be without prejudice to the making of any new closing order.

[Appendix 8—*contd.*]

13. *Closing hours.*—(1) Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers not later than nine o'clock in the evening on one day in the week (in this Act referred to as "the late day"), and not later than eight o'clock in the evening on any other day in the week, and those hours are in this Act referred to as "the general closing hours".

(2) The late day shall be Saturday unless the local authority by order fix some other day as the late day, and any such order may fix the same day for all shops, or may fix—

- (a) different days for different classes of shops ; or
- (b) different days for different parts of the local area ; or
- (c) different days for different periods of the year :

Provided that, where the local authority have under section 8 of this Act, fixed any day as the weekly half holiday for any class of shops, or for any part of their local area, or for any period of the year, they shall, as respects that class, part or period, fix some other day as the late day.

(3) Nothing in this Act shall prevent—

(a) the serving of a customer where it is proved that the customer was in the shop before the closing hour, or that reasonable grounds existed for believing that the article supplied after the closing hour to a customer was required in the case of illness ; or

(b) any transaction sanctioned in the Third Schedule to this Act.

14. *Special provisions as to restaurants.*—Subject as hereinafter provided, as respects the trade or business of restaurants, the general closing hours shall be ten o'clock in the evening on the late day and half-past nine o'clock in the evening on any other day :

Provided that a local authority may, in their area or in any part thereof, by order substitute for either of the general closing hours hereinbefore in this section mentioned as earlier hour, not being earlier than eight o'clock in the evening, if they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order.

15. *Special provisions as to tobacco and smoker's requisites.*—As respects the trade or business of selling tobacco and smokers' requisites, a local authority may, in their area or any part thereof, by order substitute for the general closing hours fixed by this Act later hours, not being later than ten o'clock in the evening on any other day, if they are satisfied that such an order is desired by their occupiers of at least two-thirds in number of the shops to be affected by the order.

16. *Power to grant exemption in respect of exhibitions.*—(1) As respects any retail trade or business carried on at an exhibition or show within the area of a local authority, the local authority may, by order substitute for the general closing hours fixed under this Act, later hours, not being later than ten o'clock in the evening, if they are satisfied that the retail

[Appendix 8—*contd.*]

trade or business so carried on is subsidiary or ancillary only to the main purpose of the exhibition or show.

(2) Any order under this section shall be made subject to such conditions as the local authority may consider necessary for securing that shop assistants affected by the order shall not be employed in or about the retail trade or business to which the order relates for more than such number of hours as may be specified by the order.

17. Power to suspend operation of Act and closing orders on special occasions.—(1) The Governor-in-Council may by order for such periods as he thinks fit suspend the operation of the provisions of this Act relating to general closing hours during the Christmas season, Diwali, Pateti and Ramzan, or in connection with any other special occasion.

(2) Subject as hereinafter provided, a local authority may, in connection with any special occasion, by order suspend the operation of the provisions relating to general closing hours and to any closing order made by them under this Act for such period as they may think fit :

Provided that a local authority shall not in any year by orders under this sub-section suspend the operations of the said provisions for more than seven days in the aggregate in that year.

18. Offences.—In the case of any contravention of or failure to comply with any of the provisions of a closing order or the general closing hours or in the case of any breach of a condition imposed by any order made under sections 13, 14, 15 and 16 of this Act, the occupier of the shop shall be guilty of an offence against the Act and liable to a fine not exceeding—

	Rs.
(a) in the case of a first offence	50
(b) in the case of a second or subsequent offence	100

Provisions with respect to Special Classes of Trade or business.

19. Provisions as to trading elsewhere than in shops.—It shall not be lawful in any locality to carry on in any place not being a shop, retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop open for the purposes of retail trade or business of that class, and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Act :

Provided that—

(a) the prohibition imposed by this section shall, as respects any day other than the weekly half-holiday, be subject to, in so far as the prohibition is affected by any closing order, to such exemptions and conditions, if any, as may be contained in the order ;

[Appendix 8—contd.]

(b) nothing in this section shall be construed as preventing a barber or hair-dresser from attending a customer in the customer's residence, or the holding of an auction sale of private effects in a private dwelling house ; and

(c) nothing in this section shall apply to the sale of newspapers.

20. *Provisions as respects shops where more than one business is carried on.*—(1) Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be closed on the weekly half-holiday, the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.

(2) Where several trades and businesses are carried on in the same shop and any of those trades or businesses consist only of transactions of such a nature that if they were the only transactions carried on in the shop the provisions of this Act relating to general closing hours would not apply to the shop, the shop may be kept open after the general closing hour for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.

(3) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop a closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under such conditions as may be specified in the order.

(4) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business, other than that so specified, shall, for the purpose of determining a majority or any proportion or number of occupiers of shops for the purpose of this Act be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

Enforcement of Act.

21. *Powers and duties of local authorities.*—It shall be the duty of every local authority to enforce within their district the provisions of this Act, and of the orders made thereunder and for that purpose to institute and carry on such proceedings in respect of failures to comply with or contraventions of this Act and such orders as aforesaid as may be necessary to secure the observance thereof, and to appoint inspectors ; and an inspector so appointed shall, for the purposes of his powers and duties, have in relation to shops all the powers conferred in relation to factories and workshops on inspectors by the Indian Factories Act of

[Appendix 8—*contd.*]

1911 and that Act shall apply accordingly; and an inspector may, if so authorised by the local authority, institute and carry on any proceedings under this Act on behalf of the authority.

22. *Provisions with respect to offences.*—(1) All offences against this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Indian Factories Act, 1911, and such part of the said Act as relates to evidence respecting the age of any person, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto :

Provided that all fines imposed in any proceedings instituted by or on behalf of a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority and carried to the credit of the fund out of which the expenses incurred by the authority under this Act are defrayed.

(2) Where an offence for which the occupier of a shop is liable under this Act, has, in fact, been committed by some manager, agent, servant, or other person, the manager, agent, servant, or other person shall be liable to the like penalty as if he were the occupier.

(3) Where the occupier of a shop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

General Provisions.

23. *Regulations.*—The Governor-in-Council may make regulations :—

(a) for prescribing anything which under this Act is to be prescribed, and

(b) as to the mode of ascertaining the opinion of the occupiers of shops; and

(c) as to conduct of local enquiries and matters incidental thereto; and

(d) as to the procedure for obtaining the revocation of a closing order; and

(e) generally for carrying into effect the provisions of this Act.

24. *Proof and revocation of orders.*—(1) Any order made by a local authority under this Act may be proved by the production of a copy thereof certified to be a true copy of a person purporting to be the Chief executive authority of the local authority by whom the order was made.

[Appendix 8—*contd.*]

(2) Any order made by a local authority under this Act, may, unless some other method of revocation is provided by this Act, be revoked by an order made in the like manner and subject to the like approval, if any, as the original order.

SCHEDULES.

FIRST SCHEDULE.

Intervals for Meals.

Intervals for meals shall be arranged so as to secure that no person shall be employed for more than six hours without an interval of at least twenty minutes being allowed during the course thereof.

Without prejudice to the foregoing provision—

(1) Where the hours of employment include the hours from 11-30 A.M. to 2-30 P.M., an interval of not less than one hour shall be allowed between those hours for dinner; and

(2) Where the hours of employment include the hours from 4-0 P.M. to 7-0 P.M., an interval of not less than half-an-hour shall be allowed between those hours for tea;

and the interval for dinner shall be increased to one hour and a quarter in case where that meal is not taken in the shop, or in a building of which the shop forms part or to which the shop is attached.

SECOND SCHEDULE.

Trades and Businesses exempted from the provisions as to Weekly Half-Holiday.

The sale by retail of intoxicating liquors.

The sale of refreshments, including the business carried on at a railway refreshment room.

The sale of motor, cycle, and air-craft supplies and accessories to travellers.

The sale of newspapers and periodicals.

The sale of meat, fish, milk, cream, bread, confectionery, fruit, vegetables, flowers and other articles of a perishable nature.

The sale of tobacco and smokers' requisites.

The business carried on at a railway book-stall on or adjoining a railway platform.

The sale of medicines and medical and surgical appliances.

[Appendix 8—contd.]

THIRD SCHEDULE.

Trades or Businesses exempted from Closing Hours and Closing Orders.

The sale after the closing hour of—

(a) meals or refreshments and their ancillaries for consumption on the premises, or (in the case of meals or refreshments sold on railway premises) for consumption on the trains ;

(b) tobacco, matches, table waters, sweets, chocolates or other sugar confectionery or ice-cream, at any time during the performance in any theatre, cinema, music hall or other similar place of entertainment so long as the sale is to *bona fide* member of the audience and in a part of the building to which no other members of the public have access ;

(c) medicine or medical or surgical appliances, so long as the shop is kept open only for such time as is necessary for serving the customer ;

(d) newspapers, periodicals and books from the book-stalls of such terminal and main line stations as may be approved by the Governor-in-Council ;

(e) air-craft, motor, or cycle supplies or accessories for immediate use, so long as the shop is kept open only for such time as is necessary for serving the customer ;

(f) victuals, stores or other necessaries required by any naval, military or air force authority for His Majesty's forces or required for any ship on her arrival at or immediately before her departure from a port, so long as the shop is kept open only for such time as is necessary for serving the customer.

STATEMENT OF OBJECTS AND REASONS.

This Bill is a piece of social legislation calculated to regulate the conditions of employment of those persons who are working in shops and to secure for them periodical leisure which, it is recognised, is essential for the general welfare of the community. The conditions of employment of the working classes working in factories, railways, mines and other industrial concerns are to some extent regulated by the Indian Factories Act, Indian Railways Act, the Indian Mines Act and similar legislation. Those working in offices and firms have their conditions of service regulated either by rules made by Government or by practice. But there is no law or rule which regulates the conditions of employment of what are known in Great Britain and other countries as shop assistants. There is also no legal restriction on the hours during which shops can remain open. It will be admitted that there are shops which open early morning and are closed only after midnight. Such long working hours necessarily entail long stretches of work on the part of the shop assistants and mean absence of well regulated rest. This is highly undesirable

[Appendix 8—*contd.*]

from the point of view of the health of the people concerned and must be remedied in the interest of public health and well-being of the community. This Bill seeks to remove this social evil to the extent to which it is possible to do so under the existing circumstances.

This Bill is largely modelled on the lines of the shops legislation in Great Britain where this legislation was first enacted in 1886. After undergoing several changes, the shops legislation in Great Britain was consolidated in the Shops Act (2 Geo. 5, ch. 3) of 1912 which was supplemented by an amending Act (dealing with premises for the sale of refreshments) of 1913 (3 Geo. 5, ch. 24) and by the Shops (hours of closing) Act (18 and 19 Geo. 5, ch. 33) of 1928. These pieces of legislation which operate in Great Britain to-day, form the main basis of this Bill. Its chief features are :—

(1) Children under the age of twelve years are prohibited from employment. (Section 7.)

(2) Young persons under the age of eighteen years are prohibited from being employed in a shop for a longer period than seventy hours, including meal times, in one week. (Section 6.) This provision is not applicable to a person wholly employed as a domestic servant.

(3) On at least one week day in each week, no shop assistant shall be employed in a shop after half past one o'clock in the afternoon. (Section 4.)

(4) Intervals for meals are regulated in accordance with the first schedule to the Act. (Section 4.)

This provision is not applicable to those persons who are members of the family of the occupier of the shop, maintained by him and dwelling in his house. (Section 4.)

(5) In the case of shops of refreshments, an alternative provision to a weekly half-holiday is provided if the occupier agrees that—

(a) he shall not employ any shop assistant for more than sixty-five hours in one week, exclusive of meal times ;

(b) he gives him thirty-two whole holidays on week day every year with six consecutive holidays on full pay ;

(c) he gives him twenty-six whole holidays on Sunday every year ;

(d) he regulates his intervals for meals in a prescribed manner. (Section 5.)

(6) Every shop shall be closed not later than one o'clock on one week day in every week. (Section 8.)

This provision is not applicable to certain shops which do business or trade mentioned in the second schedule to the Act.

(7) The local authority is given the power to be confirmed by the Governor-in-Council, fixing the hours on the several days of the week at which all shops or shops of any specified class are to be closed. The hour so fixed shall not be earlier than seven o'clock on any day of the week. (Section 9.)

[Appendix 8—concl'd.]

This provision is not applicable to certain shops which do business or trade mentioned in the third schedule to this Act.

(8) Every shop shall be closed not later than nine o'clock in the evening on one day in the week and eight o'clock on other days. (Section 13.)

This provision is not applicable to certain shops which do business or trade mentioned in the third schedule to this Act.

(9) In the case of restaurants, the closing hours will be ten o'clock in the evening on one day and half-past nine o'clock on other days. (Section 14.)

(10) Similar provision is made for shops dealing with tobacco and smoking requisites under certain conditions. (Section 15.)

(11) Power to grant exemption from closing hours is given to the local authority in the case of exhibitions or shows. (Section 16.)

(12) Power to suspend the operation of the Act and of the closing order on special occasions like the Christmas holidays, the Diwali, Pateti and Ramzan is given to the Governor-in-Council. (Section 17.)

(13) Retail trade or business is controlled. (Section 19.)

Other provisions deal with offences committed under different sections of the Act, procedure with regard to weekly half-holidays, closing orders, local enquiries for the purpose of promoting and facilitating early closing of shops, revocation of closing orders, enforcement of the Act and regulations. The Act applies to the whole of the Bombay Presidency including Sind. But it applies in the first instance to the City and Island of Bombay, the City and Cantonment of Poona and the cities of Ahmedabad, Karachi, Sholapur and Hubli; and the Governor-in-Council is given the power to bring it into operation in any other local area on such date as may be specified in the notification.

R. R. BAKHALE.

APPENDIX 9.

BILL No. XXV OF 1934.

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

(As introduced on the 11th September 1934 and published in the "Bombay Government Gazette" of the 9th October 1934.)

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

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1934.

[Appendix 9—*contd.*]

2. *Amendment of section 328A of Bom. III of 1888.*—In the first proviso to sub-section (1) of section 328A of the City of Bombay Municipal Act, 1888, after the word “sky-sign” the following words shall be inserted, namely :—“ or which is an illuminated display of goods ”.

STATEMENT OF OBJECTS AND REASONS.

The object and reason of this amendment is to clarify, and place beyond reasonable doubt the legal meaning of the sub-section referred to.

A. G. GREVILLE BULLOCKE, M.L.C.

APPENDIX 10.

BILL No. XII OF 1935.

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

(As introduced on the 27th March 1935 and published in the “ Bombay Government Gazette ” of the 13th April 1935.)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, in the manner hereinafter appearing ; And whereas previous sanction of the Governor of Bombay has been solicited for the passing of this Act ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1935.

2. *Amendment of section 136 of Bom. VI of 1923.*—For section 136 of Bombay Act VI of 1923, the following shall be substituted :—

“ 136. (1) No action shall lie against any member, officer, servant or agent of a Local Board, or any person acting under its direction, in respect of anything done in good faith under this Act or any rule or bye-law or any other law in force binding on the Local Board.

(2) No action shall be brought against any Local Board, or any member, officer, servant or agent of such a Board or any other person acting under its direction for any thing done or purporting to have been done under this Act or any other law binding on the Board without giving to such Local Board, member, officer, servant or agent one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the Act complained of.

(3) In the case of any such suit for damages, if tender of sufficient amounts shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

[Appendix 10—contd.]

STATEMENT OF OBJECTS AND REASONS.

Section 50 of the Local Boards Act describes the obligatory duties of the Boards. There are several other acts, viz., the Primary Education Act, the Village Panchayat Act, the Weights and Measures Act under which the Local Board is required by law to discharge certain obligations. Yet, the present section 136, is taken to be insufficient by some workers. The proposed amendment is taken from section 111 of the Bombay Village Panchayats Act, 1933, which is a more recent creation of the Council.

G. S. GANGOLI.

APPENDIX 11.

BILL No. XIV OF 1935.

*A Bill further to amend the Bombay Primary Education Act
No. IV of 1923.*

(As introduced on the 27th March 1935 and published in the
"Bombay Government Gazette" of the 13th April 1935.)

WHEREAS it is expedient further to amend the Bombay Primary Education Act of 1923 in the manner hereinafter appearing; and whereas the previous sanction of the Governor of Bombay has been solicited for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Primary Education (Amendment) Act of 1935.

2. *Amendment to section 8 of Bom. IV of 1923.*—Add the following at the end of proviso (b) to sub-section (2) of section 8 of the Bombay Primary Education Act, 1923:—

“but when the sanction of the Government is subsequently obtained, it shall be deemed to have effect from the date of the first application of the Local Authority for such sanction of Government through the Educational Department.”

STATEMENT OF OBJECTS AND REASONS.

In recent years the Government have enforced an emergency cut as a matter of retrenchment in the matter of grants to Local Authorities for Primary Education. The Director of Public Instruction, Poona, in his letter No. S. 99/325-D, dated 23rd December 1931, instructed the Local Authorities to regulate a cut of 10 per cent. The Local Authorities have been enforcing suitable cuts and though they have applied for

[Appendix 11—contd.]

previous sanction of Government there are instances wherein the final orders of Government are delayed on account of correspondence by the Educational Department. Cases have occurred wherein the teachers dragged the Local Authorities to Law Courts who did not hesitate in decreeing the claims giving the teachers the benefit of technical flaws. Though the Local Authorities were not contracting parties to the Primary Education Act and though the cuts were necessitated by Government's actions the Local Authorities are made to suffer unnecessarily by one department of Government, i.e., the Law Courts while another department of Government, i.e., the Educational Department delayed the obtaining of previous sanction. To prevent such an anomaly and to protect the unfortunate Local Authorities this amendment is introduced.

G. S. GANGOLI.

APPENDIX 12.

BILL No. XV OF 1935.

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

(As introduced on the 27th March 1935 and published in the
"Bombay Government Gazette" of the 13th April 1935.)

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

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1935.

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

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to democratise the constitution of the Municipality of the City of Bombay by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 1,135,079 about 140,000 people are entitled to vote which is very unfair. In the future Constitutional Reform Scheme a payment of house rent of Rs. 60 has been proposed as the qualification for Council election in the City of Bombay. It is therefore necessary to have the same qualification for Municipal election in the City of Bombay.

S. K. BOLE, M.L.C.

APPENDIX 13.

BILL No. XVI OF 1935.

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

(As introduced on the 27th March 1935 and published in the "Bombay Government Gazette" of the 13th April 1935.)

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

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1935.

2. *Amendment of section 5 of Bom. III of 1888.*—In sub-section (1) of section 5 of the said Act in line 4 the word "ninety" for the word "eighty-six" shall be substituted.

Bom. III of 1888. 3. *Amendment of Schedule B of Bom. III of 1888.*—The last column of schedule "B" of the City of Bombay Municipal Act shall be repealed and the following columns shall be substituted for it:—

Name and No. of Sub-Divisions of Wards.	Names of the Sub-Divisions of each Ward.	Main Divisions of each Ward.	Number of seats as per proposed Wards.
A	1 Upper Colaba	Lower } A South	5
	2 Middle and Colaba.		
	3 Fort, Southern		
	4 Fort, Northern		
	5 Esplanade			} A North	7
B	6 Mandvi	} B South	7
	7 Chakla		
	8 Umakhadi			} B North	7
9 Dongri			
C	10 Market	} C South	8
	11 Dhobitalao		
	12 Fanaswadi		
	13 Bhuleshwar	} C North	8
	14 Khara Talao		
15 Kumbharwada			
D	16 Khetwadi	} D East	7
	17 Girgaum		
	18 Tardeo	} D West	9
	19 Chowpati		
	20 Walkeshwar		
	21 Mahalaxmi		

[Appendix 13—contd.]

Name and No. of Sub-Divisions of Wards.	Names of the Sub-Divisions of each Ward.	Main Divisions of each Ward.	Number of seats as per proposed Wards.	
E	22	Mazgaon	} E East	4
	23	Tarwadi		
	24	First Nagpada	} E South	4
	25	Second Nagpada		
	26	Kamathipura		
27	Byculla	E West	4	
F	28	Parel	} F South	5
	29	Sewri		
	30	Sion	F North	5
	31	Mahim	G North	5
	32	Worli	G South	5
Total			90	90

4. Addition of Schedule to Bom. III of 1888.—The following schedule shall be added at the end of Schedule "B":—

DIVISION OF THE CITY INTO SUB-WARDS.

A Ward South.

A line starting from Colaba Point extending along the harbour up to its junction with Ballard Road, thence along Ballard Road, Mint Road, the North side of Elphinstone Circle, Church Gate Street, to meet Back Bay, (near South side of Church Gate Station), thence along Back Bay to Colaba Point.

A Ward North.

A line starting from Back Bay near Church Gate Station, where it meets Church Gate Street, extending along Church Gate Street, North side of Elphinstone Circle, Mint Road up to its junction with Ballard Road, thence along Ballard Road, South side of Mole Station, thence along the Sea up to the North Wharf of Carnac Basin, thence along the aforesaid Wharf, along south side of Carnac Road, First Marine Street, continuing thence in a straight line to Back Bay, and along Back Bay to the starting point (viz. Church Gate Station).

B Ward South.

A line starting from the junction of Abdul Rehman Street and Carnac Road, extending Eastward along Carnac Road, thence in a straight line extending along the North Wharf of Carnac Basin to Harbour, thence

[Appendix 13—*contd.*]

along the harbour up to the North Wharf of Victoria Docks, thence extending along the B. P. T. Railway Siding running South of A and B sheds of Prince's Dock, thence along Masjid Siding Road, First Chinch Bunder Road up to its junction with Dongri Street, thence Southward along Dongri Street up to its junction with Pydhoni Road, thence along Pydhoni Road to its junction with Bhendy Bazar Road, thence along Abdul Rehman Street to its junction with Carnac Road.

B Ward North.

A line starting from the junction of Abdul Rehman Street, Pydhoni Road, Dongri Street up to its junction with First Chinch Bunder Road, thence along First Chinch Bunder Road, Masjid Siding Road, thence running along the B. P. T. Siding South of A and B sheds of Prince's Dock to Sea, thence along the harbour Northward up to the South Wharf of Clerk Basin, thence Westward to Wari Bunder Road, thence along Wari Bunder Road, Mazgaon Road, Babula Tank Road, Bhendy Bazar Road to its starting point, viz. junction with Abdul Rehman Street and Pydhoni Road.

C Ward South.

A line starting from the junction of Carnac Road and Abdul Rehman Street, extending along Abdul Rehman Street to its junction with Kalbadevi Road, thence along Kalbadevi Road up to its junction with Dady Shet Agiary Street, thence along Dady Shet Agiary Street to its junction with Cathedral Street, thence along Cathedral Street, Bhuleshwar Road, Thakurdwar Road, thence in a straight line running south of the Government Press, to meet Back Bay, thence Southward along Back Bay up to where it meets First Marine Street, (South of Marine Lines Station) thence along First Marine Street, Carnac Road to the starting point, viz. junction with Abdul Rehman Street.

C Ward North.

A line starting from the junction of Thakurdwar and Bhuleshwar Roads, extending along Bhuleshwar Road, Cathedral Street, Dady Shet Agiary Street, Kalbadevi Road, Parel-Bhendy Bazar Road to its junction with Grant Road, thence along Grant Road up to its junction with Trimbak Parashram Street, thence along Trimbak Parashram Street, Ardeshir Dady Street, Girgaum Road to the starting point (viz. its junction with Thakurdwar Road).

D Ward East.

A line starting from the Back Bay at its junction with the South edge of Charni Road Gardens, extending along the South side of Government Printing Press, Thakurdwar Road, Girgaum Back Road, up to its junction with Ardeshir Dady Street, thence along Ardeshir Dady Street, Trimbak

[Appendix 13—*contd.*]

Parashram Street, thence along Grant Road up to its Junction with Harvey and Gawalia Tank Roads, thence along Harvey Road to Sea..

D Ward West.

A line starting from Back Bay where it meets Harvey Road, extending along Harvey Road, Grant Road, up to its junction with Suklaji Street, thence along Suklaji Street, Bellasis Road to its junction with B. B. & C. I. Railway Lines, thence along B. B. & C. I. Railway lines Northward to its junction with Clerk Road, thence Westward along Clerk Road to meet the Sea at Hornby Vellard, thence Southward along the Sea up to the Malabar Point, thence Northwards along the Sea to the starting point (*viz.* its junction with Harvey Road).

E Ward East.

A line starting from the junction of Babula Tank Road and Victoria Gardens Road extending along Babula Tank Road, Mazagaon Road up to its junction with Wari Bunder Road, thence along Wari Bunder Road to the South Wharf of the Clerk Basin, thence Northward along the harbour up to the South Wharf of Brick Bunder (*i.e.* the South-East corner of the new Cotton Green) thence along Brick Bunder, thence Southward along Signal Avenue to its junction with Fosbery Road, thence Northward along Fosbery Road up to its junction with Jackaria Bunder and Reay Roads, thence Northward along Reay Road, Kalachowki Road to its junction with Parel Road, thence Southward along Parel Road, Victoria Gardens Road to the starting point (*viz.* junction with Babula Tank Road).

E Ward South.

A line starting from the junction of Grant Road and Victoria Gardens Road, extending along Victoria Gardens Road up to its junction with Shepherd Road, to meet Clare Road, then Southward along Clare Road up to the old Parsi Statue, thence along Bellasis Road up to its junction with Suklaji Street, thence along Suklaji Street to its junction with Grant Road, thence Eastward along Grant Road to the starting point (*viz.* junction with Victoria Gardens Road).

E Ward West.

A line starting from junction of the Victoria Gardens and Shepherd Roads, extending along Victoria Gardens Road, Parel Road, up to its junction with Kalachowki Road, thence Westward along Kalachowki Road to its junction with the G. I. P. Railway lines, thence cutting across Clinchpokli Station to Arthur Road, thence along Arthur Road, North side of Jacob Circle, Clerk Road up to its junction with the B. B. & C. I. Railway lines, thence Southward along B. B. & C. I. Railway lines up to its junction with Bellasis Road, thence along Bellasis Road, Clare Road,

[Appendix 13—*contd.*]

up to its junction with Shepherd Road, thence along Shepherd Road to the starting point (viz. its junction with Victoria Gardens Road).

