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APPENDIX I.

BILL No. X OF 1936.

A Bill to amend the Bombay District Municipal Act, 1901.

(As published in the "Bombay Government Gazette"
of the 30th June 1936.)

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Municipal (Amendment) Act, 1936.

2. *Amendment of section 191 of Bom. III of 1901.*—For section 191 of the Bombay District Municipal Act, 1901, the following shall be substituted, namely:—

"191. *Vesting, recovery and application of property, rights and liabilities of persons or committees appointed for areas ceasing to be notified areas.*—(1) When by reason of the cancellation, under sub-section (2) of section 190, of a notification issued under section 187 or 188, any area ceases to be a notified area, the property (including arrears of taxes) and rights which, prior to such cancellation, vested in the person or committee appointed for such area under clause (c) of sub-section (1) of section 188 shall, subject to all charges and liabilities affecting the same, vest in the local authority, if any, constituted for such area or within the limits of which such area is included, or if there be no such local authority, in His Majesty.

(2) Any arrears of taxes vesting in a local authority under sub-section (1) shall be recoverable under the provisions of the Act under which such local authority is constituted as if the taxes were imposed and recoverable under that Act:

Provided that steps to recover such arrears of taxes shall be taken within a period of three years from the date on which they so vest in the local authority.

(3) Any arrears of taxes vesting in His Majesty under sub-section (1) shall be recoverable as an arrear of land revenue.

[Appendix 1—*contd.*]

(4) Where any property and rights vest in His Majesty under subsection (1), the proceeds thereof shall, after satisfying all charges and liabilities affecting the same, be applied for the benefit of the inhabitants of the said area in such manner as Government may think fit."

3. *Retrospective effect to section 2.*—The amendment contained in section 2 shall be deemed to have been made on and to have effect from the 14th February 1935.

STATEMENT OF OBJECTS AND REASONS.

The Bombay District Municipal Act, 1901, does not contain any provision for the recovery of arrears of taxes levied in a notified area which has been abolished. The Bill seeks to remedy this deficiency in the law.

2. It is proposed to give retrospective effect to section 2 of the Bill from the 14th February 1935 in order to make it legally possible for the municipalities of Bandra and Vile Parle to recover the arrears of taxes due to the defunct notified area committees of Santa Cruz and Andheri, respectively, which were included within the limits of these municipalities from the 15th February 1935.

19th June 1936.

(Signed) ALI MAHOMED KHAN DEHLAVI.

APPENDIX 2.

BILL No. XI OF 1936.

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

(As published in the "Bombay Government Gazette" of the 4th July 1936.)

Bom.
III of
1901.
Bom.
VI of
1923.
Bom.
XVIII
of
1925.
Bom.
III of
1901.
Bom.
VI of
1923.
Bom.
XVIII
of
1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Municipal, Local Boards and Municipal Boroughs (Amendment) Act, 1936.

[Appendix 2—contd.]

2. Amendment of section 22 of Bom. III of 1901, section 19 of Bom. VI of 1923 and section 15 of Bom. XVIII of 1925.—After sub-section (2) of—

- (i) section 22 of the Bombay District Municipal Act, 1901,
 - (ii) section 19 of the Bombay Local Boards Act, 1923, and
 - (iii) section 15 of the Bombay Municipal Boroughs Act, 1925,
- the following new sub-section shall be inserted, namely:—

“(2A) All applications received under sub-section (1) in respect of the same election shall be heard together by the same Judge. Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not permit (a) any application to be compromised or withdrawn or (b) any person to alter or amend any pleading, unless he is satisfied that the application for such alteration or amendment is *bona fide* and not collusive.”

STATEMENT OF OBJECTS AND REASONS.

In a certain case the validity of the election of a member of a local board was challenged by two persons in two separate petitions. The said petitions were neither consolidated nor tried together, but separate inquiries were held by two Assistant Judges who gave separate and contradictory judgments. In one inquiry the Judge allowed the parties to arrive at a compromise by which one of the candidates agreed to recognise the election of one of his rivals. It is essential that all election petitions in respect of the same election should be heard together by the same Judge and only one inquiry should be held. It is also necessary that the object of an election should not be allowed to be frustrated by allowing compromise between rival candidates. The Bill is intended to carry out these objects by providing for the joint hearing of all petitions relating to the same election and by prohibiting the Judge from permitting a petition once made to be compromised or withdrawn and any pleading to be altered or amended, unless such alteration or amendment is *bona fide* and not collusive.

24th June 1936.

(Signed) ALI MAHOMED KHAN DEHLAVI.

APPENDIX 3.

BILL No. XIII OF 1936.

A Bill to amend the City of Bombay Municipal Act, 1888, and the Bombay University Act, 1928.

(As published in the “Bombay Government Gazette” of the 4th August 1936.)

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, and the Bombay University Act, 1928, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal and the Bombay University (Amendment) Act, 1936.

[Appendix 3—*contd.*]

Bom. III of 1888. 2. *Amendment of section 17 of Bom. III of 1888.*—In section 17 of the City of Bombay Municipal Act, 1888, after clause (b), the word “or” and the following new clause shall be inserted, namely:—

“(c) being elected by fellows, ceases to be a fellow,”

Bom. IV of 1928. 3. *Amendment of section 13 of Bom. IV of 1928.*—In Part (A) under the heading II Ordinary, of sub-section (1) of section 13 of the Bombay University Act, 1928,

(a) in proviso (1) after the brackets and figures “(iii)” the following shall be inserted, namely:—

“or under any of the clauses (a), (b), (c), (d) and (e) of entry (iv)” and

(b) after, proviso (2) the following new proviso shall be inserted, namely:—

“(3) The councillor of the Municipal Corporation of the City of Bombay elected by fellows shall not be eligible to be elected as a fellow by the said body.”

STATEMENT OF OBJECTS AND REASONS.

A councillor of the Municipal Corporation of the City of Bombay elected by fellows of the Bombay University continues, under section 7 of the City of Bombay Municipal Act, to be a councillor until the day for retirement, although in the meanwhile he may have ceased to be a fellow. Under section 16 of the Bombay University Act, 1928, ordinary fellows, save as otherwise provided in that Act, hold office for five years. Accordingly, a fellow elected by the Corporation under section 13 of the Act continues to be a fellow even though in the meantime he may have ceased to be a councillor. The Corporation of Bombay has suggested that these two Acts should be amended in order to remove these anomalies. Similar anomalous position also exists in the case of elections of fellows by the Indian Merchants' Chamber, the Chamber of Commerce and the Millowners' Associations at Bombay and Ahmedabad. The object of the Bill is to remove these anomalies and to make it clear that a councillor elected by the fellows is not eligible to be elected as a fellow of the University by the Municipal Corporation.

25th July 1936.

(Signed) S. T. KAMBLI.

APPENDIX 4.

BILL No. XII OF 1936.

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

(As published in the "Bombay Government Gazette"
of the 23rd July 1936.)

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Bom.
III of
1888.
5 & 6
Geo.V,
c. 61.

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1936.

2. *Amendment of section 9 of Bom. III of 1888.*—To section 9 of the City of Bombay Municipal Act, 1888, hereinafter called "the said Act", the following proviso shall be added, namely:—

Bom.
III of
1888.

"Provided that no election shall be held to fill up such vacancy occurring within four months prior to the day for retirement."

3. *Amendment of section 68 of Bom. III of 1888.*—In sub-section (2) of section 68 of the said Act, after the entry "section 403, clause (e)", the entry "section 407A" shall be inserted.

Bom.
III of
1888.

4. *Amendment of section 70 of Bom. III of 1888.*—In section 70 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely:—

Bom.
III of
1888.

"(1A) Notwithstanding anything contained in proviso (b) to sub-section (1) it shall be lawful for the Commissioner in the case of contracts relating to the execution of any work or the supply of any materials or goods to dispense, by an order in writing, with the execution of a written instrument, if such work has already been performed or the materials or goods have already been supplied to his satisfaction."

5. *Amendment of section 81 of Bom. III of 1888.*—In sub-section (1) of section 81 of the said Act,—

Bom.
III of
1888.

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

"(dd) authorizing the payment of travelling or conveyance allowances to the said officers and servants"; and

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

"(h) in general, prescribing any other conditions of service of the said officers and servants."

[Appendix 4—*contd.*]

Bom. III of 1888. 6. *Amendment of section 354C of Bom. III of 1888.*—In sub-section (I) of section 354C of the said Act,—

(1) for the words and dash “ If it shall appear to the Commissioner that within certain limits in any part of the City—” the words, brackets, letter and dash “ If it shall appear to the Commissioner—

(A) that within certain limits in any part of the City ”, shall be substituted, and

(2) after the word “ classes ” in clause (c), the following shall be inserted, namely :—

“ or,

(B) that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City it is expedient to form new or to alter existing streets in any part of the City.”

7. *Insertion of new section 407A in Bom. III of 1888.*—After section 407 of the said Act, the following new section shall be inserted, namely :—

“ 407A. *Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.*—(1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house :

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, market or premises and which has not been within such slaughter-house, market or premises for a period longer than that prescribed under regulations made by the Commissioner in this behalf, or which has in accordance with any by-law made under this Act, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(2) Any fee paid for permission under sub-section (I) in respect of any animal removed to a Panjrapole shall, subject to the regulations made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.”

8. *Amendment of section 408 of Bom. III of 1888.*—In sub-section (I) of section 408 of the said Act, for the words “ two last preceding sections ” the words, figures and letter “ sections 406, 407 and 407A ” shall be inserted.

[Appendix 4—contd.]

9. *Amendment of section 471 of Bom. III of 1888.*—In the table appended to section 471 of the said Act, after the entry relating to section 406, the following entry shall be inserted, namely :—

“407A. Removal of cattle, sheep, goats or swine Fifty rupees.”
from any municipal slaughter-house,
market or premises.

10. *Validating levy of certain fees charged by Commissioner before the passing of this Act.*—Notwithstanding anything contained in the said Act, it shall be deemed always to have been lawful for the Commissioner, prior to the commencement of this Act, to require his written permission, for the removal of any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house and to fix and charge fees for the grant of such permission.

STATEMENT OF OBJECTS AND REASONS.

The following notes on clauses of the Bill explain the objects of and reasons for the amendments contained in the Bill :—

Clause 2.—The Municipal Corporation has suggested that section 9 of the City of Bombay Municipal Act, 1888, should be amended to provide that no election shall be held to fill up a casual vacancy occurring within four months prior to the day for retirement as defined in section 7, as this would avoid not only the trouble and expense of a bye-election but also the absurdity of holding a bye-election almost simultaneously with a general election.

Similar provision exists in the Madras District Municipalities Act, 1920 (Madras V of 1920), and section 29 of the Bombay Municipal Boroughs Act, 1925, has been recently amended on the same lines. The amendment gives effect to the recommendation of the Corporation.

Clauses 3, 7, 8, 9 and 10.—The Corporation is of opinion that the Municipal Act should be amended to provide that no animal should be removed from any municipal slaughter-house or municipal market or premises used or intended to be used for or in connection with such slaughter-house to any place outside it without the permission of the Municipal Commissioner and without the payment of a fee. The Corporation has also suggested that in the case of animals removed to a Panjra-pole the fee so paid should be refunded.

It is also proposed to validate the levy of fees charged in the past for the removal of live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house. The amendments are intended to carry out these objects.

Clause 4.—The provisions of section 70 of the Municipal Act require that every contract for the execution of any work or for the supply

[Appendix 4—concl'd.]

of any materials or goods involving an expenditure exceeding five hundred rupees shall be in writing and under seal. The Corporation has represented to Government that in several cases in actual practice the materials or goods required are supplied or the works are carried out before the written contract can be executed as required by law. Also, when the materials or goods are imported direct from foreign countries, it becomes difficult to observe the formality of a written contract. The Corporation has, therefore, suggested to Government that in order to obviate any legal difficulty in the matter of payments for such contracts, the Act should be amended enabling the Commissioner to dispense with written instruments in certain cases. The amendment is intended to carry out this object.

Clause 5.—The Corporation grants travelling allowances and conveyance allowances to some of its officers to cover the expenses of transport incurred by them in the performance of their duties. Though the payment of such allowances is covered by the provisions of section 118 of the Municipal Act, the Act does not confer power on the Standing Committee or the Corporation to frame regulations for the payment of conveyance or travelling allowances to municipal officers and servants. In the opinion of the Corporation it is desirable that an express provision authorising the Standing Committee to frame regulations in this behalf should be made. It is also suggested by the Corporation that the Standing Committee should have power to frame regulations prescribing the conditions of service of the Municipal officers and servants so that the payment of any other allowances such as house-rent allowance and for the grant of free quarters and other matters can be regulated. The proposed amendments are intended to give effect to the Corporation's aforesaid proposals.

Clause 6.—The City of Bombay Improvement Trust was created in the year 1898 for the purpose of improving the City by various means, one of which was the forming of new and altering of existing streets. In pursuance of this object several new streets like Sandhurst Road, Princess Street, Mahomedali Road have been constructed and several streets like Parel Road, Suparibaug Road, Vincent Road, Jail Road East, Worli Road, have been widened and altered. By Bombay Act No. XIII of 1933 the Board of Trustees for the Improvement of the City of Bombay has been dissolved and the powers and duties of the said Board have been transferred to the Municipal Corporation of the City of Bombay. It is therefore necessary that the Corporation should have the power to form new or to alter existing streets in connection with improvement schemes under Chapter XIII A of the Act. The proposed amendment which is identical with section 30 (2) of the City of Bombay Improvement Trust Transfer Act, 1925, is intended to give this power to the Corporation.

24th June 1936.

(Signed) ALI MAHOMED KHAN DEHLAVI.

APPENDIX 5.

BILL No. XIV OF 1936.

A Bill to amend the Bombay Co-operative Societies Act, 1925.

(As published in the "Bombay Government Gazette"
of the 27th August 1936.)

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Co-operative Societies (Second Amendment) Act, 1936.

2. *Insertion of new section 54A in Bom. VII of 1925.*—After section 54 of the Bombay Co-operative Societies Act, 1925, hereinafter called the said Act, the following new section shall be inserted, namely:—

"54A. *Registrar's power to set aside the award and order the dispute to be referred back to arbitration.*—(1) In the case of any award made by the arbitrators under section 54, the Registrar, if he is not one of such arbitrators may of his own motion or on the application of any of the parties to the award, for reasons to be recorded in writing, set aside the award and order that the dispute shall be referred back to arbitration in the manner provided under the said section:

Provided that no such order shall be made—

(a) after the issue of a certificate under section 59 for the execution of the award, and

(b) unless the Registrar is of opinion that—

(i) an objection to the legality of the award is apparent on the face of it, or

(ii) the award has been vitiated in consequence of corruption or misconduct on the part of any of the arbitrators, or

(iii) the award is in any way perverse.

(2) In making an order under sub-section (1), the Registrar may direct that all or any of the arbitrators who made the award shall not act again as arbitrators for deciding the dispute.

(3) Where a dispute is referred back to arbitration under sub-section (1), the arbitrators shall make a fresh award within such time as may be fixed by the Registrar. If the arbitrators fail to make a fresh award within the time so fixed, the Registrar or his nominee shall decide the dispute."

3. *Amendment of section 56 of Bom. VII of 1925.*—In section 56 of the said Act, after the figures "54" the words, figures, brackets and letter "or sub-section (3) of section 54A" shall be inserted.

[Appendix 5—contd.]

4. *Amendment of section 57 of Bom. VII of 1925.*—In section 57 of the said Act, after the figures “54” the word, figures and letter “or 54A” shall be inserted.

5. *Amendment of section 59 of Bom. VII of 1925.*—In sub-section (1) of section 59 of the said Act,

(i) after the word and figures “section 54”, the words, figures and letter “or under sub-section (3) of section 54A” shall be inserted; and

(ii) for the word and figures “and 54” the words, figures, letter and brackets “54 or sub-section (3) of section 54A” shall be substituted.

6. *Amendment of section 64 of Bom. VII of 1925.*—In section 64 of the said Act, for the word and figures “or 54” the words, figures, brackets and letter “, 54 or sub-section (3) of section 54A” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Bombay Co-operative Societies Act, 1925, does not provide for an appeal against the award of the arbitrators made under section 54 of the Act. It has been noticed that in several cases the arbitrators pass awards which are wrong in law or even perverse. Sometimes the awards are vitiated in consequence of corruption or misconduct on the part of the arbitrators. It is therefore proposed, on the analogy of the provisions contained in section 13 of the Indian Arbitration Act, 1899, and paragraph 14 of the Second Schedule to the Code of Civil Procedure, 1908, to invest the Registrar with powers to set aside the award and refer the dispute to a fresh arbitration. The Bill seeks to carry out this object. It is however provided that power to set aside the award and to direct a fresh arbitration should not be exercised after the Registrar issues a certificate for the execution of the award under section 59. Provision is also made in the Bill that while remitting the award, the Registrar may direct that the same arbitrators shall not decide the dispute, if in his opinion such action is necessary in the interest of justice, and that if fresh arbitration is not completed within a specified time, the Registrar shall decide the dispute himself or through his nominee. It is also provided that an appeal shall lie against any decision of the Registrar or his nominee under section 54A (3) in the same way as an appeal now lies against any such decision under section 54.

24th August 1936.

(Signed) S. T. KAMBLI.

APPENDIX 6.

BILL No. XV OF 1936.

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

(As published in the "Bombay Government Gazette"
of the 28th August 1936.)

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

VI of
1923.

Short title.—This Act may be called the Bombay Local Boards Amendment) Act, 1936.

2. *Amendment of section 15 of Bom. VI- of 1923.*—In section 15 of Bom. VI of 1923—
the Bombay Local Boards Act, 1923—

VI of
1923.

(1) in sub-section (1)—

- (i) in the first paragraph the word "taluka" shall be deleted;
- (ii) in sub-clause (ii) of clause (a), after the words "unalienated land", the words "or land on talukdari tenure" shall be inserted;
- (iii) after clause (c), the following shall be inserted, namely:—

" or

(d) being a member of the Scheduled Castes, was, on the first day of January aforesaid, actually performing in the district the duties of an inferior village office, whether hereditary or not:

Provided that a person who has been dismissed for misconduct and has not been re-employed shall not, by virtue of this clause, be qualified to be entered in any such list";

(2) sub-section (2) shall be deleted;

(3) in sub-section (4) after clause (a), the following new clause shall be inserted, namely:—

"(aa) 'Scheduled Castes' shall mean the castes specified in Part II of the Schedule to the Government of India (Scheduled Castes) Order, 1936."

STATEMENT OF OBJECTS AND REASONS.

Under section 15 of the Bombay Local Boards Act, 1923, the franchise for taluka local boards is, broadly speaking, the holding of land assessed at Rs. 8. The franchise for district local boards is higher, being the holding of land assessed at Rs. 16 in the Panch Mahals and the Ratnagiri districts, and Rs. 32 elsewhere. Under the Government of India Act, 1935, the franchise in rural constituencies for the Bombay Legislative Assembly is the holding of land assessed at Rs. 8. This is the same as that now prescribed for taluka local boards. Government, therefore,

[Appendix 6—*contd.*]

consider that the franchise for the district local boards should also be reduced to the same level. Government are also of the opinion that the "inferior village office" qualification for members of the Scheduled Castes prescribed for rural constituencies of the Bombay Legislative Assembly should also be prescribed for local board constituencies. Under clause (a) (ii) of section 15, tenants of alienated or unalienated lands are entitled to be voters in these constituencies. It is proposed to give a similar right of vote to tenants of talukdari lands. The Bill seeks to carry out these objects.

24th August 1936.

(Signed) ALI MAHOMED KHAN DEHLAVI.

APPENDIX 7.

BILL No. XVI OF 1936.

A Bill to amend the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Act, 1924.

(As published in the "Bombay Government Gazette" of the 29th August 1936.)