F Ward South.

A line starting from the junction of G. I. P. Railway Chinchpokli Station, and Kalachowki Road, extending along Kalachowki Road, Reay Road up to its junction with the First Avenue, thence along First Avenue up to its junction with Fosbery Road, then Southward along Fosbery Road up to its junction with Signal Avenue, then Northward along Signal Avenue up to its junction with South Wharf of Brick Bunder to the South-East corner of the New Cotton Green, thence along the sea, Eastward and Northward to Khadkal Creek, thence from Khadkal Creek in a straight line Westward to meet the junction of Bhoiwada Road and Bhoiwada Cross Road, thence along Bhoiwada Cross Road, thence crossing Suparibag Road to and along Elphinstone Road to Parel Railway Station, thence Southward along G. I. P. Railway lines to the starting point (viz. Chinchpokli Railway Station).

F Ward North.

A line starting from G. I. P. Railway Parel Station extending along Elphinstone Road, crossing Suparibag Road to and along Bhoiwada Cross Road to its junction with Bhoiwada Road and thence in a straight line Eastward to Sea at Khadkal Creek, thence along the Sea and the Northern limit of the City up to G. I. P. Railway line, thence along the G. I. P. Railway line up to the starting point (viz. G. I. P. Railway Parel Station).

G Ward South.

A line starting from the junction of Hornby Vellard and Clerk Road, and extending along Clerk Road, Jacob Circle, Arthur Road up to Chinchpokli Station and thence along G. I. P. Railway lines up to Elphinstone Road Station, thence along Elphinstone Road to its junction with Sayani Road, thence along Sayani Road to its junction with Cadell Road, thence along Cadell Road Northward to a distance of about 250 feet, thence along the proposed 40 feet Road (North of the Bombay Dyeing and Manufacturing Co.) to Sea, thence along Sea to the starting point (viz. junction of Hornby Vellard and Clerk Road).

G Ward North.

A line starting from junction of Sea and a proposed 40 feet Road, running to the North of the Bombay Dyeing and Manufacturing Co. and extending along the said 40 feet Road to meet Cadell Road, thence Southward along Cadell Road to its junction with Sayani Road, thence along Sayani Road, Elphinstone Road up to its junction with G. I. P. Railway Elphinstone Railway Station, thence Northward along G. I. P. Railway lines up to the centre of Duncan Causeway, thence along a line running through the centre points of the Duncan Causeway and the centre of

[Appendix 13—concl'd.]

B. B. & C. I. Railway and Lady Jamshedji Bridges, thence along the Sea shore to the starting point (viz. 40 feet Road North of the Bombay Dyeing and Manufacturing Co.)

STATEMENT OF OBJECTS AND REASONS.

The present number of seats allotted to some of the Wards is very unfair and though the population of some of the Wards is reduced the number of seats allotted to them remains the same. The Bill seeks to increase the number of seats in those Wards where the population and the number of voters have increased by reducing the number of seats by two in one Ward and by increasing the total number of elected Councillors by four.

So also the Sub-Divisions of Wards is a reform long overdue and the Bill seeks to sub-divide the Wards and to allot to them seats in proportion in order to reduce the size of the present electorates.

S. K. BOLE, M.L.C.

APPENDIX 14.

BILL No. XVII OF 1935.

*A Bill further to amend the Bombay Primary Education Act
No. IV of 1923.*

(As introduced on the 27th March 1935 and published in the
"Bombay Government Gazette" of the 13th April 1935.)

WHEREAS it is expedient further to amend the Bombay Primary Education Act, 1923, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Primary Education (Amendment) Act of 1935.

2. *Amendment of section 3(1) of Bom. IV of 1923.*—In sub-section (1) of section 3, after the words "Representatives of Municipalities in the district which are not local authorities" the words "to be elected by such Municipalities" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

In section 3(1) of the Bombay Primary Education Act, 1923, provision is made for the representation of Municipalities on the School Board of a district local board. But as the Representatives of the Municipalities are elected by the district local board and not by the Municipalities concerned, the representation given to the Municipalities by the Act amounts practically to a nullity. The present Bill is intended to give proper representation to the Municipalities.

V. N. PATIL, M.L.C.

APPENDIX 15.

BILL No. XXIV OF 1935.

*A Bill to amend the Indian Motor Vehicles Act, 1914.*VIII of
1914.

WHEREAS it is expedient to amend the Indian Motor Vehicles Act, 1914, so as to remove doubts as to the validity of certain fees levied under the said Act and as to the powers of the Local Government to appropriate the said fees as part of the general revenues for the purposes of provincial expenditure; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A of the Government of India Act and the previous sanction 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:—

1. *Short title and extent.*—(1) This Act may be called the Indian Motor Vehicles (Bombay Amendment) Act, 1935.

(2) It shall extend to the whole of the Presidency of Bombay.

VIII of
1914.

2. *Amendment of preamble of Act VIII of 1914.*—In the preamble to the Indian Motor Vehicles Act, 1914, hereinafter called the said Act, after the words “British India”, the words “And whereas it is expedient to empower the Local Government to levy certain fees in respect of such vehicles and to appropriate the said fees as part of the general revenues for the purposes of provincial expenditure” shall be inserted.

3. *Amendment of section 11 of Act VIII of 1914.*—In section 11 of the said Act, the following Explanation shall be added, namely:—

“*Explanation.*—For the purposes of clauses (a) and (d), the issue of a certificate of registration or a driving licence shall include the renewal of such certificate or licence respectively.”

4. *Insertion of a new section after section 11 of Act VIII of 1914.*—After section 11 of the said Act, the following new section shall be inserted namely:—

Power of Government to fix rates of fees to appropriate them for purposes of provincial expenditure.—“11A. Notwithstanding anything contained in this Act, it shall be deemed to be lawful, and always to have been lawful, for the Local Government under the rules made under section 11 to prescribe and levy fees in respect of the matters specified in the schedule at rates not exceeding the maxima specified therein and to appropriate the said fees as part of the general revenues for the purposes of provincial expenditure.”

5. *Using or driving a motor vehicle in good faith prior to this Act without payment of fee not an offence by reason of section 4.*—No person who in good faith, prior to the commencement of this Act, has used or driven a motor vehicle without payment of fees referred to in section 4 shall be deemed to have committed an offence under the said Act by reason merely of the prescription and levy of the said fees having been declared lawful under the said section.

[Appendix 15—contd.]

6. Addition of Schedule to Act VIII of 1914.—To the said Act, the following Schedule shall be added, namely:—

“ SCHEDULE.

(Section 11-A.)

Purpose for which fee is levied.	Maximum rate.	
1	2	
	Rs.	<i>Bombay Motor Vehicles Rules, 1915.</i>
1. Driving licence	20	Rule 2.
2. Renewal of driving licence	5	Rule 3.
3. Registration—		Rule 7.
(i) Motor cycles	10	
(ii) Heavy motor vehicles	80	
(iii) Other motor vehicles	40	
4. Renewal of registration certificates—		
(i) when presented on or before the date of expiry or within 10 days after that date	8 motor cycles. 64 heavy motor vehicles. 32 other motor vehicles.	
(ii) in other cases	As in 3 above.	
5. Dealers' Numbers—		Rule 14.
(i) for the first 7 letters	150	
(ii) for every additional 7 letters	150 "	

STATEMENT OF OBJECTS AND REASONS.

Under section 11 (2) of the Indian Motor Vehicles Act, 1914, Government have power to make rules providing for fees payable in respect of and incidental to registration of motor vehicles, driving licences and licences to let or ply such vehicles for hire in public places. Doubts were raised regarding the power of Government to prescribe fees for the renewal of certificates of registration; the High Court in "Sykes v. Kelly" (35 Bom. L. R. p. 1027) held that Government have this power. Doubts have now been raised regarding the power of Government to appropriate the said fees for the purposes of provincial expenditure. The object of this Bill is to remove such doubts and to make it clear that Government have and always had power to levy such fees, to increase the rates of such fees and to appropriate such fees as part of their general revenues for provincial expenditure.

5th July 1935.

C. W. A. TURNER.

APPENDIX 16.

BILL No. XXV OF 1935.

A Bill to amend the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902.

(As published in the "Bombay Government Gazette" of the
9th July 1935.)

Bom. IV
of 1890.
Bom. IV
of 1902. WHEREAS it is expedient to amend the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, for the purposes herein-
after appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Police and the City of Bombay Police (Amendment) Act, 1935.

Bom. IV
of 1890. 2. *Amendment of section 3 of Bom. IV of 1890.*—In section 3 of the Bombay District Police Act, 1890, hereinafter called the "District Act," after clause (g) the following clause shall be added, namely:—

"(h) the expressions 'appointment' and 'removal,' with their respective grammatical variations, used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean, respectively, appointment to, and transfer from, the said office."

3. *Amendment of section 6 of Bom. IV of 1890.*—In section 6 of the District Act, in sub-section (J) the word "dismiss" shall be deleted.

4. *Amendment of section 8 of Bom. IV of 1890.*—In section 8 of the District Act, after the word "district," the words "The powers conferred on the Inspector General of Police under this section may, subject to the rules and orders of Government, be conferred on a Deputy Inspector General of Police" shall be added.

5. *Amendment of section 10 of Bom. IV of 1890.*—After the word "Inspector General" in section 10 of the District Act the words "or Deputy Inspector General, as the case may be" shall be inserted.

6. *Amendment of section 29 of Bom. IV of 1890.*—In sub-section (3) of section 29 of the District Act,—

(i) after the words "Inspector General," where they occur for the first time, the words "and Deputy Inspector General" shall be inserted;

(ii) for the words "The Deputy Inspector General of Police, Criminal Investigation Department, and a District Superintendent shall each have" the words "A District Superintendent shall have" shall be substituted;

(iii) after the words "The Inspector General," where they occur for the second and third time, the words "or Deputy Inspector General" shall be inserted.

[Appendix 16—*contd.*]

7. *Insertion of a new section 31A in Bom. IV of 1890.*—After section 31 of the District Act the following section shall be inserted, namely:—

“31A. *Conditions of service.*—Save as otherwise provided by or under this Act, and subject to any other law for the time being in force, all matters relating to the recruitment, pay, allowances and other conditions of service of police officers of and below the grade of the Inspector shall be regulated by the Bombay Civil Services Rules for the time being in force.”

8. *Amendment of section 3 of Bom. IV of 1902.*—In section 3 of the City of Bombay Police Act, 1902, hereinafter called the City Act, after clause (k), the following clause shall be added, namely:— Bom. IV
of 1902.

“(l) the expressions ‘appointment’ and ‘removal,’ with their respective grammatical variations used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean respectively, appointment to, and transfer from, the said office.”

9. *Insertion of a new section 16A in Bom. IV of 1902.*—After section 16 of the City Act, the following new section shall be inserted, namely:—

“16A. *Conditions of service.*—Save as otherwise provided by or under this Act, and subject to any law for the time being in force, all matters relating to the recruitment, pay, allowances and other conditions of service of police officers of and below the grade of the Inspector shall be regulated by the Bombay Civil Services Rules for the time being in force.”

STATEMENT OF OBJECTS AND REASONS.

Under the rules made under section 96B (2) of the Government of India Act, the members of the Indian Police are appointed by the Secretary of State for India in Council. The provisions referring to the appointment and removal of such officers in the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, have to be construed as referring to the appointment and transfer of such officers to and from particular posts referred to in those provisions and not to the appointment to and removal from the said service.

2. Section 6 (1) of the Bombay District Police Act, 1890, provides *inter alia* that Government have authority to dismiss a Superintendent, Assistant Superintendent or Deputy Superintendent of Police. These officers belong to the Indian Police or Provincial Service and are governed by the Civil Services (Classification, Control and Appeal) Rules framed by the Secretary of State under section 96B (2) of the Government of India Act, which provide for the dismissal of members belonging to these services. The Local Government has no power to dismiss a member of the Indian Police. The power of dismissal vested in the Local Government in respect of Superintendents, Additional Superintendents and

[Appendix 16—concl.]

Assistant Superintendents are members of the All-India Service is inconsistent with section 1 (1) of the Government of India Act. The provision in respect of Deputy Superintendents who belong to the provincial service is superfluous in view of the Classification Rules mentioned above.

3. Section 8 of the Bombay District Police Act, 1890, empowers the Inspector General of Police to appoint Inspectors, Sub-Inspectors and Sergeants in the District Police Force and section 29 (3) empowers him to punish these officers. It is desirable from the administrative point of view that the Range Deputy Inspector General of Police should have the power of appointing etc. these officers.

4. Except in matters which are expressly provided in the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, and subject to any other law for the time being in force, the conditions of service of the subordinate ranks of the Police force are regulated by the Bombay Civil Services Rules. It is desirable that both the Acts should be self-contained.

5. This Bill is intended to amend the said Acts to clarify the above matters.

7th July 1935.

C. W. A. TURNER.

APPENDIX 17.

BILL No. XXIII OF 1935.

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

(As published in the "Bombay Government Gazette"
of the 5th July 1935.)

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

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1935.

Bom. VI of 1923. 2. *Amendment of section 33 of Bom. VI of 1923.*—To section 33 of the Bombay Local Boards Act, 1923, hereinafter called the said Act, the following proviso shall be added, namely:—

“Provided that notwithstanding anything contained in section 5, if the vacancy be of an elected member and occurs within four months preceding the date on which the term of office of the members of the local board expires under section 28, the vacancy shall not be filled.”

[Appendix 17—*contd.*]

3. *Insertion of a new section after section 50 of Bom. VI of 1923.*—After section 50 of the said Act the following shall be inserted, namely :—

“50A. *Power of district local board to construct other works and manage other institutions.*—It shall be lawful for a district local board to undertake upon such terms and conditions as may be agreed upon, the construction, maintenance or repair of any work or the management of any institution on behalf of Government or any other local authority or the Court of Wards.”

4. *Amendment of section 77 of Bom. VI of 1923.*—In section 77 of the said Act after the word “may” the following shall be inserted, namely :—

“where it does not exceed rupees two hundred with the sanction of the Collector and where it exceeds rupees two hundred.”

5. *Amendment of section 80 of Bom. VI of 1923.*—In section 80 of the said Act, proviso (a) and the word “and” occurring at the end of the said proviso shall be deleted.

STATEMENT OF OBJECTS AND REASONS.

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

Notes on Clauses.

Clause 2.—Under section 33 of the Bombay Local Boards Act, 1923, it is obligatory on local boards to hold bye-elections as soon as possible to fill up casual vacancies even if a general election is due to take place shortly. It is desirable to avoid the trouble and expense involved in such bye-elections as they serve no useful purpose. This clause is intended to provide that no bye-election shall be held to fill up a vacancy of an elected member occurring within four months of the date on which the term of the Board expires.

Clause 3.—Under the provisions of the Act it is doubtful whether a district local board can undertake the construction, maintenance or repair of any work on behalf of Government, the Court of Wards or a local authority. In practice, however, this is done. The object of this clause is to regularise the existing practice.

Clause 4.—Under section 77 of the Act, a local board can incur expenditure out of the local fund outside the area subject to its authority only with the sanction of the Commissioner. To reduce the volume of work in the Commissioner's office, it is proposed to authorise local boards to incur expenditure up to Rs. 200 with the sanction of the Collector, the Commissioner's sanction being required only where the expenditure exceeds Rs. 200.

Clause 5.—Proviso (a) to section 80 of the Act requires the consent of the taluka local board for expenditure beyond the area subject to its jurisdiction of a sum set apart for educational purposes under that section

[Appendix 17—concl'd.]

for such area. Under the Bombay Primary Education Act, 1923, and the Bombay Primary Education Rules, 1924, the District Local Board, as the local authority, is solely responsible for the management and control of primary education in the whole district. It has to regulate the expenditure on primary education among several talukas in the district although the funds derived by it from different talukas may be very unequal. It is necessary that the said body should have full discretion in the matter and that in the disposal of its funds for the proper development of education throughout the area under its control it should not be hampered by the requirements of proviso (a) to section 80 of the Act. It is, therefore, proposed to delete proviso (a) to section 80.

29th June 1935.

S. N. BHUTTO.

APPENDIX 18.

BILL No. XXII OF 1935.

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

(As published in the "Bombay Government Gazette" of the 4th July 1935.)

Bom. XVIII of 1925. WHEREAS it is expedient to amend the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Municipal Boroughs (Amendment) Act, 1935.

Bom. XVIII of 1925. 2. *Amendment of section 19 of Bom. XVIII of 1925.*—In section 19 of the Bombay Municipal Boroughs Act, 1925, hereinafter called the said Act—

(1) in sub-section (2)—

(a) for the word "out" the word "on" shall be substituted;

(b) for the words "in the case of the new municipality constituted under this Act", the words "on the constitution of a new municipality after the general election" shall be substituted; and

(c) after the words "for the election of a new president" the words "and a vice-president" shall be inserted;

(d) after the words "retiring municipality" where they occur for the first time the following words, figures and brackets shall be inserted, namely:—

"within twenty-five days from the date on which the term of office of the retiring municipality prescribed or extended, as the case may be, under sub-section (1) of section 25, expires or from the date on which the names of the new councillors are

[Appendix 18—*contd.*]

published in the *Bombay Government Gazette* under section 17, whichever date is later ;”

(e) for the words “and then the meeting shall” the following words shall be substituted, namely :—

“In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the president of the retiring municipality in such manner as he may determine. The meeting shall then”

(2) at the end of sub-section (2), the following words shall be added, namely :—

“The new president shall take the chair as soon as he is elected and the meeting shall then proceed to elect the new vice-president”; and

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

“(3) On the dissolution of a municipality otherwise than on the expiry of its term of office and after a general election or on the re-establishment of a municipality under sub-section (5) of section 219 after its supersession or when a municipality is constituted under this Act for the first time, the Collector shall call a meeting for the purpose of an election of the president and vice-president, and shall appoint a person to preside at such meeting until the municipality elects its own chairman for that meeting. In case of an equality of votes, the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The meeting shall then proceed to elect the president, who shall take the chair as soon as he is elected. The meeting shall then proceed to elect the vice-president.”

3. *Amendment of section 23 of Bom. XVIII of 1925.*—In section 23 of the said Act—

(1) in sub-section (1) after the words “filled up” the words “within twenty-five days from the occurrence of the vacancy” shall be inserted ;

(2) for sub-section (2) the following shall be substituted, namely :—

“(2) When the president or the vice-president is unable or for any reason fails to call a meeting for the purpose of an election of the vice-president or the president, as the case may be, under sub-section (1) within the time specified therein, or when the president whose term of office has been determined under sub-section (1) of section 19 is unable or for any reason fails to call a meeting for the purposes of an election of his successor and of the successor of the vice-president whose term of office has been similarly determined, within twenty-five days from the date of the expiry of the term of office of the president or the vice-president, as the case

[Appendix 18—*contd.*]

may be, the Collector shall call such meeting within thirty days from the occurrence of the vacancy or the expiry of the term of office as the case may be.”

4. *Insertion of new section 23A in Bom. XVIII of 1925.*—After section 23 of the said Act the following new section shall be inserted, namely :—

“23A. *Collector to call meeting for election of president or vice-president in certain cases.*—(1) When the president of the retiring municipality is unable or for any reason fails to call a meeting of the new municipality for the purpose of an election of the new president and vice-president under sub-section (1) of section 18 within the time specified in sub-section (2) of section 19 or when such meeting is called but the president or vice-president is not elected thereat, the Collector shall call such meeting within thirty days from the date on which the term of office of the retiring municipality prescribed or extended, as the case may be, under sub-section (1) of section 25, expires or from the date on which the names of the new councillors are published in the *Bombay Government Gazette* under section 17, whichever date is later.

(2) If the president of the retiring municipality is absent or does not preside at the meeting called by the Collector under sub-section (1), such person as may be appointed by the Collector shall preside thereat and shall have all the powers of the president of the retiring municipality under sub-section (2) of section 19”.

5. *Amendment of section 29 of Bom. XVIII of 1925.*—At the end of the first paragraph of section 29 of the said Act, the following words shall be added :—

“ Provided that no election shall be held to fill up a vacancy occurring within four months of the date on which the term of the municipality expires ”.

6. *Amendment of section 37A of Bom. XVIII of 1925.*—In sub-section (3) of section 37A of the said Act, after the words “ said fund ”, the words “ and of works constructed or maintained out of the said fund and shall exercise such other powers and perform such other duties as may be allotted to it by the municipality ” shall be inserted.

7. *Amendment of section 61 of Bom. XVIII of 1925.*—In sub-section (1) of section 61 of the said Act :—

(i) after clause (aa) the following shall be inserted, namely :—

“(bb) prescribing the conditions on or subject to which licenses may be granted, refused, suspended or withdrawn, for the use of hand-carts and hand-barrows, other than those plying for hire in respect of which licenses have been granted under the *Bombay Public Conveyances Act, 1920*, and providing for the seizure and detention of any hand-carts or hand-barrows which have not been duly licensed in pursuance of the bye-laws made under this section ;

[Appendix 18—*contd.*]

“(cc) prescribing the conditions on or subject to which licenses may be granted, refused, suspended or withdrawn for hawking or exposing for sale in any public place or street any article whatsoever, whether it be for human consumption or not ;

“(dd) prescribing the conditions on or subject to which permission may be granted, renewed, refused, suspended or withdrawn for erecting, exhibiting, fixing or retaining any sky-sign or advertisement, over any land, building or structure.

Explanation.—The expression “sky-sign” shall mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard, framework or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard, framework or other support. The expression “sky-sign” shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weather-cock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction ;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, parapet or ridge to, against, or on which it is fixed or supported :

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ;

(d) any notice of land or building to be sold or let, placed upon such land or building.”

(ii) existing clause (bb) shall be re-lettered (ee).

8. *Insertion of new section 77A in Bom. XVIII of 1925.*—After section 77 of the said Act, the following new section shall be inserted, namely :—

“77A. *Municipalities empowered by Government to levy taxes at varying amount or rate.*—(1) The Government may, by notification in the *Bombay Government Gazette*, empower any municipality to levy any tax imposed by such municipality under section 73 within such

[Appendix 18—*contd.*]

maximum and minimum limits either as to the amount or the rate as may be specified in such notification.

(2) Notwithstanding any resolution or rule under section 75 specifying the amount or rate at which such tax is leviable, any municipality empowered under sub-section (1) may, by a resolution passed at a general meeting, decide to increase or reduce the amount or rate at which such tax is leviable :

Provided that—

(a) such increase or reduction shall be within the maximum and minimum limits fixed in respect of such tax under sub-section (1), and

(b) such increase or reduction shall not exceed ten per centum of the amount or rate at which such tax was leviable during the preceding official year.

(3) When a municipality has by a resolution passed under sub-section (2) decided to increase or reduce the amount or rate at which any tax is leviable, the municipality shall publish in the municipal borough the resolution together with notice specifying a date, which shall not be less than one month from the date of publication of such notice, from which the amount or rate at which any tax is leviable shall be so increased or reduced. The tax at the amount or rate so increased or reduced shall be leviable from the date specified in such notice."

9. *Amendment of section 114 of Bom. XVIII of 1925.*—To sub-section (1) of section 114 of the said Act the following proviso shall be added, namely :—

"Provided that no public street shall be permanently discontinued, stopped up or used for any other purposes of this Act without the previous sanction of the Commissioner".

10. *Amendment of section 152 of Bom. XVIII of 1925.*—In section 152 of the said Act—

(a) in sub-section (1)

(i) for the word "place" the word "area" shall be substituted ;

(ii) after the words "in any public" the words "place or" shall be inserted ; and

(iii) after the words "in such" the words "place or" shall be inserted.

(b) to sub-section (4), the following shall be added, namely :—

"or from allowing the occupation of, or temporary erection of structures on, any such streets or spaces for any other purpose in accordance with bye-laws made under the Act".

11. *Amendment of section 180 of Bom. XVIII of 1925.*—In sub-sections (1) and (2) of section 180 of the said Act, for the word "Government" wherever it occurs, the word "Commissioner" shall be substituted.

[Appendix 18—contd.]

12. *Amendment of section 181 of Bom. XVIII of 1925.*—In sub-section (1) of section 181 of the said Act, for the words, letter, brackets and figures “The Government may at any time—

(a) withdraw any power conferred under section 179 or under section 180 ;”

the following words, letter, figures and brackets shall be substituted, namely :—

“The Government, in the case of any power conferred under section 179, and the Commissioner, in the case of any power conferred under section 180, may at any time—

(a) withdraw any such power ;”

13. *Amendment of section 186 of Bom. XVIII of 1925.*—In sub-section (1) of section 186 of the said Act, after clause (r) the following new clause shall be inserted, namely :—

“(s) as a hair dressing saloon, or a barber’s shop or a hamamkhana”.

14. *Insertion of new section 193A in Bom. XVIII of 1925.*—After section 193 of the said Act, the following new section shall be inserted, namely :—

“193A. *General penalty.* Whoever does or omits to do an act in contravention of any provisions of this Act or the bye-laws made thereunder or the conditions of a licence or permission granted by a municipality under the said provisions or bye-laws shall, if such act or omission is not an offence under the said provisions or bye-laws, be punished with fine which may extend to fifty rupees and with further fine which may extend to five rupees for every day on which such act or omission continues after the date of the first conviction”.

15. *Amendment of schedule VII to Bom. XVIII of 1925.*—In Schedule VII to the said Act after the word “demand” the words “and Rs. due as for issue for warrant” shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

The Bill is intended to make certain amendments in the Bombay Municipal Boroughs Act, 1925. The following notes on clauses explain the objects of the several amendments.

Notes on Clauses.