Bom.
VIII of
1924.
5 & 6
Geo. V,
c. 61.

WHEREAS it is expedient to amend the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Act, 1924, for the purposes hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy (Amendment) Act, 1936.

Bom.
VIII of
1924.

2. *Amendment of section 2 of Bom. VIII of 1924.*—In section 2 of the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Act, 1924, hereinafter called the said Act,—

(1) for the words "The Accountant General of Bombay", the words "The Official Trustee of Bombay" shall be substituted;

(2) for the words "the District Judge of Ahmedabad, all" the word "both" shall be substituted;

(3) the words "one or more" where they occur for the first time shall be omitted; and

(4) for the words "any one or more" where they occur for the second time, the words "either or both" shall be substituted.

[Appendix 7—contd.]

3. *Amendment of section 4 of Bom. VIII of 1924.*—In section 4 of the said Act,

(1) for the words beginning with the words “and the said securities” and ending with the words “as the case may be”, the following shall be substituted, namely:—

“and the present Baronet and the person who as heir male of his body shall for the time being have succeeded to and be in the enjoyment of the said title of Baronet conferred by the said Letters Patent as aforesaid shall, from time to time in such instalments as the said Baronet or the said person may find it expedient, assign and transfer into the name of the Corporation stocks, funds or securities of, or the principal and interest of which is guaranteed by, the Government of the United Kingdom of Great Britain and Ireland or the Government of India or the Government of Bombay of the nominal value of rupees twenty-eight lacs in the aggregate and producing an annual income of about rupees one lac twenty-one thousand and five hundred and the Corporation shall hold the said stocks, funds or securities as may from time to time be assigned and transferred into its name as aforesaid upon the trusts and for the purposes hereinafter expressed concerning the same, that is to say UPON TRUST to continue to hold the said stocks, funds or securities till such time as the same shall be discharged”;

(2) for the words “the income of the said securities”, the words “the income of the said stocks, funds and securities” shall be substituted;

(3) for the words “in or on any stocks, funds or securities of or the principal and interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India or the Government of Bombay”, the words “in or on any stocks, funds or securities as hereinbefore described” shall be substituted; and

(4) after the words “at the time of such payment” the following shall be added, namely:—

“Provided always that nothing contained herein or in any law for the time being in force shall be deemed to impose any liability whatsoever upon the Corporation or any of the trustees to obtain the assignment or transfer of any of the stocks, funds or securities to be assigned or transferred in pursuance of this section.”

4. *Amendment of section 15 of Bom. VIII of 1924.*—In section 15 of the said Act,

(1) for the words “an annuity of rupees twelve thousand clear of all deductions whatsoever,” the words “an annuity equal to one-tenth of the income of the Trust Funds and the hereditaments and premises realised by the Corporation in the year immediately preceding, after the payment thereof of all rates, taxes, assessments, dues and duties

[Appendix 7—*contd.*]

and defrayal of the costs of repairs under section 4 and the reimbursement of all costs, expenses and damages to the Corporation under section 8 ” shall be substituted ;

(2) for the words “ PROVIDED ALWAYS ” the words “ Provided always that the said annuity shall not in any year exceed the amount of rupees twelve thousand clear of all deductions and provided further ” shall be substituted ; and

(3) for the words and figures “ Rs. 100 per mensem ”, the words “ one-tenth of the amount received by the mother of such child by way of an annuity under this section ” shall be substituted.

5. *Amendment of section 16 of Bom. VIII of 1924.*—In section 16 of the said Act,

(1) for the words and figures “ Rs. 12,000 per annum for and in respect of any annuity or annuities payable in pursuance of section 15 ”, the words and figures “ the sum stated in section 15 for and in respect of any annuity or annuities payable in pursuance of the said section ” shall be substituted ;

(2) the words and figures “ of Rs. 12,000 per annum ” shall be omitted.

6. *Amendment of section 20 of Bom. VIII of 1924.*—In section 20 of the said Act,

(1) for the words “ the Accountant General of Bombay and the District Judge of Ahmedabad ” the words “ and the Official Trustee of Bombay ” shall be substituted ; and

(2) for the words “ any of them ”, the words “ either of them ” shall be substituted.

7. *Indemnity to Corporation and trustees.*—Notwithstanding anything contained in the said Act or any law for the time being in force, it is declared that the Corporation and each of the trustees who before the passing of this Act was or has been for the time being in the office of such trustee in pursuance of the provisions of the said Act and the heirs, executors and administrators, estates and effects of each of such trustees and the successors in office of such trustees are hereby released and discharged jointly and severally from all accounts, suits or other legal proceedings, claims and demands whatsoever for or in relation to any failure or omission of the Corporation or the trustees to do anything that was required to be done under any of the provisions of the said Act prior to the passing of this Act, and that no suit or other legal proceedings, whatsoever shall lie in any court of law against the Corporation or any of the said trustees, heirs, executors, administrators, estates or successors for or in respect of any such failure or omission.

[Appendix 7—concl'd.]

STATEMENT OF OBJECTS AND REASONS.

Section 2 of the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Act, 1924, provides that the Accountant General of Bombay and the District Judge of Ahmedabad shall be two of the trustees of the trust which is the subject matter of the Act. It is found inconvenient in actual practice for the Accountant General and the District Judge, Ahmedabad, to act as trustees. One of the objects of this Bill is to substitute the Official Trustee of Bombay as one of the trustees in place of the Accountant General and the District Judge, Ahmedabad.

2. Section 4 of the Act provides that certain securities of the nominal value of rupees 28 lacs should be assigned and transferred to the trustees appointed under the Act out of the assets left by the first Baronet, and that the said securities together with the income of certain immoveable property specified in the Schedules to the Act should form the Trust Funds. Section 15 of the Act further provides for the payment out of the income of the Trust Funds of annuity or annuities to the widow or widows of deceased Baronets. For various reasons it has not been possible so far to assign and transfer to the Trustees the said securities or any part of them.

3. This Bill therefore provides that the holder of the title of Baronet for the time being shall from time to time in such instalments as he finds expedient, assign and transfer to the trustees securities of the nominal value of rupees 28 lacs and that the annuity payable under section 15 shall be one-tenth of the annual income of the Trust Funds for the time being in the hands of the trustees.

4. The Bill further indemnifies the present Trustees from all liability in consequence of any failure or omission to do anything that was required to be done under the present Act, and provides that there is no liability on the new Trustees to compel the assignment and transfer of the said securities in the future.

4th August 1936.

(Signed) C. W. A. TURNER.

APPENDIX 8.

BILL No. XVII OF 1936.

A Bill to amend certain enactments.

(As published in the "Bombay Government Gazette"
of the 31st August 1936.)

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the Schedule; And whereas the previous sanction of the Governor required by 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 Amending Act, 1936.

5 & 6
Geo. V,
c. 61.

[Appendix 8—contd.]

2. *Amendments of certain enactments.*—The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE.

AMENDMENTS.

(See section 2.)

Year.	Num-ber.	Short title.	Amendments.
1	2	3	4
		<i>Acts of the Governor of Bombay in Council.</i>	
1. 1887	VI	The Matadars Act, 1887 ..	<p>In section 30—</p> <p>(1) In clause (f) of sub-section (1) the words "at the time when he would otherwise be entitled to officiate" shall be deleted and the following shall be added at the end, namely:—</p> <p>"and whose disqualification on account of his being so adjudged has not been removed by an order which the Collector is hereby empowered to make in this behalf."</p> <p>(2) For sub-section (2) the following shall be substituted, namely:—</p> <p>"(2) Any matadar who is disqualified under clause (f) or clause (g) of sub-section (1) shall, so long as his disqualification has not been removed as aforesaid, be deprived of any right which he would otherwise have of voting at an election of an officiator, or of appointing a deputy to officiate."</p>
2. 1888	III	The City of Bombay Municipal Act, 1888.	<p>(1) In clause (d) of sub-section (2) of section 26A the word "and" occurring after the word "poll" shall be deleted.</p> <p>(2) Section 29 (1) shall be renumbered as section 29.</p>
3. 1901	III	The Bombay District Municipal Act, 1901.	In clause (viii) of section 59 for the word "case" where it occurs for the first time, the word "cases" shall be substituted.
4. 1923	VI	The Bombay Local Boards Act, 1923.	In section 99 for the words "motor vehicles or trailers" the words "vehicles or animals" shall be substituted.

[Appendix 8—contd.]

Schedule—contd.

Year. 1	Num- ber. 2	Short title. 3	Amendments. 4
5. 1925	VII	The Bombay Co-operative Societies Act, 1925.	In sub-section (2) of section 71, clause (ff) inserted by Bombay Act XXII of 1925 shall be re-lettered as clause (ll).
6. 1925	XVIII	The Bombay Municipal Boroughs Act, 1925.	<p>(1) In section 8, for the words "the municipality of....", the words "the.....Borough Municipality" shall be substituted.</p> <p>(2) In sub-section (1) of section 11 for the words, figures and brackets "general constituency, and published under regulation 6 (3) of Part II of the Bombay Electoral Regulations, 1923" the words, figures and brackets "territorial constituency, and published under rule 23 (3) of the Bombay Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936" shall, with effect from 31st day of March 1937, be substituted.</p> <p>(3) In clause (x) of section 73 for the word "case" where it occurs for the first time, the word "cases" shall be substituted.</p> <p>(4) In sub-section (1) of section 87 after the word "transferred" where it occurs for the first time, the words "the person whose title is so transferred and" shall be inserted.</p> <p>(5) In Schedules III and IV for the words "City Municipalities" the words "Municipal Boroughs" shall be substituted.</p>
7. 1928	IX	The City Municipal Act, 1928.	In section 1, within the brackets, before the word "Amendment" the word "Second" shall be inserted.
8. 1928	X	The City Municipal Act, 1928.	In section 1, within the brackets, before the word "Amendment" the word "Third" shall be inserted.

[Appendix 8—contd.]

Schedule—concl'd.

Year.	Num-ber.	Short title.	Amendments.
1	2	3	4
9. 1930	IX	The Bombay City Municipalities (Amendment) Act, 1930.	In section 1, within the brackets, before the word "Amendment" the word "Second" shall be inserted.
10. 1930	XVIII	The City of Bombay Municipal (Amendment) Act, 1930.	In section 1, within the brackets, before the word "Amendment" the word "Second" shall be inserted.
11. 1930	XXIII	The City of Bombay Municipal (Amendment) Act, 1930.	In section 1, within the brackets, before the word "Amendment" the word "Fourth" shall be inserted.
12. 1933	VI	The Bombay Village Panchayats Act, 1933.	In sub-section (5) of section 91 the words "by by-laws" shall be omitted.
13. 1935	XXV	The Bombay Public Trusts Registration Act, 1935.	In sub-section (3) of section 8 for the figure "1" where it occurs for the second time, the figure "2" shall be substituted.
14. 1935	XXXIV	The Bombay Motor Vehicles Tax Act, 1935.	<p>(1) For the provisos to article IV in class A in Schedule I, the following shall be substituted, namely:—</p> <p>"Provided that the rates for motor vehicles registered for use solely within municipal and cantonment limits shall be $\frac{2}{3}$rd of the aforesaid rates:</p> <p>Provided further that the maximum annual tax in the case of motor vehicles registered for use solely within municipal and cantonment limits shall not exceed Rs. 333-6-0 and in other cases shall not exceed Rs. 500."</p> <p>(2) In the entry relating to the Bombay Village Panchayats Act, 1933, in column 4 in Schedule II, for the word "and" where it occurs for the first time, the word "any" shall be substituted.</p>

[Appendix 8—concl'd.]

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to make necessary amendments of a formal nature in certain enactments. Most of the amendments are self-explanatory. The following paragraphs explain some of the important amendments included in the Bill.

2. *Amendment No. 1.*—Sub-section (2) was inserted in section 30 of the Bombay Matadars Act, 1887, by the Bombay Hereditary Offices Act, 1910 (Bom. III of 1910). The said sub-section read with sub-section (1) does not make it clear whether a matadar disqualified under clause (f) of sub-section (1) should be deprived of the right of voting at an election of an officiator or of appointing a deputy to officiate, for the rest of his life or only so long as his disqualification has not been removed. It was not the intention to deprive him of such right for the rest of his life. The amendment of section 30 (1) (f) and section 30 (2) in the Bill makes that point clear.

3. *Amendment No. 4.*—Section 99 of the Bombay Local Boards Act, 1923, was amended by Schedule II to the Bombay Motor Vehicles Tax Act, 1935. But the entry in the schedule is not consistent with section 15 of the Bombay Motor Vehicles Tax Act, 1935. This amendment seeks to remove the said inconsistency.

4. *Amendment No. 6 (2).*—Section 11 of the Bombay Municipal Boroughs Act, 1925, provides that a person whose name is entered in the current electoral roll prepared for a municipal borough forming part of a general constituency and published under the Bombay Electoral Regulations, 1923, shall be qualified to vote at a municipal election in such municipal borough. The roll prepared under the said Regulations will not be in force after 31st March 1937 when Part III of the Government of India Act, 1935, will come into force. The roll for the Provincial Legislative Assembly as would then be constituted will be the roll prepared under the Bombay Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936. It is therefore necessary to make this amendment in section 11 and to provide that it shall come into force from 31st March 1937.

5. *Amendment No. 6 (4).*—Section 87 (1) of the Bombay Municipal Boroughs Act, 1925, provides that the person to whom the title of any person primarily liable for the payment of a rate on buildings or lands or both is transferred, shall give notice of such transfer to the Chief Officer, but section 89 (1) in so far as it provides that every person who transfers his title without giving notice of such transfer to the Chief Officer as aforesaid shall continue to be liable for payment of the rate contemplates that the person who transfers his title should also give notice of the transfer. It is, therefore, necessary to amend section 87 (1) to bring it into accord with section 89 (1).

27th August 1936.

(Signed) C. W. A. TURNER.

APPENDIX 9.

BILL No. XXXII OF 1935.

(A Bill to provide for the registration, publication and inspection of Trusts created or existing for a public purpose for the benefit of Parsis and of certain trusts created by Parsis, and for the keeping, auditing, filing, inspection and publication of accounts in respect thereof.)

REPORT OF THE SELECT COMMITTEE.

We, the members of the Select Committee appointed to consider Bill No. XXXII of 1935 (A Bill to provide for the registration, publication and inspection of Trusts created or existing for a public purpose for the benefit of Parsis and of certain trusts created by Parsis, and for the keeping, auditing, filing, inspection and publication of accounts in respect thereof), have the honour to report as follows :—

We have carefully considered the Bill and have made several alterations and additions in it. The reasons for the principal changes made by us are given below against the clauses in which they occur.

Clause 1 (original clause 1).—We have amended this clause and provided that the Act shall be called the Parsi Public Trusts Registration Act, 1936.

We have also added a new clause providing that the Act shall come into force on such date as may be appointed by Government by notification in the *Bombay Government Gazette*.

Clause 2 (original clause 4).—This clause as originally drafted made the Bill applicable only to trusts created exclusively for the benefit of Parsis. If this provision were retained, the trusts created by Parsis not solely for the benefit of the Parsi community would be governed by the provisions of the Bombay Public Trusts Registration Act, 1935. It seems that the Parsi community would rather want such trusts to come under the provisions of this Bill than to be governed by the Bombay Public Trusts Registration Act, 1935. We have, accordingly, made a provision leaving it to the author of such trust, when he is a Parsi, to decide whether the trust should be governed by that Act or by this Act. We have, therefore, redrafted this clause and provided that the Act should in the first instance apply to public trusts created or existing solely for the benefit of the Parsi community or any section of such community and having an annual income of not less than Rs. 1,000; and we have added a sub-clause giving power to Government to apply the Act to any other trusts the author of which is a Parsi, on the application of the author of the trust or of the majority of the trustees thereof.

As it would, in our opinion, be difficult to prescribe in the Act the different kinds of trusts which should be exempted from its provisions, we have inserted a sub-clause giving power to Government to exempt any trust or any class of trusts from all or any of the provisions of the Act.

[Appendix 9—contd.]

We have also added another sub-clause providing that the Bombay Public Trusts Registration Act, 1935, shall not apply to any trust to which the provisions of this Act apply.

Clause 3 (original clause 2).—We have omitted the definition of the word “Court” as, in our opinion, the said definition is unnecessary.

As the word “Manager” is used in several subsequent clauses of the Bill, we have considered it necessary to define this word.

We have also added a definition of the words “Public Trust”; and in view of this definition, it is not necessary to define the expressions “public charitable purpose” and “public religious purpose”. The definitions of these expressions have, therefore, been deleted.

Clause 4 (original clause 3).—This clause as originally drafted provided that the Registrars of Parsi Public Trusts should be Parsis. This would not be practicable in several places. In our opinion, the Registrars of such Trusts should, however, be judicial officers not below the rank of a Subordinate Judge of the First Class or a Judge of a Court of Small Causes. We have amended the clause accordingly.

Clause 5 (original clauses 5 and 10).—This clause has been redrafted by us on the lines of section 5 of the Bombay Public Trusts Registration Act, 1935. We have, however, made three important alterations. We have provided that the manager may also submit the prescribed statement to the Registrar within whose jurisdiction the property or the funds of the trust or a substantial portion thereof are for the time being administered. This is because there appear to be many Parsi public trusts whose property consists mainly of securities which are kept with the Parsi Panchayat at Bombay, who have no knowledge as to how the funds are actually administered. We have also empowered the Registrar to extend the prescribed period for filing statements under this clause. The other important alteration made by us is that the manager need not send along with the statement the whole copy of the deed or instrument creating the public trust but only such portion thereof as, in the opinion of the Registrar, sufficiently shows the origin, nature and object of the trust.

Clause 6 (original clauses 6 and 12).—This clause has been drafted by us on the lines of section 6 of the Bombay Public Trusts Registration Act, 1935. We have, however, added a new sub-clause providing that the petition referred to in sub-clause (1) shall show in what way the petitioner claims to be interested in the trust, and shall be signed and verified in the manner prescribed for the signing and verification of a statement under clause 5.

Clauses 7, 8 and 9.—These are new clauses inserted by us and correspond to sections 7, 8 and 9 of the Bombay Public Trusts Registration Act, 1935. The first two clauses provide for the maintenance of a Register of Parsi Public Trusts and for the amendment of entries made in it. The third clause (clause 9) provides that if an inquiry as regards any trust is pending before two or more Registrars, Government shall decide which Registrar shall proceed with and complete the inquiry.

[Appendix 9—*contd.*]

Clause 10.—This is also a new clause inserted by us and provides that the entries made in the Register of Public Trusts shall, subject to the provisions of clause 11, be final. We have, however, added a proviso that nothing in this clause shall bar the right of any person to institute a suit in a civil court in regard to any matter affected by entries in such Register. In view of this provision, original clause 15 of the Bill, which provided for an appeal against the decision of the Registrar, has been deleted by us.

Clause 11.—This is also a new clause inserted by us and provides that a civil court deciding any question relating to any trust to which this Act applies or in respect of which an entry has been recorded in the Register of Trusts shall communicate its decision to the Registrar. We have also made it obligatory on the Registrar to make entries or amendments of entries in the Register of Trusts according to the decision of the civil court.

Clause 12 (original clauses 7 and 8).—This clause, which has been redrafted by us, provides for the keeping of regular accounts, the balancing and auditing of such accounts, and the furnishing of a copy of the same to the Registrar.

Clause 14 (original clause 11).—In our opinion, only a person who is interested in a public trust should be allowed to inspect and obtain copies of the various documents filed before the Registrar. We have amended the clause accordingly.

Clauses 15, 16 and 17.—These are new clauses inserted by us on the lines of sections 14, 15 and 16 of the Bombay Public Trusts Registration Act, 1935, and provide for the creation of a Parsi Public Trusts Administration Fund in each district or area, the contributions payable to it by the trusts and the purposes for which it will be applied. The Fund is to be under the control and management of the Registrar.