Clause 2.—The amendment is intended to provide that the election of the vice-president of a borough municipality shall take place at the same meeting as that at which the President is elected, so as to obviate the possibility of a vice-president elected by the old municipality having to continue to perform his duties under a new president until a new vice-president is elected. Also it brings the section into line with sub-sections (7A) and (7B) of section 23 of the Bombay District Municipal Act, 1901, as amended by Bombay Act XII of 1931, and provides that

[Appendix 18—*contd.*]

the retiring president shall call the meeting of the new municipality within twenty-five days of the expiry of the term of office and on the failure of the president, the Collector is empowered to call the meeting within thirty days of the said date.

Clause 3.—Section 23 is amended so as to provide that the vacancies shall be filled up within twenty-five days of the occurrence of the vacancy and to empower the Collector to call the meeting for filling up the vacancies on failure of the president or the vice-president to do so.

Clause 4.—A new section is inserted to provide for the calling of, and procedure at, the meeting of the new municipality for the election of the new president and vice-president, when the president of the retiring municipality is unable or fails to call a meeting for such purpose.

Clause 5.—It is intended that no election shall be held to fill up a vacancy occurring within four months of the termination of the office of the councillors of the municipality. This would avoid the trouble and expense of such an election. Such a provision exists in the Madras District Municipalities Act V of 1920 (*vide* proviso to section 8 (3) of that Act).

Clause 6.—Sub-section (3) of section 37-A of the Act provides that the Pilgrim Committee shall manage and administer the Pilgrim Fund and shall exercise the powers and perform the duties of the municipality in respect of the said Fund. Literally this provision would mean that the powers and duties of a Pilgrim Committee are confined to the management and administration of the Pilgrim Fund and that the Committee has not been invested with the powers of executing any works or controlling any staff. Opportunity has been taken to amend the Act so as to specify clearly the functions of the Pilgrim Committee in this respect.

Clause 7.—As conditions similar to those prevalent in Bombay City are growing in existence in some of the big municipal boroughs like Poona, Surat, Ahmedabad, it is considered desirable to give power to municipalities to control (1) the use of hand-carts and barrows in streets, (2) the hawking of all articles and (3) sky-signs and advertisements. The proposed provisions are based on the corresponding provisions in the City of Bombay Municipal Act, 1888.

Clause 8.—It would further the interests of local self-government if certain borough municipalities of proved fitness were empowered to vary their taxation, by not more than 10 per cent. within the maxima and minima prescribed by Government. It is proposed that Government should prescribe particular limits, within which a specially authorised municipality will have power to levy any of the taxes mentioned in section 73 in order to adjust its budget. It is intended that the municipality should have the power of varying the amount or rate, within the maximum and minimum limits, by an amount not exceeding ten per centum of the amount or rate at which such tax was leviable during the preceding year, notwithstanding the fact that the amount or rate for such tax has been fixed by a resolution or rule made under

[Appendix 18—*contd.*]

section 75. If the order of Government giving this power is withdrawn or cancelled, the power of the municipality to levy the rate or amount already sanctioned in a resolution or rule revives.

Clause 9.—It is proposed that the power of a municipality permanently to close or discontinue a public street should be subject to the sanction of the Commissioner. A municipality will not then be able to close or discontinue a public street merely to use the land for some other municipal purpose.

Clause 10.—(a) It is proposed, on the lines of section 313 (I) (a) of the City of Bombay Municipal Act, 1888, to prohibit obstructions in public places.

(b) Section 152 (4) of the Act specifies some of the purposes for which municipalities are authorised to permit temporary use or occupation of public streets, by-streets and spaces for certain purposes specified therein. But in actual practice, municipalities have, in accordance with bye-laws framed by them under section 61, allowed the public the use or occupation of streets for purposes other than those prescribed, such as for selling vegetables, access to houses, etc. The Bombay High Court has held in Criminal Reference No. 17 of 1926 that municipalities cannot allow temporary use of a public street except in strict accordance with the provisions of section 152 (4) (I.L.R. 50 Bom. 674). The proposed amendment is intended to legalise the existing practice.

Clause 11.—Section 180 of the Act enables Government to confer on municipalities certain additional powers so as to enable them to take steps for the purpose of preventing, meeting, mitigating or suppressing an outbreak of any dangerous disease. The municipalities often require these powers at short notice, and a reference to Government for the conferment of these powers involves delay, which might in some cases be a source of grave danger to public health. It is, therefore, considered desirable to reduce such delay to a minimum by investing Commissioners with the powers which Government possess in this behalf under the section. The clause makes the necessary provision.

Clause 12.—This makes a consequential amendment in section 181.

Clause 13.—The object of this clause is to enable the Standing Committee of a municipal borough to exercise control over and enforce proper cleanliness in hair dressing saloons, barbers' shops and hamamkhanas. It is accordingly proposed to amend section 186 (I) of the Act by inserting therein a clause on the lines of the sixth entry in part IV of schedule M, read with clause d (I) of sub-section (I) of section 394 of the City of Bombay Municipal Act, 1888.

Clause 14.—It is proposed to insert a new section after section 193 providing a penalty for doing or omitting to do any act in contravention of the provisions of the Act, bye-laws or the conditions of a license or permission where such act or omission is not made punishable by any other provision of the Act or bye-laws.

[Appendix 18—concl'd.]

Clause 15.—Section 108 of the Act as amended by section 3 of the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1931 (Bom. XII of 1931), provides for the levy of separate fees for the issue of warrants even when there is no attachment of property in execution of the warrant. As this fee is to be in addition to the cost of attachment it is necessary to make corresponding provision in Schedule VII of the Act.

S. N. BHUTTO.

1st July 1935.

APPENDIX 19.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

“24-Administration of Justice.”

Reserved 1.—*Entertainment of four additional clerks and two additional bailiffs in the District and Subordinate Courts in the Sholapur District.*

In 1922 when revised scales of pay were sanctioned for clerks and bailiffs the number of clerks and bailiffs in the District and Subordinate Courts was reduced from 76 clerks and 51 bailiffs to 66 clerks and 41 bailiffs. This reduction was so drastic that the District Judge, Sholapur, made repeated requests for additional staff. Government sanctioned four additional bailiffs in February 1930, but in November 1931 in the general scheme of retrenchment orders were issued for the reduction of one clerk and two bailiffs. Subsequently in July 1933, on the amalgamation of the linked Court of Sangola and Malsiras with the Subordinate Judge's Court at Pandharpur, orders were issued for the reduction of four clerks (two in the grade of Rs. 85—5/2—100 and two in the grade of Rs. 30—5/2—80) and one bailiff. This reduction was more than what the District Judge had proposed.

2. The District Judge now reports that the present staff in the District and Subordinate Courts is inadequate, that almost all clerks have to work outside office hours and that it has become usual to take the help of section writers for the clerical work of the Court, a practice which is open to objection. He has asked for the entertainment of four additional clerks and two additional bailiffs to be distributed as follows :—

1 clerk and 1 bailiff for the Subordinate Judge's Court at Madha.

1 clerk for the Subordinate Judge's Court at Pandharpur.

[Appendix 19—contd.]

1 clerk and 1 bailiff for the First Class Subordinate Judge's Court at Sholapur.

1 clerk for the District Court at Sholapur.

The number of suits and Darkbasts in the Subordinate Judge's Court at Madha has increased from 1,054 suits and 1,416 Darkbasts in 1931 to 1,463 suits and 1,608 Darkbasts in 1933.

The work in the Subordinate Judge's Court at Pandharpur has considerably increased after the amalgamation of the Sangola and Malsiras Courts with Pandharpur.

The work in the First Class Subordinate Judge's Court at Sholapur has also increased. The number of suits and Darkbasts in this Court was 2,565 and 2,033, respectively, in 1931 and 2,655 and 2,412 in 1933.

In the District Court two out of the four clerks attached to the Record Branch have been reduced and the work is falling into arrears.

3. Government are satisfied that the additional staff proposed by the District Judge is necessary, and if it is sanctioned from 1st August 1935 its cost during the current year will be Rs. 1,085 as follows:—

	Rs.
4 clerks on Rs. 30 (qualified clerks) per mensem in the revised grade of Rs. 25—5/2—55 for 7 months—	
$4 \times 30 \times 7$	=840
2 bailiffs on Rs. 20 per mensem (in the unrevised grade of Rs. 20—2/2—30) for 7 months—	
$2 \times 20 \times 7$ (less 2 annas cut in the rupee)...	=245
	1,085

The annual recurring charge is about Rs. 2,568.

It is proposed to meet the extra expenditure from savings in the sanctioned grants for the current year under the head "24-Administration of Justice". The Legislative Council is therefore requested to sanction a token grant of Rs. 10.

Demand voted and now increased.

"24, Administration of Justice—Reserved."

Rs. 62,69,000 + Rs. 10.

APPENDIX 20.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sir SHAH NAWAZ BHUTTO, Kt.

Transferred 2.—*Improvements to Hubli-Sholapur Road (Miles 39 to 46).*

Owing to the scarcity conditions prevailing in the southern part of the Navalgund Taluka and in the vicinity of Nargund in the Dharwar District famine works had of necessity to be opened from the month of March 1935 to provide work in those areas. The only work suitable for affording such relief in the localities comprised improvements to the Konnur-Nargund Section (miles 39-46) of the Poona-Sholapur-Bijapur-Hubli Road. As the work had to be taken up at once orders to start it were issued by Government. The estimate for the work amounts to Rs. 47,773 in works expenditure or Rs. 60,671 inclusive of establishment and tools and plant charges at 27 per cent.

Approval of the Government of India to debit the cost of the work to the petrol tax fund has been obtained. As 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. 1,27,52,000 + Rs. 10.

APPENDIX 21.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sir SHAH NAWAZ BHUTTO, Kt.

Transferred 3.—*Electric installation in the Judicial buildings at Nadiad.*

The supply of electrical energy has recently become available to the public at Nadiad where, for nine months of the year, the climate is particularly trying. Government consider it necessary that the provision of electric lights and fans should be made as

[Appendix 21—contd.]

early as possible in the Judicial buildings at Nadiad and they have accorded administrative approval to works, as detailed below:—

Name of building.	Estimated cost.
	Rs.
(1) District Judge's bungalow ...	... 2,326
(2) Assistant Judge's bungalow ...	... 1,538
(3) District and Assistant Judges' Courts ...	... 4,471
(4) Subordinate and Joint Judges' Courts and Sub-Jail.	2,711
	11,046

The total cost for works only will amount to Rs. 11,046 and inclusive of the Public Works Department Establishment and Tools and Plant charges at 27 per cent. the cost will be Rs. 14,028. The Nadiad Electric Supply Company, Limited, have agreed to allow for Government connections a rebate of 1 anna per unit subject to the conditions that the total amount of energy consumed annually is not less than 7,000 units. Government propose to carry out the above works during the current financial year and the requisite funds will, it is anticipated, be available from savings in the grant voted by the Legislative Council under the head 41, Civil Works—Provincial. The expenditure now proposed is of the nature of a new service and the sanction of the Legislative Council is accordingly requested to a demand for the grant of a token sum of Rs. 10. The work will be proceeded with after the token demand has been granted by the Legislative Council.

Demand voted and now increased.

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

Rs. 1,27,52,000 + Rs. 10.

APPENDIX 22.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 4. *Raising and strengthening the Sehwan Protective Bund from R.D. 0 to R.D. 13000.*

The Sehwan Protective Bund affords protection to the town of Sehwan, including certain Government buildings and to the main North Western Railway line. The bund, which has been in existence for several years, is not of section and freeboard to comply with standard Indus River Commission specifications, and it is in consequence a source of danger in times of high inundation. During the

[Appendix 22—contd.]

abkalani of 1933 it had to be raised and strengthened temporarily as a measure of emergency to prevent water from over-topping the bund in the length from R.D. 7000 to R.D. 9000. In the event of a breach occurring in this bund the probable loss to Government and to the public would amount to approximately a lac of rupees. It was therefore considered essential that the Sehwan Protective bund should be raised and strengthened as a permanent measure before the current abkalani and orders to commence the work in anticipation of the sanction of the Legislative Council thereto, were accordingly issued at the end of the last financial year. This work is estimated to cost Rs. 13,703 for "Works" only, and approximately Rs. 18,000 inclusive of "Works", "Establishment", "Tools and Plant" and "Pensionary" charges. The expenditure which will be debited to the Lloyd Barrage and Canals Construction Project, in accordance with the recent decision of the Government of India, will be met, if possible, from the savings available on the current year's grant for that project. 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.

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

Rs. 41,43,000 + Rs. 10.

APPENDIX 23.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 5. *Appointment of two Assistant Inspectors of Factories in the Factory Department.*

The Inspecting Staff of the Factory Department consists of 1 Chief Inspector, 3 Inspectors,* and 2 Assistant Inspectors.* The number of factories on the register has increased by about 30 per cent. during the last 10 years as will be seen from the following table:—

Year.				Number of Factories.
1925	...	...	...	1,460
1926	..	...	...	1,522
1927	...	...	...	1,596

* In the rules to be framed by the Local Government under the Factories Act, 1934, the designations "Inspector of Factories" and "Assistant Inspector of Factories" will be changed to "Senior Inspector of Factories" and "Junior Inspector of Factories", respectively.

[Appendix 23—contd.]

Year.				Number of Factories.
1928	...	...	...	1,661
1929	...	...	...	1,751
1930	...	...	...	1,785
1931	...	...	...	1,795
1932	...	...	...	1,852
1933	...	...	...	1,868
1934	...	...	...	1,900

The staff of the Factory Department was not strengthened but was actually reduced by one Assistant Inspector in 1933 though the work has increased and is becoming more and more arduous. The Factories Act (XXV) of 1934, which is a great advance on the Indian Factories Act (XII) of 1911 has also added to the work of the Factory Inspectorate. The existing staff is barely sufficient to satisfy the minimum legal requirements of the new Act. Surprise visits to Factories are becoming more and more necessary to detect irregularities and small factories need specially frequent inspections in the interest of labour. There is a further increase of work in the shape of new legislation pertaining to Factories e.g. the Bombay Maternity Benefit Act, 1929, which is also administered by the Factory Department. In order to cope with the additional work, it is proposed to appoint two Assistant Inspectors of Factories on the revised scale of pay viz. Rs. 300—20—400—eff. bar—20—460 with the usual house rent and conveyance allowances. The expenditure for seven months of the current year is estimated as shown below:—

	Rs.
Pay 300 × 2 × 7	4,200
House rent allowance 30 × 2 × 7	420
Conveyance allowance 75 × 2 × 7	1,050
Total	5,670

The sanction of the Legislative Council is requested to a supplementary grant of Rs. 5,700 in round figures to meet the expenditure.

Demand voted and now increased.

“ 37—Miscellaneous Departments (Reserved). ”

Rs. 5,71,000 plus Rs. 5,700.

APPENDIX 24.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 6. *Establishment of a linked Court at Hukeri.*

The Subordinate Judge's Court at Hukeri was abolished with effect from the 27th April 1931 in consequence of the necessity for general retrenchment of expenditure, and the Taluka of Hukeri which was under the jurisdiction of that Court was included in the jurisdiction of the Subordinate Judge's Court at Gokak.

Petitions were received from time to time from inhabitants of Hukeri Taluka asking for the restoration of the Subordinate Court or, at least, for linking it with another Court.

In January 1935 the District Judge, Belgaum, was requested to examine how the present arrangements were working and to submit a report to Government. His report has been received and states that the litigants and witnesses of Hukeri are put to considerable inconvenience and expense in going to Gokak, particularly during the monsoon on account of the difficulties of transport especially in crossing rivers. He has proposed that if the financial situation does not permit of the establishment of a separate court at Hukeri, a Court at Hukeri should be linked with Gokak and that the Subordinate Judge of Gokak should sit at Hukeri from January till the beginning of the summer vacation and that the Joint Subordinate Judge at Chikodi (who will be appointed Joint Subordinate Judge for Gokak when he is working at Hukeri) should sit at Hukeri from June to the end of September. At present three Subordinate Judges are usually required to deal with the work at Gokak and Chikodi and there would therefore be no extra expenditure on account of the salary of a Subordinate Judge for Hukeri. There would however be some extra expenditure on account of—

	Rs.
(1) 2 clerks on Rs. 25—5/2—55, 2 bailiffs on Rs. 20—2/2—30 and 2 peons on Rs. 14 each. Average cost ...	1,896 approximately per year. (Recurring.)
(This establishment would be required in addition to 1 Clerk of the Court, 2 clerks and 3 bailiffs who would be transferred from Gokak to Hukeri permanently.)	
(2) Deputation allowance and travelling allowance to the Subordinate Judges and the staff	900 approximately per year. (Recurring.)

[Appendix 24—contd.]

(3) Purchase and repairs of furniture	...	300	(Non-recurring.)
(4) Purchase of books for the Library and Law Reports	... ..	300	(Recurring.)
(5) Other contingencies	... ..	200	(Recurring.)

Government are not in a position to restore the separate Subordinate Court at Hukeri, but are prepared to accept the District Judge's proposal as this will remove the inconvenience now experienced by the people of the Hukeri Taluka without the necessity of appointing an extra Subordinate Judge.

The extra expenditure during the current year will amount to Rs. 1,976 as shown below:—

Pay of the additional staff from 1st August 1935 to 29th February 1936.		Rs. 826
Deputation and travelling allowance	... ..	450
Purchase and repairs to furniture	... ..	300
Purchase of law reports and books for the library	... ..	300
Other contingencies	... ..	100
		<hr/> 1,976 <hr/>

It is proposed to meet this expenditure from savings within the sanctioned grants under "24-Administration of Justice". Since this expenditure 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.

"24-Administration of Justice—Reserved."

Rs. 62,69,000 + Rs. 10.

APPENDIX 25.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 7. *Discontinuance of the experiment of replacing Prant Officers by Personal Assistants to Collectors in the Surat, Ahmednagar and Belgaum districts.*

Remarks.—The Reorganisation Committee, in paragraph 323 of its report, recommended the substitution of Prant Officers by a smaller number of Personal Assistants to Collectors. All the Commissioners and Collectors in the Presidency proper were

[Appendix 25—*contd.*]

consulted ; but, as opinions differed greatly about the value of the proposed system from the point of administrative efficiency, it was decided to try the system as an experiment in a selected district of each division of the Presidency proper but without any reduction in the number of Prant Officers already in the districts, in the first instance. The districts selected were Surat, Ahmednagar and Belgaum where there were two Prant Officers and the Collector of each of these districts was given two Personal Assistants instead of one as was recommended by the Reorganisation Committee. The Personal Assistants were attached to the Collectors' offices and the staffs of the Prant offices were abolished. The experiment was sanctioned for 2 years commencing from 1st June 1933.

Long before the experimental period expired defects in the system became apparent, and at the end of the period the Commissioners and the Collectors were unanimous on all important issues affecting the change and their absolute condemnation of the system. All were agreed that the experiment tended to result in a definite deterioration in the personal grasp which the Personal Assistants could have of the affairs in the territorial divisions for which they had to be made responsible, as compared with the grasp of affairs which a Prant Officer has in his Prant under the Prant system, and that it tended also to considerable disorganisation in the disposal of work in the Collectors' offices. In all the three districts it was found that the strain on the Collector's office, especially the chitnis branch, was intolerable. Personal Assistants on tour were without offices and without records and this resulted in unnecessary sending to and fro of papers. The system resulted in increased work for the Collectors themselves, nor was it found to give them greater opportunities for coming into contact with the people of their districts as had been hoped. Curtailment of correspondence effected by the experiment was not so large as to be worth consideration, while on the other hand, difficulties involved in having one office only for the Collector and his two Assistants resulted in all round delay. The idea of the Reorganisation Committee had been that a "link in the administrative chain" represented by the Prant Officer could be done away with and that, moreover, closer personal touch between a Collector and all parts of his charge would result. But it was found in practice that the experimental system merely tended to weaken the link without rendering it any the less necessary. Government have accordingly decided to discontinue the experiment and to revert to the Prant system in the three districts.

When the new system was introduced the posts of 3 shirestedars and 6 clerks and some menial posts were abolished. On the re-introduction of the old system the following posts have to be restored :—

			Rs.
3 Shirestedars	...	...	80—5/2—95 each.
2 Clerks	...	...	60—5/2—75 each.
4 Clerks	...	...	25—5/2—55 each.
5 Naiks	...	...	17 each.

[Appendix 25—conclld.]

Those incumbents who were in service before the 4th August 1931 will be entitled to draw pay in the scales of Rs. 85—5/2—100, 30—5/2—80, 30—5/2—80 and 18, respectively.

It is proposed to meet the additional expenditure during the current year from the anticipated savings in the grants under the head "22, General Administration." But, as the expenditure is of the nature of a new service, 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.

"22, General Administration (Reserved)."

Rs. 90,62,000 + Rs. 10.

APPENDIX 26.

STATEMENT OF DEMAND FOR A TOKEN GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 8. *Continuance of the temporary appointment of Resident Magistrate at Hubli.*

Remarks.—The post of Resident Magistrate for Dharwar-Hubli which was in existence since 1903 was abolished in 1922 as a measure of economy enforced by the financial stringency prevailing at the time, and, to provide for the magisterial work performed by the Resident Magistrate, the Subordinate Judges of Dharwar and Hubli were invested with magisterial powers as an experimental measure. This arrangement had to be discontinued about the end of 1924, as experience showed that the amount of regular civil work of the Subordinate Judge of Hubli was too much to enable him to render adequate help in the disposal of the magisterial work. The need to revive the appointment of the Resident Magistrate at Hubli was repeatedly pressed upon Government with the result that it was revived in November 1925 as a temporary measure for one year. It has since been continued from year to year on a temporary basis. The state of criminal work in Hubli requires the continuance of the appointment during the current financial year. The sanction of the Legislative Council is accordingly requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

"24-Administration of Justice—Reserved."

Rs. 63,73,000 plus Rs. 10.

APPENDIX 27.

STATEMENT OF DEMAND FOR A TOKEN GRANT.

The Honourable MR. C. W. A. TURNER.

Reserved 9. *Continuance of a temporary appointment of an Additional Presidency Magistrate.*

Various causes, such as labour unrest, unemployment, the depression in trade, the passing of the Bombay Prevention of Prostitution Act in 1923, the amendment of the Criminal Procedure Code which has given accused persons the right to have a postponement of their cases during trial for the purpose of further cross-examination of all the prosecution witnesses after the charge is framed, the more extensive action taken by the police under the Gambling Act, etc., etc., have contributed in recent years to an abnormal increase of work in the Courts of Presidency Magistrates with the result that the work has fallen into arrears. At the last February-March Session of the Legislative Council, the vote of the Council was obtained to the expenditure involved in the creation of two temporary appointments of Additional Presidency Magistrates, one for a period of one year from the 2nd June 1934 and the other for a period of three months from the 1st December 1934, and their establishments, in order to relieve congestion of work in the Presidency Magistrates' Courts. Though this has given some relief to the Courts of the Presidency Magistrates, the congestion of work remains very serious in the Esplanade and Girgaum Courts. It is therefore necessary to continue the appointment of one Additional Presidency Magistrate for a further period of one year from the 2nd June 1935. This involves an additional expenditure of Rs. 12,262 in the current financial year as follows:—

				Rs.
Pay of Officers	...	...	...	8,967
Pay of Establishment	...	...	...	3,295

This expenditure will be met by reappropriation from savings, if available. As it 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.

“24. Administration of Justice (Reserved).”

Rs. 63,73,000 + Rs. 10.

APPENDIX 28.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Diwan Bahadur S. T. KAMBLI.

Transferred 10. *Addition of a new section to the Sir J. J. School of Art, Bombay, for teaching Poster-designing and Commercial Art.*

In deciding to retain the School of Art against the recommendation of the Reorganization Committee which proposed its abolition Government directed in 1933 that the question of adding to the School a section for teaching Poster-designing and Commercial Art generally might be taken up. The question of appointing a new Deputy Director for the School was then under consideration, and ability to teach the new subject was insisted upon as one of the qualifications of the candidates for the post. Mr. Charles Gerrard who possesses the requisite qualifications was accordingly selected and appointed to the Deputy Director's post. Mr. W. E. G. Solomon, Director of the School, while on leave in England in 1934, held several conferences in England on the subject of the proposed Commercial Art Section with one of the best known experts on commercial art, inspected his classes in London and on arrival in India submitted to Government his proposals for the new section in consultation with the new Deputy Director. The opening of the new section has been sanctioned from the current academic year of the School. The section will include all art work which in one way or another assists industry as distinguished from Fine Art. It will start with the teaching of the Poster and Press-advertising course and will later include such subjects as Textiles, Painting and Decorating, Window dressing, Film Industry, etc. The Reay Art Workshops will form a natural background for the new section. The new section is expected to become very popular, and to make room for it the Special Shading Classes which were held in the early morning and which were very thinly attended have been discontinued. There will be no loss to Government on account of the discontinuance of these classes as the students for the new class are expected greatly to outnumber those for the old classes. The new class will be held both in the morning and in the afternoon to enable other students to join it.

2. At present the proposals of the Director, Sir J. J. School of Art, for the first year's course have been sanctioned as a trial, and he has been asked to submit his detailed proposals for the second year's course after due consideration in the light of the experience gained during the first year. The extra expenditure during the current year on account of the class is estimated by the Director at Rs. 1,522 (Rs. 568 non-recurring and Rs. 954 recurring) and that for the second year is estimated at Rs. 3,329 recurring as shown in the accompanying statements, but definite proposals for the second

[Appendix 28—contd.]

year's course will be received and considered at the end of the current year. As the new section is to be developed according to experience and necessities full details of the exact annual recurring expenditure cannot be given at this stage. In order that one year may not be lost the opening of the section has been sanctioned from the current academic year of the School in anticipation of the sanction of the Legislative Council. The extra expenditure during the current year will be met from savings in the grants under the head "31-Education—Transferred" but as the expenditure 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.

"31-Education—Transferred."

Rs. 1,69,29,000 plus Rs. 10.

STATEMENT I.

Detailed estimate of *Recurring* and *Non-recurring* expenditure in connection with the Class for teaching Poster-designing and Commercial Art, during the year 1935-36 :—

Non-Recurring.

			Rs.
1. Blackboard	...	...	45
2. Folios for work	...	...	10
3. Frames for work	...	...	100
4. Glass slabs for cutting	...	...	15
5. Electric Fans and Lights...	...	...	300
6. Metal Paint Pots	...	...	13
7. Colour pans China	...	...	15
8. Stencil knives	...	...	15
9. Plugs for electricity in wall	...	...	55
		Total Non-recurring	568

Recurring.

			Rs.
1. Books	...	...	70
2. Poster colours	...	...	60
3. Plywood	...	...	50
4. Mounting Boards	...	...	40
5. Varnish and Decorators colours	...	...	80
6. Special writing pens	...	...	10

[Appendix 28—concl'd.]

				Rs.
7.	Scrapper Boards	...	...	20
8.	Fancy papers	...	...	10
9.	Lino	...	...	25
10.	Lino cutting tools	...	...	25
11.	Indian Ink	...	...	6
12.	Gold Leaf	...	...	13
13.	Silver Leaf	...	...	10
14.	Cellulose Varnish	...	...	13
				<hr/>
				432
	Salary of a Fellow from 10th June 1935 to 28th February 1936 at Rs. 60 per mensem	...	...	522
				<hr/>
	Total Recurring	...	...	954
				Rs.
	Non-recurring	...	...	568
	Recurring	...	...	954
				<hr/>
	Total	...	...	1,522

STATEMENT II.

Recurring Expenditure.

1936-37.

		Rs.
1.	Salary of an assistant teacher proposed to be appointed in 1936-37 for the 2nd year course from the 10th June 1936 up to 28th February 1937 at Rs. 250 per mensem	2,175
2.	Salary of a Fellow appointed for the 1st year course in 1935-36 to be continued in 1936-37 at Rs. 60 per mensem for 12 months	720
3.	Recurring expenditure for materials and appliances as detailed in Statement I	432
		<hr/>
	Total recurring expenditure for 1936-37	3,327

APPENDIX 29.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 11. *Continuance of the temporary appointments of a Police Prosecutor, one Head Constable and four Constables sanctioned for the Court of the Additional Presidency Magistrate, Bombay.*

With the appointment of an Additional Presidency Magistrate sanctioned in June 1934 for a period of one year, it was necessary

[Appendix 29—contd.]

to sanction at the same time and for the same period an additional appointment of a Police Prosecutor and a staff of one Head Constable and four Constables for the new court. The appointment of the Additional Presidency Magistrate is being extended for a further period of one year from June 1935 and a token grant in respect of expenditure on this account is being separately asked for from the Legislative Council under the head "24, Administration of Justice". With the extension of the Presidency Magistrate's appointment it is necessary to continue the additional appointment of the Police Prosecutor and the court duty staff of one Head Constable and four Constables for a further period of one year from June 1935. The expenditure on this account in the current financial year amounts to Rs. 5,850, which will be met by reappropriation from savings in the police budget, if available. As the expenditure 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. 1,68,04,000 + Rs. 10.

APPENDIX 30.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Diwan Bahadur S. T. KAMBLI.

Transferred 12. *Scheme of conducting rice crop duty experiments in the Fuleli Canal System.*

Remarks.—At the session of the Legislative Council held in October 1932 a motion was moved and carried for the extension of Part XI of the Irrigation Act, 1879, to the lands irrigable by the Fuleli Canal System and the Kalri and Narichach Canal System which were then being improved and remodelled for the more efficient distribution of water therefrom. In the course of the debate assurances were given on behalf of Government that, if and when the final results obtained by the Chief Agricultural Officer by experiment on the fields in the Fuleli area necessitated lowering the duty for rice, Government would undertake to adjust the modules to suit the new duty arrived at. Unless Government and the Fuleli zamindars were prepared to accept the results of these experiments as a basis for the satisfactory settlement of matters connected with irrigation distribution on the Canal no real advantage would be gained in carrying out the work, and its execution would contribute nothing to the solution of the grievances

[Appendix 30—*contd.*]

of the Fuleli zamindars. The President, Fuleli Zamindars' Association, Hyderabad, was, therefore, asked to state definitely whether the experiments proposed were likely to contribute towards the solution of the irrigation difficulties experienced by their members and whether they were prepared to accept the results of such experimental work as a basis for further action by Government, if found necessary, in the direction of the improvement of irrigation conditions on the Canal and its distributaries. On the President of the Association giving the requisite undertaking, Government authorised the Chief Agricultural Officer in Sind to start the experimental work which commenced from 3rd May 1935. Government have also given an assurance to the President of the Association that water will be supplied to the zamindars according to the results of these experiments.

2. The experimental work will be carried out on the Saidawah Distributary on lands leased by Rao Bahadur Hiranand Khemsing. The object of the experimental work is to compare the results obtained from rice cultivation under the identical conditions of irrigation supply as will be experienced by other zamindars on the same distributary. Some of the existing modules will be discontinued and the Irrigation Department will arrange to construct three new modules to supply irrigation water to the experimental areas.

3. An officer of the Agricultural Department has been appointed to be in charge of the experiment whose duties will be to supervise and direct the cultivation and irrigation of the experimental area, to maintain cultivation sheets for each experimental block and to record in detail all data regarding agricultural operations. A separate officer of the Irrigation Department has been associated with him to take charge of the irrigation of the experimental area, whose duties will be to record the dates of the commencement, and cessation of the flow of water through the three modules, take gauge readings of each module and test the discharge in the karias. The work will be carried out under the supervision of the Botanist at the Sakrand Agricultural Research Station, directed by the Chief Agricultural Officer in Sind.

4. The expenditure during the current financial year is estimated at Rs. 10,467, details of which are given below:—

Land and building.

	Rs.
(1) Lease of 165 acres for a period of 12 months at Rs. 4 per acre	660
(2) Preparation of experimental area, <i>e.g.</i> , construction of bunds, new karias, etc.	330
(3) Construction of three new modules on experimental area	450
(4) Provision of katcha house on site for officer-in-charge	750
	2,190

[Appendix 30—concl'd.]

Staff.

(1) Pay of Agricultural Officer-in-charge at Rs. 250 per mensem plus Rs. 50 special pay or Rs. 300 for 9 months	...	...	...	2,700
(2) Pony allowance to (1) at Rs. 18 per mensem for 9 months	...	...	...	162
(3) Pay of the Irrigation Officer at Rs. 78-12-0 plus special pay Rs. 25 per mensem for 10 months	...	...	...	1,038
(4) Muccadam for 6 months at Rs. 25 per mensem	...	...	...	150
(5) One peon at Rs. 15 per mensem for 9 months	...	...	...	135
(6) Three chowkidars at Rs. 15 per mensem for 6 months	270
				4,455

Allowances.

Travelling allowance	Rs. 150
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Contingencies.

Agricultural experiments	3,672
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Grand total ... 10,467

The Chief Agricultural Officer in Sind has been authorised to meet this expenditure in the first instance by reappropriation from the sanctioned grants at his disposal under "34, Agriculture—Agriculture in Sind". As the expenditure relates to 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.

"34, Agriculture—Transferred."

Rs. 25,47,000 + Rs. 10.

APPENDIX 31.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 13. *Scheme for improvement of marketing in India.*

Remarks.—At the Provincial Economic Conference, 1934, there was general agreement that of all practicable measures for improving economic conditions an intensive programme to develop marketing facilities for agricultural products, both crops and animal

[Appendix 31—*contd.*]

products, offered the best immediate prospects of substantial results. The action to be taken to deal with the main marketing problems includes propaganda and supply of information in external markets regarding Indian products; the grading, sorting and bulking of the main staple products; special market organisations for perishable commodities; information to India's producers of consumers' requirements, both in India and abroad; the planning of production on the basis of quality and demand; the establishment and development of regulated markets; the undertaking of market surveys for the purpose of developing a common plan throughout India; and the establishment of properly organised "futures" markets, commodity exchanges and warehouses. The programme provisionally approved at the conference included the appointment of a central marketing officer by the Government of India, the appointment of provincial marketing officers, the inauguration of provincial marketing surveys, the appointment of special committees for staple crops and work on grade standards under the direction of the Imperial Council of Agricultural Research.

2. The Government of India have decided to provide the Research Council with funds for the establishment of a central marketing staff and for the expenditure by the Local Governments, for a period of five years, on a nucleus provincial marketing staff. The Imperial Council of Agricultural Research has sanctioned grants averaging Rs. 20,000 per annum for the Presidency proper and of Rs. 19,228 for Sind for setting up the following provincial marketing organisation:—

Presidency proper.

Three Assistant Marketing Officers on Rs. 170—500.

One clerk on Rs. 60—5/2—75.

Four clerks on Rs. 25—5/2—55 each.

Five peons on Rs. 18 per mensem each.

Sind.

Three Assistant Marketing Officers on Rs. 200—600.

Two clerks on Rs. 45 per mensem each.

Three peons on Rs. 18 per mensem each.

3. The investigation work includes a series of marketing surveys with immediate reference to the more important commodities. In Sind, one assistant marketing officer will deal with cereals like wheat and rice, another with special crops like tobacco and fruit and the third with live stock products. In the Presidency proper, one officer will deal with cereals, another with oil-seeds and the third with plantation and special crops like tobacco and fruit. The Government of Bombay have considered it necessary to appoint a fourth assistant marketing officer for the Presidency to deal with live stock products. The cost on account of this appointment will be met from Provincial Revenues.

4. The total expenditure for a five-year period, to be met from the funds of the Imperial Council of Agricultural Research, amounts

[Appendix 31—concl'd.]

to Rs. 96,140 for Sind and Rs. 1,00,000 for the Presidency proper, details of which are given below :—

		Sind.	Presidency.
		Rs.	Rs.
Pay of Officers	... ..	63,000	41,400
Pay of Establishment	... ..	8,640	17,400
Allowances and Honoraria	... ..	15,000	30,000
Contingencies	... ..	9,500	11,200

The probable expenditure during the current year is estimated at Rs. 20,000 for the Presidency proper and Rs. 18,034 for Sind. Besides, the Local Government will provide an amount of Rs. 3,245 for the pay of the fourth assistant marketing officer for the live stock products by reappropriation from savings in the grants under 34, Agriculture. As the expenditure 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. 25,47,000 + Rs. 10.

APPENDIX 32.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 14. *Conversion of office of Official Assignee, Karachi, into Government Office.*

Under Bombay Act III of 1935 the funds held by the Official Receiver and the Official Assignee, Karachi, were transferred to Government. It was a part of the arrangement for the transfer of these funds that the Official Assignee, Karachi, and his establishment who were paid from the funds should on their transfer be paid from the Provincial Revenues and treated as permanent Government servants and orders were issued accordingly in April 1935.

The office of the Official Assignee, Karachi, consists of the Official Assignee and six clerks and three peons. The old incumbent of the post of Official Assignee has been continued in the appointment on Rs. 1,000 in the scale of Rs. 750—50—1,000, on a permanent but non-pensionable basis. Revised scales of pay have been fixed for the clerks as follows :—

Head Clerk...	Rs. 130—5—170	plus local allowance.
Accountant...	„ 95—5—125	„ „ „
2 Clerks ...	„ 80—5/2—95	„ „ „
2 Clerks ...	„ 25—5/2—55	} „ „ „
	„ 60—5/2—75	

[Appendix 32—*contd.*]

The pay of the three peons has been fixed at Rs. 19, 18 and 17 per mensem (subject to a cut of 2 annas in the rupee) plus local and house rent allowances. The extra expenditure during the current year from 10th April 1935, the date on which the office was taken over by Government, will amount to Rs. 18,748 as shown below :—

			Cost.
			Rs.
Official Assignee	...	...	10,700
6 Clerks	...	...	6,350
3 Peons	...	...	698
Contingencies	...	...	1,000
			18,748,

and it is proposed to meet it from savings in the sanctioned grants under "24, Administration of Justice". (The average recurring expenditure will be Rs. 19,200 approximately.) Since this expenditure relates to a new service the sanction of the Legislative Council is requested to a token grant of Rs. 10.

Demand voted and now increased.

"24, Administration of Justice."

Rs. 63,73,000 + Rs. 10.

APPENDIX 33.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable MR. C. W. A. TURNER.

Partly "Reserved" and partly *Creation of a temporary appointment of the Assistant Manager at the Commissioner's Printing Press, Karachi.*
 "Transferred" 15.

The post of the Assistant Manager at the Commissioner's Printing Press, Karachi, was abolished with effect from 1st July 1933, as a measure of retrenchment. Government have granted an extension of service to Mr. Cabral, the present Manager of the Commissioner's Printing Press, Karachi, up to 31st March 1936. As there is no suitable trained candidate available for filling the post of the Manager of the Commissioner's Printing Press after Mr. Cabral's retirement, it is proposed to secure as soon as possible the services of Mr. D. L. Mukherjee, who was awarded a Government of India scholarship for advanced training in England in the art of printing and allied trades and has since returned to India recently after the successful completion of his training. In view of Mr. Mukherjee's qualifications and the very favourable reports in regard to his technical work, Government propose to create a temporary post of the Assistant Manager, Commissioner's Printing Press, till 31st March 1936, the date of retirement of the present

[Appendix 33—*contd.*]

Manager of the Commissioner's Printing Press and to appoint Mr. Mukherjee to that post on Rs. 250 in the scale of Rs. 180—10—270 to acquire administrative experience and knowledge of the Press and thereafter to appoint him as Manager, Commissioner's Printing Press, on Rs. 300 in the revised scale of Rs. 300—15—450. The expenditure on account of the temporary post will be met from the savings in the provision made in the current year's budget under "46-Stationery and Printing". As this expenditure 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.

"46-Stationery and Printing—Partly Reserved and partly Transferred."

Rs. 12,37,000 + Rs. 10.

APPENDIX 34.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable SIR SHAH NAWAZ BHUTTO, KT.

Transferred 16. *Reconstructing the portion of Poona-Sholapur Road from the Bahiroba nalla to Hadapsar on Bombay-Poona-Sholapur-Hyderabad Road.*

The traffic on the portion of the Poona-Sholapur Road outside Poona, between the Bahiroba nalla and Hadapsar, is very heavy and the existing water-bound macadam surface is not capable of standing up to it and deteriorates so rapidly that its maintenance in its present form is excessively expensive. Government have, therefore, sanctioned an estimate of Rs. 1,39,200 for the entire reconstruction of this length of the road. Inclusive of Public Works Department Establishment and Tools and Plant charges at 27 per cent. the cost of the work will amount to Rs. 1,76,784. It will be conducive to economy to complete this work by the earliest possible date, thus avoiding the present very heavy recurring cost of its repairs and maintenance, and after obtaining the approval of the Government of India to debit the cost to the Road Development Account, Government have now issued orders for the work to be commenced.

Funds required during the current financial year will, it is anticipated, be met from savings in the grant voted by the Legislative Council under the head 41-Civil Works—Provincial. As, however, the expenditure on the work is of the nature of a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

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

Rs. 1,27,52,000 + Rs. 10.

APPENDIX 35.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable SIR SHAH NAWAZ BHUTTO, Kt.

Transferred 17. *Expenditure on account of the Introduction of the Bombay Weights and Measures Act, 1932.*

In the current year's budget estimate under "37-Miscellaneous Departments—Transferred" a provision of Rs. 84,100 has been made on account of the introduction of the Bombay Weights and Measures Act, 1932, in the Bombay City and the 10 districts mentioned below:—

1. Broach (including the Panch Mahals).
2. Surat.
3. Thana.
4. Bombay Suburban District.
5. Ahmednagar.
6. Poona.
7. Satara.
8. Belgaum.
9. Karachi (including Karachi City).
10. Sukkur.

The Auditor General has since ruled that the receipts and charges connected with the regulation of standard weights and measures should be classified under the budget heads "XXV and 35-Industries". In view of this ruling it has been necessary to surrender the provision made under "37-Miscellaneous Departments—Transferred" on this account, and make a fresh demand for the requisite supplementary grant under "35-Industries". It was originally intended to introduce the Bombay Weights and Measures Act in the Bombay City and 10 districts referred to above from 1st March 1935, but later, for administrative reasons, the date of the introduction of the Act in the places referred to above had to be postponed to 1st August 1935. Owing to this change of date and the consequent late appointments of some of the staff originally provided for, there is expected to be a saving of Rs. 8,412, viz.—

				Rs.
Pay of Officers ... ..	...	...	...	2,790
Pay of establishment ... ..	...	...	...	4,797
Allowances, honoraria, etc. ... ..	...	...	...	825
				8,412

The provision required under "35-Industries", after deducting the above savings comes to Rs. 75,688.

Since the provision on account of the introduction of the Bombay Weights and Measures Act, 1932, in the places referred to above was made it was considered necessary to have (i) 2 Inspecting Units, consisting of 2 Inspectors, 2 Manual Assistants and 2 peons for the

[Appendix 35—contd.]

Panch Mahals District which has been merged in the Broach District, (ii) 1 Junior Inspector, 1 Manual Assistant, 1 peon and 2 clerks for Bombay City, and (iii) additional equipment for them. The additional provision on this account amounts to Rs. 61,654 as shown in the accompanying statements I, III and IV.

Government have also decided to extend the Bombay Weights and Measures Act to the remaining 17 Districts mentioned below from 1st March 1936 :—

- | | |
|-------------------|--------------------------|
| 1. Ahmedabad. | 10. Kolaba. |
| 2. Kaira. | 11. Ratnagiri. |
| 3. East Khandesh. | 12. Larkana. |
| 4. West Khandesh. | 13. Upper Sind Frontier. |
| 5. Nasik. | 14. Nawabshah. |
| 6. Sholapur. | 15. Hyderabad. |
| 7. Bijapur. | 16. Thar Parkar and |
| 8. Dharwar. | 17. Dadu. |
| 9. Kanara. | |

In order to carry out this decision it is necessary to obtain the requisite equipment and engage the necessary staff during this year. The normal requirements of a District in respect of staff are 2 Inspecting Units (viz., 2 Inspectors, 2 Manual Assistants, and 2 peons), while those in respect of equipment are 1 set of secondary standards, 2 sets of working standards and 2 sets of balances. In the case of Dharwar District, however, it is necessary to have one additional Inspecting unit. The equipment has been provided more or less on the above basis. The additional provision on this account amounts to Rs. 2,01,805 as shown in the accompanying statements II, V and VI. The total supplementary grant required on account of the introduction and extension of the Act in the Bombay Presidency under "35-Industries" amounts to Rs. 3,39,147-0-0. The Legislative Council is requested to sanction this total additional amount.

Demand voted and now increased.

35-Industries—Transferred.

Rs. 3,95,000 + Rs. 3,39,147.

STATEMENT I.

Additional provision for additional staff and equipment sanctioned during the year 1935.

2 Clerks (Rs. 50—5/2—90)—

	Rs.	Rs.
(1) Rs. 50 for 9 months	...	990
(1) Rs. 60 do.	...	
3 Inspectors (Rs. 100—5/2—150)—		
(1) for 11 months	...	3,000
(2) for 9½ months	...	

[Appendix 35—contd.]

	Rs.	Rs.
3 Manual Assistants—		
(1) (Rs. 35—1—50) for 11 months... }	785	
(2) (Rs. 25—1—40) for 8 months ... }		
3 Peons—		
(1) (on Rs. 19 per mensem) for } 11 months.	393	
(2) (on Rs. 15 per mensem) for } 8 months.		
(Minus 2 annas cut.)		
	—————	5,168
Allowances, honoraria, etc.—		
Ordinary	600	
Fixed	800*	
	—————	1,400
*Conveyance allowance to 3 Inspectors (Rs. 20 per mensem) (1 for 11 months and 2 for 9½ months).	600	
Conveyance allowance to 3 Manual Assistants (Rs. 3 per mensem) (1 for 11 and 2 for 9½ months).	90	
Compensatory allowance to Bombay Inspector (12½ per mensem) (for 8 months).	100	
	—————	
Total ...	790	
(or Rs. 800 in round figure).		
Contingencies		55,086
<i>Recurring.</i>		
Rents and Taxes	400	
Miscellaneous expenses of workshop and laboratory and consumable stores, etc., required by the section and Inspectors.	5,320	
<i>Non-recurring.</i>		
Fittings and fixtures and Machines for Standards Laboratory and Workshop.	5,000	
Additional provision for miscellaneous articles, furniture, small tools, etc., required by the District staff—existing.	7,121	
Equipment	33,880	
[Rs. 25,865 (expenditure in England) and Rs. 8,015 (expenditure in India), <i>vide</i> statements III and IV.]		
Customs Duty	3,365	
	—————	
	55,086	
	—————	
Total Provision		61,654

[Appendix 35—contd.]

STATEMENT II.

*Expenditure on account of the extension of the Act from
1st March 1936.*

<i>Salaries—</i>	Rs.	
1 Assistant Warden (Rs. 150—10—250— E. B.—15—400) at Rs. 150 for 2 months, i.e., from 1st January 1936— $1 \times 150 \times 2$.	300	
35 Inspectors (Rs. 100—5/2—150) at 100 for 2 months, i.e., from 1st January 1936— $35 \times 100 \times 2$.	7,000	
35 Peons at Rs. 15 for 2 months, i.e., from 1st January 1936— $35 \times 15 \times 2$ (minus two annas cut).	919	
1 Peon at Rs. 19 for 2 months, i.e., from 1st January 1936, for Assistant Warden— $1 \times 19 \times 2$ (minus two annas cut).	33	
35 Manual Assistants at Rs. 25—1—40 for 2 months from 1st January 1936— $35 \times 25 \times 2$.	1,750	
1 Manual Assistant at Rs. 35—1—50 for 2 months from 1st January 1936 for Assistant Warden— $1 \times 35 \times 2$.	70	
2 Clerks—		
One 50—5/2—90 (Rs. 50) } 120×4	480	10,552
One 50—5/2—90 (Rs. 70) }		
<hr/>		
<i>Allowances—</i>		
T. A. to Assistant Warden— $1 \times 100 \times 1$ month.	100	
T. A. to Inspectors (17) $17 \times 100 \times 1$ month.	1,700	
T. A. to Inspectors and Manual Assistants from Bombay to their destinations after training— (35×40) .	1,400	
C. A. to Inspectors 35 at Rs. 20 per mensem $(35 \times 20 \times 2)$.	1,400	
C. A. to Manual Assistants 36— $(36 \times 3 \times 2)$.	216	4,816
<hr/>		
<i>Contingencies—</i>		
Rent for Inspectors' Offices at Rs. 25 p.r mensem per Inspector— $35 \times 25 \times 1$ month.	875	
Miscellaneous Office expenditure for Assis- tant Warden— 100×1 .	100	

[Appendix 35—contd.]

	Rs.	Rs.
Miscellaneous Office expenditure for Inspectors at Rs. 20 per mensem per Inspector—35 × 20 × 1.	700	1,675
Equipment		1,72,762
[Rs. 60,000 (expenditure in England) and Rs. 1,12,762 (expenditure in India) vide Statements V and VI.]		
Customs Duty		12,000
Total		2,01,805

STATEMENT III.

Equipment sanctioned for purchase in England during the year referred to in Statement I.

	£	s.	d.	£	s.	d.	Rs.	a.	p.
1 Balance A Class 2,000 oz. capacity ...	320	0	0						
2 Do. 8 lbs. do. ...	190	0	0						
2 Do. 2 oz. do. ...	120	0	0						
Verification fee for the above ...	32	10	0						
1 Grain weight box ...	10	10	0						
Verification fee for the above ...	2	10	0						
Less 5 per cent. plus Departmental charges, freight, packing, insurance, etc. ...				678	0	0	9,040	0	0
3 Secondary yard measures ...	50	0	0						
23 Working yard measures ..	90	0	0						
7 Scale beams 112 lbs. at £ 40-10-0 ...	507	7	1						
5 Scale beams 8 lbs. at £ 22-10-0 ...	507	7	1						
5 Scale beams 2 oz. at £ 24-10-0 ...	507	7	1						
22 Drilling machines at £ 11-10-0 each ...	253	0	0						
22 Sets Drills at £ 3 per each set ...	66	0	0	966	7	1	12,885	0	0
1 Balance A Class 50 lbs. capacity ...	295	10	0	295	10	0	3,940	0	0
1 Balance A Class 1 lb. capacity ...	295	10	0	295	10	0	3,940	0	0
1 Balance A Class 10 grains capacity ...	295	10	0	295	10	0	3,940	0	0
							25,865	0	0

STATEMENT IV.

Equipment sanctioned for purchase in India referred to in Statement I.

Equipment so far ordered out—

	Rs.	a.	p.	Rs.	a.	p.
1 secondary weights and measures ...	1,609	15	0			
5 working sets of weights and measures ...	5,955	5	0			
5 sets of strikes, etc. ...	150	0	0			
10 brass syphons and 100 oak strikes ..	300	0	0			
Total ...				8,015	4	0

[Appendix 35—concl'd.]

STATEMENT V.

Equipment to be purchased in England for extension of the Act referred to in Statement II.

	£	s.	d.
35 drilling machines and sets of drills at £14-10-0 each.	507	10	0
38 working yard measures at £3-5-0.	123	10	0
34 tripods at £3-5-0 ...	110	10	0
51 scale beams 112 lbs. capacity at £40-10-0.	2,065	10	0
36 scale beams 8 lbs. capacity at £22-10-0.	810	4	0
36 scale beams 2 oz. at £24-10-0.	882	4	0
	<hr/>		
	4,499	8	0 (or £4,500)
			i.e. Rs. 60,000.

STATEMENT VI.

Equipment to be purchased in India for extension of the Act referred to in Statement II.