Clause 18.—In our opinion, it is desirable that a Registrar should have power to order a special audit of the accounts of any trust at any time when he considers it necessary. We have, accordingly, inserted this new clause giving this power to the Registrar.

Clause 19.—This is a new clause inserted by us and provides for the publication, by each Registrar, of the list of Parsi Public Trusts and a statement of the sums standing to the credit of the Parsi Public Trusts Administration Fund in his district or area.

Clause 20 (original clause 16).—In our opinion, the penalties for various offences under this Act should be the same as those prescribed for similar offences under the Bombay Public Trusts Registration Act, 1935. We have, therefore, redrafted this clause on the lines of sections 19 to 21 of that Act.

Clause 21 (original clause 17).—In our opinion, no prosecution under this Act should be instituted except on the complaint of the Registrar. The clause has been amended accordingly.

[Appendix 9—*contd.*]

Clause 23 (*original clause 14*).—We have amended this clause and provided that no action for damages and no prosecution shall lie against any person for anything done in good faith under this Act.

Clause 24.—This is a new clause inserted by us and provides for the recovery of sums due under this Act as arrears of land revenue.

Clause 25 (*original clause 18*).—We have redrafted this clause on the lines of section 27 of the Bombay Public Trusts Registration Act, 1935.

We recommend that this Report, with the minutes of dissent, if any, and the Bill as amended, be translated and published in Marathi, Gujarathi and Urdu in the *Bombay Government Gazette*.

- (Signed) S. T. KAMBLI.
 („) J. A. MADAN.
 („) K. C. SEN.
 („) R. S. ASAVALE
(subject to a minute of dissent).
 („) R. B. SHINDE.
 („) M. P. KHAREGHAT
(with an explanatory note as shown below).
 („) A. E. SERVAL.
 („) S. D. SAKLATVALA.
 („) R. S. MODAK.
 („) ABDUL LATIF HAJI HAZRAT
 KHAN.
 („) KAVASJI B. VAKIL
(subject to a minute of dissent).
 („) SYED MUNAWAR.
 („) DAVAR T. K. MODI
(subject to the remarks as shown below).
 („) M. D. D. GILDER.
 („) D. R. PATIL.
 („) PESTANSHAH N. VAKIL.
 („) M. K. DIXIT.
 („) M. M. KARBHARI.
 („) BHASANEH RAISINGHI.
 („) N. N. PATIL.
 („) D. B. COOPER.

[Appendix 9—*contd.*]

(*Minute of dissent by Rao Bahadur R. S. Asavale, M.L.C.*)

As regards a sub-clause giving power to Government to exempt any trust or any class of trusts from all or any of the provisions of the Act, I do not agree.

(Signed) R. S. ASVALE.

Bombay, 21st May 1936.

(*Explanatory note by Mr. M. P. Khareghat, M.L.C.*)

I sign the report of the Select Committee on the understanding that:

(a) The Act will not be brought into force before the Rules are finally published.

(b) The question of the exemption of trusts, especially those of a temporary nature like those mentioned in section 4 (b) of the original Bill will be considered by Government under section (2).

(c) Any person aggrieved by an order of the Registrar may file a suit against him or the Secretary of State to get it set aside in place of the appeal provided for in section 15 of the original Bill.

(d) Fees or contribution will not be levied more than once on the same amount, because it may be transferred from one trust to another or shown in different accounts or for some similar reason.

(e) It will be open to propose amendments in the Council in spite of signing the report of the Select Committee.

(Signed) M. P. KHAREGHAT.

23rd May 1936.

(*Minute of dissent by Mr. Kavasji B. Vakil, M.L.C.*)

The majority report of the Select Committee has been signed by me subject to the following minute.

Many of the amendments suggested at the meeting and which were accepted after sympathetic consideration will go a great way towards minimising the hardship of the proposed legislation as also to obviate some practical difficulties in the working of the Act if passed. However in my humble opinion the following clauses require further consideration and due amendment.

Section 8.—Section 8 of the amended Bill deals with the amendment of entries in the Register maintained under section 7. Under section 8, any change that occurs in any of the particulars recorded in the Register have to be reported to the Registrar and the said report is to be accompanied by the prescribed fee. If we refer to the list of particulars mentioned in section 5, we find that the particulars mentioned therein include

[Appendix 9—contd.]

(a) the description of trust properties both moveable and immoveable, (b) the gross annual income of such properties estimated on the income of three years immediately preceding the date, (c) as well as the average annual expenditure of the trust. In cases of larger trusts all these particulars are likely to vary all along and constantly during the course of a year because the properties may vary by the advent of fresh subscription or by the gifts of immoveable or moveable properties small or big of a varied nature and the income will also consequently vary and so may the expenditure also. If these changes have to be notified under section 8 to the Registrar within six months of their occurrence, a report will have to be made almost constantly or at very short intervals during the course of a year. This will make the practical working of the section very difficult and the cost by way of fees will be prohibitive and unreasonable.

Under section 12, statement of accounts have to be submitted to the Registrar annually and all the changes that occur by way of increase of capital due to fresh subscriptions or additional gifts as well as the consequent increase of income and expenditure will necessarily form part of such annual accounts. Under such circumstances it is difficult to see why such changes have got to be reported to the Registrar from time to time independent of the Account. If section 8 is meant to cover changes of a more important nature such as a change in the administration by substitution or addition of Trustees and other changes of equal importance, then the section should be made more clear and definite.

Section 12, sub-clause 4.—The period of six months mentioned in section 12 (4) is much too short for regular compliance. No doubt the Registrar has been given the power to extend the time but in case of large mofussil trusts the capital whereof is entrusted in the Safe Custody of the Bombay Panchayat, compliance with this provision is well-nigh impossible, for the accounts of the mofussil Panchayat could only be made up after the receipt of their account from the Bombay Panchayat. Under such circumstances it is best that six months should be changed into twelve months.

Section 13.—Section 13 entitles trustees to defray certain costs out of the trust fund but it is confined to costs incurred for specific purposes only but in my humble opinion provision should also be made to cover other costs *bona fide* incurred by the trustees for generally carrying into effect the provisions of this Act or costs incidental to matters arising out of the provisions of this Act. For instance cost under section 8 or the cost of conducting or defending any proceedings started against the Trustees under any of the provisions of this Act. Therefore section 13 should be amended accordingly.

Section 6, sub-clause 6.—No provision seems to have been made as regards award of cost either from the trust funds or from the unsuccessful party who moves the Registrar. This provision seems to be very necessary and it may be added as sub-clause (e) to section 6 (6).

Surat, 26th May 1936.

(Signed) KAVASJI B. VAKIL.

[Appendix 9—contd.]

(Remarks by Sardar Davar T. K. Modi, M.L.C.)

I am in substantial agreement with the Report. I would, however, like to make the definition of "Public Trust" more explicit and to make the application of the Act to "Composite trusts" clear. A few verbal alterations in some of the clauses are also required. I shall table the necessary amendments at the time of the Second Reading.

Ootacamund, 28th May 1936. (Signed) Davar T. K. Modi.

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

BILL No. XXXII OF 1935.

A Bill to make provision for the registration, publication and inspection of Trusts created or existing for a public purpose [for public purposes of a charitable or religious nature] for the benefit of Parsis and of certain Trusts created by Parsis, and for the keeping, auditing, filing, inspection and publication of [audited] accounts in respect thereof.

(As amended by the Select Committee.)

WHEREAS it is expedient to [make provisions] *provide* for the registration, publication and inspection of Trusts *created or existing for a public purpose* [for public purposes] of a charitable or religious nature for the benefit of Parsis *and of certain Trusts created by Parsis*, and for the keeping, *auditing*, filing, inspection and publication of [audited] accounts in respect of the same; AND WHEREAS the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6
Geo V,
c. 61.

Preliminary.

[1. *Short title, extent and commencement.*]—(1) This Act may be called the Parsi Charities Act, 1936.

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

1. *Short title and extent.*—(1) This Act may be called the Parsi Public Trusts Registration Act, 1936.

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

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

[Appendix 9—contd.]

[2. [Definitions.]—In this Act unless there is anything repugnant to the subject or context,]

(a) " Court " means the Court of the District Judge or within the limits of the ordinary original civil jurisdiction of a High Court, such Court, subordinate to the High Court as the Local Government may, by notification in the local official Gazette, designate in this behalf.

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

(c) " Public charitable purpose " includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but it does not include a public religious purpose as hereinafter defined.

(d) " Public religious purpose " includes the maintenance of public religious institutions and the securing of such institutions and through them to the public in general exclusively religious or partly religious and partly secular advantage.

(e) " Registrar " means a person appointed under section 3 to perform the duties of a Registrar of Charitable or Religious Trusts under this Act.

(f) 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.]

[3. [Appointment of Registrars.]—Government may, by notification in the *Bombay Government Gazette*, appoint such Parsis, whether Government officers or not, as it thinks proper, to be Registrars of Charitable or Religious Trusts for the purposes of this Act, and may fix the local limits of their respective jurisdictions.]

[4. [Applicability.]—(a) This Act shall apply solely to Trusts of a permanent character created for public purposes of a charitable or religious nature exclusively for the benefit of Parsis.]

[(b) Nothing in this Act shall apply to

(1) a trust some of the beneficiaries of which are not Parsis,

(2) a trust the principal object of which is to confer benefit on specified individuals or effect a family settlement,

(3) a trust created for a temporary purpose, such as a fund subscribed for distribution in a limited time among the beneficiaries,]

[(4) property intended to be given eventually in trust of the nature described in clause (a) of this section in the hands of a temporary holder before it is so given, such as property bequeathed for such a purpose while in the hands of the executor or funds subscribed in memory of a deceased or living person in the hands of the Collector of the funds, unless and until such property or funds are definitely conveyed to a trustee, or the executor or Collector definitely constitutes himself a trustee for the administration of the trust,]

[Appendix 9—*contd.*]

[(5) a trust the property of which is held by the Treasurer of Charitable Endowments, the Administrator General, the Official Trustee, or a Receiver appointed by any Court of competent jurisdiction,]

[(6) a trust the property of which is being administered under a scheme for its administration settled or approved by any Court of competent jurisdiction or by any other authority acting under the provisions of any enactment,]

[(7) a trust the property of which is held by a body registered under the Indian Companies Act, 1913, or Societies Registration Act, 1860,]

[(8) a trust the value of the property of which does not exceed Rs. 5,000, or the annual income of which does not exceed Rs. 300,]

[(9) a trust the author of which has explicitly provided that it shall be exempt from the provisions of this Act.]

[(c) The Local Government may by notification in the local official Gazette exempt from the operation of this Act or any provision thereof any trust or trustee.]

VII of
1913.
XXI of
1860.

Replaces
clause 4 (a)
of the Bill
partly (cf.
s. 2 of the
B. P. T. R.
Act, 1935).
Cf. clause
4 (c) of
the Bill.

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

(2) *Government may by notification in the "Bombay Government Gazette" exempt any trust or any class of trusts from all or any of the provisions of this Act.*

(3) *In the case of a public trust of which the author belongs to the Parsi community and which is created or exists not solely for the benefit of the said community, Government may, on application of such author, or, if such author is dead, of the majority of the trustees of such trust, by notification in the "Bombay Government Gazette" apply all or any of the provisions of this Act to such trust.*

Bom.
XXV
of 1935.

(4) *The provisions of the Bombay Public Trust Registration Act, 1935, shall not apply to any public trust to which any of the provisions of this Act apply.*

Clause 2
of the Bill
(cf. s. 3 of
the B. P.
T. R.
Act,
1935).

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

(1) *"Manager" means a trustee or any other 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.*

(4) *"Registrar" means a person appointed under section 4 to exercise the powers and perform the duties of a Registrar of Parsi Public Trusts under this Act.*

(5) *"Rules" means rules made under this Act.*

II of 1882.

(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.*

[Appendix 9—contd.]

4. *Appointment of Registrars.*—Government may appoint officers Clause 3 of the Bill (cf. s. 4 of the B. P. T. R. Act, 1935). belonging to the Judicial Service not below the rank of a Subordinate Judge of the First Class or a Judge of a Court of Small Causes to be Registrars of Parsi 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.

[Statement of Particulars.]

[5. *Obligation to furnish particulars relating to charitable or religious trusts.*—(1) Within twelve months from the commencement of this Act every trustee to whom this Act is applicable shall furnish to the Registrar within whose jurisdiction the property or any charitable or religious trust of which he is the trustee or a substantial portion of such property is situated or dedicated a statement containing the following particulars, namely :—]

[(a) a description of the trust property sufficient for the complete identification thereof,]

[(b) the gross income from such property and all contributions, fees, payments, gifts and additions to the Trust Fund unless they are accounted for in the capital fund,]

[(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 the period which has elapsed since the creation of the Trust whichever period is shorter,]

[(d) the amount if any of the Government revenue and cesses and all rents annually payable in respect of the trust property,]

[(e) an estimate of the expenses annually incurred in the realisation of the income of the trust 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 trust for—

(i) the salary of the trustee.....and allowance to individuals,

(ii) purely religious purposes,

(iii) charitable purposes,

(iv) any other purposes, and

(g) any other particulars which may be prescribed.]

[(2) Every such statement shall be accompanied by a copy of the Deed or Instrument creating or declaring the trust, or if no such Deed or Instrument has been executed or a copy thereof cannot be obtained, such statement shall contain full particulars as far as they are known to the trustee of the origin, nature, and objects of the trust. It shall

[Appendix 9—*contd.*]

also state whether such deed or instrument is registered, and if it is, give the registry number of the document, particulars of the book wherein it is registered and the date of registration.]

[(3) Where a trust is created after the commencement of this Act, the statement referred to in sub-section (1) shall be furnished within six months of the date on which the trust is created or, if it has been created by a written document, of the date on which such document is executed.]

[(4) On the application of a Parsi, alleging that a person is a trustee to whom this Act is applicable but has not filed a statement under this section, the Registrar may issue notice to such person, and after due inquiry, if he finds that the Act is so applicable, may order such person to file such statement within a specified period of not less than three months.]

[(5) The Registrar may for sufficient cause extend the period for furnishing a statement under this section.]

Replaces
clauses 5
and 10 of
the Bill
(cf. s. 5 of
the B. P.
T. R. Act,
1935).

5. *Obligation to furnish particulars relating to public trusts.*—(1) *Every manager of the property of a public trust shall, in the case of—*

(i) *a public trust created before the commencement of this Act, within twelve months of the commencement of this Act, and*

(ii) *a public 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 or the property or funds of such trust or any substantial portion thereof are for the time being administered a statement in the prescribed form and accompanied by the prescribed fee, containing the following particulars :—*

(a) *the names and addresses of the trustees and the manager and the mode of succession to the office of trustee,*

(b) *the description of the trust property, both moveable and immovable, sufficient for the identification thereof, and the approximate value thereof,*

(c) *the gross average annual income of such property estimated on the income of the three years immediately 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 or such extract thereof as in the opinion of the Registrar sufficiently shows the origin, nature and object of such trust shall accompany such statement or if no such deed or instrument has been executed or if a copy thereof cannot be*

[Appendix 9—contd.]

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. Cf. Clause 10 of the Bill.

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

(5) The Registrar may for sufficient cause extend the period for furnishing a statement under this section.

[6. Publication of particulars and requisitions of further particulars.—

(1) When any statement has been furnished under section 5, the Registrar to whom it is furnished shall cause notice of the furnishing thereof to be affixed in some conspicuous place in the Registrar's Office and to be published in daily newspapers and in such other manner, if any, as may be prescribed, and thereafter the Registrar of his own motion may issue or any Parsi may apply to the Registrar by a petition in writing accompanied by the prescribed fee for the issue of an order requiring the trustee to furnish further particulars or documents.]

[(2) The Registrar may after making such inquiry, if any, as he thinks fit, if he is of opinion that any further particulars or documents are necessary in order that full information may be obtained regarding the origin, nature or objects of the trust or the condition or management of the trust property cause to be served on the trustee an order requiring him to furnish such particulars or documents within such time as the Registrar may direct in the order.]

6. Power of Registrar to hold inquiry.—(1) A Registrar may either on his own motion or upon the petition of a person having an interest in a public trust hold an enquiry in the prescribed manner to ascertain—

Replaces clauses 8 and 12 of the Bill (cf. s. 6 of the B. P. T. R. Act, 1935).

(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, or whether the property or funds of such trust or any substantial portion thereof are for the time being administered, within his jurisdiction,

(iv) the names and addresses of the trustees and manager of such trust and the mode of succession to the office of trustee of such trust,

(v) the origin, nature and object of such trust,

(vi) the amounts of gross average annual income and expenditure of such trust, and

(vii) any other particulars as may be prescribed under sub-section (1) of section 5.

[Appendix 9—contd.]

(2) The petition referred to in sub-section (1) shall show in what way the petitioner claims to be interested in the public trust and shall be signed and verified in the manner prescribed for the signing and verification of a statement under section 5.

(3) If it comes to the knowledge of the Registrar 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.

(4) 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.

(5) On completion of the enquiry provided for in sub-sections (1) and (4) the Registrar shall record his findings as to the matters mentioned in the said sub-sections except such matters as may have been decided in such suit.

V of 1908. (6) 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, in respect of the following matters:—

(Cf. clause 12 of the Bill.)

- (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.

(7) 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.

(Cf. s. 7 of the B. P. T. R. Act, 1935.) 7. Register of Parsi 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 Parsi Public Trusts and shall file the statement, if any.

(Cf. s. 8 of the B.P.T.R. Act, 1935.) 8. Amendment of entries in Register.—(1) When any change occurs in any of the particulars recorded in the Register of Parsi Public Trusts, the manager shall, within six months of the occurrence of such change, report to the Registrar, such change in a statement in the prescribed form and accompanied by the prescribed fee. The provisions of sections 5 and 6 shall, so far as may be, apply to such statement.

(2) For the purpose of verifying the correctness of the entries in the Register of Parsi 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 the provisions of section 6 shall, so far as may be, apply to such enquiry.

[Appendix 9—contd.]

(3) If the Registrar, 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 Parsi 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.—(1) 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 Parsi Public Trusts by the Registrar of any other district or area. (Cf. S. 9 of the B. P. T. R. Act, 1935.)

(2) If an enquiry under section 6 or 8 in regard to any public trust is pending before the Registrars of two or more districts or areas, Government shall, on the application of any of the parties having an interest in such trust or of any of such Registrars or on their own motion, determine which of such Registrars shall proceed with the enquiry in regard to such trust; and upon such determination no Registrar other than such Registrar shall proceed with an enquiry under section 6 or 8 or act under section 7 in regard to such trust.

10. Entries in Register to be final subject to section 11.—(1) Entries made by the Registrar in the Register of Parsi 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. (Cf. S. 10 of the B. P. T. R. Act, 1935 and cl. 16 of the Bill.)

(2) Nothing in this section shall be deemed to bar in any way the right of any person aggrieved by any such entry to institute a suit in a court of competent jurisdiction in regard to any matter affected by such entry.

11. Amendment of Register by order of Court.—A Civil Court of competent jurisdiction deciding any question relating to any trust to which this Act applies or in respect of which any entry has been recorded in a Register of Parsi Public Trusts shall communicate its decision to the Registrar and the Registrar shall make entries or amendments of entries in the Register of Parsi Public Trusts relating to the said trust in accordance with its decision. (Cf. S. 11 of the B. P. T. R. Act, 1935.)

[Statement of Accounts and Audit.]

[7. Statement of Accounts.—The accounts of every trust to which this Act is applicable shall be closed annually at the end of the trustees financial year or the 31st March at the option of the trustee.]