	Rs.	a.	p.
17 secondary sets of weights and measures at Rs. 1,609-15-0 each.	27,368	15	0
36 working sets of weights and measures at Rs. 1,191-1-0 each.	42,878	4	0
36 sets of roller strikes etc. at Rs. 30 each ...	1,080	0	0
36 sets of stamping equipment at Rs. 171-4-0 each.	6,165	0	0
37 grain weights boxes (for working standards) at Rs. 15-4-0 each.	564	4	0
17 grain weights boxes (secondaries) at Rs. 30 each.	510	0	0
36 sets. Miscellaneous equipment measuring glasses, tubes, rods, gloves, small tools etc. at Rs. 85-12-0 each.	3,087	0	0
Canvas covers, waterproof for boxes 36 working sets at Rs. 26 each.	936	0	0
Canvas covers, secondary sets 17 at Rs. 20-8-0 each.	348	8	0
34 boxes for scale beams at Rs. 125 each ...	4,250	0	0
31 sets of test weights for checking of weighing bridges at Rs. 300 per set.	9,300	0	0
Furniture for 35 Inspectors at Rs. 465 per Inspector.	16,275	0	0
	<hr/>		
Total ...	1,12,762	15	0
	or	1,12,762	0

APPENDIX 36.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER.

Reserved 18. *Refund to the District Local Board, Bombay Suburban District, of fees realized from Development Department quarries.*

Certain lands in the Bombay Suburban District were acquired by Government for the purposes of a quarry in connection with the Suburban and Back Bay Reclamation Schemes of the late Development Department. As considerable expenditure was incurred on the acquisition of these lands, it was considered that the quarry fees realized therefrom should be credited to Government. This was accordingly done. The District Local Board subsequently objected and pointed out that in accordance with the provisions of section 75(2) of the District Local Boards Act, 1923, the fees in question should be credited to the Board and not to Government. After considering the matter fully and obtaining legal opinion Government have come to the conclusion that the revenue realized from the Development Department quarries must be made over to the District Local Board. The claim advanced by the Board has been investigated and it is found that sums on this account aggregating Rs. 58,463 are due to that body. Out of this a sum of Rs. 300 only credited to deposit, is available for making a part-payment. The balance to the extent of Rs. 58,163 is required for settling the claims of the District Local Board. The charge is debitable to the head XXXI, Bombay Development Scheme—*Deduct Refunds*, for which the grant is required to be voted under the head 42-Bombay Development Scheme. As the claim is of long standing and as the Board has intimated its intention to take legal proceedings if the matter is further delayed, Government propose to make the payment at once. Sanction of the Legislative Council is therefore requested to the demand for the present of the grant of a token sum of Rs. 10. After the year has advanced and the amount of savings which may become available under the head "42-Bombay Development Scheme" are known, sanction of the Legislative Council will be obtained for the actual amount by which the grant may be required to be supplemented to cover the payment of Rs. 58,163.

The District Local Board is in arrears as regards the remuneration to talatis and patils for collection of the local fund cess. The amount due to Government on this account is under investigation and will be deducted before making the final payment under the demand now made to the Local Board.

Demand voted and now increased.

42, Bombay Development Scheme.

Rs. 3,22,000 + Rs. 10.

APPENDIX 37.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 19. *Entertainment of a temporary additional staff at the Royal Institute of Science, Bombay, during the academic year 1935-36.*

In recent years owing to a large demand for admission to the Chemistry Classes of the Royal Institute of Science, Bombay, the existing staff is unable to cope with the increase in work. With a view to maintain the standard of teaching and research in the Department of Chemistry at the Institute it has been found necessary to strengthen the staff in chemistry. Further, provision for the teaching of Physics to the First Year Arts Class of the Elphinstone College, Bombay, is made at the Institute and the strength of this class has been steadily increasing during recent years. To cope with the work, entertainment of additional temporary staff in the Departments of Chemistry and Physics is required every year since last three years. In order that the teaching may be carried out efficiently, entertainment of the following temporary staff in the two Departments of the Institute is necessary for the current academic year :—

	Cost per annum.
	Rs.
<i>Department of Chemistry.</i>	
(1) Analytical Assistant on Rs. 40 per mensem (The student selected for the post is exempted from payment of usual fee of Rs. 15 per term) ...	480
(2) Four part-time Demonstrators each on Rs. 50 per mensem	2,400
<i>Department of Physics.</i>	
(1) Two temporary assistant Lecturers on Rs. 130 per mensem for eight months (<i>plus</i> house rent allowance if the person appointed is personally eligible for it under the rules)	2,080
(2) Five part-time Demonstrators on Rs. 50 per term each	500
	5,460

The total cost involved will be Rs. 5,460 during 1935-36 excluding the house rent allowance in the case of the two temporary Assistant Lecturers and the small amount of fees the recovery of which it is proposed to forego in the case of the student selected for the post of the Analytical Assistant.

[Appendix 37—contd.]

In view of the urgent necessity for the staff during the current academic year, Government have sanctioned its entertainment and the sanction of the Legislative Council is requested to the continuance of the staff for the year 1935-36 by means of a token demand of Rs. 10.

Demand voted and now increased.

31, Education—Transferred.

Rs. 1,69,29,000+Rs. 10.

APPENDIX 38.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 20. *Employment of additional clerks in talukas affected by the Lloyd Barrage.*

The functioning of the Lloyd Barrage Canals has resulted in considerable increase in work in taluka offices and both the Commissioner in Sind and the Revenue Officer consider that some talukas urgently require additional clerks to cope with the heavy work of malkano recoveries and for the proper maintenance of malkano accounts. For the present Collectors are giving relief to overworked offices by withdrawing clerks from other offices; but most taluka offices in Sind are already hard pressed as a result of reduction in staff through successive measures for retrenchment in expenditure. Government accordingly propose to create 14 posts of clerk on Rs. 25—5/2—55, one for each of the talukas mentioned below :—

<i>Thar Parkar District</i>	...	Sanghar. Khipro. Umarkot.
<i>Hyderabad District</i>	...	Tando Allahyar. Dero Mohbat. Fiala.
<i>Nawabshah District</i>	...	Shahadadpur. Nawabshah. Sinhoro. Kandiaro. Naushahro. Moro. Sakrand.
<i>Dadu District</i>	...	Johi.

[Appendix 38—*contd.*]

It is proposed to meet the additional expenditure during the current year from the anticipated savings in the grants under the head "22, General Administration". But as the expenditure is in the nature of 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.

22, General Administration—(Reserved).

Rs. 90,62,000 + Rs. 10.

APPENDIX 39.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. C. W. A. TURNER, C.S.I., C.I.E., I.C.S.

Reserved 21. *Continuance of the Left Bank Drainage Division comprising two Sub-divisions.*

Remarks.—The Left Bank Drainage Division (Sind), comprising one Sub-division, was formed on a temporary basis on 3rd April 1934 and continued up to 28th February 1935 after obtaining the approval of the Legislative Council thereto as a new item of expenditure in the budget for 1934-35. One additional Sub-division was subsequently transferred to this Division from the Right Bank Drainage Division. The Left Bank Drainage Division is at present responsible for the carrying out of the following works:—

- (1) the operation and maintenance of pumping installations dealing with water-logged areas in Khairpur State;
- (2) the observation of sub-soil water levels in bores situated in Khairpur State;
- (3) the valuation of damage caused by seepage water in the upper reaches of the Rohri Canal, etc.; and
- (4) the carrying out of survey work in connection with an investigation into the drainage requirements for the whole Left Bank area including the Eastern Nara area. The survey work is being executed on similar lines to that being carried out in the Right Bank Drainage Division.

It is essential that the investigations in connection with the drainage schemes required for Khairpur State and the development of a comprehensive drainage scheme for the Left Bank area should be accelerated so far as possible with a view to the early solution of the urgent problems involved. In the circumstances it is proposed that the Left Bank Drainage Division, comprising two Sub-divisions, should be continued for a further period of one year, i.e. from the 1st March 1935 to the 29th February 1936. A total

[Appendix 89—contd.]

voted provision of Rs. 56,781 required to cover the cost of the following establishment has already been made in the current year's budget.

				Total provision for the year.
	Rs.	a.	p.	Rs.
(a) Pay of officers—				
1 Assistant Engineer at Rs. 230 + Sind allowance at Rs. 50 per mensem ...	3,360	0	0	
1 Assistant Engineer at Rs. 200 per mensem ...	2,400	0	0	
1 Temporary Assistant Engineer at Rs. 380 per mensem ...	4,560	0	0	
Provision for increment ...	170	0	0	
Deduct emergency cut ...	43	0	0	
	<hr/>			10,447
(b) Pay of Establishment—				
1 Accountant at Rs. 170 per mensem.	2,040	0	0	
1 Head Clerk at Rs. 130 per mensem.	1,560	0	0	
7 Clerks—1 (Rs. 105), 1 (Rs. 80), 2 (Rs. 75), 1 (Rs. 63), 1 (Rs. 50) and 1 (Rs. 26-4-0) ...	5,691	0	0	
7 Overseers—1 (Rs. 100), 1 (Rs. 91-14-0), 1 (Rs. 90), 2 (Rs. 70), 1 (Rs. 61-4-0) and 1 (Rs. 58) ...	6,493	8	0	
				or say 6,494
2 Draftsmen—1 (Rs. 90) and 1 (Rs. 59).	1,788	0	0	
2 Tracers at Rs. 35 per mensem each...	840	0	0	
4 Sub-divisional clerks—1 (Rs. 45), 1 (Rs. 40), 1 (Rs. 35) and 1 (Rs. 30).	1,800	0	0	
23 Menials—1 Naik (Rs. 20), 1 Tyn-dal (Rs. 20), 8 Peons (Rs. 18), 1 Chowkidar (Rs. 18), 2 Post runners (Rs. 18) and 10 Khalasis (Rs. 16) ...	4,776	0	0	
1 Chowkidar at Rs. 20 per mensem for 8 months ...	160	0	0	
1 Camel Sowar at Rs. 20 per mensem for 8 months ...	160	0	0	
2 Touring Khalasis at Rs. 16 per mensem each for 8 months ...	256	0	0	
Provision for increments ...	312	0	0	
Deduct emergency cut ...	57	0	0	
	<hr/>			25,820
(c) Allowances—				
Travelling Allowance ...	...	...	...	10,600
(d) Contingencies				
	...	...	...	9,914
	<hr/>			
Grand Total ...				56,781

[Appendix 39—concl'd.]

This establishment is in charge of an Executive Engineer for whom a Non-voted provision of Rs. 14,492 has been included in the current year's budget. As, however, the expenditure is of the nature of a new service, the sanction of the Legislative Council is now requested to a demand for a token grant of Rs. 10.

Demand voted and now increased.

55, Construction of Irrigation, Navigation, Embankment and Drainage Works not charged to Revenue (Reserved)—
Lloyd Barrage and Canals Construction.

Rs. 41,43,000 + Rs. 10.

APPENDIX 40.

BILL No. XXVI OF 1935.

A Bill to amend the Bombay Prevention of Adulteration Act, 1925.

(As published in the "Bombay Government Gazette" of the
13th July 1935.)

WHEREAS it is expedient to amend the Bombay Prevention of Adulteration Act, 1925, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Prevention of Adulteration (Amendment) Act, 1935.

2. *Amendment of section 1 of Bom. V of 1925.*—In sub-section (3) of section 1 of the Bombay Prevention of Adulteration Act, 1925, hereinafter called the said Act for the words "at the request of" the words "after consultation with" shall be substituted.

3. *Amendment of section 2 of Bom. V of 1925.*—In section 2 of the said Act—

(1) In clause (c)—

(i) after the word "Commissioner" the words "and in the case of the City of Karachi, the Chief Officer," shall be inserted;

(ii) after the word "Corporation" the word "concerned" shall be inserted;

(iii) for the word "municipality" where it occurs for the first time, the words "municipal area" shall be substituted;

(iv) the word "and" shall be deleted; and

(v) the following shall be added at the end, namely:—

"and in the case of an area declared to be a village under the Bombay Village Panchayats Act, 1933, the panchayat."

[Appendix 40—*contd.*]

(2) After clause (c) the following shall be added, namely:—

“(d) ‘Prescribed’ means prescribed by rules made by the Government of Bombay under section 19.

(e) ‘Rule’ means a rule made by the Government of Bombay under section 19.”

4. *Amendment of section 3 of Bom. V of 1925.*—In section 3 of the said Act—

(i) after the word “ingredient” the words “in contravention of the rules or ” shall be inserted;

(ii) after the word “offers” the word “keeps” shall be inserted;

(iii) for the words beginning with the word “punished” and ending with the words “thousand rupees” the words “punishable for the first offence with fine which may extend to five hundred rupees and for every subsequent offence with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both” shall be substituted;

(iv) in the proviso, after the word “sale” the words “offer, keeping or exposing for sale” shall be inserted; and

(v) after the proviso, the following shall be added, namely:—

“Provided further that nothing in the preceding proviso shall exempt any person from liability under this section in respect of the sale, offer, keeping or exposing for sale of any article of food, if such article was imported from any place in which the provisions of this Act were not in operation in respect of the said article at the date of its importation.”

5. *Amendment of section 4 of Bom. V of 1925.*—In section 4 of the said Act—

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

“(1) Any person who—

(a) sells or causes to be sold or manufactures, offers, keeps or exposes for sale, any article of food which is not of the nature, substance or quality which it purports to be, or

(b) commits a breach of any of the prescribed conditions subject to which any article of food is to be sold or manufactured, offered, kept or exposed for sale,

shall be punishable for every first offence with fine which may extend to two hundred rupees and for every subsequent offence with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.”

(2) In sub-section (2) for clause (b) the following shall be substituted, namely:—

“(b) where any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food, before the sale thereof, the seller has brought to the notice of the

[Appendix 40—*contd.*]

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

Explanation.—Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be.”

(3) After sub-section (3) the following sub-section shall be inserted, namely :—

“(4) No evidence of a warranty under proviso (a) to sub-section (3) shall be admissible on behalf of the seller—

(a) unless the seller has within three days of the service of the summons under section 13 sent to the complainant a copy of the warranty with a written notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person; and

(b) except in a case where the Court itself is otherwise satisfied of the genuineness of the warranty, unless such warranty is proved by the personal attendance in the Court of the person by whom or on whose behalf it was given.

Explanation.—In calculating the period of three days under clause (a) public holidays within the meaning of section 25 of the Negotiable Instruments Act, 1881, shall be excluded.”

6. *Amendment of section 5 of Bom. V of 1925.*—In section 5 of the said Act for the words beginning with the word “punished” and ending with the words “thousand rupees” the words “punishable for every first offence with fine which may extend to five hundred rupees and for every subsequent offence with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both” shall be substituted.

7. *Amendment of section 9 of Bom. V of 1925.*—In section 9 of the said Act, after the word “food” where it occurs for the first time the words “manufactured, offered, kept or exposed for sale,” and where it occurs for the second time the words “is offered, kept or exposed for sale or” shall be inserted.

8. *Amendment of section 11 of Bom. V of 1925.*—In section 11 of the said Act for the words “punished with a fine which may extend to two hundred rupees” the words “punishable for every first offence with fine which may extend to two hundred rupees and for every subsequent offence with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both” shall be substituted.

[Appendix 40—*contd.*]

9. *Amendment of section 16 of Bom. V of 1925.*—In section 16 of the said Act for the words “ shall thereupon summon the analyst as aforesaid ” the following words shall be substituted, namely :—

“ may, and shall in every case in which the accused deposits in the Court such sum of money in accordance with the scale prescribed as would be sufficient to meet the expenses of the attendance of the analyst before the Court, summon the analyst. If such person is acquitted, any sum of money so deposited shall be refunded to him.”

10. *Amendment of section 17 of Bom. V of 1925.*—In section 17 of the said Act for the words “ all reasonable times ” the words “ any time when business of manufacture or sale is being carried on or at any other reasonable time, ” shall be substituted.

11. *Insertion of new sections 17A, 17B, 17C, 17D and 17E in Bom. V of 1925.*—After section 17 of the said Act the following new sections shall be inserted, namely :—

“ 17A. *Licence for places used for the manufacture etc. of certain articles.*—No place shall be used for the manufacture or preparation for the purpose of trade or carrying on the wholesale business of sale or purchase or supply, of butter, ghee, margarine, or any other fatty or oily substance intended for use as food or as an ingredient of food, without a licence granted by the local authority concerned subject to such conditions as may be prescribed.

Explanation.—For the purposes of this section the preparation of butter or ghee shall include the process of blending, reworking and subjecting to any other treatment such ghee or butter but not so as to make it cease to be butter or ghee, as the case may be.

17B. *No licence to be granted for certain premises.*—No licence shall be granted in respect of any place which is used for the purpose of blending reworking or otherwise treating butter or ghee unless such place forms part of or communicates otherwise than by a public street with any other place which is used for any other purpose referred to in section 17A.

17C. *Penalty for use of place in contravention of section 17A.*—If the owner or occupier of any place uses such place for any of the purposes mentioned in section 17A in contravention of the said section or any of the conditions prescribed, such owner or occupier shall, on conviction, be punishable for every first offence with fine which may extend to one hundred rupees and for every subsequent offence with simple imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both. On a conviction for such offence the licence granted in respect of the said place shall be liable to be cancelled.

17D. *Registration of consignment.*—(1) Every occupier of a place used for the manufacture of butter, ghee, margarine or any other fatty or oily substance intended for use as food or as an ingredient of food, and every wholesale dealer in any such substance, shall keep and

[Appendix 40—*contd.*]

maintain a statement in the form prescribed showing the quantity and destination of each consignment of butter, ghee, margarine, or any other such substance, as the case may be, sent out from his place or premises of manufacture or business, and the statement shall be open to the inspection of an officer of the local authority duly authorised in the manner prescribed.

(2) Any such occupier who

- (a) fails to keep such statement; or
- (b) refuses to produce the statement for inspection when required to do so by an officer of the local authority duly authorised; or
- (c) fails to keep the statement posted up to date; or
- (d) wilfully makes any entry in the statement which is false in any particular; or
- (e) fraudulently omits to enter any particulars which ought to be entered in the statement,

shall be punishable for every first offence with fine which may extend to one hundred rupees and for every subsequent offence with fine which may extend to five hundred rupees.

17E. *Prohibition of adulterants.*—(1) No substance intended to be used for adulteration with butter or ghee shall be kept in any place used for the manufacture of butter or ghee and if any substance capable of being so used is found in such place, it shall be deemed to be intended to be so used, unless the contrary is proved.

(2) No fat or oil of any animal or fish shall be kept in any place used for the manufacture of any fatty or oily vegetable substance intended for use as food or as an ingredient of food, and if any such fat or oil capable of being so used is found, it shall be deemed to be intended to be so used, unless the contrary is proved.

(3) If the owner or occupier of any place used for the manufacture of butter, ghee or any fatty or oily vegetable substance referred to in sub-section (2) uses such place in contravention of the provisions of sub-section (1) or (2), such owner or occupier shall, on conviction, be punishable for every first offence with fine which may extend to one hundred rupees and for every subsequent offence with fine which may extend to five hundred rupees."

12. *Amendment of section 19 of Bom. V of 1925.*—In section 19 of the said Act—

(i) for the words "in consultation" where they occur in both the places the words "after consultation" shall be substituted;

(ii) in clause (c) the words "and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act, and" shall be omitted; and

(iii) after clause (c) the following shall be inserted, namely:—

"(d) prohibiting the use of any particular matter or ingredients in the manufacture or preparation of any article of food;

[Appendix 40—*contd.*]

(e) specifying the conditions subject to which any article of food shall be sold or manufactured, offered, kept or exposed for sale ;

(f) prescribing the manner in which, the conditions subject to which and the fees on payment of which, licences shall be granted under section 17A ;

(g) prescribing the form of a statement to be kept and maintained under section 17D and the manner in which an officer of a local authority shall be authorised to inspect such statements ;

(h) prohibiting the use or addition as a preservative of any article, material or substance in the manufacture or preparation for sale of any article of food ;

(i) prohibiting the storage of articles of food other than those approved under the rules ;

(j) prescribing the method in which labels shall be affixed, languages in which the labels shall be printed and the symbols which shall be used for different articles of food ;

(k) authorising a person taking a sample of milk or other article of food for purpose of analysis to add a preservative to such sample for maintaining it in a suitable condition for analysis and regulating the nature and method of addition of such preservative ; and ” and

(iv) the existing clause (d) shall be relettered as clause (l).

13. Insertion of a new section 19A in Bom. V of 1925.—After section 19 of the said Act the following new section shall be inserted, namely :—

“ 19A. *Penalty for breach of rules.*—Save as otherwise expressly provided for in this Act any rule made under section 19 may provide that a contravention thereof shall be punishable with—

(a) in the case of every first contravention with fine which may extend to one hundred rupees ;

(b) in the case of every subsequent contravention with simple imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.”

STATEMENT OF OBJECTS AND REASONS.

A conference was convened in January 1934 by Government to discuss the general question of prevention of the adulteration of food, with particular reference to the amendment of the Bombay Prevention of Adulteration Act, 1925, and to the determination of standards of purity for ghee and butter. The conference was attended by representatives of the Chemical Analyser's Department, the Public Health Department, the Haffkine Institute, the Bombay Legislative Council, the Bombay Municipal Health Department, the Chambers of Commerce and the trade generally. The recommendations of the conference have been carefully examined by Government and such of them as have been accepted are

[Appendix 40—*contd.*]

given effect to in this Bill. The following notes on clauses explain the important changes made in the Bombay Prevention of Adulteration Act, 1925.

NOTES ON CLAUSES.

Clause 2.—This clause gives power to Government to bring the Act into operation in any area irrespective of the fact whether the local authority concerned had made a request in that behalf.

Clause 3.—Sub-clause 1 (v) includes a village panchayat in the definition of a local authority. It is also provided that in the case of the City of Karachi, the Chief Officer shall be the local authority.

Clause 4.—The punishment of imprisonment is added for subsequent offences make it more deterrent.

The exemption granted under the proviso to section 3 on production of proof of absence of knowledge of adulteration is limited to articles of food secured from places in which the Act is in operation in respect of such articles of food.

Clause 5.—Provision is made in section 4 of the original Act prohibiting the sale or manufacture of any article of food in contravention of any rules made under the Act. It is also provided that no evidence of warranty shall be admissible as a defence on behalf of any seller unless the seller supplies the complainant with a copy of the warranty together with the name and address of the person who gave the warranty and intimated to him the fact and can produce before the court the person who gave the warranty, except in a case where the court is otherwise satisfied of the genuineness of the warranty.

Clause 6.—The punishment of imprisonment is added to section 5 to make the penalty more deterrent for the offence of giving a false warranty.

Clause 7.—The amendments of section 9 provide that an Inspector may obtain articles or samples of food, manufactured, offered or exposed for sale and may send it for analysis not only when he suspects that it was sold contrary to the provisions of the Act, but also when such article was so intended to be sold.

Clause 8.—An enhanced penalty is provided for the second and subsequent offences of refusing to sell food to an Inspector.

Clause 9.—This gives power to the court to require the accused to deposit the expenses of the attendance of the analyst before the court. This is intended to avoid unnecessary harrassment of the public analyst such as that which occurred in a recent case, where the public analyst was cross-examined for three days on trivial and irrelevant matters.

[Appendix 40—concl'd.]

Clause 10.—It has been found that adulteration is often carried on on a large scale at night. Section 17 is, therefore, amended to make it clear that an Inspector may enter any premises at any time when business of manufacture or sale is being carried on or at any other reasonable time.

Clause 11.—New provisions are adopted from the English Act: the Food and Drugs (Adulteration) Act, 1928 (18 and 19 Geo. 5, c. 31), sections 8, 9 and 10—

(1) to enable "local authorities" to exercise efficient control over places used for the manufacture or wholesale sale of margarine and any other fatty or oily substance or for the manufacture of butter or ghee by requiring them to have licences,

(2) to keep a statement of consignment of such articles sent out from such place, so that consignments of adulterated articles could be traced to their destinations and the local authorities of such places warned before hand,

(3) to prohibit the keeping of adulterants such as substances not exclusively derived from milk in places used for the manufacture of ghee or butter, and the fat of any animal or fish in any place used for the manufacture of vanaspati; so as to remove facilities for adulteration in such places.

Clause 12.—This clause makes the necessary amendments in section 19—the rule-making section, authorising Government to make rules for matters which are to be prescribed under the Act.

Clause 13.—This enables Government to prescribe a penalty for the breach of any rule made under section 19.

4th July 1935.

S. N. BHUTTO.

APPENDIX 41.

BILL No. XXI OF 1935.

A Bill to amend the Bombay Co-operative Societies Act, 1925.

(As published in the "Bombay Government Gazette"
of the 4th July 1935.)

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A of the Government of India Act and the previous

[Appendix 41—*contd.*]

sanction 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 :—

1. *Short title.*—This Act may be called the Bombay Co-operative Societies (Amendment) Act, 1935.

2. *Amendment of section 33A of Bom. VII of 1925.*—In section 33A of the Bombay Co-operative Societies Act, 1925, hereinafter called the said Act, for the words “interest on debentures issued by them”, the words “the principal of debentures issued by them or of interest thereon or of both” shall be substituted.

3. *Repeal of sub-section (2) of section 59 of Bom. VII of 1925.*—Sub-section (2) of section 59 of the said Act is hereby repealed.

4. *Insertion of new section 59A in Bom. VII of 1925.*—After section 59 of the said Act, the following new section shall be inserted :—

“59A. *Transfer of property which cannot be sold.*—(1) When in execution of an order sought to be executed under section 59, any property cannot be sold for want of buyers, if such property is in the occupancy of the defaulter or of some person on his behalf or of some person claiming under a title created by the defaulter subsequently to the issue of the certificate of the Registrar, Liquidator or Assistant Registrar under clause (a) or (b) of sub-section (1), the Court or the Collector, as the case may be, may, with the previous consent of the Registrar, direct that the said property or any portion thereof shall be transferred to the Society which has applied for the execution of the said order and that the said property or the portion shall be delivered to the Society in the prescribed manner.

(2) Subject to such rules as may be made in this behalf and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any other person, such property or portion thereof shall be held by the said Society on such terms and conditions as may be agreed upon between the Court or the Collector, as the case may be, and the said Society :

Provided that any private transfer or delivery of or encumbrance or charge on the property made or created after the issue of the certificate of the Registrar, Liquidator or Assistant Registrar, as the case may be, under section 59 shall be null and void as against the said Society.”