[Within three months of the closing of the accounts as aforesaid every trustee shall prepare and furnish to the Registrar annually a full and true statement of account, in such form and containing such particulars as may be prescribed of all moneys and gifts in kind received and expended on behalf of the trust of which he is the trustee:]

[Appendix 9—*contd.*]

[Provided that if this option has once been exercised by the trustee it shall not again be exercised so as to vary the period of accounts except with the consent of the Registrar and upon such conditions as he may think fit to impose.]

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

[8. *Audit of Accounts.*—Every statement of accounts shall, before it is furnished to the Registrar under section 7, be audited,]

[(a) in the case of a trust the gross income of which during the year in question, after deduction of the land revenue and cesses, if any, payable to the Government exceeds five thousand rupees, by a person who is the holder of a certificate granted by the local Government under section 144 of the Indian Companies Act, 1913, or is a member of any institution or association the members of which have been declared under that section to be entitled to act as auditors of companies, throughout British India ; or]

[(b) in the case of other trusts by any person authorised in this behalf by general or special order of the Registrar.]

VII of
1913.

Replaces
clauses 7
and 8 of
the Bill
(Cf. S. 12
of the B.
P. T. R.
Act,
1935).

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 Parsi Public Trusts under section 6 shall keep regular accounts of all moveable and immoveable properties, except such articles as are of a perishable nature, received and of all encumbrances created on the trust property and of all payments and alienations made, 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.

VII of
1913.

(2) The accounts shall be balanced each year on the thirty-first day of March, or such other date, as the manager of any particular public trust may at his option choose in regard to such trust : provided that when such date is so chosen, the manager shall as soon as practicable intimate to the Registrar the date so chosen ; provided further that the date so chosen may be altered only with the consent of the Registrar and subject to such conditions as he may think fit to impose. The accounts so balanced shall be examined and audited annually in such manner and by a person who is the holder of a certificate granted under section 144 of the Indian Companies Act, 1913, or by such persons as may be prescribed.

(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, or such other date, as may be chosen by the manager in any particular case, under sub-section (2) 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, in such form and containing such particulars as may be prescribed together with the audit note, if any, relating thereto :

[Appendix 9—contd.]

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

V of 1908

(2) to any trust property which is vested in the Treasurer of Charitable Endowments, the Administrator General or the Official Trustee.

[General Provisions.]

[9. *Trustees entitled to pay costs of audit, etc., from trust funds.—* Notwithstanding anything contained in the deed or instrument creating any trust, every trustee may pay from the income of the trust property any expenses properly incurred by him for the purpose of enabling him to furnish any particular, documents or copies under section 5 or section 6 or in respect of the preparation or audit of the annual accounts for the purpose of this Act.]

13. *Trustees entitled to pay costs of audit, etc., from trust funds.—* Notwithstanding anything contained in the deed or instrument creating any trust, every manager may pay from the income of the trust property any expenses properly incurred by him for the purpose of enabling him to furnish any particulars, documents or copies under section 5 or section 6 or in respect of the preparation or audit of the annual accounts for the purpose of this Act.

Clause 9
of the
Bill.

[10. *Verification.—*Every statement of particulars furnished under section 5 or section 6 and every statement of accounts furnished under section 7 shall be written in English or Gujarati or such other language as the local Government may from time to time prescribe and shall be verified in the manner provided in the Code of Civil Procedure, 1908, for the signing and verification of pleadings.]

V of
1908.

[11. *Inspection and copies.—*Any Parsi, or with the permission of the Registrar, any other person shall on payment of the prescribed fee be entitled to inspect in the prescribed manner or to obtain a copy of any statement of particulars or any other document furnished to the Registrar under section 5 or section 6 or any statement of accounts furnished to it under section 7 or any audit report made on an audit under section 8.]

14. *Inspection and copies.—*Any person who in the opinion of the Registrar has an interest in any public trust shall, on payment of the prescribed fee, be entitled to inspect in the prescribed manner or to obtain a copy of any statement of particulars or any other document furnished to the Registrar under section 5 or section 6 or any statement of accounts furnished to him under section 12 (4) or any audit report made on an audit under section 12 (2) relating to such trust.

Clause 11
of the Bill
(Of S. 13
of the B,
P. T. R.
Act,
1935.)

[Appendix 9—contd.]

(Cf. S. 14 of the B. P. T. R. Act, 1935.) 15. *Annual contribution from Parsi public trusts.*—Every public trust shall, for the purpose of meeting the charges for and expenses incidental to the registration of public trust, the maintenance of the registers of such trusts and generally carrying into effect the provisions of this Act, be liable to pay to the Parsi Public Trusts Administration Fund of the district or area concerned, annually such contribution on such date and in such manner, as may be prescribed :

Provided that the contributions prescribed under this section shall be fixed at rates in proportion to the gross income of the public trust but in accordance with a progressively diminishing scale.

Explanation.—Progressively diminishing scale shall, for the purposes of this section, mean a scale of rates which shall diminish in proportion to the increase in the income of any public trust.

(Cf. S. 15 of the B. P. T. R. Act, 1935.) 16. *Parsi Public Trusts Administration Fund.*—For each district or area for which a Registrar is appointed under section 4 there shall be created a fund to be called the Parsi Public Trusts Administration Fund of the district or area 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 or 14,

(b) contributions under section 15,

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

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

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

(Cf. S. 16 of the B. P. T. R. Act, 1935.) 17. *Application of Parsi Public Trusts Administration Fund.*—The Parsi Public Trusts Administration 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 and generally carrying into effect the provisions of this Act.

(Cf. S. 17 of the B. P. T. R. Act, 1935.) 18. *Special audit.*—It shall be competent to the Registrar, at any time, for reasons to be recorded in writing, to order a special audit of the accounts of a public trust by such person as may be prescribed and to order the cost of such audit to be paid by the trustee or Manager from the income of the property of the public trust or out of the Parsi Public Trusts Administration Fund.

(Cf. S. 18 of the B. P. T. R. Act, 1935.) 19. *Publication of list of Parsi public trusts.*—Every Registrar shall publish annually under his signature, in the "Bombay Government Gazette" and in a newspaper published in the principal vernacular of, and circulating in, the district or area, a list of public trusts and a statement of the sums standing to the credit of the Parsi Public Administration Fund, in such form and on such date as Government may prescribe.

[Appendix 9—*contd.*]

[12. *[Registrar's powers to summon witnesses and to call for documents].*—
(1) Every Registrar shall have the powers of a Civil Court under the Code of Civil Procedure, 1908,] [V of 1908.]

[(a) to summon any person whose presence he may think necessary to attend before him from time to time and]

[(b) to examine any person, on oath administered by him and]

[(c) to issue a commission for the examination on interrogatories or otherwise of any person, and]

[(d) to summon any person to procure any book, document or thing, the production of which appears to be necessary for the purposes of his examination or investigation.]

[(2) Any person who, when summoned, refuses or without reasonable cause neglects to attend or to produce any book, document or thing, or attends and refuses to be sworn, or to be examined, shall be deemed to have committed an offence within the meaning of, and punishable under section 188 of the Indian Penal Code, and the Registrar shall report every case of such refusal or neglect to Government.] [XLV of 1860.]

[13. *[Registrars to be deemed 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.] [XLV of 1860.]

[14. No action shall lie against the Registrar in any Civil or Criminal Court for any act in good faith done or ordered to be done by him in pursuance of this Act.]

[15. (1) Any manager who is aggrieved by any decision of the Registrar under sub-section (4) of section 5 may, within ninety days from the date of communication to him of such decision, appeal to the Court within whose jurisdiction the property of the Trust or a substantial portion thereof is situate.]

[(2) In computing the period of limitation prescribed for an appeal under sub-section (1), the time required for obtaining a copy of the decision appealed from shall be excluded.]

[(3) If an appeal is made to the Court within whose jurisdiction the property aforesaid is situate, the Court may return the appeal if in its opinion the appeal would be disposed of more justly or conveniently by any other Court having jurisdiction.]

[(4) The Court may, after such inquiry as may be necessary, confirm, set aside or modify the decision of the Registrar. Where the decision of the Registrar is modified, the Court shall state which portion of the property of the Trust is subject to this Act. The decision of the Court shall be final and conclusive.]

[16. *[Penalties].*—(1) If any Trustee who is required by section 5 to submit to the Registrar the instrument of Trust, or an extract therefrom, and a statement of the Trust property, or who is required by section 7 to file a statement of accounts, fails without reasonable cause,

[Appendix 9—*contd.*]

the burden of providing which shall be upon him, to submit such instrument or extract and statement or to file the statement of accounts in the manner and within the period prescribed in section 7 or fails to comply with any order issued by the Registrar under or in pursuance of the provisions of this Act or otherwise fails in any respect to comply with the provisions of section 5 or section 6 or section 7 or furnishes a statement which he knows or has reason to believe to be false, misleading or untrue in any material particular, he shall, on conviction before a Magistrate, be punishable for each such offence with fine which may extend to twenty-five rupees.]

[(2) The Magistrate may, in giving judgment, specify a 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 twenty rupees for every day during which the default continues after the expiry of the period so specified :]

[Provided that if the person failing to comply with any directions issued by the Magistrate under this section satisfies the Magistrate that there was good reason for his failure to do so and applies for extension of the period prescribed under sub-section (2), the Magistrate may, if he thinks fit, extend the period and may remit the whole or any part of the fine paid or due.]

20 (1) *Penalty for failure to furnish or for furnishing false statements under section 5, 6 or 8.*—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.

(2) *Penalty for failure to furnish statement of accounts or furnishing false statements under section 12.*—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.

(3) *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.

(4) *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 and sentence for any of the offences under sub-section (1), (2) or (3), specify a 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 :

[Appendix 9—contd.]

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.

[17. *[Cognizance of offences].—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Registrar within whose jurisdiction the whole or a substantial portion of the property of the Trust in respect of which the offence is committed is situate.]*

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

21. *Cognizance of offences.—(1) No prosecution under this Act shall be instituted except on the complaint of the Registrar within whose jurisdiction the whole or a substantial portion of the property of the public trust in respect of which the offence is committed is situate or within whose jurisdiction the property or funds of such trust or any substantial portion thereof are for the time being administered.* Clause 17 of the Bill. (Cf. S. 23 of the B. P. T. R. Act of 1935.)

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

22. *Registrar to be deemed a public servant.—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.* Clause 13 of the Bill. (Cf. S. 24 of the B. P. T. R. Act, 1935.) XLY of 1860.

23. *Bar of prosecution of persons acting in good faith.—No action for damages and no prosecution shall lie against any person for anything which is in good faith done or intended to be done under this Act.* Clause 14 of the Bill re-placed by s. 25 of the B. P. T. R. Act, 1935.

24. *Recovery of sums due under this Act.—All sums due under this Act shall be recoverable as arrears of land revenue.* (Cf. S. 26 of the B. P. T. R. Act, 1935.)

[18. *[Rules].—(1) Government may, from time to time, make rules, not inconsistent with this Act, for the purpose of carrying into effect the provisions of this Act.]*

[(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—]

[(a) the number and nature of the registers to be kept by the Registrar ;]

[(b) the manner in which a statement or a copy of an instrument of Trust shall be certified by a trustee under clauses (1) and (2) of section 5 ;]

[(c) the form in which the description of property shall be furnished under clause (a) of sub-section (1) of section 5 and the particulars to be contained therein ;]

[Appendix 9—*contd.*]

[(d) the procedure to be followed by the Registrar in any proceedings under this Act and the manner in which the instruments of Trust and the statements of Trust property submitted to him under section 5 shall be registered ;]

[(e) the manner in which the Registrar's decision shall be communicated to the Trustee ;]

[(f) the fees to be paid for registration, searches and copies ; provided that the fees for registration shall not exceed ten rupees ;]

[(g) the manner and form in which the accounts of Charitable or Religious Trusts shall be kept, the particulars which shall be contained therein and the intervals at which and the manner in which they shall be audited ;]

[(h) the form in which the statement of accounts referred to in section 7 shall be filed and the particulars which shall be contained therein ;]

[(i) the times and places at which inspection under section 11 shall be permitted ;]

[(j) the powers and duties of auditors, other than those expressly provided for in this Act, the procedure to be followed by them in conducting an audit and the particulars to be contained in the audit note ;]

[(k) the safe custody of statements, copies or extracts of instruments of Trust, statements of accounts and audit notes furnished to the Registrar under this Act ; and]

[(l) any other matter which is to be or may be prescribed.]

[(3) The power to make rules under this section is subject to the condition of previous publication.]

25. *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 Parsi 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.*

Replaces
cl. 18 of
the Bill.
(Cf. S. 27
of the B.
P. T. R.
Act,
1935.)

[Appendix 9—concl'd.]

(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 sections 12 (2) and 18.

(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 Parsi Public Trusts under section 14.

(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 14.

(l) Prescribing the fee payable for obtaining certified copies of entries in the Register of Parsi 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 section 17, to which the Parsi Public Trusts Administration Fund shall be applied under the said section.

(o) Prescribing the manner in which the Registrar may give sanction under section 21.

(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.

Provided that the rules made under clauses (a), (f), (j) and (m) shall provide for such adjustment from time to time of the rates of fees payable under sections 5, 8 and 14 and the contributions payable under section 15 in respect of the public trusts in any district or area as not ordinarily to leave any surplus in the Parsi Public Trusts Administration Fund of the said district or area at the end of any year in excess of the amount sufficient in the opinion of Government for payment of the charges and expenses referred to in section 17. (Cf. s. 27 of the B. P. T. R. Act, 1935.)

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

(4) 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 statutory motion of the said Council and such rules shall, after notification in the local official Gazette, be deemed to have been modified or rescinded accordingly:

Provided that when, in the opinion of Government, such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, Government may, by notification in the "Bombay Government 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.

APPENDIX 10.

BILL No. VIII OF 1936.

A Bill to make provision for the setting up of Debt Conciliation Boards to relieve agriculturists from indebtedness.

(As introduced on the 24th March 1936 and published in the "Bombay Government Gazette" of the 16th April 1936.)

WHEREAS it is expedient to relieve agriculturists from indebtedness by amicable settlement between them and their creditors ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Debt Conciliation Act, 1936.

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

(3) It shall come into force on such date as the Local Government may, by notification, direct.

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

(a) The expression "land", "holding" and "village" shall have the meanings assigned to them in the Bombay Land Revenue Code, 1879 ;

(b) "Board" means a Debt Conciliation Board established under sub-section (1) of section 3 ;

(c) "Creditor" means a person to whom a debt is owing and includes a co-operative society ;

(d) "Debt" includes all liabilities owing to a creditor, in cash or kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether due or not due, but shall not include arrears of wages, land revenue or anything recoverable as an arrear of land revenue, or any money for the recovery of which a suit is barred by limitation ;

(e) "Debtor" means a person who is an "Agriculturist" as defined in the Deccan Agriculturists' Relief Act, 1879 ;

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

3. *Establishment of Debt Conciliation Board.*—(1) The Local Government may establish a Debt Conciliation Board for any district or part of a district. Such Board shall consist of a Chairman and two or more members, not exceeding nine, including the Chairman, to be appointed by the Local Government which may, for reasons to be recorded in writing, cancel any appointment and dissolve any Board.

(2) The Chairman and every member of a Board so established shall be appointed for a term not exceeding one year. Such Chairman or member may, on the expiration of the period for which he has been appointed, be again appointed for a further term not exceeding one year.

[Appendix 10—contd.]

(3) A Board shall have such quorum as may be prescribed.

(4) Where the Chairman and members of a Board are unable to agree, the opinion of the majority shall prevail. Where the Board is equally divided the Chairman shall have a casting vote.

4. *Application for settlement between debtor and his creditors.*—(1) A debtor or any of his creditors may apply to the Board appointed for the area in which any holding, land or village of the debtor, or any part thereof, is situate, to effect a settlement between the debtor and his creditors :

Provided that no application shall be made if the debtor's debts exceed twenty-five thousand rupees or such larger amount as may be prescribed for each area.

(2) No debtor or creditor shall simultaneously make more than one application, and where applications have been made by the debtor and any of his creditors, the applications made by the creditors shall be merged in the application made by the debtor.

5. *Verification of application.*—Every application to a Board shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints. ^{V of 1908.}

6. *Particulars to be stated in application.*—(1) Every application presented by a debtor to a Board shall contain the following particulars, namely :—

(a) a statement that the debtor is unable to pay his debts ;

(b) the place where he resides ;

(c) the amount and particulars of all claims against him, together with the names and residences of creditors so far as they are known to or can by the exercise of reasonable care and diligence be ascertained by him ; and

(d) the amount and particulars of all his property including claims due to him, together with a specification of the value of such property not consisting of money, and the place or places at which any such property is to be found.

(2) Every application presented by a creditor shall contain the following particulars, namely :—

(a) the place where the debtor resides ; and

(b) the amount and particulars of his claim against such debtor.

7. *Procedure on application.*—(1) On receipt of an application under section 4 the Board shall pass an order fixing a date and place for hearing the application :

Provided that the Board may at any time dismiss the application if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and his creditors.

(2) Notice of the order under sub-section (1) shall be sent by registered post to the debtor or creditors, as the case may be.

[Appendix 10—contd.]

8. *Notice calling upon creditors to submit statement of debts.*—(1) If, after examining the debtor

it is in the opinion of the Board desirable to attempt to effect a settlement between him and his creditors, a notice shall be issued and served or published, in the manner prescribed, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be submitted to the Board in writing within two months from the date of service or publication of the notice as the case may be :

Provided that, if the Board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions, it may extend the period for the submission of his statement of the debt owed to him.

(2) Every debt of which a statement is not submitted to the Board in compliance with the provisions of sub-section (1) shall be deemed for all purposes and all occasions to have been duly discharged :

Provided that, if a creditor proves to the satisfaction of the Board or a civil court that the notice was not served on him and that he had no knowledge of its publication, the Board or Court may revive the debt.

9. *Procedure on submission of statement of debts.*—(1) Every creditor submitting a statement of the debts owed to him in compliance with a notice issued under sub-section (1) of section 8 shall furnish, along with such statement, full particulars of all such debts and shall at the same time produce all documents, including entries in books of accounts, on which he relies to support his claims, together with a true copy of every such document.

(2) The Board shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to creditor.

(3) If any document which is in the possession or under the control of the creditor is not produced by him as required by sub-section (1) the document shall not be admissible in evidence against the debtor in any suit brought by the creditor or by any person claiming under him.

10. *Board to endeavour amicable settlement.*—The Board shall call upon the debtor and each creditor respectively, to explain his case regarding each debt and shall endeavour to induce them to arrive at an amicable settlement.

11. *Power of Board to require attendance of persons and production of documents and to receive evidence.*—(1) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, and to rules made under section 25 a Board shall have power to summon any person whose attendance it considers necessary either to be examined as a party or give evidence as a witness or to produce any document for the purposes of any inquiry under this Act.

(2) Any person present may be required by a Board to give evidence or to produce any document then and there in his possession or power

[Appendix 10—contd.]

12. *Agreement of amicable settlement, its registration and effect.*—(1) If the creditors to whom not less than forty per cent. of the total amount of the debtor's debts are owing come to an amicable settlement with the debtor,

such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to such creditors and the manner in which and the times at which they are to be paid. Such agreement shall be read out and explained to the parties concerned and shall be signed or otherwise authenticated by the Board and the parties.

Provided that, when a co-operative society is one of such creditors, no settlement, in so far it affects the debts owing to such society, shall be valid without the previous approval in writing of the Registrar of Co-operative Societies.

(2) An agreement thus made shall, within fourteen days from the date of its making, be registered under the Indian Registration, Act, 1908, ^{XVI} of 1908. by the Chairman of the Board in such manner as may be prescribed and it shall then take effect as if it were a decree of a civil court.

(3) For the purpose of the registration of an agreement under sub-section (2) the Chairman of the Board shall be deemed to be an officer of Government empowered to execute such agreement within ^{XVI} of 1908. the meaning of section 88 of the Indian Registration Act, 1908.

13. *Recovery of sums due under agreement.*—(1) If a debtor defaults in paying any amount due in accordance with the terms of an agreement registered under sub-section (2) of section 12, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made within ninety days from the date of default.

(2) Where the Collector fails to recover as an arrear of land revenue any part of such amount, he shall certify that it is irrecoverable and thereupon the agreement shall cease to subsist.

(3) Where an agreement ceases to subsist, any amount which was payable under such agreement but has not been paid shall be recoverable as if a decree of a civil court had then been passed for its payment.

14. *Power of Board to dismiss application.*—If no amicable settlement is arrived at under sub-section (1) of section 12, the Board shall dismiss the application.

15. *Grant of certificate by Board in respect of certain debts.*—(1) Where during the hearing of any application made under section 4, any creditor refuses to agree to an amicable settlement, the Board may, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept, grant the debtor a certificate, in such form as may be prescribed, in respect of the debts owed by him to such creditor.

(2) *Power of Court to disallow costs or interest.*—Where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub-section (1), the court shall, notwithstanding

[Appendix 10—*contd.*]

the provisions of any law for the time being in force, not allow the plaintiff any costs in such suit, or any interest on the debt after the date of such certificate in excess of simple interest at six per cent. per annum on the amount due on the date of such certificate.

V of
1908.

(3) Where, after the registration of an agreement under sub-section (2) of section 12, any unsecured creditor sues for the recovery of a debt, other than a debt incurred subsequent to such agreement, in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such registration, any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, not be executed until all amounts recorded as payable under such agreement have been paid or such agreement has ceased to subsist.

16. *Bar of civil suits.*—No civil court shall entertain—

(a) any suit in respect of—

(i) any matter pending before a Board, or

(ii) the validity of any procedure or the legality of any agreement made under this Act, or

(iii) the recovery of any debt recorded as wholly or partly payable under an agreement registered under sub-section (2) of section 12 from any person who, as a debtor, was party to such agreement, whether such agreement is subsisting or not, or

(iv) the recovery of any debt which has been deemed to have been duly discharged under sub-section (2) of section 8, except a debt which is revived under the proviso to that sub-section ;

(b) any application to execute a decree, the execution of which is suspended under sub-section (3) of section 15.

17. *Avoidance of certain transfers of debtor's property.*—Every transfer of property made, with intent to defeat or delay the creditors of the debtor, after an application has been made to a Board under section 4 and until the agreement registered in respect of such application has ceased to subsist, shall be voidable at the option of any creditor so defeated or delayed.

18. *Bar of appeal or revision.*—No appeal or application for revision shall lie against any order passed by a Board.

19. *Power of Board to review its order.*—A Board may, on the application from any person interested made within ninety days of the passing of an order, review any order passed by it and pass such order in reference thereto as it thinks fit :

Provided that no order shall be varied or reversed unless notice has been given to the persons interested to appear and be heard in support of such order.

20. *Appearance of party before Board by agent but not by legal practitioner.*—In any proceedings before a Board any party may be permitted to appear by an agent authorised in writing, but not by a legal practitioner.

[Appendix 10—*contd.*]

21. *Suspension of pending application or suit.*—When an application has been made to a Board under section 4, any suit or other proceedings then pending before a civil court in respect of any debt for the settlement of which application has been made shall be suspended until the Board has dismissed the application or an agreement registered under sub-section (2) of section 12 has ceased to subsist.

22. *Submission of reports by Boards regarding sums due to Government.*—Where in the course of an inquiry into an application made under section 4 a Board finds that there is any sum owing to Government on account of loans advanced under the Agriculturists Loans Act, 1884, or the Land Improvement Loans Act, 1883, or otherwise, the Board shall report this fact through the Collector to the Commissioner. XII of
1884.
XIX of
1883.

23. *Allowance of time for limitation.*—In calculating the period of limitation for any suit filed in or proceeding before, a civil court for the recovery of a debt which was the subject of any proceedings under this Act, the time during which such proceedings had continued shall be excluded.

24. *Members of Board deemed to be public servants.*—The members of a Board shall be deemed to be public servants within the meaning of the Indian Penal Code. XLV of
1860.

25. *Power to make rules.*—In addition to any power specially conferred by this Act, the Local Government may make rules—

(a) prescribing the quorum for, and regulating the procedure before, a Board ;

(b) prescribing the manner in which notices shall be issued and served or published under sub-section (1) of section 8 ;

(c) prescribing the charges to be made by a Board for anything done under this Act and the persons by whom and the manner in which such charges shall be paid ;

(d) prescribing the records to be kept and the returns to be made by a Board ;

(e) prescribing the allowances, if any, to be paid to the Chairman and members of a Board ;

(f) regulating the power of a Board to summon parties and witnesses under section 11 and the grant of expenses to witnesses ;

(g) prescribing the place at which and the manner in which an agreement shall be registered under sub-section (2) of section 12 ;

(h) prescribing the form of certificate to be granted under sub-section (2) of section 13 or sub-section (1) of section 15 ; and

(i) generally, for the purpose of carrying into effect the provisions of this Act.

[Appendix 10—*contd.*]

26. *General provisions regarding rules.*—(1) All rules for which provisions is made in this Act shall be made by the Local Government and shall be consistent with this Act.

(2) All rules shall be subject to the condition of previous publication.

(3) In making any rule the Local Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to relieve the Agriculturists of some of the burden of the debt which unfortunately bears very heavily upon them at present.

There are three possible ways in which debt conciliation can be effected. The first is the voluntary method, the second is the compulsory method and the third which is embodied in this Bill is the method of compromise. The first method is not possible. The second method if adopted will meet with various objections the main objection being that it will shake the foundation of credit. The third method is therefore the only method which can be usefully adopted. The basis of the Bill is voluntary settlement. The Board which is to be nominated by Government has no power to give an award. It is charged with the duty of endeavouring to bring about a fair and reasonable agreement between the debtor and his creditors. While it is made incumbent on all creditors to appear and make a true statement of their claims and produce all the documents in support thereof on pain of losing all their rights against the debtor, they are not compelled to agree to composition. There is however an inducement to the acceptance of a fair offer in that the claims of those that agree have priority of execution except over secured creditors. This provision is also calculated to discourage future borrowings. There are also provisions to discourage intransigence which deprive others who refuse a fair and reasonable offer in subsequent civil court proceedings of costs as well as of interest on debts exceeding 6 per cent. from the date of the certificate issued by the Board.

A summary procedure has been provided for the recovery of amounts under agreement as arrears of land Revenue in the event of default by the debtor.

Either a qualified debtor or a creditor can apply but the Board can for sufficient reasons dismiss the application. This will enable it to refuse its help to those who are not *bona fide* agriculturists or whose application for relief is not a genuine one. No appeal or revision is allowed but the Board can review its order. Parties are allowed to appear by agents authorised in writing but not by legal practitioners.

(Signed) V. N. PATIL.

APPENDIX 11.

BILL No. XVIII OF 1936.

A Bill to amend the Indian Lunacy Act, 1912, in its application to the Presidency of Bombay, the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

(As published in the "Bombay Government Gazette" of the 3rd September 1936.)

WHEREAS it is expedient to amend the Indian Lunacy Act, 1912, in its application to the Presidency of Bombay, the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Indian Lunacy, Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act, 1936.

2. *Amendment of section 88 of Act IV of 1912.*—In the Indian Lunacy Act, 1912—

(1) In section 88—

(i) after the words "has the means to maintain him", the words "or if any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force" shall be inserted;

(ii) the words "or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force" shall be deleted;

(iii) after the word "resides", the words "or the local authority liable for the cost of his maintenance is constituted" shall be inserted;

(iv) at the end of the marginal note, the following words shall be added, namely:—

"or by local authority liable for such costs".

(2) In section 89—

(i) in sub-section (1)—

(a) after the words "such lunatic" where they occur for the second time, the words "or that any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force" shall be inserted;

(b) after the words "such person", the words "or from such local authority" shall be added;

[Appendix II—*contd.*]

(c) at the end, the following proviso shall be added, namely :

“ Provided that no order for the recovery of the cost of maintenance of such lunatic from a local authority shall be made if he has an estate applicable to his maintenance or if there is any person legally bound, and having the means, to maintain him.”

(ii) in sub-section (2), after the word “ person ”, the words “ or the local authority ” shall be inserted.

Bom.
III of
1901.

3. *Amendment of section 55 of Bom. III of 1901.*—For the proviso to section 55 of the Bombay District Municipal Act, 1901, the following proviso shall be substituted, namely :—

IV of
1912.

“ Provided that where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by a municipality shall be made without an opportunity being given to such municipality to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him.”

Bom.
XVIII of
1925.

4. *Amendment of section 70 of Bom. XVIII of 1925.*—In the second proviso to section 70 of the Bombay Municipal Boroughs Act, 1925, for the words beginning with the words, “ before making any order ” and ending with the words, “ the Local Government ”, the following shall be substituted, namely :—

IV of
1912.

“ where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by a municipality shall be made without an opportunity being given to such municipality to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means to maintain him.”

STATEMENT OF OBJECTS AND REASONS.

Section 55 of the Bombay District Municipal Act, 1901, provides that every municipality shall make payments at such rates as Government may prescribe for the maintenance and treatment in a lunatic asylum of lunatics habitually resident within that municipal district or remove from that municipal district under any enactment for the time being in force. There is a similar provision in section 70 of the Bombay Municipal Boroughs Act, 1925. Difficulty has, however, often been experienced in fixing the liability of the municipalities under these provisions for the maintenance of lunatics. It is, therefore, proposed to amend section 88 of the Indian Lunacy Act, 1912, and empower the courts mentioned in that section to enquire on the application of the authority which makes the reception order in respect of any lunatic, into the question whether any local authority is liable for the cost of maintenance of that lunatic under any law for the time being in force. It is further proposed to add a proviso to sub-section (1) of section 89 of the Indian Lunacy Act that a court shall not pass an order for the recovery of the

[Appendix 11—concl'd.]

cost of maintenance of a lunatic from a local authority if the lunatic has an estate applicable to his maintenance or if there is any person legally bound to maintain him and has the means to maintain him.

In view of these amendments in the Indian Lunacy Act it is necessary to amend the provisoes to section 55 of the Bombay District Municipal Act, 1901, and section 70 of the Bombay Municipal Boroughs Act, 1925, in order to bring them into conformity with these amendments. The Bill is intended to carry out these objects.

12th August 1936.

(Signed) ALI MAHOMED KHAN DEHLAVI.

APPENDIX 12.

BILL No. XIX OF 1936.

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

(As published in the "Bombay Government Gazette"
of the 4th September 1936.)

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

1. *Short title and commencement.*—(1) This Act may be called the City of Bombay Municipal (Amendment) Act, 1936.

(2) It shall come into force from the 1st day of January 1937.

2. *Amendment of section 11 of Bom. III of 1888.*—In sub-section (2) of section 11 of the City of Bombay Municipal Act, 1888, hereinafter referred to as the said Act, for the word "ten", the word "five" shall be substituted.

3. *Municipal Election Roll in operation before 20th December 1937 to be used for by-elections before 1st April 1938.*—Notwithstanding anything contained in section 21 of the said Act, the Municipal Election Roll in operation immediately before the 20th day of December 1937 shall be used for the purposes of an election to fill a casual vacancy in the office of any elected councillor held before the 1st day of April 1938.

STATEMENT OF OBJECTS AND REASONS.

Under paragraph 3 (d) of Part III of the Sixth Schedule to the Government of India Act, 1935, the franchise for the Bombay Legislative Assembly in the City of Bombay is the payment of an annual rental of Rs. 60. It is desirable that the municipal franchise, which is now the payment of a monthly rental of Rs. 10, should be lowered to the same level. It is also proposed that the electoral rolls prepared on the basis of the new franchise should first be used at the general elections to be held in 1938. The Bill seeks to carry out these objects.

2nd September 1936.

(Signed) ALI MAHOMED KHAN DEHLAVI.

BILL No. XX OF 1936.

A Bill to provide for the control of the practice of opium smoking and to prevent the assembling of persons for the purpose of such smoking in the Presidency of Bombay.

(As published in the "Bombay Government Gazette"
of the 5th September 1936.)

WHEREAS it is expedient to control the practice of opium smoking and to prevent the assembling of persons for such smoking in the Presidency of Bombay in the manner hereinafter appearing; And whereas the previous sanction of the Governor General required under subsection (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 to the passing of this Act; It is hereby enacted as follows:—

5 & 6
Geo. V,
c. 61.

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Opium Smoking Act, 1936.

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

(3) This section shall come into force at once. The local Government may, by notification in the *Bombay Government Gazette*, direct that the remaining provisions of this Act shall come into force on such date as may be appointed in the notification.

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

(1) "Collector" includes an officer appointed under section 3 to exercise the powers and perform the duties of a Collector under this Act;

(2) "Commissioner" means the Commissioner of Excise;

(3) "Duly empowered" means duly empowered by the local Government by a general or special order;

(4) "Instrument of smoking" means any article used for the purpose of smoking opium;

(5) "Opium" has the same meaning as is assigned to it in the Opium Act, 1878, and includes *chandul*, *madat*, opium dross or scrapings from the opium pipe and every other preparation or admixture of opium which may be used for smoking;

(6) "Place" includes a house, building, shop, hut, tent, boat or vessel and any part thereof; and

(7) "Prepared opium" means any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the dross or other residue remaining after opium is smoked.

[Appendix 13—contd.]

CHAPTER II.

PROHIBITION AND CONTROL.

3. *Appointment of special Collectors.*—The local Government may, by notification in the *Bombay Government Gazette*, appoint any person other than the Collector of Land Revenue, to exercise in any district or area, all or any of the powers conferred, and perform all or any of the duties imposed, by this Act on a Collector, subject to such control, if any, in addition to that of the Commissioner and of the local Government, as the local Government may from time to time direct.

4. *Opium smoking assembly.*—An assembly of two or more persons is designated an opium smoking assembly, when the common object of the persons composing that assembly is to smoke opium or to prepare opium for smoking purposes.

Explanation 1.—An assembly which was not an opium smoking assembly when it was assembled may subsequently become such assembly.

Explanation 2.—A man and his wife shall not be deemed to be an opium smoking assembly within the meaning of this section, even if their common object be to smoke opium or to prepare opium for smoking purposes.

5. *Member of opium smoking assembly.*—Whoever, being aware of facts which render an assembly an opium smoking assembly intentionally joins that assembly, or continues therein, is said to be a member of that assembly.

6. *Presumption raised by presence of opium and any instrument of smoking.*—The presence of any opium or prepared opium, and of any instrument of smoking or of any apparatus used in the preparation of opium in any place where two or more persons are assembled shall be held sufficient to raise a presumption that each member of such assembly is present at such place for the purpose of smoking opium or of preparing opium for smoking purposes.

CHAPTER III.

OFFENCES AND PENALTIES.

7. *Penalty for being member of opium smoking assembly.*—Whoever is a member of an opium smoking assembly shall, on conviction, be punishable with imprisonment of either description for a term which may extend to one month, or with fine which may extend to Rs. 100, or with both.

[Appendix 13—*contd.*]

8. *Penalty for opening, keeping or having charge of place of assembly.*—Whoever opens, keeps or uses any place, or permits any place to be opened, kept or used for the purpose of an opium smoking assembly, or has the care or management of, or in any way assists in conducting the business of, any place used or kept for the purposes aforesaid, shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to Rs. 1,000, or with both.

9. *Penalty when owner fails to give notice of use of place for such assembly.*—Whoever, being the owner of any place and knowing or having reason to believe that such place, whether in his actual occupation or otherwise, is being or is about to be used for the purpose of an opium smoking assembly, fails, either himself or through his agent or servant, to give the earliest possible notice of such knowledge or belief to the Collector or the officer in charge of the nearest police station, or to an officer empowered under this Act to investigate offences punishable under this Act, shall, on conviction, be punishable with fine which may extend to Rs. 500.

10. *Penalty for subsequent offences.*—Whoever, having been convicted of an offence under section 7, section 8 or section 9, is again convicted of an offence under any of the said sections, shall, on conviction, be liable for any such subsequent offence to an enhanced punishment not exceeding double the punishment which might be imposed on a first conviction for such offence.

11. *Security for abstaining from offences.*—(1) Whenever any person is convicted of an offence punishable under this Chapter, and the court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under this Chapter, the court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in the Schedule annexed to this Act and the provisions of the Code of Criminal Procedure, 1898, shall, in so far as they are applicable, apply to all matters connected with such bond, as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an appellate court or by the High Court when exercising its power of revision.

[Appendix 13—contd.]

CHAPTER IV.

PROCEDURE.

12. *Power to issue warrants.*—The Commissioner, Collector or any officer of the Excise Department duly empowered or a Magistrate authorised under section 24 to take cognizance of offences under this Act may issue a warrant for the arrest of any person whom he has reason to believe, to have committed an offence under this Act, or for the search, whether by day or by night, of any place in which he has reason to believe that an offence under this Act has been, or is being or is likely to be committed, or in which opium, an instrument of smoking or an apparatus used in the preparation of opium is kept or concealed.

13. *Power of entry, search and arrest by certain officers.*—The Commissioner, Collector or any officer duly empowered, who has reason to believe that an offence under Chapter III has been, or is being or is likely to be, committed in any place, may—

(a) enter such place by day or by night with any persons whose assistance he may consider necessary,

(b) search any such place in which he has reason to believe that any opium, or instrument of smoking, or any apparatus used in the preparation of opium is kept or concealed,

(c) detain and search, and, if he thinks proper, arrest any person found in such place or whom he has reason to believe to have committed an offence punishable under Chapter III, and

(d) seize all opium and instruments of smoking and any apparatus used in the preparation of opium which may be found in such place or on or about such person.

14. *Arrest of persons obstructing officers in execution of duties under the Act.*—The Commissioner, Collector or any officer duly empowered may arrest, without an order from a magistrate and without warrant, any person who obstructs him in the execution of his duty under this Act, or who has escaped or attempts to escape from custody in which he has been or is lawfully detained under this Act.

15. *Mode of making searches and arrests.*—(1) The provisions of the Code of Criminal Procedure, 1898, shall apply, so far as they are not inconsistent with the provisions of this Act, to all warrants issued and arrests and searches made under this Act.

(2) All such warrants shall be executed by a police officer, or an officer of the Excise Department duly empowered in this behalf or if the officer issuing the warrant deems fit by any other person :

Provided that no search shall, in the absence of local search witnesses, be deemed to be illegal or defective or irregular, if such absence is explained to the satisfaction of the court.

[Appendix 13—contd.]

16. *Disposal of persons arrested and of articles seized.*—(1) Every person arrested and article seized under a warrant issued under section 12 shall be forwarded without delay to the authority by whom the warrant was issued, and every person arrested and article seized under section 13 or section 14 shall be forwarded without delay to—

(a) the nearest officer of the Excise Department empowered under section 18, or

(b) (i) in the City of Bombay to the nearest officer in charge of a section within the meaning of the City of Bombay Police Act, 1902, and

(ii) elsewhere, to the officer in charge of the nearest police station within the meaning of the Code of Criminal Procedure, 1898.

(2) The authority or officer to whom any person or article is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal, according to law, of such person or article.

17. *Refusal to give name and residence.*—(1) When any person who, in the presence of any officer of such rank as the local Government may, by general or special order, specify in this behalf, has committed or has been accused of committing an offence under this Act, refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name and residence may be ascertained.

(2) When the correct name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a magistrate, if so required :

Provided that if such person is not resident in British India, the bond shall be secured by a surety or sureties residing in British India.

(3) Should the correct name and residence of such person not be ascertained within 24 hours from the time of arrest, and should he fail to execute the bond, or, if he is so required, to furnish sufficient sureties, he shall be forthwith forwarded to the nearest magistrate having jurisdiction.