5. *Amendment of section 71 of Bom. VII of 1925.*—In sub-section (2) of section 71 of the said Act—

(1) in clause (ee) after the word “of” the words “the principal of and” shall be inserted; and

(2) after clause (ee), the following clause shall be added, namely :—

“(ff) prescribing the manner in which any property shall be delivered to and the terms and conditions subject to which such property shall be held by, a Society under section 59A.”

[Appendix 41—concl.]

6. *Insertion of new section 72B in Bom. VII of 1925.*—After section 72A of the said Act, the following new section shall be inserted, namely :—

“72B. *Validity of transfer made under section 59 (2) of Bom. VII of 1925.*—Where any property is handed over to any society in pursuance of the provisions of sub-section (2) of section 59 prior to its repeal, such transfer to the society shall not be deemed to be or to have been invalid and the validity of any term or condition of such transfer agreed between the Collector and the society under the said sub-section or of any rights or liabilities lawfully arising out of such transfer, term or condition shall not be deemed to be or to have been affected by the repeal of the said sub-section or by reason only of the fact that such property was not attached in execution of an order referred to in sub-section (1) of the said section.”

STATEMENT OF OBJECTS AND REASONS.

By a resolution, dated 29th March 1935, the Legislative Council has approved the proposal of Government to establish Land Mortgage Banks in the Presidency and to guarantee the payment of principal as well as interest of debentures issued by those banks. Section 33A read with section 71 (2) (e) of the Bombay Co-operative Societies Act, 1925, empowers Government to guarantee the payment of interest only on such debentures. It is proposed in this Bill to amend these provisions for the purpose of empowering Government to guarantee the payment of the principal of such debentures as well.

2. Section 59 (2) of the Act provides that if property “attached” in execution of an order under sub-section (1) cannot be sold for want of buyers, it can be handed over to the Co-operative Society on such terms and conditions as may be agreed upon. Clause (b) of sub-section (1) of section 59 provides that an order referred to in that sub-section may be executed in the manner prescribed for the recovery of the arrears of land revenue. The immoveable property which is liable to be sold under section 155, Bombay Land Revenue Code, for the recovery of sums which are recoverable as arrears of land revenue is not liable to previous “attachment”. Section 59 (2) cannot therefore be used for the purpose of recovering the amount due from the immoveable property belonging to the defaulter. The present bill provides that the Court or the Collector may direct any property which cannot be sold for want of buyers to be transferred to the Society at the instance of which execution is started. It is also provided that the Society will hold such property subject to any lawful rights, charges, encumbrances or equities. Provision is made for validating the transfers already made.

3rd July 1935.

S. T. KAMBLI.

APPENDIX 42.

BILL No. XXVII OF 1935.

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

(As published in the "Bombay Government Gazette" of the
13th July 1935.)

WHEREAS it is expedient to amend the Bombay Borstal Schools Act, 1929, for the purpose hereinafter appearing; And whereas the previous sanction of the Governor-General required under 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 Borstal Schools (Amendment) Act, 1935.

2. *Amendment of section 6 of Bom. XVIII of 1929.*—In section 6 of the Bombay Borstal Schools Act, 1929, for the word "two" the word "three" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under section 6 of the Bombay Borstal Schools Act, 1929, the minimum period for which an offender can be ordered to be detained in a Borstal School is two years. It frequently happens that Courts do not order detention for more than two years. To provide for adequate training of lads detained in Borstal Schools, it has been found that the period of detention should be sufficiently long and three years is considered to be the minimum adequate period for the purpose. The Bill is intended to carry out this object.

11th July 1935.

C. W. A. TURNER.

APPENDIX 43.

BILL No. XXVIII OF 1935.

A Bill to amend the Identification of Prisoners Act, 1920, in its application to the Presidency of Bombay.

(As published in the "Bombay Government Gazette" of the
17th July 1935.)

WHEREAS it is expedient to amend the Identification of Prisoners Act, 1920, in its application to the Presidency of Bombay, for the purpose hereinafter appearing; And whereas the previous sanction of the

[Appendix 43—*contd.*]

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 and extent.*—(1) This Act may be called the Identification of Prisoners (Bombay Second Amendment) Act, 1935.

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

2. *Amendment of section 3 of Act XXXIII of 1920.*—In clause (a) of section 3 of the Identification of Prisoners Act, 1920, hereinafter called the said Act, after the word “punishable” the words and figures “under section 121 of the City of Bombay Police Act, 1902, or of any other offence punishable” shall be inserted.

3. *Amendment of section 4 of Act XXXIII of 1920.*—In clause (d) of section 4 of the said Act after the figure “112” the word and figure “or 121” shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

Under section 27 (2) of the City of Bombay Police Act, 1902, a person twice convicted of an offence under section 121 of that Act, i.e., begging or permitting children to beg, can be directed to remove himself from Bombay.

Difficulty has been found in proving that such beggars, or persons exposing children for begging, have been formerly convicted. They are often individuals from upcountry whose identification is difficult and without such proof of identity and previous conviction it is not possible to exterr strangers who come to Bombay merely to beg.

Strict action against persons exposing children for begging is necessary for the protection of children. It is therefore proposed to amend the Identification of Prisoners Act, 1920, to provide that measurements and photographs may be taken of any person arrested or convicted under section 121 of the City of Bombay Police Act, 1902.

10th July 1935.

C. W. A. TURNER.

APPENDIX 44.

BILL No. XXIX OF 1935.

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

(As published in the “Bombay Government Gazette” of the
17th July 1935.)

WHEREAS it is expedient to amend the Bombay District Police Act 1890, for the purposes hereinafter appearing ; And whereas the previous

[Appendix 44—*contd.*]

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

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1935.

2. *Amendment of section 46 of Bom. IV of 1890.*—In section 46 of the Bombay District Police Act, 1890, after sub-section (5), the following sub-section shall be added, namely:—

“(6) *Application of sub-sections (2) to (5) to the City of Karachi, the Cantonments of Karachi and Drigh Road and Islands in Karachi harbour.*—Sub-sections (2) to (5) shall apply to the area consisting of the City of Karachi, the Cantonments of Karachi and Drigh Road, and the islands in the harbour of Karachi hereinafter called “the said area”, subject to the following modifications:—

(i) references to the Bombay Suburban District shall be construed as references to the said area, and references to the Magistrate of the Bombay Suburban District shall be construed as references to the District Magistrate of Karachi;

(ii) references to the City of Bombay shall be deleted;

(iii) in sub-section (2), the words beginning with the words “A copy” and ending with the words “for the City of Bombay” shall be deleted;

(iv) in sub-section (4), the words, figures, and brackets beginning with the words “or if” and ending with the figures “1902” shall be deleted;

(v) in sub-section (5), the words and figures “or section 27 of the City of Bombay Police Act, 1902” and the words, figures and brackets beginning with the words “The provisions” and ending with the words “the City of Bombay” shall be deleted.

“*Explanation.*—For the purposes of sub-section (6)—

(a) the City of Karachi shall mean the area within the boundaries of the said city as defined in the City of Karachi Municipal Act, 1933;

(b) the Cantonments of Karachi and Drigh Road shall mean respectively the areas within the limits of the said Cantonments as defined under the Cantonments Act, 1924;

(c) the islands in the harbour of Karachi shall mean the following islands:—

(1) Manora, (2) Bhit, (3) Baba, (4) Bunker and (5) Shamspir.”

STATEMENT OF OBJECTS AND REASONS.

By Bombay Act XXI of 1933, the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, were amended, and the District

[Appendix 44—concl'd.]

Magistrate, Bombay Suburban District, and the Commissioner of Police, Bombay, have been empowered to extern any person who, not having been born in the said District or City of Bombay, has been convicted more than twice of offences punishable under Chapters XII, XVI and XVII of the Indian Penal Code. It is considered desirable that similar powers should be given to the District Magistrate of Karachi, to extern persons who are not born in the City of Karachi, the Cantonments of Karachi and Drigh Road, or the islands in the Karachi harbour. This Bill is intended to carry out the above object.

10th July 1935.

C. W. A. TURNER.

APPENDIX 45.

AGENDA.

Supplementary Agenda for the Second Session, 1935, of the Bombay Legislative Council which commenced on Monday, the 8th July 1935.

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

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Mir Bandehali Khan Mir Muhammad Hassan Khan Talpur, M.L.C.

1. (As Resolution No. 1 of Mr. M. H. Gazder on the Main Agenda.)
Resolution by Mr. S. S. Tolani, M.L.C.

1. "This Council recommends to Government to appoint forthwith a committee consisting of both officials and non-officials, with a majority of the latter, to investigate whether the Barrage canals and the duties of water prescribed for various crops within the Barrage Zone have worked satisfactorily and to advise Government in all matters connected with the distribution of water and the growing of most profitable crops on lands commanded by the Barrage area."

Resolution by Mr. Ghulam Hyder Shah, M.L.C.

1. (As No. 1 of Mr. M. H. Gazder on the Main Agenda.)
Resolution by Rao Saheb P. D. Kulkarni, M.L.C.

1. "This Council recommends to Government that they should take immediate steps to meet the demands of the district local boards and municipalities of the Presidency for making primary education free and compulsory by giving their share of expenditure in that connection, as required by the Bombay Primary Education Act, 1923, and also by giving other necessary help which may be required by the local authorities."

[Appendix 45—*contd.*]

2. "This Council recommends to Government to communicate to the Government of India its heartfelt sympathy for the sufferings caused to the people at Quetta by the recent earthquake."

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

1. "This Council recommends to Government to undertake a constructive programme for the clearance of the slums in the Industrial Centres of this Presidency and for the construction, wherever necessary, of new working class houses suited to the requirements of the working classes."

Council Hall,

Poona, 16th July 1935.

H. K. CHAINANI,

Secretary to the Legislative Council
of the Governor of Bombay.

INDEX

A.	PAGES.
Abdul Latif Haji Hajrat Khan, Khan Bahadur—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	498-99
Resolution regarding—	
Distribution of subsidy for village improvement work	212-14
Acts, Governor General's assent to	19
Achrekar, Mr. A. B.—	
Bills—	
District Police and City of Bombay Police Acts Amendment Bill	847, 848, 852
Indian Motor Vehicles Act Amendment Bill	491, 492, 494, 495, 496, 497
Public Trusts Registration Bill	154-57
Resolution regarding—	
Distribution of subsidy for village improvement work	238-39
Address to His Excellency the Governor regarding Appointment of Council Secretaries	691-706
Agenda	1-16
Allahbaksh, Khan Bahadur—	
Supplementary Grants—	
Fuleli Canal System : rice duty experiment	993
Lloyd Barrage, talukas affected by, clerks (additional), employment of	1019
Sind : Left Bank Drainage Division, continuance of	1020-21, 1023
Weights and Measures Act, 1932, expenditure on introduction of	1011-12, 1014, 1015
Angadi, Rao Bahadur S. N.— ✓	
Bills—	
District Police and City of Bombay Police Acts Amendment Bill	915-17
Indian Motor Vehicles Act Amendment Bill	488, 519-22
Local Boards Act Amendment Bill	873
Public Trusts Registration Bill	130
Resolution regarding—	
Distribution of subsidy for village improvement work	220-24
Gambling in American Futures, remedial measures for checking of	783-85
Supplementary Grants—	
Hukeri linked court	981
Appendices	1104-1223
Asavale, Rao Bahadur R. S.—	
Bills—	
Children Act Amendment Bill	52
City of Bombay Municipal Act Amendment Bill (Franchise)	414
Local Boards Act Amendment Bill	872-73
Municipal Boroughs Act Amendment Bill	888
Public Trusts Registration Bill	129-30
Shops Bill	353
Resolution regarding—	
Gambling in American futures, remedial measures for checking of	774-75
Supplementary Grants—	
Assistant Inspectors of Factories, appointment of	978-79
Sholapur district, courts in, additional staff for	967
Weights and Measures Act, 1932, expenditure on introduction of	1011

B	PAGES
Bakhale, Mr. R. R.—	
Bills—	
Children Act Amendment Bill	51
City of Bombay Municipal Act Amendment Bill (Franchise)	418-21
Indian Motor Vehicles Act Amendment Bill	475, 522-26
Local Boards Act Amendment Bill	46-47
Prevention of Adulteration Act Amendment Bill	1069
Public Trusts Registration Bill	125-28
Shops Bill	342-46, 358-60, 361
Petition, presentation of —, protesting against Bill to amend Hindu Law of Adoption	339
Questions	21-23, 88-91, 309-11, 388-90, 573
Resolution regarding—	
Distribution of subsidy for village improvement work	232-33
Bhadrapur, Rao Bahadur K. R. B.—	
Oath of Office	19
Bhutto, the Honourable Sir Shah Nawaz—	
Bills—	
City of Bombay Municipal Act Amendment Bill	48
City of Bombay Municipal Act Amendment Bill (Mr. A. G. Greville Bullocke)	369-70, 373
City of Bombay Municipal Act Amendment Bill (sub-division of wards)	427-28
City of Bombay Municipal Act Amendment Bill (Franchise)	423-25
City Municipalities Act Amendment Bill	340, 341
Indian Motor Vehicles Act Amendment Bill	511-12
Local Boards Act Amendment Bill 46, 47-48, 855, 856, 857, 858, 866, 867, 868-70, 873-74, 875, 878, 879	375-76
Local Boards Act Amendment Bill (Mr. G. S. Gangoli)	879, 881, 882, 883, 884, 886, 888, 890
Municipal Boroughs Act Amendment Bill	890
Prevention of Adulteration Act Amendment Bill 1041-45, 1060, 1063, 1068, 1070, 1081, 1083, 1085, 1091, 1094-95	1041-45, 1060, 1063, 1068, 1070, 1081, 1083, 1085, 1091, 1094-95
Resolution regarding—	
Distribution of subsidy for village improvement work	194-99, 213, 246-51
Supplementary Grants—	
Hubli-Sholapur Road (miles 39-46), improvements to	969, 970, 971
Poona-Sholapur Road : Bahiroba nalla, Hadapsar, reconstruction of	999
Nadiad Judicial Buildings, electric installation in	971-74
Weights and Measures Act, 1932, expenditure on introduction of	1000-01, 1003, 1012, 1013-16
Bills—	
Borstal Schools Act Amendment Bill (XXVII of 1935)—	
First reading	1095-96
Second reading	1096
Clause by clause reading	1096
Third reading	1097
Children Act Amendment Bill (XIX of 1935)—	
First reading	49
Second reading	64
Clause by clause reading	64
Third reading	65
City of Bombay Municipal Act Amendment Bill (XVIII of 1935)—	
First reading	48
Second reading	48
Clause by clause reading	48
Third reading	48
City of Bombay Municipal Act Amendment Bill (XV of 1935)—	
(Franchise)—Rao Bahadur S. K. Bole—	
First reading (rejected)	407-26
City of Bombay Municipal Act Amendment Bill (XVI of 1935)—(Sub-division of wards)—Rao Bahadur S. K. Bole—	
First reading (withdrawn)	426-28

INDEX

iii

B—contd.

	PAGES
Bills—contd.	
City of Bombay Municipal Act Amendment Bill (XXV of 1934)—Mr. A. G. Greville Bullocke—	
First reading	362-69
Second reading	369
Clause by clause reading	369-74
Third reading	374
City Municipalities Act Amendment Bill (XXXI of 1933)—Rao Saheb P. D. Kulkarni—	
First reading (rejected)	340-41
Co-operative Societies Act Amendment Bill (XXI of 1935)—	
First reading	1072
Second reading	1076
Clause by clause reading	1077
Third reading	1077
District Police and City of Bombay Police Acts Amendment Bill (XXV of 1935)—	
First reading	688, 830-55, 894-918
Second reading	918-20
Clause by clause reading	920-30
Third reading	930
District Polices Act Amendment Bill (XXIX of 1935)—	
First reading	1097-1102
Second reading	1102-03
Clause by clause reading	1103
Third reading	1103
Identification of Prisoners Act Amendment Bill (XXVIII of 1935)—	
First reading	1097
Second reading	1097
Clause by clause reading	1097
Third reading	1097
Indian Motor Vehicles Act Amendment Bill (XXV of 1935)—	
Introduction	458-78
First reading	476-514, 517-40
Second reading	540-49
Clause by clause reading	549-70, 599-613
Third reading	613
Local Boards Act Amendment Bill (XVII of 1934) (not proceeded with).	46-48
Local Boards Act Amendment Bill (XXIII of 1935)—	
First reading	855-70
Second reading	870
Clause by clause reading	870-78
Third reading	879
Local Boards Act Amendment Bill (XII of 1935) (Mr. G. S. Gangoli)—	
First reading	374-75
Second reading	375
Clause by clause reading	375-76
Third reading	376
Municipal Boroughs Act Amendment Bill (XXII of 1935)—	
First reading	879
Second reading	879
Clause by clause reading	880-90
Third reading	890-91
Musalman Wakf Act Amendment Bill (V of 1935)—	
Second reading	65-68, 251-62
Clause by clause reading	262-306, 616-46, 649-82
Third reading	683-86
Prevention of Adulteration Act Amendment Bill (XXVI of 1935)—	
First reading	1041-68
Second reading	1068-72, 1077
Clause by clause reading	1079-91
Third reading	1091-95

Bills—concld.

Primary Education Act Amendment Bill (XIV of 1935)—Mr. G. S. Gangoli—	
First reading	376-84
Second reading	384-85, 399-404
Clause by clause reading	404
Third reading	406
Primary Education Act Amendment Bill (XVII of 1935)—	
Mr. V. N. Patil—	
First reading (rejected)	431-53
Public Trusts Registration Bill (XX of 1935)—	
First reading	70-85, 119-65
Reference to select committee	193, 455
Shops Bill (XXIII of 1934)—Mr. R. R. Bakhale—	
First reading	342-61
Circulated for eliciting public opinion	361

Bills introduced—

A Bill further to amend the Bombay Bhagdari and Narvadari Tenures Act, 1862 (Khan Bahadur Vali Baksh A. Patel)	453
A Bill further to amend the Bombay Village Police Act, 1867 (Mr. V. N. Patil)	453
A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Police Act, 1902 (Mr. A. N. Surve)	454
A Bill to make provision for the registration, publication and inspection of trusts for public purposes of a charitable nature for the benefit of Parsis, and for the keeping, filing, inspection and publication of audited accounts in respect thereof (Dr. M. D. Gilder)	454

Bills not moved—

Land Revenue Code Amendment Bill (XII of 1934) (Mr. M. M. Karbhari)	342
Pleaders Act Amendment Bill (XI of 1935) (Mr. G. S. Gangoli)	374

Bills postponed—

City of Bombay Municipal Act Amendment Bill (XXX of 1933) (Dr. J. A. Collaco)	340
Hindu Law of Adoption Amendment Bill (VIII of 1934) (Mr. H. R. Desai)	339

Bole, Rao Bahadur S. K.—**Bills—**

City of Bombay Municipal Act Amendment Bill (Franchise)	407-09, 410, 422-23, 425, 426
City of Bombay Municipal Act Amendment Bill (Sub-division of wards)	426-28
Prevention of Adulteration Act Amendment Bill	1063-64
Public Trusts Registration Bill	83, 84, 124-25
Shops Bill	347
Petition to Council regarding resolution <i>re</i> : establishment of birth control clinics	723
Questions	312, 390-91, 750-52, 938, 1026
Resolution regarding Quetta earthquake	708
Supplementary grants—	
Assistant Inspectors of Factories, appointment of,	980

Boyle, Mr. J. D.—**Bills—**

Mussalman Wakf Act Amendment Bill	617, 618
Oath of Office	19

INDEX

v

B—concl'd.

PAGES

Bullocke, Mr. A. G. Greville—		
Bills—		
City of Bombay Municipal Act Amendment Bill	..362-66, 369, 370-72, 374	
Shops Bill	.. .. .	346
Business of the House, Course of,	.. .. .	69, 86, 455, 686-88, 1023-24

C

Chairmen of Council	.. .. .	19
Chitale, Rao Bahadur G. K.—		
Address to His Excellency the Governor re appointment of Council Secretaries		
Secretaries	.. .. .	695-98
Bills—		
Children Act Amendment Bill	.. .. .	62
District Police and City of Bombay Police Acts Amendment Bill	.. .. .	910-11, 922
Indian Motor Vehicles Act Amendment Bill	.. 473-74, 475, 482-84, 551, 556-57	
Mussalman Wakf Act Amendment Bill	.. .. .	662
Prevention of Adulteration Act Amendment Bill	.. .. .	1086
Primary Education Act Amendment Bill (Mr. G. S. Gangoli)	377-78, 384-85,	
	399-402, 404	
Primary Education Act Amendment Bill (Mr. V. N. Patil)	.. .. .	441-42
Public Trusts Registration Bill	.. .. .	131-34
Supplementary Grants—		
Sholapur District, courts in, additional staff for,	.. .. .	967-68
Weights and Measures Act, 1932, expenditure on introduction of,	.. .. .	1010
Clayton, Mr. H. B.—		
Resolution regarding distribution of subsidy for village improvement work		
.. .. .	.. .. .	235-38
Collaco, Dr. J. A.—		
Bills—		
City of Bombay Municipal Act Amendment Bill (Mr. A. G. Greville Bullocke)	.. .. .	368
City of Bombay Municipal Act Amendment Bill (Dr. Collaco)	.. .. .	340
City of Bombay Municipal Act Amendment Bill (Franchise)	.. .. .	409
Indian Motor Vehicles Act Amendment Bill	.. .. . 497-98, 550, 558, 568	
Questions	.. .. .	954
Resolution regarding—		
Gambling in American futures, remedial measures for checking of,	.. .. .	741-42
Quetta earthquake	.. .. .	709
Cooper, the Honourable Khan Bahadur D. B.—		
Address to His Excellency the Governor re appointment of Council Secretaries		
Secretaries	.. .. .	704-06
Bills—		
Indian Motor Vehicles Act Amendment Bill	485, 486, 487, 528-31, 555, 565,	
	566, 567, 568-69, 603, 606, 608	
Prevention of Adulteration Act Amendment Bill	.. .. .	1072
Business of the House, course of,	.. .. .	..86, 686, 687, 1023, 1024
Resolution regarding—		
Agricultural indebtedness, relief of,	.. .. .	812
Government's answers to Council questions	.. .. .	724-25
Re-grant of certain lands to zamindars in Sind	.. .. .	710
Supplementary Grants—		
Lloyd Barrage, talukas affected by— clerks (additional), employment of,	.. .. .	1018, 1019
Nadiad Judicial buildings, electric installation in,	.. .. .	973
Prant officers, replacement by Personal Assistants to Collectors, discontinuance of experiment	.. .. .	983, 984
Sholapur District, courts in, additional staff for,	.. .. .	931
Cooverton, Mr. S. H.—		
Death of, references to,		
	.. .. .	167

	PAGES
D	
Daulatrao Jayaramrao Zunzarrao, Mr.—	
Questions	39-40, 767
Desai, Mr. H. R.—	
Bills—	
Hindu Law of Adoption Amendment Bill	339
Dhurandhar, Mr. J. R.—	
District Police and City of Bombay Police Acts Amendment Bill ..	923, 929-30
Oath of Office	167
Divisions on—	
Bills—	
City of Bombay Municipal Act Amendment Bill (Franchise) ..	425
Indian Motor Vehicles Act Amendment Bill—	
First reading	539-40
Amendments to Schedule	563-65, 608-09
Mussalman Wakf Act Amendment Bill	678-79
Primary Education Act Amendment Bill (Mr. G. S. Gangoli) (First reading)	383-84
Resolution regarding—	
Government's answers to Council questions	727
Dixit, Dr. M. K.—	
Bills—	
District Police and City of Bombay Police Acts Amendment Bill ..	841, 911
Indian Motor Vehicles Act Amendment Bill	479-81, 567-68
Questions	592
Supplementary Grants—	
Weights and Measures Act, 1932, expenditure on introduction of ..	1006-07
D'Souza, Dr. J. Alban—	
Bills—	
Prevention of Adulteration Act Amendment Bill 1045-50, 1064, 1070, 1071, 1072, 1077	1077
E	
Ekadashi, Holiday for,	165
F	
Freke, Mr. C. G.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	517-18, 542, 555
Oath of Office	453
Resolution <i>re</i> Gambling in American futures, remedial measures for checking of	772-74
Supplementary Grants—	
Nadiad Judicial buildings, electric installation in,	973
G	
Gangoli, Mr. G. S.—	
Address to His Excellency the Governor <i>re</i> appointment of Council Secretaries	694-95
Bills—	
District Police and City of Bombay Police Acts Amendment Bill 836-38, 841-42, 844, 845, 846, 847, 848, 849, 850, 851, 854, 900-02, 918-20, 921, 922, 923, 924	492, 499-503, 526, 600, 601, 610-12
Indian Motor Vehicles Act Amendment Bill	374-76
Local Boards Act Amendment Bill (Mr. G. S. Gangoli)	374
Pleaders Act Amendment Bill (not moved)	374

G—contd.