18. *Certain officers empowered to investigate offences under the Act.*—(1) The Commissioner, Collector and any officer of the Excise Department duly empowered in this behalf shall, within the area for which he is appointed, have power to investigate all offences punishable under this Act.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a police station for the investigation of a cognizable offence :

Provided that—

(a) if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused to a magistrate or that the person arrested may be discharged with

Bom.
IV of
1902.

V of
1898.

V of
1898.

[Appendix 13—*contd.*]

a warning, such officer shall release him on his executing a bond, with or without sureties, to appear if and when so required, before a magistrate and shall make a full report of the case to his superior officer, if any, and be guided by the order which he shall receive on such report;

(b) the powers of such officer other than the Commissioner or Collector shall be subject to such further modifications or restrictions as the local Government may determine.

19. *Offences under the Act to be bailable.*—(1) All offences punishable under this Act shall be bailable.

(2) Any officer authorised under section 18 to investigate an offence punishable under this Act shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1898, to any person arrested without warrant for an offence punishable under this Act.

20. *Articles seized during investigation.*—When anything has been seized by any officer exercising powers under section 18, such officer, after such inquiry as may be necessary—

(a) if it appears that such thing is required as evidence in the case of any person arrested, shall forward the thing to the magistrate to whom such person is forwarded or before whom bail has been taken for his appearance;

(b) if it appears that such thing is liable to confiscation, but is not required as evidence as aforesaid, shall send the thing with a report of the particulars of the seizure to his superior officer, if any;

(c) if no offence appears to have been committed, shall return the thing to the person from whose possession it was taken and shall report to his superior officer, if any, accordingly.

21. *Officers and persons required to assist in detection of offences under the Act.*—All village officers, all village servants useful to Government and all officers of the Departments of Police, Forest, Customs, Salt Revenue and all persons in the employment of the Bombay Port Trust shall be bound—

(a) to give immediate information to any of the officers mentioned in section 12 or section 13 or section 18 of the commission of any offence and of the intention or preparation to commit any offence under this Act which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about to be committed; and

(c) to assist such officer in carrying out the provisions of this Act.

22. *Penalty for neglecting to assist officers acting under the Act.*—Any officer or person mentioned in the preceding section who without lawful excuse neglects or refuses to give information or to take preventive measures or to give assistance to any of the officers mentioned in section 12 or section 13 or section 18 in the manner required by the preceding section shall, on conviction, be punishable with fine which may extend to Rs. 500.

[Appendix 13—*contd.*]

23. *Penalty for vexatious search or arrest.*—Any officer empowered under this Act who—

(a) without reasonable ground of suspicion, enters or searches, or causes to be searched any place, or

(b) vexatiously and unnecessarily seizes the property of any person on the pretext of seizing or searching for anything liable to confiscation under this Act, or

(c) vexatiously and unnecessarily detains, searches or arrests any person

shall, on conviction, be punishable with fine which may extend to Rs. 500.

24. *Jurisdiction.*—No Magistrate other than a Presidency Magistrate, or a Magistrate of the First Class, or a Magistrate of the Second Class duly empowered in this behalf, shall take cognizance of any offence under this Act.

25. *Cognizance of offences.*—No magistrate shall take cognizance of any offence punishable under this Act,—

(a) except on the complaint or report of the Commissioner or a Collector or any other officer duly empowered under section 12 or a police officer, or

(b) except upon his own knowledge or suspicion.

26. *Things liable to confiscation.*—Whenever any offence under this Act has been committed, all opium, prepared opium, instruments of smoking and apparatus used in the preparation of opium found in the place or with the persons forming an opium smoking assembly, together with the receptacles, packages, coverings, animals, carts, vessels, or other conveyances used in carrying them shall be liable to confiscation.

27. *Procedure in making confiscation.*—(1) In the trial of offences under this Act, whether the accused is convicted or acquitted, the court shall decide whether any article seized under this Act is liable to confiscation under the preceding section, and if it decides that the article is so liable, it may order its confiscation accordingly.

(2) When any article seized under this Act appears liable to confiscation under the preceding section but the person who committed the offence in connection therewith is not known or cannot be found, the Collector or other officer duly empowered in this behalf may inquire into and decide such liability and may order confiscation accordingly :

Provided that no order of confiscation of an article shall be made until the expiry of one month from the date of seizure or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in support of his claim ;

[Appendix 13—*contd.*]

Provided further that if any such article, other than opium, is liable to speedy and natural decay, or if the Collector or other officer is of opinion that its sale would be for the benefit of its owner, he may at any time direct it to be sold, and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

(3) Any person not convicted who claims any right to property which has been confiscated under this section may appeal to the Court of Session against the order of confiscation.

CHAPTER V.

MISCELLANEOUS.

28. *Delegation of powers.*—The powers conferred on the Commissioner or Collector under this Act may, subject to the general or special orders of Government, be delegated by the Commissioner or Collector, as the case may be, in whole or in part, to any subordinate officer.

29. *Power to make rules.*—(1) The local 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:—

(a) regulating the disposal of things confiscated,

(b) prescribing and regulating the payment of rewards out of fines imposed under this Act,

(c) providing for any other matter for which there is no provision or there is insufficient provision in this Act and for which provision is, in the opinion of the local Government, necessary for giving effect to the provisions of this Act.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(4) 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 *Bombay Government 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 *Bombay Government Gazette*, declare that such modification or rescission shall have no effect, and thereupon the rule shall remain in force as if it had not been modified or rescinded.

[Appendix 13—contd.]

30. *Protection of persons acting in good faith, and limitation of suits or prosecutions.*—(1) No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any officer in respect of anything done or alleged to have been done in pursuance of this Act, unless such suit or prosecution has been instituted within three months of the date of the act complained of.

XLV of
1860.

31. *Certain officers to be public servants.*—All officers empowered under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

SCHEDULE.

Bond to abstain from the commission of offences under the Bombay Opium Smoking Act, 1936.

(Section 11)

Whereas I (name) inhabitant of (place), have been called upon to enter into a bond to abstain from the commission of offences under section 7, section 8 and section 9 of the Bombay Opium Smoking Act, 1936, for the term of I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit to His Majesty the King-Emperor of India, the sum of rupees.

Dated this day of 19 .

(Signature)

(Where a bond with sureties is to be executed, add—)

We do hereby declare ourselves sureties for the above-named that he will abstain from the commission of offences under section 7, section 8 and section 9 of the Bombay Opium Smoking Act, 1936, during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King-Emperor of India, the sum of rupees

Dated this day of 19

(Signatures)

[Appendix 13—contd.]

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to discourage the opium smoking habit by the suppression of opium smoking places (dens) which are the main sources of illicit manufacture, possession and sale of prepared opium.

2. Prior to the passing of the Dangerous Drugs Act, 1930, prepared opium came under the purview of the Opium Act, 1878. Under rule 4 (2) of the Bombay Opium Rules, 1919, framed under sections 5 and 13 of the Opium Act the possession of prepared opium by an individual was limited to $\frac{1}{4}$ th of a tola while the collective possession of such opium in assembly was restricted to one-half of a tola with the result that opium smoking places where the total stock of prepared opium exceeded one-half of a tola could be dealt with under the provisions of the Bombay Opium Rules and it was then possible to discourage to some extent, at least the operations of opium smoking places often known as dens. Now the sale of prepared opium has been totally prohibited under section 4 (1) (c) of the Dangerous Drugs Act, 1930, and the manufacture and possession thereof by individuals are regulated by the rules framed by the local Government under section 4 (2) of the said Act; but there is no provision in the Dangerous Drugs Act under which opium smoking places could be regulated or suppressed inasmuch as there is no restriction whatsoever on the aggregate stock of prepared opium possessed by an assembly each member of which holds a quantity equal to or less than one-fourth of a tola. The Government of Bombay had proposed to the Government of India certain amendments in the Dangerous Drugs Act so as to enable local Governments to frame rules for regulating opium smoking within their respective provinces; but the Government of India have expressed their inability to do so and suggested that local Governments should under the rule-making power under section 4 (2) of the Dangerous Drugs Act, suppress opium smoking by reducing the limit of possession of prepared opium to nil. The habit of opium smoking is deep rooted among Chinamen, Fakirs and others and a sudden total prohibition of opium smoking is not desirable. Individual opium smoking in a restricted and limited degrees should therefore be allowed for some time to come. The present Bill, therefore, while allowing smoking of opium individually, prohibits the smoking of or arrangement for smoking opium in an assembly of persons consisting of two or more persons. It is based on similar Bills in other provinces in India.

The following notes on clauses explain some of the important provisions in the Bill :—

Notes on Clauses.

Clause 4.—This clause provides that an assembly of two or more persons shall be deemed to be an opium smoking assembly. It is made clear that a husband and wife shall not be deemed to be such assembly.

Clause 5.—This clause provides that if a person joins an opium smoking assembly, he is to be deemed to be a member of such assembly.

[Appendix 13—concl'd.]

Clause 6.—In this clause it is provided that the presence of opium or prepared opium together with the instruments of smoking or apparatus for preparing opium in a place where two or more persons are assembled shall give rise to a presumption that the persons present there are members of an opium smoking assembly.

Clauses 7 to 10.—These are penal provisions. Clause 10 provides that if a person convicted of an offence punishable under clauses 7 to 9, is again convicted of any of the said offences, he shall be liable to enhanced punishment.

Clause 11.—This clause enables a court to take security from persons convicted under sections 7 to 9 for abstaining from the commission of similar offences in future.

Clauses 12 to 20.—These clauses prescribe the procedure for the investigation of offences under the Act.

Clause 21.—This clause requires certain officers of other departments to give assistance to officers acting under the Act.

Clause 23.—If any officer enters any place or makes a search or seizes any article without reasonable ground of suspicion, he is liable to criminal prosecution.

Clause 24.—This clause provides that certain magistrates only are empowered to take cognizance of an offence under this Act.

Clause 25.—This clause provides that no magistrate shall take cognizance of an offence under this Act except upon a complaint or report of a responsible officer, or except upon his own knowledge or suspicion.

Clauses 26 and 27.—These clauses relate to the confiscation of things used in the commission of offences under the Act.

5th September 1936.

(Signed) SIDDAPPA TOTAPPA KAMBLI.

APPENDIX 14.

BILL No. XXI OF 1936.

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 12th September 1936.)

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 City of Bombay Police (Amendment) Act, 1936.

[Appendix 14—contd.].

2. *Amendment of section 51B of Bom. IV of 1890.*—In section 51B of the Bombay District Police Act, 1890—

Bom.
IV of
1890.

(1) in sub-section (1)—

(a) after the word and figure “section 5”, the words and figure “or section 6” shall be inserted; and

(b) after clause (d) the following provisos shall be added, namely:—

“Provided that in cases falling under clause (b) or (d), the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by Government by general or special order and be there detained until its production before a Magistrate;

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.”

(2) In sub-section (4) after the word “when”, the words, figure and brackets “under sub-section (1) a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or” shall be inserted.

3. *Insertion of new section 32A in Bom. IV of 1902.*—After section 32 of the City of Bombay Police Act, 1902, the following section shall be inserted, namely:—

Bom.
IV of
1902.

“32A. *Powers with regard to offences under Act XI of 1890.*—(1) When in respect of an animal an offence under section 3 or section 5 or section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section referred to as the said Act, has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any Police officer may—

XI of
1890.

(a) take the animal to a Presidency Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the Governor in Council in this behalf,
or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a Presidency Magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Presidency Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal:

[Appendix 14—*contd.*]

Provided that in cases falling under clause (b) or (d), the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by Government by general or special order and be there detained until its production before a Presidency Magistrate ;

Provided further that an animal so detained shall be produced before a Presidency Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Presidency Magistrate passes an order for its further detention in an infirmary.

(2) When an animal is brought before a Presidency Magistrate under clause (a) of sub-section (1), such Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(3) The veterinary officer before whom an animal is brought under clause (b) of sub-section (1) shall, with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered to the accused person if he applies for it on payment of such fee as Government prescribe.

(4) When under sub-section (1) a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Presidency Magistrate, or under sub-section (2) a Presidency Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act shall, so far as may be, apply.

(5) When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed; he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded."

STATEMENT OF OBJECTS AND REASONS.

There is no provision in law whereby animals which are the subject of offences under the Prevention of Cruelty to Animals Act, 1890, can be committed to a dispensary or other place of detention pending production before a Court.

[Appendix 14—concl'd.]

As far as possible the accused together with the animals are produced before the Court on the day of the offence, but in many cases production is not possible till the next succeeding Court day.

The result in the case of animals coming from a distance often is that their owners take them to their homes overnight returning to Court on the following day, thereby causing further and unnecessary cruelty. In some cases the owners fail to produce the animals before the Court on the appointed day on the ground that they are unfit to travel—thereby making it difficult for the Court to assess accurately the seriousness of the offence.

To overcome this difficulty and to prevent unnecessary suffering to the animals, it is proposed to amend the Bombay District Police Act, 1890, with a view to empower a Police officer who has reason to believe that an offence under the Act has been committed in respect of the animal, to order its detention in a dispensary or any suitable place approved by Government.

2. The City of Bombay Police Act, 1902, does not contain any provision corresponding to section 51B of the Bombay District Police Act, 1890. To enable the Police in the City of Bombay to exercise such powers in respect of offences under sections 3, 5 and 6 of the Prevention of Cruelty to Animals Act, 1890, it is necessary to incorporate a similar provision in the City of Bombay Police Act, 1902. Clause 3 is intended to carry out this object.

12th September 1936.

C. W. A. TURNER.

APPENDIX 15.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 1. *Entertainment of a Special Aval Karkun in the Bombay Suburban District to clear off arrears of Record of Rights cases.*

	Rs.			Rs.
Recurrent ...	980	Non-recurrent ...	...	Nil.
Total ...	980	Ultimate annual recurrent	...	Nil.

Remarks.—In the pot hissa survey recently carried out in the villages of Ghatkopar and Kiroi, 448 cases of disputes regarding the ownership of lands have come to the notice of the local officers. These disputes are due to the leasehold lands having changed hands

[Appendix 15—*contd.*]

very rapidly in the boom period and intervening transactions not having been noted in the Record of Rights. Most of the lands are uncultivated and do not show actual physical possession on the spot. There are also certain cases in which more than two parties claim the land though they have no documentary evidence.

2. In addition to these disputed cases, there are about 225 and 286 disputed cases pertaining to the different villages awaiting disposal in the offices of the Mamlatdar and the Director of Land Records. As elaborate enquiries will have to be made and documentary evidence will have to be carefully examined and other evidence taken, it is not possible for the Mamlatdar or the District Inspector of Land Records to do this work in addition to their own duties. It has therefore been considered necessary to entertain a Special Aval Karkun on Rs. 140 per mensem to clear off these arrears. The charge during the current year will be met from savings in the current year's voted grants under "5, Land Revenue". As, however, the expenditure in question relates to a new instrument of 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.

"5, Land Revenue—Reserved (voted)."

Rs. 35,74,000 + Rs. 10.

APPENDIX 16.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 2. *Creation of the post of an ayah and honoraria to honorary physicians at the Cama and Allbless Hospitals, Bombay.*

	Rs.		Rs.
Recurrent ...	840	Non-recurrent ...	Nil.
Total ...	840	Ultimate annual recurrent...	1,440

The Medical Officer in charge, Cama and Allbless Hospitals, Bombay, has reported to Government that the attendance in the Out-patient Department of the hospitals has increased to such an extent that it is impossible to cope with the increased work with the existing staff sanctioned for the hospitals. During the years 1925 to 1935 the average number of patients in the Out-patient Department has increased by 100 per cent. while the increase in

[Appendix 16—contd.]

the staff has been only 17 per cent. At present only 4 members of the staff can be spared to work in the Out-patient Department. Each of them attends to 20 patients per hour, i.e., 3 minutes per patient. This is quite insufficient. Government are satisfied that it is not possible to spare the services of any other member of the staff for the Out-patient Department. The work to be done by the honorary physicians in the Out-patient Department is routine, monotonous and of a specially arduous nature. The Medical Officer has reported that efforts to obtain, on a purely honorary basis, services of honorary clinical assistants required for the Out-patient Department have been unsuccessful and it will not be possible to obtain the services of honorary physicians gratis for work of this nature. It is considered that some inducement is necessary to those who take up the work to continue to do it. Government have, therefore, decided to appoint two honorary physicians and sanction an honorarium of Rs. 50 per mensem each to them.

There is also an urgent need for an ayah for the Out-patient Department. At present there are only two nurses for six examination tables. Services of an ayah are essentially required. Government have, therefore, decided to sanction one ayah for the Out-patient Department on Rs. 22 per mensem less two annas cut in the rupee which is applied to new entrants.

The cost involved in the above proposals is Rs. 840 during the current year and it will be met from savings in the grants under "32-Medical—Transferred". As, however, the proposed expenditure relates to a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

"32-Medical—Transferred."

Rs. 37,20,000 + Rs. 10.

APPENDIX 17.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 5. *Prophylactic treatment centre for venereal diseases at the J. J. Hospital, Bombay.*

	Rs.		Rs.
Recurrent	... 1,872	Non-recurrent	... Nil.
Total	... 1,872	Ultimate annual recurrent.	1,872

The Specialist in Venereal Diseases for the Bombay Presidency, reported to Government in April 1934 that there was a pressing

[Appendix 17—*contd.*]

need for prophylactic treatment of venereal diseases. He suggested that instead of establishing a separate treatment centre it would be economical to arrange for such treatment in the venereal diseases department of the J. J. Hospital under the general supervision of the Casualty Medical Officer. The centre was to be kept open day and night. The proposal required the entertainment of two ward boys and two ayahs and the purchase of necessary drugs. In view of the pressing need for such a centre, Government sanctioned the proposal for a period of one year in the first instance. But as the centre has been doing very useful work, Government in anticipation of sanction of the Legislative Council have decided to continue it. The expenditure on account of this centre will be :—

	Rs.
(1) Pay of two ward boys and two ayahs at Rs. 17-8-0 per mensem each.	840
(2) Uniforms to the establishment at (1) at Rs. 8 each.	32
(3) Medicines and instruments	1,000
Total	1,872

It is proposed to meet the charge on account of the centre from the anticipated savings under "32-Medical—Transferred". As, however, 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.

"32-Medical—Transferred."

Rs. 37,20,000 + Rs. 10.

APPENDIX 18.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 7. *Grant for plague preventive measures in the Presidency.*

	Rs.		Rs.
Recurrent ...	11,250	Non-recurrent ...	Nil.
Total ...	11,250	Ultimate annual recurrent ...	11,250

In March 1934 the Director of Public Health submitted for the approval of Government a scheme for the more effective prevention

Appendix 18—*contd.*]

1 plague in some of the plague-affected districts in the Presidency. He stated that as plague had become the principal epidemic of his province it was urgently necessary to take more effective measures to combat it, especially as, if timely precautions were not taken, it was bound to assume a more virulent form and spread over a wider area during the coming years. He, therefore, submitted to Government a scheme estimated to cost Rs. 6,600 for the systematic destruction of rats by cyanogas on the lines of the Cumbum Valley experiment in the Madras Presidency. The scheme provided that local bodies should first be instructed in the measures that were to be adopted and then left to carry on operations on their own account. Government approved the principle of the scheme and sanctioned the expenditure referred to above—a token demand having been placed before the Legislative Council in the August 1934 session and its sanction to it obtained. The Director was also asked, at the same time, to submit proposals for the fumigation of a larger area early during 1935-36, under Government supervision as educative propaganda for the local bodies concerned. Accordingly the Director submitted proposals estimated to cost Rs. 6,100 for staff, cyanide dust, pumps, contingencies, etc. This item was included in the list of new items of expenditure for the year 1935-36 (*vide* page 170 of the budget Blue Book for 1935-36) and passed by the Legislative Council. The Director's intention was to continue the operations during the year 1936-37 and subsequent years but owing to some misunderstanding on his part no provision was proposed by him in the current year's budget.