	PAGES
Gangoli, Mr G. S.—contd.	
Bills—contd.	
Primary Education Act Amendment Bill (Mr. G. S. Gangoli)	376-77, 379-80, 384, 401, 402-03, 406, 429, 430
Primary Education Act Amendment Bill (Mr. V. N. Patil)	.. 432-34, 453
Public Trusts Registration Bill	84
Questions	23, 91, 168-71, 313, 391-94, 938
Resolution regarding—	
Gambling in American futures, remedial measures for checking of, ..	736-38
Garrett, Mr. J. H.—	
Oath of Office	19
Resolution regarding—	
Broach and Panch Mahals Districts, separation of,	800-2
Gazder, Mr. M. H.—	
Address to His Excellency the Governor <i>re</i> appointment of Council Secretaries	694, 695
Bills—	
City of Bombay Municipal Act Amendment Bill (Franchise)	416-17
District Police Act Amendment Bill	1098-99, 1102, 1103
District Police and City of Bombay Police Acts Amendment Bill ..	852, 902-04
Indian Motor Vehicles Act Amendment Bill 459-60, 461, 468-69, 481-82, 488, 520, 536, 549, 550, 551-52, 554, 555, 561-62, 565, 566, 567, 568, 569-70, 603, 613-14	865-66, 873
Local Boards Act Amendment Bill	885, 887-88, 889
Municipal Boroughs Act Amendment Bill	66, 257-58, 259, 282, 288, 299, 640, 662-63, 665, 675, 678, 684-85
Mussalman Wakf Act Amendment Bill	1063, 1064
Prevention of Adulteration Act Amendment Bill	379
Primary Education Act Amendment Bill (Mr. G. S. Gangoli)	159
Public Trusts Registration Bill	348
Shops Bill	19
Oath of Office	428, 1027-31
Questions	
Resolution regarding—	
Agricultural indebtedness, relief of,	823-25
Distribution of subsidy for village improvement work	240-41
Gambling in American futures, remedial measures for checking of, ..	785-86
Re-grant of certain lands to zamindars in Sind	709-10
Supplementary Grants—	
Commissioner's Printing Press, Karachi—	
Assistant Manager's post (temporary), creation of,	998
Hubli, Resident Magistrate's post (temporary), continuance of, ..	986, 987
Hubli-Sholapur Road (miles 39-46), improvements to,	970, 971
Fuleli Canal system, rice duty experiments	988-90, 993
Karachi Official Assignee's office, conversion into Government office	998
Lloyd Barrage, talukas affected by, clerks (additional) employment of,	1018-19
Schwan Protective Bund, raising and strengthening of,	974-75
Sind, Left Bank Drainage Division, continuance of,	1019-20, 1023
Weights and Measures Act, 1932, expenditure on introduction of, 1000, 1001-03, 1006, 1008, 1013, 1014, 1016	
Gennings, Mr. J. F.—	
Bills—	
Shops Bill	351
Oath of Office	309
Chulam Nabi Shah, Khan Bahadur—	
Questions	117
Resolution <i>re</i> Agricultural indebtedness, relief of,	819-20

	PAGES
Gilder, Dr. M. D.—	
Bills—	
Parai Public Trusts Registration Bill	454
Prevention of Adulteration Act Amendment Bill .. 1080, 1081, 1084, 1085, 1086, 1087, 1089, 1094	
Gokhale, Mr. L. R.—	
Bills—	
Children Act Amendment Bill	60-61, 62, 63, 64
City of Bombay Municipal Act Amendment Bill (Franchise) ..	410-12, 421
District Police and City of Bombay Police Acts Amendment Bill 838, 839, 840, 841, 842, 845, 850, 852, 853, 854, 904-10, 915, 927, 928-29, 930	
Indian Motor Vehicles Act Amendment Bill .. 484-87, 488-89, 540-44, 545, 553, 559, 560, 567, 606-07, 608	
Mussalman Wakf Act Amendment Bill ..	277, 278, 652, 658-59, 661
Prevention of Adulteration Act Amendment Bill ..	1055, 1062, 1063, 1091-92
Primary Education Act Amendment Bill (Mr. G. S. Gangoli) ..	405, 406
Public Trusts Registration Bill	138-146
Shops Bill	347
Questions	171, 315, 573, 752, 1031-38
Resolution <i>re</i> —	
Distribution of subsidy for village improvement work	199-200
Gambling in American Futures, remedial measures for checking of, ..	780-83
Government's answers to Council Questions	720-23
Supplementary Grants—	
Poona-Sholapur Road: Bahiroba Nalla, Hadapsar, reconstruction of, ..	99, 1000
Weights and Measures Act, 1932, Expenditure on introduction of, ..	1004-06
Governor's Darbar for Sardars in the Deccan, Earlier closing of meeting	20-21
Gover Rora—	
Questions	172, 955
H	
Hesterlow, Major A. M. V.—	
Oath of office	19, 894
Holiday for Ekadashi	165
Humphrey, Mr. J.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	525, 601-02
Resolution <i>re</i> Gambling in American Futures, remedial measures for checking of,	738-41
I	
Inglis, Mr. C. C.—	
Oath of office	1026
J	
Jog, Mr. V. N.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	469-71, 473, 605-06, 607, 608
Primary Education Act Amendment Bill (Mr. V. N. Patil) ..	437-41

INDEX

IX

K

	PAGES
Kalbhore, Rao Bahadur G. M.—	
Questions	41
Kale, Rao Bahadur R. R.—	
Bills—	
Children Act Amendment Bill	52
Co-operative Societies Act Amendment Bill	1074-75
District Police and City of Bombay Police Acts Amendment Bill	830-34, 843, 895
Indian Motor Vehicles Act Amendment Bill	471, 476, 507-11, 531, 538-39, 550-51, 558-59, 599-600
Mussalman Wakf Act Amendment Bill	279-80, 281, 283, 284-85, 286, 290, 293-95, 296
Prevention of Adulteration Act Amendment Bill	1064-65, 1071, 1083, 1085-86, 1088, 1093, 1095
Primary Education Act Amendment Bill (Mr. G. S. Gangoli)	404
Primary Education Act Amendment Bill (Mr. V. N. Patil)	436-37
Public Trusts Registration Bill	119-24
Village Police Act Amendment Bill	454
Questions	95, 317
Supplementary Grants—	
Assistant Inspectors of Factories, Appointment of,	980
Hubli Resident Magistrate's post (temporary), Continuance of,	984-85, 986
Hubli-Sholapur Road (miles 39-46), Improvements to,	969-70
Hukeri linked court	981
Nadiad Judicial Buildings, Electric installation in,	971
Sholapur District Courts, Additional staff for,	965-66, 968
Weights and Measures Act, 1932, Expenditure on introduction of,	1012-13
Kamat, Mr. B. S.—	
Bills—	
Children Act Amendment Bill	54-55
City of Bombay Municipal Act Amendment Bill	372-73
City of Bombay Municipal Act Amendment Bill (Franchise)	417-18
Public Trusts Registration Bill	152-54
Questions	97, 575
Resolution re Agricultural indebtedness, relief of,	809-15, 816
Supplementary Grants—	
Poona-Sholapur Road; Bahiroba Nalla, Hadapsar—Reconstruction of,	1000
Kambl, The Honourable Dewan Bahadur S. T.—	
Bills—	
Co-operative Societies Act Amendment Bill	1072-74, 1075-76, 1077
Mussalman Wakf Act Amendment Bill 65, 68, 251, 262, 273-74, 278, 283-84, 290,	292-93, 295-97, 618-19, 623-24, 625, 635, 637, 644-46, 655, 664-67, 673-78, 683.
Primary Education Act Amendment Bill (Mr. G. S. Gangoli)	380-83, 401, 403, 404- 05, 406, 429, 430
Primary Education Act Amendment Bill (Mr. V. N. Patil)	449-53
Public Trusts Registration Bill 70-82, 83, 84, 85, 143, 144, 145, 160-64, 165,	193, 455
Supplementary Grants—	
Fuleli Canal system: rice duty experiments	987, 993
J. J. School of Art: Poster-designing and Commercial Art, Teaching	987
of,	987
Marketing Improvement Scheme	993-94, 995, 996-98.
Royal Institute of Science, Bombay, Temporary staff for,	1018.
Karbhari, Mr. M. M.—	
Bills—	
Children Act Amendment Bill	57
District Police and City of Bombay Police Acts Amendment Bill	835, 836, 896
Local Boards Act Amendment Bill	866-67
Primary Education Act Amendment Bill (Mr. V. N. Patil)	441
Questions	24-27, 173-78, 320-26, 939
Resolutions re Gambling in American Futures, Remedial measures for	745-47
checking of,	745-47

Kennedy, Mr. T. Sinclair—

Bills—

City of Bombay Municipal Act Amendment Bill (Franchise)	..	410
Oath of office	..	19

Khuhro, Khan Bahadur M. A.—

Bills—

Indian Motor Vehicles Act Amendment Bill	..	557, 560-61, 603
Questions	..	768

Kirpalani, Mr. H. K.—

Bills—

Prevention of Adulteration Act Amendment Bill	1080-81, 1086, 1087, 1088, 1094
Oath of office	..

Supplementary Grants—

Weights and Measures Act, 1932 : Expenditure on introduction of,	..	1001, 1015
--	----	------------

Knight, Mr. H. F.—

Bills—

District Police and City of Bombay Police Acts Amendment Bill	..	854, 921, 922, 928, 929
Indian Motor Vehicles Act Amendment Bill	..	544

Kulkarni, Rao Saheb P. D.—

Bills—

City Municipalities Act Amendment Bill	..	340, 341
City of Bombay Municipal Act Amendment Bill	..	387-69
District Police and City of Bombay Police Acts Amendment Bill	924, 926, 927, 930	
Indian Motor Vehicles Act Amendment Bill	.. 492, 558, 562-63, 565, 566, 567, 568, 570, 603-05, 607, 609-10, 613	
Local Board Act Amendment Bill	..	855, 856-60, 870, 871, 874-75
Municipal Boroughs Act Amendment Bill	.. 880-81-82-83-84, 886-87, 888, 889	
Mussalman Wakf Act Amendment Bill	..	621
Prevention of Adulteration Act Amendment Bill	1065-67, 1068, 1081, 1089-90	
Primary Education Act Amendment Bill (Mr. V. N. Patil)	..	434-36
Shops Bill	..	357
Questions	.. 27-29, 99-100, 178-80, 326-34, 754, 1038-40	

Resolution re—

Distribution of subsidy for village improvement work	..	205-08
Government's Answers to Council Questions	..	711-20, 725-27
Quetta earthquake	..	708

Supplementary Grants—

Assistant Inspectors of Factories, Appointment of,	..	977, 978
Bombay Suburban District Local Board, Refund of quarrying fees to,	..	1016-17, 1018
Hubli Resident Magistrate's post (temporary), Continuance of,	..	985-86
Marketing Improvement Scheme	..	993, 994, 995, 996
Nadiad Judicial Buildings, Electric installation in,	..	971-72, 973
Prant Officers, Replacement by personal assistants to Collectors : Discontinuance of experiment	..	983-84
Schwan Protective Bund, Raising and strengthening of,	..	974

L

Lane, Mr. C. M.—

Supplementary Grants—

Fuleli Canal system : rice duty experiments	..	991-92, 993
Poona-Sholapur Road : Bahiroba Nalla, Hadapsar, Reconstruction of,	..	1000
Sind, Left Bank Drainage Division, Continuance of,	..	1021-23

L—contd.

	PAGES
Lely, Mr. W. G.—	
Bills—	
District Police and City of Bombay Police Act Amendment Bill	843
Indian Motor Vehicles Act Amendment Bill	505-07
Prevention of Adulteration Act Amendment Bill	1050-55, 1059, 1061, 1062
Public Trusts Registration Bill	159, 164
Oath of office	19
Resolution re Quetta earthquake	708-09
Supplementary Grants—	
Marketing Improvement Scheme	994, 997
M	
MacLachlan, Mr. D.—	
Oath of office	19
Madan, Mr. J. A.—	
Bills—	
Mussalman Wakf Act Amendment Bill	269, 271-72, 274, 275-76, 277, 298, 620, 621, 624-25, 626, 629, 632-33, 649, 651- 52, 654, 658, 679-82
Public Trusts Registration Bill	132, 146-49
Resolution re—	
Agricultural indebtedness, relief of,	813, 820-23
Distribution of subsidy for village improvement work	225-27
Mehta, Mr. M. H.—	
Bills—	
Mussalman Wakf Act Amendment Bill	618
Questions	593-94, 957
Resolution re Broach and Panch Mahals Districts, separation of,	793-98, 803-05
Mitha, Mr. Mahomed Suleman Cassum—	
Bills—	
Mussalman Wakf Act Amendment Bill	283, 670-71, 678
Resolution re Gambling in American Futures, Remedial measures for checking of,	733-36
Modak, Rev. R. S.—	
Resolution re Gambling in American Futures, remedial measures for checking of,	777-78
More, Mr. J. G.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	539
Local Boards Act Amendment Bill	865, 867-68, 875-77, 878
Resolution re—	
Distribution of subsidy for village improvement work	200-02, 251
Gambling in American Futures, remedial measures for checking of,	775
Supplementary Grants—	
Sholapur District Courts: additional staff for,	966-67
N	
Nalk, Sardar Rao Bahadur B. R.—	
Bills—	
Local Boards Act Amendment Bill	862-65
Public Trusts Registration Bill	85
Resolution re—	
Agricultural indebtedness, relief of,	815-19
Distribution of subsidy for village improvement work	216-19
Gambling in American Futures, remedial measures for checking of,	778-80

	PAGES.
Navle, Rao Bahadur N. E.—	
Bills—	
Children Act Amendment Bill	57
District Police and City of Bombay Police Acts Amendment Bill ..	913-15.
Indian Motor Vehicles Act Amendment Bill	518-19, 526
Questions	581, 596-97
Resolution re—	
Distribution of subsidy for village improvement work	219-20.
P	
Panjabi, Mr. K. L.—	
Resolution re Agricultural indebtedness, relief of,	825-26.
Parulekar, Rao Bahadur L. V.—	
Resolution re Distribution of subsidy for village improvement work ..	208-12.
Patel, Khan Bahadur A. E.—	
Bills—	
Mussalman Wakf Act Amendment Bill 269-71, 272-73, 274, 281-82, 285, 286, ..	289-91, 297-98, 299, 300-03, 306, 618, ..
.. .. .	621-22, 625, 626-27, 637, 640-44, 645, ..
.. .. .	649-51, 653-55, 656-58, 667, 669, ..
.. .. .	671-73, 674, 675, 677, 678.
Public Trusts Registration Bill	160.
Patel, Mr. Bhaillal Sarabhai—	
Questions	192, 397, 583-85, 957-60.
Patel, Mr. C. N.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	492-93, 531-37, 549.
Questions	769-72.
Patel, Khan Bahadur Valli Baksh A.—	
Bills—	
Bhagdari and Narvadari Tenures Act Amendment Bill	453.
Primary Education Act Amendment Bill (Mr. V. N. Patil)	445-46
Questions	41, 101, 334-36, 585, 755, 960
Resolution re Distribution of subsidy for village improvement work ..	233-35.
Patil, Dewan Bahadur D. R.—	
Bills—	
District Police and City of Bombay Police Acts Amendment Bill ..	835, 896-97.
Indian Motor Vehicles Act Amendment Bill	490.
Local Boards Act Amendment Bill	868.
Primary Education Act Amendment Bill (Mr. V. N. Patil)	431-32
Questions	338.
Resolution re Agricultural indebtedness, relief of;	807
Patil, Mr. N. N.—	
Bills—	
Local Boards Act Amendment Bill	868.
Public Trusts Registration Bill	159-60.
Resolution re Distribution of subsidy for village improvement ..	work 216, 231
Patil, Mr. V. N.—	
Address to H. E. the Governor re Appointment of Council Secretaries ..	691-94, 702-04
Bills—	
Primary Education Act Amendment Bill (Mr. V. N. Patil)	431, 446-49.
Village Police Act Amendment Bill	453.

	PAGES
Patil, Rao Bahadur V. S.—	
Bills—	
Prevention of Adulteration Act Amendment Bill	1069
Petition to Council regarding—	
Birth Control Clinics, Resolution <i>re</i> establishment of,	723
Pradhan, Rao Bahadur G. V.—	
Questions	43
President, the Honourable the —	
Rulings of —	
Adjournment motions—	
Principles—	
If there was time enough for a member to table a resolution on a certain matter, then it is not a matter of urgent importance to justify a proposal for an adjournment motion	193
Procedure—	
Procedure to be followed by members explained	193
Amendments Generally—	
Method of moving amendments—	
When several amendments are tabled seeking to alter the rates of taxation proposed in any Bill, the usual procedure is to ask the various members to move them formally, so that the House may have all the amendments before it for consideration. When putting them to vote, however, the amendment proposing the lowest figure is put first; and, if it is carried, the rest of the amendments drop; but, if it is not carried, the second amendment is put, and so on	557
Bills Generally—	
Power of the Council <i>re</i> Bills—	
Powers of the local Legislature and the local Government to levy new or additional taxes for the purposes of the administration of the Province explained	465-67
Standing Order VIII, 3, should be interpreted having regard to the important word "it" which occurs in it. That furnishes the test for interpreting it. That Standing Order only means that the same or a similar Bill—"similar", that is to say, practically on all fours with it,—cannot be considered by the House again before six months have elapsed	467-68
What the courts choose to decide on a law as it is worded does not prevent the House from amending that law	469
The ordinary rule is that a Bill is given a first reading, unless it is announced beforehand that it will be taken through all the three readings during the session	1064
Amendments to Bills—	
Amendments to a Bill would be in order even when they seek to amend the preamble and the principle of the original Act which the Bill seeks to amend; but such amendments should be moved at the first reading stage	1056-59
Discussion of Bills and Amendments—	
Bills—	
There is no distinction, as far as the people are concerned, between "taxation" and "fees". It is a levy which puts a burden on the people in some form or another	552
The ordinary rule is that a Bill is given a first reading, unless it is announced beforehand that it will be taken through all the three readings during the session	1064

President, the Honourable the—contd.

Bills—

Sanction—

Governor's sanction under Section 80C of the Government of India Act—

If the sanction of the Governor General under Section 80A of the Government of India Act to an amendment is not obtained by the mover, the House is entitled to proceed with the measure. The mover should in the meantime take steps to obtain the required sanction and until the sanction is obtained, the amendment remains in abeyance. But in the case of the sanction of the Governor under Section 80C as the Governor is on the spot and his sanction can ordinarily be obtained within a day or two, the House will not wait for that. The member concerned must produce the sanction before the House proceeds to discuss his amendment

494

In connection with sanction under Section 80C, whether His Excellency the Governor is present in the Province or not at any particular time to accord the necessary sanction, is not a matter with which the Chair is concerned. If an application for sanction is made by any member, it is for the authorities to see how that is to be obtained

551

If a new burden is sought to be imposed on the people, members are entitled to move amendments (without previous sanction under Section 80C) to reduce it to nothing, or to anything between the proposed rate and the existing rate. On the other hand, if there is a levy which is already being realised from the people up to a certain limit, and a Bill is introduced to enhance it, members are entitled (without previous sanction) to reduce it up to the existing level, or to any level between the proposed enhanced level and the existing level

552-53

An amendment which seeks to reduce or has the effect of reducing the amount of taxation below the existing rate requires previous sanction of the Governor under Section 80C of the Government of India Act

491, 493-94

The sanction of the Governor General cannot make *intra vires* what is *ultra vires*

476

Governor General's sanction under Section 80A of the Government of India Act—

If the sanction of the Governor General under Section 80A of the Government of India Act to an amendment is not obtained by the mover, the House is entitled to proceed with the measure. The mover should in the meantime take steps to obtain the required sanction and until the sanction is obtained, the amendment remains in abeyance. But in the case of the sanction of the Governor under Section 80C as the Governor is on the spot and his sanction can ordinarily be obtained within a day or two, the House will not wait for that. The member concerned must produce the sanction before the House proceeds to discuss his amendment

494

Leave to introduce and introduction—

It is for the member concerned to decide how brief a statement (if any) he will make while asking for leave to introduce a Bill. The usual practice is that leave is formally asked for and the Bill allowed to be introduced, and when the Bill reaches the first reading stage, the member explains the objects of his Bill. Even in cases where full explanation is given by a member while introducing a Bill but which is not acceptable to members of the House, the convention established is that they should not oppose the motion for leave to introduce unless they have very strong reasons for doing so. If it is not opposed, leave is granted and the Bill is introduced

454

President, the Honourable the—contd.

Bills—contd.

Leave to introduce and introduction—

Standing Order VIII, 3, should be interpreted having regard to the important word "it" which occurs in it. That furnishes the test for interpreting it. That Standing Order only means that the same or a similar Bill—"similar", that is to say, practically on all fours with it,—cannot be considered by the House again before six months have elapsed 467-68

First reading—

Discussion—

Procedure for criticising or opposing a Bill at its different stages, e.g., first reading, second reading, third reading etc., explained .. 545

What amendments must or must not be moved at first reading—

Amendments to a Bill would be in order even when they seek to amend the preamble and the principle of the original Act which the Bill seeks to amend; but such amendments should be moved at the first reading stage 1056-59

General—

The ordinary rule is that a Bill is given a first reading, unless it is announced beforehand that it will be taken through all the three readings during the session 1064

Select Committee—

Powers—

A select committee cannot extend the scope of the Bill .. 1054

Motions for Second Reading—

A general discussion of the Bill at the second reading would be to the point only if the member is opposing the second reading. The proper time to discuss the details of the Bill would be when it is taken up clause by clause 258-59

Procedure for criticising or opposing a Bill at its different stages, e.g., first reading, second reading, third reading, etc., explained .. 545

Second reading amendments taken clause by clause—Discussion—

Procedure for criticising or opposing a Bill at its different stages, e.g., first reading, second reading, third reading, etc., explained .. 545

Third reading—

When a Member desires to move the third reading of a Bill immediately after the Bill is read clause by clause, he has to take the formal permission of the Chair to do it 891

Discussion—

Procedure for criticising or opposing a Bill at its different stages, e.g., first reading, second reading, third reading, etc., explained .. 545

Scope of discussion explained 614

Budget—

Supplementary Estimates—

Notice—

Seven days' notice should ordinarily be given to the House in respect of supplementary grants. In cases where this cannot be done for any special reasons, such reasons should be stated to the House 972-73

Debate—

The policy of a department as a whole cannot be discussed on a motion for a supplementary grant 932 (also see p. 963-64)

Vote of Censure—

A censure motion can be moved on a demand for a supplementary grant 93

Council Business: Arrangement—

The Leader of the House can change, adjust or arrange the order of Government business as he likes on the Government days; but he should, as a matter of convenience, inform the House the previous day of the order in which he intends taking up Government business on the next Government day to enable members to come prepared for the discussion. The Chair has no control over the manner in which Government decide to take up their business 687-88

P—concl.

	PAGES
President, the Honourable the—concl.	
Debate Procedure—	
Newspapers—	
It is permissible to refer to newspaper-articles in support of an argument	712
Powers and Privileges of the House—	
Powers—	
Powers of the local Legislature and the local Government to levy new or additional taxes for the purposes of the administration of the Province explained	465-67
President—	
It is not the province of the Chair to interpret legal enactments or to deal with the question whether any action taken by Government under the rules framed under those enactments is legal or not, because neither the Chair nor the House is a judicial body and the rulings given in the House are not judicial decisions	464
Public Petitions—	
A member who presents a petition to the House on behalf of a public association or a public body or any individual is responsible for the statements made in the petition only in the sense that he has to see that the petition is written in parliamentary language, is <i>bona fide</i> and genuine, and that there is nothing improper, offensive or defamatory in it	339
Questions—	
Replies—	
It is permissible to challenge the correctness of an answer given by Government; only the answer should not be called "false"	713
Resolutions—	
Priority—	
Before a member can ask for priority for his resolution, the consent of the Government Member in charge who has to reply to it and of the members who have secured priority by ballot over the member should be obtained	792-93
Postponement—	
A motion that consideration of a resolution be postponed to the next session cannot be moved by the member who moves the resolution, but may be moved by any other member	710
Rulings—	
It is not the province of the Chair to interpret legal enactments or to deal with the question whether any action taken by Government under the rules framed under those enactments is legal or not, because neither the Chair nor the House is a judicial body and the rulings given in the House are not judicial decisions	464
Unparliamentary Words and Expressions—	
The words "not honest" as applied to Government in respect of their intentions are unparliamentary	694
Vote of Censure—	
A censure motion can be moved on a demand for a supplementary grant	932
Prorogation of Council	1103
Q	
Question regarding—	
Adulteration of drugs in Presidency, Government action regarding	750-52
Advertisements regarding unauthorised Races, publication of	29
Agricultural bias classes, working of	954
Agricultural indebtedness, legislation for removal of	106
Agriculturists, relief measures for	575
Ahmedabad—	
Insolvency petitions Nos. 50 and 51 of 1924, receivers' remuneration in	588
Minor's Estate, transfer from District Judge to Collector	587
Suburban survey	586
Ahmedabad City—	
Opium and hemp drugs, auction sale of	769, 770-71
Ahmedabad City and Suburbs—	
Motor accidents in 1931-35	183-84
Motor cars and buses, inspection by Police Department, details regarding	183

Q—contd

	PAGES
Question regarding—contd.	
Ahmedabad City and Suburbs—contd.	
Motor cars and buses, plying for hire, number in 1931-35 ..	180-82
Ahmedabad District : anna valuation of crops in frost-affected talukas, method of,	192
Ahmedabad District Local Board, number of European, Parsi and Indian Christian children in schools	397
Ahmedabad District Magistrate's circular to magistrates regarding consulting the police in compounding offences	184-86
Ahmedabad District School Board, constitution of,	958
Ahmedabad District School Board, nominated members, appointments of,	959
Ahmednagar District, Rahata sub-registry office, abolition of, ..	597
All-India Congress Committee Member Venkat Pathaiya, refusal of licences to travel through British India to attend Congress Committee meetings,	756
Andheri, honorary magistrates at,	313
Andheri, honorary magistrates, Signing of passports	23
Bamboo cellulose (Dangs and Kanara Forests), conversion for paper, ..	32
Bandra Honorary Magistrate's Bench, non-appointment of Maratha, reasons for,	767
Barawala villages, cession of jurisdiction to Limbdi State	33
Bassein, country liquor, illicit sale of,	39
Bavla Murder Case, insane accused in,	102
Belapur and Kopergaon, irrigators' grievances in,	99
Betel nuts, value of imports into Presidency in, 1931-34	168-171
Bhilad (Thana District), toddy transporting licenses,	320
Bombay City—	
City Civil Court in,	590
Clerks in government offices, grievances of,	954
Compensation to workers for injury by accident,	591
Dadar Presidency Magistrate's Court, proposed transfer,	390
Honorary Presidency Magistrates' Courts, municipal suits, disposal of,	948
Mills—	
Rationalised occupations—	
Scales of wages for time-workers and of dear food allowance for piece-workers	390
Unrationalised occupations—	
Dear food allowance to piece-workers	389, 390
Introduction of consolidated wage rates for time-workers	388-39
Wages of time-workers in unrationalised occupations, rates of, ..	573
Municipal elections, cases of impersonation and malpractices, ..	391
Municipal elections, strictures by Small Cause Court Chief Judge, Government action for reform	766
Taxi fares, reduction in,	589
Toddy shops and booths in,	173-78
Toddy spurious, sale of,	939
Bombay Delimitation Committee's Report, supply of copies to M. L. Cs.	764
Bombay Suburban District, Loans (Second Mortgage) on buildings on Government plots, rules regarding,	1041
Broach and Panch Mahale District—	
Co-operative Societies' Debts in,	960
Personal Assistant to Collector, creation of post of,	593
Revenue Department, clerks, transfer of,	957
Sarod and Kavi villages, land revenue remissions to tenants in, ..	101
Buildings on Government plots in Bombay Suburban District, rules regarding grant of second mortgage loans,	1041
Central Division, Registration Department, promotions in,	41
Cold Wave, damage to crops by,	36, 97
Co-operative Societies, items of debtors' expenditure	319
Co-operative urban banks, practising pleaders as chairmen and directors	393