2. An account of the cyanide fumigation operations is given in paragraph 88 of the Annual Report of the Director of Public Health for the year 1934. As the result of two years' work some of the local bodies, viz., District Local Board, Belgaum, and the municipalities of Sholapur and Pandharpur have also adopted this measure in their respective areas. The Director of Public Health considers that such operations should be carried out by the Public Health Department every year in selected rural areas which are endemic centres of plague in various districts. At present the department can devote funds to inoculations only as the grant at its disposal is made for this avowed purpose with the result that the other important measure, viz., rat destruction has to be left entirely to the local bodies. The importance of this measure is not always realised by them until plague actually breaks out and then the efforts made are not always such as to result in an appreciable decrease in the rat population. The Director therefore advises that until at least the worst-infected districts in the Southern Registration District are free of plague or the District Local Boards undertake rat destruction, the Public Health Department should carry on educative propaganda and supplement by Cyanide fumigation the efforts of the local bodies for rat destruction. In view of the urgency and importance of the operations Government have already in anticipation of the sanction of the Legislative

[Appendix 18—concl'd.]

Council authorised the Director of Public Health to continue the cyanogas operations as preventive measures against plague during the current financial year and to incur an expenditure not exceeding Rs. 11,250 on that account as detailed below :—

I. Medical Officer in charge of the operations.—	Rs.
Pay Rs. 250 per mensem plus Rs. 50	
Permanent Travelling Allowance per	
mensem (300 × 8 months)	2,400
II. Four Subordinate Medical Officers.—Pay	
Rs. 90 plus Rs. 27½ Permanent Travelling	
Allowance per mensem (117½ × 4 × 8	
months)	3,760
III. Four squads each consisting of	
	Rs.
1 Mukadam on Rs. 20	
per mensem	20
3 Coolies on Rs. 15	
per mensem	45
	—————
	65 × 4 × 8 months ...
	2,080
IV. Cost of Cyanogas dust	2,500
V. Cost of Pumps, accessories, etc. ...	100
VI. Contingencies, transport charges for Cyano-	
gas, staff, etc.	400
	—————
	Total ...
	11,240
	or in round figures ...
	11,250

Government intend to continue the scheme in future years until the work is taken over by local bodies.

In the absence of any budget provision the charge during the current year is proposed to be met by reappropriation of funds from anticipated savings in the budget head "33, Public Health" and the sanction of the Legislative Council is requested to a demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

"33, Public Health—Transferred."

Rs. 19,94,000 + Rs. 10.

APPENDIX 19.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 22. *Civil Hospital, Thana : Additional expenditure in connection with the reconstruction of the —.*

	Rs.		Rs.
Recurrent	... 2,050	Non-recurrent	... 2,300
Total	... 4,350	Ultimate annual recurrent	... 2,650

The buildings of the Civil Hospital, Thana, had become very old and decayed. The earliest building dated from 1836. Therefore in 1929 Government accorded administrative approval to the plans and estimates, the latter amounting to Rs. 4,00,000, for the reconstruction of the Hospital. But owing to continued financial stringency it was not possible to provide the requisite funds for the reconstruction of the Hospital. In 1931 Mr. Vithal Sayana offered to contribute Rs. 2,00,000 towards the reconstruction of the Hospital. Before this offer could be accepted Mr. Sayana died. Subsequently in March 1935 Government accepted the offer of Mr. Narayan Vithal Sayana, the son of the late Mr. Vithal Sayana, to reconstruct the Hospital at his own expense in memory of his father. The new hospital buildings have been completed. They provide a total accommodation for 50 beds. His Excellency the Governor declared the reconstructed Hospital open with effect from the 15th April 1936. Before the Hospital could be opened, Government considered it essential to sanction some extra staff and other additional recurrent and non-recurrent expenditure as shown below :—

Recurrent expenditure.

- 1 Compounder on Rs. 25—5/2—70 plus the Thana Local Allowance.
- 1 peon on Rs. 15 per mensem.
- 1 dresser on Rs. 20 per mensem.
- 2 ward servants on Rs. 14 per mensem each.
- 1 mali on Rs. 19 per mensem.
- 1 sweeper on Rs. 15 per mensem.

Additional recurrent charges per annum.

	Rs.
Medicines and Instruments	170
Diet	100
Patients' clothing	20
Rents, Rates and Taxes	350
Contract Contingencies	200
Total	840

[Appendix 19—contd.]

Additional non-recurrent expenditure.

	Rs.
Purchase of furniture and other equipment required for the hospital	2,300

Government sanctioned the above expenditure in anticipation of the sanction of the Legislative Council. It is proposed to meet the charge on account of the extra staff and other expenditure from the anticipated savings under "32, Medical—Transferred". As, however, 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.**"32, Medical—Transferred."*

Rs. 37,20,000 + Rs. 10.

APPENDIX 20.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 32. *Entertainment of additional staff for the Central Mental Hospital, Yeravda, and the Mental Hospital, Ahmedabad.*

	Rs.		Rs.
Recurrent ..	9,138	Non-recurrent ..	Nil.
Total ..	9,138	Ultimate annual recurrent ..	27,313

Owing to the constant and urgent demands on the accommodation at the Central Mental Hospital, Yeravda, and the Mental Hospital, Ahmedabad, Government sanctioned last year a scheme for providing additional accommodation for patients at the Central Mental Hospital, Yeravda, and the question of providing additional accommodation at the Mental Hospital, Ahmedabad, is under the consideration of Government. In both these Hospitals, however, there has been a large increase in the number of patients which has increased the work of the existing staff who find it difficult to cope with it. The Surgeon General with the Government of Bombay, therefore, submitted to Government proposals for increasing the staff of both the Hospitals. The insufficiency of staff in a Mental Hospital is a serious matter as the patients have to be constantly watched day and night and have to be kept clean and if the staff is not adequate, carelessness and neglect cannot altogether be avoided. Government, therefore, propose to sanction, subject to the approval of the Legislative Council, the entertainment of additional staff for the Central Mental Hospital, Yeravda, and the Mental Hospital, Ahmedabad, as shown in the accompanying statements. The staff proposed to be sanctioned is the minimum which is essential to keep the hospitals in efficient working order. It is however proposed to

[Appendix 20—contd.]

restrict the additional staff at the Mental Hospital, Ahmedabad, to the following establishment in the current year:—

- 3 third grade male assistants.
- 2 male sweepers.
- 1 female sweeper.
- 1 dhobi.

2. The extra expenditure during the current year on account of the entertainment of the additional staff is estimated at about Rs. 9,138 and will be met from the anticipated savings in the current year's budget under the head "32-Medical—Transferred". As the entertainment of the staff amounts to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

Demand voted and now increased.

"32-Medical—Transferred."

Rs. 37,20,000 + Rs. 10.

The additional staff proposed to be engaged at the Central Mental Hospital, Yeravda.

Professional staff—

1 Woman Assistant Surgeon in B.M.S., Class II, on Rs. 200—40/3—400—50—450 plus a special pay of Rs. 25 per mensem (Probationers on Rs. 150 per mensem first year and on Rs. 180 per mensem second year) plus free quarters.

Nursing staff—

1 Indian Overseer on Rs. 70—5/2—90 plus uniform allowance of Rs. 19 per annum.

2 Nurses on Rs. 135—5—155 plus special pay of Rs. 25 per mensem and Rs. 38 as uniform allowance per annum each.

Clerical staff—

1 Assistant Steward on Rs. 25—5/2—55.

Attendants—

(Male)—

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> 1 First grade male attendant on Rs. 32 per mensem. 2 Second grade male attendants on Rs. 27 per mensem each. 2 Third grade male attendants on Rs. 25 per mensem each. 7 Fourth grade male attendants on Rs. 22 per mensem each. 9 Fifth grade male attendants on Rs. 21 per mensem each. 21 Total | } | <p>Less a cut of two annas in the rupee in the case of new entrants.</p> |
|--|---|--|

[Appendix 20—concl'd.]

(Female)

- | | |
|---|---|
| 1 First grade female attendant on Rs. 25 per mensem. | } Less a cut of two annas in the rupee in the case of new entrants. |
| 2 Second grade female attendants on Rs. 22 per mensem each. | |
| 3 Third grade female attendants on Rs. 21 per mensem each. | |
| 9 Fourth grade female attendants on Rs. 20 per mensem each. | |

Sweepers—

- | | |
|--|---|
| 1 Male sweeper on Rs. 16 per mensem. | } Less a cut of two annas in the rupee in the case of new entrants. |
| 2 Female sweepers on Rs. 16 per mensem each. | |

Cooks—

- 2 cooks on Rs. 21 per mensem each less a cut of two annas in the rupee.

Dhobis—

- Two female dhobis on Rs. 17 per mensem each.

Barbers—

- Two barbers on Rs. 18 per mensem each less a cut of two annas in the rupee.

Occupational Therapy Staff—

- Two malis on Rs. 17 per mensem each.
 One female mali on Rs. 18 per mensem.
 Two weavers on Rs. 30 per mensem each.

The additional staff proposed to be engaged at the Mental Hospital, Ahmedabad, as and when required.

Nursing Staff—

- 1 Nurse on Rs. 45—5—70 plus Rs. 12 per mensem as house rent allowance and Rs. 10 per mensem as Mental Hospital allowance.

Attendants—

- *1 Junior Head Attendant on Rs. 30 per mensem.
- *6 Third grade male attendants on Rs. 19 per mensem each.
- *1 2nd grade female attendant on Rs. 18 per mensem.
- *1 Dhobi on Rs. 16 per mensem.
- *3 Male sweepers on Rs. 17 per mensem each.
- *1 female sweeper on Rs. 16 per mensem.

*Subject to a cut of 2 annas in the rupee.

The recurring additional contingent expenditure proposed to be sanctioned for the Mental Hospital, Ahmedabad:—

	Rs.
Contract Grant	400
Discretionary Grant	60
Service Stamps	17
Dieting Charges	2,000
Clothing Charges	400
Total	2,877

APPENDIX 21.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 42. *Establishment of Tuberculosis clinics.*

Recurrent	..Rs.	3,420	Non-recurrent	..Rs.	<i>Nil</i>
Total	.. "	3,420	Ultimate annual recurrent	.. "	14,680

The extent to which the evil of tuberculosis prevails in this Presidency is well known. The disease is met with in almost every part of the Presidency and constitutes one of the gravest menaces to public health. Government are advised that the solution of the problem consists not in the provision of expensive special hospitals and sanatoria treatment but in the provision of tuberculosis clinics in important towns, staffed by special officers who would be prepared to undertake propaganda and educational work amongst those who are affected. Government therefore, propose, subject to the approval of the Legislative Council, to establish clinics at the following six Civil Hospitals:—

- (1) Civil Hospital, Ahmedabad.
- (2) Civil Hospital, Sholapur.
- (3) Civil Hospital, Poona.
- (4) Civil Hospital, Surat.
- (5) Civil Hospital, Nasik.
- (6) Civil Hospital, Belgaum.

The proposal is estimated to involve the following recurring expenditure:—

	Per annum.
	Rs.
(1) Honorarium of Rs. 50 per mensem each to six Honorary Medical Officers acquainted with the modern methods of treatment and prevention of tuberculosis	3,600
(2) Six nurses on Rs. 100 per mensem each <i>plus</i> house-rent allowance at Rs. 15 per mensem each	8,280
(3) Medicines at Rs. 300 per annum for each of the six clinics	1,800
(4) Reserve to be kept with the Surgeon-General for allotment to those clinics according to their popularity on account of medicines and contingencies	1,000
Total	14,680

N.B.—The Bombay Presidency Branch of the Indian Red Cross Society have been approached in the matter and they have agreed to bear half of the cost on account of the pay and allowances of 6 nurses provided the King George Thanks Giving (Anti-Tuberculosis) Fund pay an annual grant of Rs. 3,000 to whom a reference has already been made by the former direct. The ultimate annual recurrent cost to Government will be proportionately reduced if the Red Cross Society finally agrees to bear half the cost on account of the pay and allowances of the six nurses.

[Appendix 21—*contd.*]

2. The extra expenditure during the current year on account of the proposal will be met from the anticipated savings in the current year's budget under the head "32, Medical—Transferred". No expenditure will however be incurred in the current year on the scheme until the Red Cross Society agree to bear half the recurring cost of the pay, etc., of the nurses. As, however, 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.

"32, Medical—Transferred."

Rs. 37,20,000 + Rs. 10.

APPENDIX 22.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 43. *Appointment of Epidemic Medical Officers.*

Recurrent	..Rs.	3,625	Non-recurrent	..Rs.	Nil.
Total	.. "	3,625	Ultimate annual recurrent	..	20,800

It has been long recognised that the present staff at the disposal of the Public Health Department is insufficient to deal with outbreaks of epidemics. Inspectors of sanitation and vaccination can at most disinfect wells during cholera epidemics and explain preventive measures. Medical Officers in charge of dispensaries can do the initial work, but they cannot stay out of their headquarters for prolonged periods without detriment to their dispensary duties. Thus many rural areas do not get adequate preventive and curative aid. The present practice is to appoint temporary medical officers after an epidemic breaks out. As soon as the epidemic is over, this temporary staff is disbanded and the training that they receive is therefore wasted. Cholera has caused 30,346 deaths during the past three years. Plague has caused 40,320 deaths during the same period. Malaria and fevers in which a large number of malaria deaths are included are responsible for 506,082 or an average of 168,694 deaths per year. Although local bodies are required to take measures dealing with epidemics, with the exception of two District Local Boards, there is no permanent staff in any of the districts, and as stated above temporary staff has to be employed after the epidemics break out. This generally results in considerable delay and the work of the temporary officers is far from satisfactory as their employment is only for a short period. It is felt that in these circumstances there is an urgent necessity for appointing permanent Epidemic Officers in those districts at least where epidemics prevail year after year and which are also stricken with malaria. It is, therefore, proposed to appoint ten permanent Epidemic Medical Officers who will be posted

[Appendix 22—contd.]

to those districts where epidemic diseases such as cholera and plague are usually prevalent or where the incidence of malaria is very high. With this limited staff, attention will be concentrated on the areas which are known to be endemic foci and which are known to be disseminating centres. Study of several important problems in the epidemiology of these diseases has not been systematically carried out. When a permanent Government officer is appointed, accurate observations on these problems, e.g., seasonal incidence and progress of epidemics, causes favouring outbreak and spread etc., will be possible and records can also be correctly maintained. The timely action taken by a permanent officer and endeavours to root out infection from endemic and disseminating centres will go a long way in diminishing the number of preventable deaths from these causes. It will of course be necessary to appoint some temporary medical officers as at present, in addition to the permanent staff now proposed, to meet emergencies. The annual recurring expenditure involved in the proposals is estimated at Rs. 20,800 as detailed below :—

	Cost per annum.
	Rs.
10 Officers on Rs. 112-8-0 each per mensem (average pay of the scale Rs. 60-5-170)	13,500
Permanent travelling allowance at Rs. 27-8-0 per mensem each to 10 officers	3,300
10 Peons at Rs. 14 each per mensem	1,680
Permanent travelling allowance to 10 peons at Rs. 6 per mensem each	720
Medicines	600
Other contingencies	1,000
Total	<u>20,800</u>

It is proposed to meet the expenditure of Rs. 3,625 on the assumption that the officer will be appointed from 1st December 1936 during the current financial year from the provisions made in the current year's budget under the head "33, Public Health" for (1) Malaria and (2) Inoculation against plague, cholera and other epidemics, etc. There will be no extra expenditure therefore on account of the proposals during the current financial year. A token demand of Rs. 10 is therefore, asked for.

Demand voted and now increased.

"33, Public Health—Transferred."

Rs. 19,94,000 + Rs. 10.

APPENDIX 23.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 44. *Appointment of nurses and midwives at dispensaries.*

Recurrent.	..Rs.	3,420	Non-recurrent	..Rs.	Nil.
Total	..,,	3,420	Ultimate annual recurrent	..,,	13,680

As part of the programme of extension of medical relief in rural areas, it is proposed to give effect to a scheme providing for an increase in the number of nurses and midwives attached to local board dispensaries. Government will pay each district local board a subsidy equivalent to the cost of maintaining one nurse on condition that the Board maintains two nurses in addition to any kept at present at its dispensaries. The annual cost to Government on account of the proposal will be Rs. 13,680 as shown below :—

	Annual cost.
	Rs.
Pay of 19 nurses, at the rate of one for each District except the Bombay Suburban District, at Rs. 50 per mensem each, Rs. 50 × 12 × 19 = Rs. 11,400 ..	11,400
House rent allowance at Rs. 10 per nurse Rs. 10 × 12 × 19 = Rs. 2,280	2,280
Total ..	13,680

It is proposed to give effect to the scheme from 1st December 1936, and the cost to Government during the three months of the current year will, therefore, be Rs. 3,420. It is proposed to meet the extra expenditure from the anticipated savings under "32, Medical—Transferred". As, however, 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.

"32, Medical—Transferred."

Rs. 37,20,000 + Rs. 10.

APPENDIX 2A.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 45. *Rural Medical Relief—Additional expenditure on account of payment of subsidies to private medical practitioners practising in rural areas in certain districts.*

Recurrent	.. Rs.	975	Non-recurrent	.. Rs.	Nil.
Total	.. „	975	Ultimate	annual	.. „ 3,900
			recurrent	.. „	3,900

The question of extending medical relief in rural areas has been under the consideration of Government for some time past. After examining several alternative schemes, Government have decided, subject to the concurrence of the Legislative Council to try the experiment of subsidising properly qualified private medical practitioners in certain selected districts on condition that they practice in rural areas in those districts. It is intended, in the first instance, to try the experiment in six districts and to subsidise one private medical practitioner in each of the six districts. Each subsidised practitioner will be in charge of three or four villages which are easily accessible by road or rail, and he will be expected to visit them on definite days of the week. The total cost of subsidising the six medical practitioners in the six districts will be as follows :—

	Annual cost.
	Rs.
Subsidy at Rs. 50 per mensem to each private medical practitioner—Rs. 50 × 12 × 6 = Rs. 3,600 ..	3,600
Travelling allowance at Rs. 25 per mensem to each practitioner—Rs. 25 × 12 × 6 = Rs. 1,800 ..	1,800
Annual grant for medicines and instruments at Rs. 400 for each practitioner—Rs. 400 × 6 = Rs. 2,400 ..	2,400
Total ..	7,800

Half the cost of the scheme will be borne by Government and the remaining half will be expected to be borne by the District Local Boards concerned. On this basis the annual cost to Government on account of the scheme will be Rs. 3,900 per annum. The scheme will be brought into force from 1st December 1936, so that the cost to Government during the three months of the current year will be Rs. 975. No expenditure will however be incurred on the scheme for the current year until the District Local Boards agree to bear their half share of the cost, in which case a subsidy for at least seven years will be guaranteed. It is proposed to meet the extra expenditure to Government from the anticipated savings under "32, Medical—Transferred". As, however, 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.

"32, Medical—Transferred."

Rs. 37,20,000 + Rs. 10.

APPENDIX 25.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 3. *Entertainment of the Land Manager, Development Department Chawls, and his establishment.*

	Rs.		Rs.
Recurrent ...	Nil.	Non-recurrent ...	77,400
Total ...	77,400	Ultimate annual recurrent.	Nil.