	PAGES
Question regarding—contd	
Cotton, conversion of low grade cotton and fibres on linters into pulp for high grade paper and artificial silk	398
Criminal case (Bhange <i>versus</i> Divekar and Kirloskar), transfer from First Class Magistrate, Kopergaon, to Sub-Divisional Magistrate, Ahmednagar	938
Dadar, proposed transfer of Presidency Magistrate's court	390
Daskroi taluka, opium and hemp drugs, auction sale of,	769, 770-71
Deccan Canal areas, new sugar factories, withdrawal of or of guaranteed rate for water supply and certain other conditions	1031
Dharsod of local fund in Khalsa villages	1040
District School Boards, cut in primary teachers' pay	394
Elections to Bombay Municipal Corporation, cases of impersonation and malpractices	391
Excise officers (retired) taking part in taking toddy and liquor licenses	322
Finance Committee, election of a member to,	118, 138
Gambling in cotton futures	171-72
Gauchar land for Kumbhargam village in Satara district	337
Goa Lottery tickets, sale in the presidency	399
Godhara taluka, rent charged to tenants by inamdars	594
Government Central Press—	
Book Department, extension of service to Head Printer	21
Composing work, training in,	88
Copyholders, paucity of,	962
Grievances of officials,	22
Manager's qualifications	22
Maratha and Kanarese sections, promotion to workers in,	89
New hands, employment of,	963
Reading staff, suspension of,	961
Urdu section, new compositors	21
Vacancies in posts of hand pressmen, flymen, copy-holders and readers	309
Grazing fees, difference in rates charged to agriculturists and professional graziers	43
Gujarat, drainage works in,	41
Hemp drugs and opium, Government's policy of giving monopoly, effect of,	770
Honorary magistrates at Andheri	313
Hyderabad-Hala Road, construction of new portions	112
Igatpuri taluka, "adholis," increase in measuring capacity of,	27
Inspectors of cinema films, appointment of Mahomedans	1028
Islampur village in Jumbusar taluka, waste weir for earthen bund	755
Jails in Central Division, allowances paid to religious preceptors	329
Kaira District Judge, appointment of liquidator by, in case under Indian Companies' Act	186-87
Kanara District, co-operative dues, recovery charges on,	938
Karachi Municipality—	
Labour representation	310
School Board, nomination of depressed class member	172-73
Keshavdas Tulsidas, Supervising tapedar, Jacobabad—	
Statement before Mukhtiarakar of Rohri	398
Supply of wrong information to Government	763-764
Khatav Taluka (Satara District) Development Association, conduct and control of,	95
Khopoli tank—	
Hindu idol near,	326
Site in dispute near,	337
Kopergaon and Belapur, irrigators' grievances in,	99
Krishna Canal, circular by sub-divisional officer	589
Kumbhargam village in Satara district, provision of additional Gauchar land	337
Land revenue remissions and suspensions in 1931-32 to 1933-34	91
Lumbdi State, Baravala villages, cession of jurisdiction to,	33
Liquor licenses, retired excise officers taking part in the taking of,	322

Q—contd.

	PAGES
Question regarding—contd.	
Lloyd Barrage lands, settlement of Sind nomadic tribes on, legislation regarding	760-63
Local fund in Khalsa villages, Dharsod	1040
Lottery tickets (Goa), sale in the presidency	399
Mahomedans, appointment as inspectors of cinema films	1028
Match manufacture in presidency, soft woods cultivation for,	191
Mills—	
Bombay City—	
Rationalised occupations—	
Scales of wages for time-workers and of dear food allowance for piece-workers	390
Unrationalised occupations—	
Dear food allowance to piece-workers	389-390
Introduction of consolidated wage rates for time-workers	388-89
Ministers, travelling allowances to,	1038
Miraj State (Senior), excess payment for compensation for excise lease	24
Motor accident between Thana and Panval	114
Motor Vehicles Act, 1914, amount of fees collected	428-29
Nadiad, Police Sub-inspector (Mr. Fatesingh), conduct at Tazia procession	585
Nandurbar to Raisingpur Road, construction,	598
Nathibai Damodar Thakersey College case, delay in disposal in Director of Public Instruction's office	178-80
Opium and hemp drugs, Government's policy of giving monopoly, effect of,	770
Panch Mahals and Broach District, Revenue Department, clerks, transfer of,	957
Pardi, taluka Bulsar, allegations of harassment against police sub-inspector and constables	1026
Pardi Estate, Virangam taluka, nature of,	957
Pension or Provident Fund, Public Works Department, grant to employees in,	948
Police—	
Pardi in Bulsar taluka, allegations of harassment against sub-inspector and constables	1026
Poona—	
Excise Superintendent's Office, size and accommodation of,	26
Toddy spurious, sale in,	942
Poona-Bangalore Road, motor lorry licenses, uniformity in,	961
Poona City Municipality, collection of octroi duty	1039
Poona City Municipal Election, Mr. Mahajan's petition to Government regarding	100
Poona City Municipal School Board, kidnapping of member of,	754
Poona City and Suburbs, town planning schemes for,	315
Poona-Sholapur Road, Hadapsar-Uruli section, repairs to,	573
Poona Women's University case, delay in disposal in Director of Public Instruction's Office	178-80
Presidency Magistrate's Court, Dadar, proposed transfer,	390
Primary teachers—	
District School Boards, cuts in pay of,	394
Reduction in scales of pay	1041
Proscription of novel "Thorli Ai" (Alma Mater)	31
Provident Fund or Pension, Public Works Department, grant to employees	948
Public Services, proportion of communities	398
Public Works Department, pension or provident fund, grant to employees in,	948
Races, unauthorised, advertisements regarding publication of,	29
Rahata (Ahmednagar District), sub-registry office, abolition of,	597
Railway line, Shadadkot to Bagtail, construction of,	35
Ratnagiri district, inam villages, inamdars' right to sell or mortgage	953

	PAGES
Question regarding—contd.	
Registration Department (Central Division), promotions in, ..	41
Religious preceptors in jails in Central Division, allowances paid to, ..	329
Satara, primary schools (new) expenditure by District Local Board, ..	31
Satara District—	
Grievances of bagayatdars,	187
Local Boards Cess, increase in levy of,	29
One anna cess, increase in,	103
Revenue Department, posts of clerks, grievances of certain candidates,	1040
Satara District Local Board, grievances of primary school teachers in, the matter of promotions,	317
Satara Municipal Elections, Maratha representation in,	581
Scholarships in schools and colleges, restoration in cuts	312
School Boards in districts, cuts in primary teachers' pay,	394
Shahdadkot-Bagtail, railway line, construction of,	35
Sholapur, Surjabai Kamal Girls' School, transfer of management, ..	765-76
Sind—	
Contractor, Khan Bahadur, Educational Inspector, extension of service to,	29
Criminal tribes, industrial, agricultural or reformatory schools, provision of,	188-91
Criminal tribes, transfers of members of, information regarding, ..	757-60
Nomadic tribes, settlement on barrage lands, legislation regarding, ..	760-63
Police sub-inspectors, recruitment,	1027
Public Prosecutors in, number of Mahomedans,	768
School Boards, depressed classes, nomination of,	955
Tapedars, landed property returns,	45
Soft woods for match manufacture in Presidency, cultivation of, ..	191
Special Emergency Powers Act, persons interned, externed or detained under, list of,	951
Sub-registrars—	
Gujarat Division, grievances of,	334
Office of Inspector-General of Registration,	335
Probationers, recruitment of,	596
Sugar factories in Deccan Canal areas, withdrawal of offer of guaranteed rate for water supply and certain other conditions,	1031
Sukkur Barrage Lands, steel agricultural implements, Enquiry Committee's recommendations,	598
Tagdi village, Dhanduka taluka, annewari of crops in,	584
Tagdi village, Dhanduka taluka, crop inspection by Collector,	583
Tagdi village, Dhanduka taluka, jama recovery by coercive measures, ..	585
Teachers, opening of a class for giving practical instruction in wireless, ..	338
Thakersey, Shrimati Nathibai Damodar, College case of delay in disposal in Director of Public Instruction's Office,	178-80
Thana Municipality—	
Primary teachers, Government sanction for increase in number of, ..	40
School buildings, expenditure on rents of,	39
Urdu school in Rabadi, grant-in-aid, refusal of,	39
Thana-Panvel Road, motor accident on,	114
Thar Parkar District, land revenue remissions to zamindars,	117
"Thorli Ai" (Alma Mater), proscription of Novel	31
Toddy, sale in Bombay City of spurious variety,	939
Toddy shops and booths in Bombay City,	173-78
Toddy spurious, sale in Bombay City,	939
Toddy spurious, sale in Poona,	942
Toddy transporting licences in Bhilad in Thana district	320
Town planning schemes for Poona City and Suburbs,	315
Umbraj, Karad taluka, liquor shop (new) at,	45
Unlawful associations, ban not removed from,	949
Varad village, Bardoli taluka, disposal of tanks in,	592
Venkat Pathaiya Mr., Member, All-India Congress Committee, refusal of licence to travel through British India	756
Veterinary, College, Bombay, operation theatre of, improvements to, ..	764
Village, uplift committees, formation of, under Village Panchayat Act, ..	752

INDEX

xxi

Q—concl'd.

	PAGES
Question regarding—concl'd.	
West Khandesh District, damage to crops by scanty rain and frost, ..	44
Wireless, opening of a class for giving practical instruction to teachers in schools in Bombay,	338
Yeravda Prison Press, temporary employees in,	90

R

Rafuddin Ahmad, Moulvi Sir—

Address to His Excellency the Governor re Appointment of Council Secretaries,	698-700
Bills—	
Children Act Amendment Bill,	52-53
City of Bombay Municipal Act Amendment Bill, (Franchise)	412-13
District Police and City of Bombay Police Acts Amendment Bill, ..	897-900, 930
Indian Motor Vehicles Act Amendment Bill,	503-05, 545-46
Mussalman Wakf Act Amendment Bill, 66-67, 68, 251-57, 287-88, 290, 297, 303-04, 305, 634-38, 639, 640, 663, 672, 684	1060, 1092-93
Prevention of Adulteration Act Amendment Bill	135-37
Public Trusts Registration Bill,	135-37
Resolution re :	
Gambling in American Futures, remedial measurements for checking of,	744-45
Supplementary Grants—	
Assistant Inspectors of Factories, Appointment of,	970-80

Rahimtools, Mr. Hoosenally M.—

Bills—	
City of Bombay Municipal Act Amendment Bill,	373
Mussalman Wakf Act Amendment Bill,	653, 661, 662, 663
Questions,	948

Rajadhyaksha, Mr. G. S.—

Bills—	
Children Act Amendment Bill,	58-59
Mussalman Wakf Act Amendment Bill,	305
Oath of office,	19

Resaldar, Mr. A. K.

Questions,	29, 102, 180-87, 337, 586-88
--------------------	------------------------------

Resolution regarding—

Agricultural indebtedness, relief of,	805-27
Broach and Panch Mahals districts, separation of,	793-805
Distribution of subsidy for village improvement work	194-242, 245-51
Gambling in American Futures, remedial measures for checking of, ..	727-47, 772-93
Government's Answers to Council Questions,	711-27
Quetta earthquake,	706-09
Re-grant of certain lands to zamindars in Sind,	709-10

S

Saklatvala, Mr. S. D.—

Bills—	
Children Act Amendment Bill	61-62
Indian Motor Vehicles Act Amendment Bill,	526-28
Public Trusts Registration Bill,	134-35
Shops Bill,	346-47
Resolution regarding—	
Distribution of subsidy for village improvement work,	239-40
Gambling in American Futures, remedial measures for checking of, ..	776-77
Quetta earthquake,	706-07

	PAGES
Sen, Mr. K. C.—	
Bills—	
City of Bombay Municipal Act Amendment Bill	374
District Police Act Amendment Bill	1103
District Police and City of Bombay Police Acts Amendment Bill	835, 839, 840, 841, 842, 843, 844, 845, 847, 848, 849, 894, 927
Indian Motor Vehicles Act Amendment Bill	461-64, 471-73, 474, 475, 491, 601
Local Boards Act Amendment Bill	879
Municipal Boroughs Act Amendment Bill	890
Mussalman Wakf Act Amendment Bill	629, 630, 633, 639-40, 656, 657, 660-61, 683-84
Prevention of Adulteration Act Amendment Bill	1055-56, 1057, 1058, 1061, 1062, 1071, 1090, 1091
Primary Education Act Amendment Bill	406
Oath of office	309
Serval, Mr. A. E.—	
Bills—	
Prevention of Adulteration Act Amendment Bill	1067-68
Shah Rookh Yar Jung Bahadur, Nawab—	
Resolution regarding—	
Gambling in American Futures, remedial measures for checking of	743-44
Quetta earthquake	706
Shaikh Abdul Aziz, Mr.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	493
Mussalman Wakf Act Amendment Bill	289, 621, 624, 651, 665, 667-68
Shops Bill	350
Questions	44, 598
Shaikh Abdul Majid, Mr.—	
Bills—	
City of Bombay Municipal Act Amendment Bill (Franchise)	414-15
District Police Act Amendment Bill	1100-01, 1102
District Police and City of Bombay Police Acts Amendment Bill	846, 849
Indian Motor Vehicles Act Amendment Bill	538
Local Boards Act Amendment Bill	877-78
Mussalman Wakf Act Amendment Bill	68, 261-62, 274, 275, 279, 288, 292, 296, 299, 304-05, 630-32, 636, 643, 644, 658, 667, 673, 676
Prevention of Adulteration Act Amendment Bill	1060
Finance Committee, elected member of	138
Oath of office	19
Resolution regarding—	
Distribution of subsidy for village improvement work	230-31
Gambling in American Futures, remedial measures for checking of	792
Quetta earthquake	708
Supplementary grants—	
Fuleli Canal system : rice duty experiments	990-91, 992, 993
Marketing improvement scheme	995, 997
Sind, Left Bank Drainage Division, continuance of	1020, 1023
Weights and Measures Act, 1932, expenditure on introduction of	1001, 1003
Silver Jubilee of His Majesty : Reply to Message of Loyalty and Congratulatory	20
Solanki, Dr. P. G.—	
Bills—	
City of Bombay Municipal Act Amendment Bill (Franchise)	421-22
Mussalman Wakf Act Amendment Bill	283
Public Trusts Registration Bill	149-52
Shops Bill	349
Supplementary Grants—	
Nadiad judicial buildings, electric installation in	973, 974
Weights and Measures Act, 1932, expenditure on introduction of	1008-10

INDEX

xxiii

S—contd.

PAGES

Soman, Mr. R. G.—		
Bills—		
Children Act Amendment Bill .. .. .	.. .. .	55-56
District Police and City of Bombay Police Acts Amendment Bill	834, 839, 840, 841, 844, 845, 850	
	852, 853, 927	
Indian Motor Vehicles Act Amendment Bill	458-59, 615-16,	
Primary Education Act Amendment Bill (Mr. G. S. Gangoli) .. .. .	.. .. .	378-79
Primary Education Act Amendment Bill (Mr. V. N. Patil) .. .. .	.. .. .	449
Questions	29-32, 45, 103, 187, 394, 589, 756, 948-54, 961, 1040	
Supplementary Grants—		
Sholapur District, Courts in, additional staff for .. .. .	.. .. .	963-65, 969
Soparkar, Mr. G. B.—		
Oath of office .. .. .	.. .. .	167
Supplementary Agenda .. .. .	.. .. .	1222-23
Supplementary Grants—		
Assistant Inspectors of Factories, appointment of .. .. .	.. .. .	976-81
Bombay Suburban District Local Board, refund of quarrying fees to .. .. .	.. .. .	1016-18
Commissioner's Printing Press, Karachi, Assistant Manager's post (temporary), creation of .. .. .	.. .. .	998
Fuleli Canal system: rice duty experimental scheme .. .. .	.. .. .	987-93
Hubli Resident Magistrate's post (temporary), continuance of .. .. .	.. .. .	984-87
Hubli-Sholapur Road (miles 39-46), improvements to .. .. .	.. .. .	969-71
Hukeri, linked court at, establishment of .. .. .	.. .. .	981-83
Karachi, Official Assignee, conversion into Government office .. .. .	.. .. .	998
Lloyd Barrage, talukas affected by, clerks (additional), employment of .. .. .	.. .. .	1018-19
Marketing improvement scheme .. .. .	.. .. .	993-98
Nadiad judicial buildings, electric installation in .. .. .	.. .. .	971-74
Poona-Sholapur Road, Bahiroba nalla, Hadapsar, reconstruction of .. .. .	.. .. .	999
Prant officers, replacement by personal assistants to Collectors: discontinuance of experiment .. .. .	.. .. .	983-84
Presidency Magistrate (Additional), Bombay, continuance of temporary appointment of .. .. .	.. .. .	987
Presidency Magistrate (Additional), Bombay, court of, police staff (temporary), continuance of .. .. .	.. .. .	987
Royal Institute of Science, Bombay, temporary staff for .. .. .	.. .. .	1018
Schwan Protective Bund, raising and strengthening of .. .. .	.. .. .	974-76
Sholapur District, courts in, additional staff for .. .. .	.. .. .	930-35, 963-69
Sind Left Bank Drainage Division, continuance of, .. .. .	.. .. .	1019-23
Sir J. J. School of Art: Poster-designing and commercial art, addition of new section for .. .. .	.. .. .	987
Weights and Measures Act, 1932, expenditure on introduction of .. .. .	.. .. .	1000-1016
Surve, Mr. A. N.—		
Address to His Excellency the Governor re: appointment of Council Secretaries .. .. .	.. .. .	701-02
Bills—		
Borstal Schools Act Amendment Bill .. .. .	.. .. .	1096
City of Bombay Municipal Act Amendment Bill (Franchise) .. .. .	.. .. .	415-16
Children Act Amendment Bill	49-50, 51, 59-60	
District Police and City of Bombay Police Acts Amendment Bill	454, 894, 925, 926	
Indian Motor Vehicles Act Amendment Bill .. .. .	.. .. .	547-48
Local Boards Act Amendment Bill	861-62, 871-72	
Municipal Boroughs Act Amendment Bill .. .. .	.. .. .	890
Prevention of Adulteration Act Amendment Bill	1081-83, 1093, 1094	
Primary Education Act Amendment Bill (Mr. V. N. Patil) .. .. .	.. .. .	444-45
Shops Bill .. .. .	.. .. .	356
Business of the House .. .. .	.. .. .	686-87
Questions .. .. .	.. .. .	961-63
Resolution regarding—		
Distribution of subsidy for village improvement work .. .. .	.. .. .	202-05
Gambling in American Futures, remedial measures for checking of	727-33, 788-90	

S—concl.

	PAGES
Surve, Mr. A. N.—contd.	
Supplementary Grants—	
Assistant Inspectors of Factories, appointment of,	976-77
Hubli-Sholapur Road (miles 39-46), improvements to,	969
Hukeri, linked court at,	981-83
Sholapur District, courts in, additional staff for,	931, 933-35
Weights and Measures Act, 1932, expenditure on introduction of,	1010-11
Surve, Mr. V. A.—	
Questions	953
Syed Miran Mahomed Shah—	
Bills—	
Children Act Amendment Bill	53-54
District Police and City of Bombay Police Acts Amendment Bill	849, 855, 912
Mussalman Wakf Act Amendment Bill	67-68, 278-79, 282-83, 286, 287, 305, 633-34, 668-70 686
Primary Education Act Amendment Bill	442-44
Questions	106-14, 188-91, 398, 757-64
Resolution re :—	
Agricultural indebtedness, relief of,	805-09, 810
Distribution of subsidy for village improvement work	214-16
Supplementary Grants—	
Fuleli canal system : rice duty experiments	987-88
Sehwan Protective Bund, raising and strengthening of,	975-76
Weights and Measures Act, 1932, expenditure on introduction of,	1003-04
Syed Munawar, Mr.—	
Bills—	
Children Act Amendment Bill	56-57
Co-operative Societies Act Amendment Bill	1075-1076
Mussalman Wakf Act Amendment Bill	256, 259-61, 271, 272, 275, 277, 283-89, 299-300, 627-28, 630, 644, 646, 652, 655-56
Public Trusts Registration Bill	157-59
Shops Bill	354
Questions	398, 589-90, 764
Resolution re :—	
Distribution of subsidy for village improvement work	241-42
Gambling in American Futures, remedial measures for checking of,	786-88
T	
Tairsee, Mr. L. R.—	
Bills—	
Children Act Amendment Bill	53
City of Bombay Municipal Act Amendment Bill (Franchise)	409-10
Indian Motor Vehicles Act Amendment Bill	469, 476, 512-14, 546-47
Mussalman Wakf Act Amendment Bill	278, 672, 673, 676, 677
Public Trusts Registration Bill	82-33
Shops Bill	847
Questions	32-35, 114, 191, 398, 598, 764, 1041
Resolution re :—	
Gambling in American Futures, remedial measures for checking of,	742-43
Quetta earthquake	707
Talpur, Mir Bandeh Ali Khan—	
Questions	45
Thakor of Kerwada, Sardar Bhasaheb Raisinhji—	
Bills—	
District Police and City of Bombay Police Acts Amendment Bill	911-12, 913
Local Boards Act Amendment Bill	867
Mussalman Wakf Act Amendment Bill	619-20, 621, 623, 660, 664
Prevention of Adulteration Act Amendment Bill	1069

INDEX

XXV

T—contd.

	PAGES.
Thakor of Kerwada, Sardar Bhasaheb Ralsinhji—contd.	
Resolution re :—	
Broach and Panch Mahals Districts, separation of,	798-800
Quetta earthquake	708
Supplementary Grants—	
Poona-Sholapur Road, Bahiroba nalla, Hadapsar, reconstruction of,	999
Tolani, Mr. S. S.—	
Bills—	
Indian Motor Vehicles Act Amendment Bill	447-58
Public Trusts Registration Bill	137-38
Questions	35
Resolution re :—	
Quetta earthquake	707
Turner, Mr. E. E.—	
Bills—	
District Police and City of Bombay Police Acts Amendment Bill	926
Oath of office	830
Turner, the Hon. Mr. C. W. A.—	
Bills—	
Borstal Schools Act Amendment Bill	1095, 1096, 1097
Children Act Amendment Bill	49, 50, 51, 57, 62-63, 64, 65
District Police Act Amendment Bill	1097, 1099, 1100, 1101
	1102, 1103-04
District Police and City of Bombay Police Acts Amendment Bill	688, 834, 835, 836, 837, 838, 839, 841, 842, 846, 847, 848, 849, 851, 852, 853, 855, 894, 900, 901, 903, 904, 908, 909, 912-13, 917, 918, 921, 922, 924, 925, 926, 927, 930
Identification of Prisoners Act Amendment Bill	1097
Indian Motor Vehicles Act Amendment Bill	458, 476-78, 495-96, 500, 510, 537-38, 539, 540, 542, 548, 549, 561, 565, 566, 567, 602-03, 604, 607, 608, 612-13, 614, 616
Shops Bill	360, 361
Oath of office	19
Resolution re :—	
Gambling in American Futures, remedial measures for checking of, 734, 738, 784, 785, 790-92	
Supplementary Grants—	
Assistant Inspectors of Factories, appointment of,	976, 977, 978, 980-81
Bombay Suburban District Local Board, refund of quarrying fees to,	1016, 1017, 1018
Commissioner's Printing Press, Karachi, Assistant Manager's post (temporary), creation of,	998
Hubli Resident Magistrate's post (temporary), continuance of,	984, 986, 987
Hukeri linked court, establishment of,	981, 983
Karachi Official Assignee's office, conversion into Government office	998
Presidency Magistrate (Additional), continuance of temporary post of,	987
Presidency Magistrate (Additional), Bombay, court of: police staff (temporary), continuance of,	987
Sehwan Protective Bund, raising and strengthening of,	974, 976
Sholapur District, courts in, additional staff for,	930-31, 966, 968
Sind, Left Bank Drainage Division, continuance of,	1019
V	
Vaishampayan, Dr. V. G.—	
Questions	36, 337, 765
Resolution re :—	
Distribution of subsidy for village improvement work	224-25

V—contd.

	PAGES.
Vakil, Mr. Pestanshah N.—	
Bills—	
Children Act Amendment Bill	65
District Police and City of Bombay Police Acts Amendment Bill ..	848, 850, 851
Indian Motor Vehicles Act Amendment Bill	478-79, 488, 607-08
Musalman Wakf Act Amendment Bill	290
Prevention of Adulteration Act Amendment Bill	1053, 1065, 1068, 1069, 1070
Resolution re :—	
Broach and Pauch Mahals Districts, separation of, ..	802-03
Vandekar, Rao Bahadur R. V.—	
Bills—	
Local Boards Act Amendment Bill	871
Questions	766, 954, 1041
Resolution re :—	
Distribution of subsidy for village improvement work	227-30
W	
Wadke, Mr. B. P.—	
Bills—	
Public Trusts Registration Bill	138
Questions	399, 591