The present post of Manager, Development Department Chawls, has been temporary since its creation in 1925, though under a different name, *viz.*, Assistant Land Manager, Development Department Chawls. The period of the post was extended from time to time. By Government Notification, No. 2945/28, dated 12th August 1929, the designation of the post was changed from Assistant Land Manager, Development Department Chawls, to Manager, Development Department Chawls. Prior to 1st March 1931 the post was for some time amalgamated with that of the Land Acquisition Officer for the City of Bombay. Government, however, decided that from 1st March 1931 these two posts should be held by two full time officers. Thus for the last five years the period of the post is being extended. The sanctioned period of the post expired on 1st April 1936. Government are of opinion that the post ought to be continued on a temporary basis for three years more, the incumbent being liable to discharge at a month's notice. The pay of the post is Rs. 300—20—500 per mensem with a conveyance allowance of Rs. 100 per mensem, if a motor car is maintained. Provision on account of the pay and allowances of the Manager and his establishment has been made in the current year's budget under "42, Bombay Development Scheme" as shown below and the sanction of the Legislative Council is now requested to the continuance of the establishment during the current year by means of a token demand of Rs. 10.

42, Bombay Development Scheme—

	Rs.
Pay of officers	4,294
Pay of establishment	59,219
Allowances, etc.	10,687
Contingencies	3,200
	<hr/>
	77,400

Demand voted and now increased.

"42, Bombay Development Scheme—Reserved."

Rs. 3,62,000 + Rs. 10.

APPENDIX 26.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 4. *Creation of a post in the Subordinate Educational Service of an Assistant Lecturer in English at the Ismail College, Andheri.*

	Rs.		Rs.
Recurrent...	1,560	Non-recurrent	... Nil
Total	... 1,560	Ultimate annual recurrent	... 2,101

In connection with the proposals regarding the affiliation of the Ismail College, Andheri, to the Bombay University it was recommended by the University that the affiliation should be sanctioned subject to the condition that additional staff is provided for teaching the subjects of (1) English (Honours), (2) Mathematics, and (3) Philosophy. The affiliation was sanctioned by Government subject to the condition referred to.

The existing staff in the Ismail College for teaching English consists of (1) a Professor in the Bombay Educational Service Class I, (2) a Lecturer in English in the Bombay Educational Service Class II, and (3) a Lecturer in English and Logic in the Bombay Educational Service Class II. As the Lecturer in English and Logic has to devote nearly half of his time to the teaching of Logic and Philosophy, the main burden of teaching English from the F.Y.A. to the M.A. Classes falls on the Professor and the Lecturer in English. To relieve them to some extent, the need for the entertainment of an additional staff was felt as far back as 1931 when B.A. classes were started at the College but the financial stringency did not permit consideration of such proposals. It has been considered desirable that provision should be made for teaching the Honours Courses in English at the College. In view of the condition laid down by the University this will not be possible unless additional staff for English is provided. It has therefore been considered necessary to create a post in the Subordinate Educational Service of an Assistant Lecturer in English at the Ismail College, Andheri.

As the entertainment of the additional staff was necessary with effect from the commencement of the academic year 1936-37, Government have sanctioned the creation of the post of Assistant Lecturer in English in the revised scale of Rs. 130-10-200. The expenditure involved will be met during the current year from the anticipated savings in the grants under the head "31, Education". But as the expenditure is of the nature of a new service, the

[Appendix 26—*contd.*]

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.

“31, Education—Transferred.”

Rs. 1,50,64,000 + Rs. 10.

APPENDIX 27.

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

Reserved 6. *Appointment of an Assistant to the Labour Officer, Bombay.*

	Rs.		Rs.
Recurrent ...	1,200	Non-recurrent ...	<i>Nil.</i>
Total ...	1,200	Ultimate annual recurrent.	1,636

The Labour Officer, Bombay, appointed under the Bombay Trade Disputes Conciliation Act, 1934 has not been given the help of any clerical establishment. All clerical work including type-writing has therefore to be done by the Labour Officer himself. The correspondence of the Labour Officer has increased of late taking much of his time with the result that his outdoor work which is more important has to suffer. Government have accordingly sanctioned from March 1936 the appointment of an Assistant to the Labour Officer, Bombay, in the scale of Rs. 100—5—150 p.m. for a period of two years in the first instance. Besides doing ordinary clerical work, the Assistant is expected to hear and take down complaints of workmen when the Labour Officer is absent visiting mills and on other outside duties. It is hoped to meet the charge on account of the appointment of the Assistant from savings anticipated in the grant voted by the Legislative Council under the head “37-Miscellaneous Departments—Reserved”. As however the expenditure in question is of the nature of a new service, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

“37-Miscellaneous Departments—Reserved.”

Rs. 15,00,000 + Rs. 10.

APPENDIX 28.

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

Reserved 8. *Temporary appointments of two Additional Presidency Magistrates.*

	Rs.			Rs.
Recurrent ...	Nil.	Non-recurrent ...	...	15,339
Total ...	15,339	Ultimate annual recurrent ...	Nil.	

The permanent sanctioned strength of Presidency Magistrates, including the Chief Presidency Magistrate, is six. In view of the abnormal congestion of work in the Courts of Presidency Magistrates due to various causes, such as labour unrest, unemployment, trade depression, the operation of the Bombay Prevention of Prostitution Act, the amendment of the Criminal Procedure Code giving accused persons increased facilities during trial including the right to postponement for the purpose of further cross-examination of all the prosecution witnesses after the charge is framed, and the more extensive action taken by the police under the Gambling Act, a temporary appointment of an Additional Presidency Magistrate was created for a period of one year in the first instance with effect from 2nd June 1934. The appointment was continued for a further period of one year up to 1st June 1936 and the approval of the Legislative Council to the expenditure involved was obtained by means of a token grant in 1935 at the July-August session.

2. As the work in the Presidency Magistrates' Courts is still seriously congested, the temporary appointment of the Additional Presidency Magistrate has been continued for a further period of one year from 2nd June 1936. This involves an additional expenditure of Rs. 12,604 in the current financial year as follows:—

	Rs.
Pay of Officers	8,967
Pay of Establishment	3,637
	<hr/>
	12,604

3. A temporary appointment of an Additional Presidency Magistrate for a period of two months from 4th March 1936 was also sanctioned for the trial of three persons who were accused of being members of an unlawful association—the Communist Party in India. The case was of a very important nature and involved the examination of a large number of witnesses and documents. The temporary appointment was created in order to enable the Chief Presidency Magistrate to hear the case from day to day and to relieve him of other work.

[Appendix 28—*contd.*]

This involved an additional expenditure of Rs. 2,735 as follows:—

	Rs.
Pay of Officers	2,000
Pay of Establishment	735
	2,735

4. The total expenditure during the current financial year will be Rs. 15,339. As the appointments relate to a new service, and were not provided for in the current year's budget the sanction of the Legislative Council is requested to a supplementary grant of Rs. 15,339.

Demand voted and now increased.

"24, Administration of Justice—(Reserved)."

Rs. 53,18,000 + Rs. 15,339.

APPENDIX 29.

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

Reserved 9. *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.*

	Rs.		Rs.
Recurrent ...	Nil	Non-recurrent ...	5,996
Total ...	5,996	Ultimate annual recurrent ...	Nil

With the appointment of an Additional Presidency Magistrate in Bombay City first sanctioned in June 1934 for a period of one year, it was found necessary to sanction 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. These appointments were continued for a further period of one year from 2nd June 1935, and the expenditure which their continuance entailed during the last financial year was brought to the notice of the Legislative Council by means of token grants under the heads "24, Administration of Justice" and "26, Police".

[Appendix 29—contd.]

2. As it was found necessary to continue the Additional Presidency Magistrate's appointment for another year from 2nd June 1936, the appointments of the Police Prosecutor and the Court duty staff of one Head Constable and four Constables have had to be continued for the same period. The expenditure on account of the continuance of the police appointments in the current financial year will amount to Rs. 5,996, and will be met by reappropriation from savings in the police budget. 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. 1,33,14,000 + Rs. 10.

APPENDIX 30.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 10. *Repairs to the Khar at Rai Murdha in the Thana District.*

	Rs.		Rs.
Recurrent ...	Nil	Non-recurrent ...	4,145
Total ...	4,145	Ultimate annual recurrent ...	Nil

The cultivators of the village of Rai Murdha in the Thana District have represented to the local officers that the bunds of the Khar in the village have been breached in many places, and that some of the adjoining sweet lands have been damaged by sea water and that others are likely to be affected if no repairs are carried out. It is reported that if the bunds are not repaired, Government may ultimately have to remit land revenue on the lands which would become uncultivable. A Khar bandisti cess of 4 annas per acre has been levied from the landholders concerned and in return ordinary repairs to the Khar are to be carried out at the expense of Government as in the case of other khars in this district. The landholders have been paying this cess for more than 30 years, but ordinary repairs have not been carried out for a long time. As the repairs are necessary in the interests of the cultivators and Government, the work has been sanctioned at an estimated cost of Rs. 4,145, and the whole expenditure will be incurred during the

[Appendix 30—contd.]

current year. It is proposed to meet the charge by reappropriation of funds from the current year's grants under 5, Land Revenue. As, however, 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.

“ 5, Land Revenue—Reserved.”

Rs. 35,74,000 + Rs. 10.

APPENDIX 31.

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

Reserved 11. *Establishment for two Additional High Court Judges.*

	Rs.			Rs.
Recurrent ...	2,750	Non-recurrent ...	...	2,600
Total ...	5,350	Ultimate annual recurrent ...	...	Nil.

There are at present eleven Judges in the Bombay High Court, ten permanent and one temporary. The temporary appointment was created in November 1930 and is being extended from time to time.

In spite of the creation of the appointment of an eleventh Judge, the arrears in the High Court have not been reduced to anything like the normal although some improvement has been achieved particularly in the case of Original Side suits. On 1st December 1935 the arrears were as follows:—

2,078 Original Side suits, 1,264 First Appeals and 1,737 Second Appeals.

The institutions, disposals and arrears under these three heads from the year 1931 to 1935 are shown below:—

ORIGINAL SIDE SUITS.

Year.	Institutions.	Disposals.	Arrears.
1931 ...	2,709	2,940	3,086
1932 ...	2,235	2,401	2,920
1933 ...	2,181	2,459	2,598
1934 ...	2,067	2,326	2,339
1935 ...	2,805	2,566	2,078

[Appendix 31—contd.]

FIRST APPEALS.

Year.	Institutions.	Disposals.	Arrears.
1931	...	899	578
1932	...	874	378
1933	...	810	891
1934	...	857	271
1935	...	805	400

SECOND APPEALS.

Year.	Institutions.	Disposals.	Arrears.
1931	...	1,072	777
1932	...	1,023	1,184
1933	...	907	892
1934	...	850	823
1935	...	797	869

The arrears on the Original Side include a number of suits which are from three to five years old. It is reported by the High Court that in the ordinary course it takes about five years for first appeals and three years for second appeals to reach hearing. The arrears have engaged the attention of Government for a long time and in order to terminate the present unsatisfactory state of affairs they now propose to create two temporary posts of High Court Judges for two years from the 2nd November 1936, the date of the opening of the High Court after the October vacation. It is expected that the creation of these appointments will result in a very material reduction of arrears and the whole position will be reviewed after two years. The extra non-voted expenditure during the current year on account of the pay of two additional High Court Judges comes to Rs. 31,730 and that during 1937-38 to Rs. 96,000.

The voted expenditure on account of establishment which will also be required for two years and contingencies for the Additional Judges will in the current year be Rs. 5,350 as shown below :—

For Additional Judge on Original Side.		For Additional Judge on Appellate Side.	
	Rs.		Rs.
1 Shorthand writer on Rs. 150—25—300*	525	1 Court Sheristedar on Rs. 200—20—300—25—400*	700
2 Chobdars on Rs. 28* each	195	1 Shorthand writer on Rs. 150—25—300*	525
2 Peons on Rs. 20* each	140	1 Clerk on Rs. 50—3—95—5—160	200
		2 Chobdars on Rs. 28* each	195
		2 Peons on Rs. 20* each	140

* Subject to two annas out in the rupee in the case of new entrants.

[Appendix 31—concl'd.]

<i>Contingencies—</i>	Rs.	<i>Contingencies—</i>	Rs.
Furniture including <i>chob.</i>	1,300	Furniture including <i>chob.</i>	1,300
Stationery ...	40	Stationery ...	40
Clothing to Chobdars and peons ...	25	Clothing to Chobdars and peons ...	25
	2,225		3,125

The cost of the establishment in 1937-38 will amount to Rs. 8,066. It is proposed to meet the expenditure of Rs. 5,350 from savings within the current year's 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. 53,18,000 + Rs. 10.

APPENDIX 32.

The Honourable Sir ROBERT BELL.

Reserved 12. *Temporary revival of two posts of Subordinate Judges held in abeyance.*

	Rs.		Rs.
Recurrent ...	2,500	Non-recurrent ...	Nil
Total ...	2,500	Ultimate annual recurrent ...	Nil

As far back as the year 1924, the permanent sanctioned strength of the Subordinate Judges' cadre was 22 First Class and 112 Second Class Subordinate Judges. It stood at this figure till the year 1931-32 when, as a measure of general retrenchment due to financial stringency, several Subordinate Judges' Courts were either abolished or linked with other Courts and 10 posts of Subordinate Judges were held in abeyance. The cadre of Subordinate Judges was thus provisionally reduced to 22 First Class and 102 Second Class Subordinate Judges. Five of these posts were however revived partly because it was found that the linking or abolition of certain courts was causing undue hardship to the public and partly because, after supplying officers required to fill the posts of Assistant Judges and District Judges in an officiating capacity on account of the paucity of I.C.S. officers and other deputation posts, the balance was found insufficient to cope with the work, which had fallen into arrear in various courts of the Presidency.

[Appendix 32—contd.]

2. In March 1936 the High Court pressed upon Government the necessity of restoring all the remaining five posts of Subordinate Judges, as arrears in a number of Subordinate Courts had increased by 50 to 100 per cent. above the normal as shown below :—

Name of Subordinate Court.	Normal Arrears.	Arrears at the end of January 1936.
First Class Court, Ahmedabad	1,890	3,097
Second Class Courts at—		
Shivgaon } (Ahmednagar)	402	622
Newasa }	219	341
Honavar (Kanara)	892	691
Erandol (East Khandesh)	962	1,146
Shirpur (West Khandesh)	394	745
Malwan (Ratnagiri)	313	649
Barai (Sholapur)	437	641
Kalyan (Thana)	421	618
Ahbag (Thana)	265	515

The linking or abolition of Subordinate Courts does not materially affect the number of suits filed and Government are satisfied that the revival of some posts of Subordinate Judges is necessary if inordinate delay in the disposal of civil cases is to be avoided. This view is supported by the fact that the institution of suits increased from 107,000 in 1924 to 133,000 in 1934—an increase of over 24 per cent.

3. For the reasons given above Government propose to revive, temporarily up to the end of the financial year 1937-38, two of the five posts now in abeyance, for the purpose of reducing arrears, and to review the position thereafter. This proposal involves an additional expenditure of Rs. 2,500 in the current year on account of the pay of two Subordinate Judges for a period of five months from 1st October 1936 to 28th February 1937, and an expenditure of Rs. 6,000 during 1937-38.

4. It is proposed to meet this expenditure by re-appropriation from savings. As the posts were held in abeyance and were not provided for in the Budget, 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. 53,18,000 + Rs. 10.

APPENDIX 33

The Honourable Sir ROBERT BELL.

Reserved 13. *Continuance of the temporary appointment of an additional City Magistrate, Poona.*

	Rs.		Rs.
Recurrent ...	Nil	Non-recurrent ...	1,475
Total ...	1,475	Ultimate annual recurrent ...	Nil.

In view of the increase during 1934 in the number of cases on the file of the City Magistrate, Poona, viz. from 3,552 in 1933 to 5,000, Government created a temporary appointment of an Additional City Magistrate of the rank of Second Grade Mamlatdar for a period of one year from the 1st September 1935. A temporary peon was also subsequently entertained. The expenditure involved was counterbalanced by savings in other directions and the approval of the Legislative Council to the expenditure was obtained by means of a token grant in 1935 at the November session.

2. The present state of work on the file of the Additional City Magistrate, Poona, as reported by the Commissioner, Central Division, has made it necessary to continue the appointment on a temporary basis for a further period of one year from the 1st September 1936, and Government have issued orders accordingly.

3. The extra expenditure involved in the continuance of the appointment will be Rs. 1,475 in the current financial year, and will be met by reappropriation within the head "24-Administration of Justice". 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.

"24-Administration of Justice—Reserved."

Rs. 53,18,000 + Rs. 10.

APPENDIX 34.

The Honourable Sir ROBERT BELL.

Reserved 14. *Reopening of the Subordinate Judge's Court at Tasgaon in the Satara District.*

	Rs.		Rs.
Recurrent ...	2,375	Non-recurrent ...	250
Total ...	2,625	Ultimate annual recurrent ...	8,922

As a measure of general retrenchment due to financial stringency the Subordinate Judge's Court at Tasgaon, which had previously

Appendix 34—contd.]

been linked with that at Vita, was abolished from 1st February 1932. Some of the villages under the jurisdiction of the Tasgaon Court were placed under the jurisdiction of the Islampur Court and others under that of the Vita Court. The following consequential changes were also made in the jurisdiction of the several Sub-Courts in the Satara District:—Vita, which had previously been linked with Tasgaon, was linked with Dahiwadi. Koregaon, which was linked with Dahiwadi, was made a separate Court and the Subordinate Judge at that place was deputed to work for a part of the year in the Court of the First Class Subordinate Judge at Satara.

The abolition of the Tasgaon Court has not proved to be a success even from the point of view of retrenchment. The institutions of suits in the Vita and Islampur Courts have increased considerably, with the result that a Joint Subordinate Judge has had to be posted at each of these two places to clear off the arrears. The District Judge reports that the distribution of the villages under the Tasgaon Court between Vita and Islampur has caused great inconvenience to the litigant public, and representations have frequently been received by Government from the public of Tasgaon and other villages protesting against the abolition of the Subordinate Court. The District Judge and the High Court strongly recommend that the Tasgaon Court should be reopened and linked and with Vita, and that the jurisdictional arrangements in force in the Satara District before the abolition of the Tasgaon Court should now be restored. Government propose to give effect to this recommendation from 1st October 1936. The additional expenditure during the current financial year involved in this proposal amounts to Rs. 2,625 as shown below:—

	Rs.
1 Subordinate Judge, Second Class, on Rs. 250 per mensem	1,250
1 Nazir on Rs. 80 per mensem in the grade of Rs. 80—5/2—95	400
2 Clerks on Rs. 30 per mensem in the grade of Rs. 25—5/2—55	300
2 Peons on Rs. 14 per mensem (minus 2 annas cut in the rupee)	125
Rent for Court House	100
Travelling Allowance for Subordinate Judge	200
Contingencies (removal of records, furniture, etc.)	250
Total	2,625

[Appendix 34—concl'd.]

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

"24-Administration of Justice—Reserved."

Rs. 53,18,000 + Rs. 10.

APPENDIX 35.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI, Kt.

Transferred 15. *Creation of two temporary posts in Class I of the Bombay Forest Service.*

	Rs.		Rs.
Recurrent	... Nil.	Non-recurrent	... 3,900
Total	... 3,900	Ultimate annual recurrent	... Nil.

Remarks.—Two permanent vacancies will occur in Class I of the Bombay Forest Service; one on 2nd April 1937 and the other on 28th September 1937 in consequence of the retirement of two senior officers. One of these officers has applied for leave preparatory to retirement from 6th November 1936 and the other is also likely to apply for similar leave. Under the existing Bombay Civil Services Recruitment Rules, vacancies in Class I are filled by direct recruitment or by the promotion of Class II officers. Government have decided to fill these two vacancies by direct recruitment. The Forest College at Dehra Dun, where the candidates from this Presidency were sent for undergoing a course of training in Forestry for two years, has been closed with effect from 1st November 1932 and is not likely to be reopened shortly. There is no time now to select and send candidates for training in Forestry at one of the Foreign Universities. Applications have therefore been invited from trained candidates. The appointment of the candidates is to be made as soon as possible to enable them to achieve the necessary practical experience before they are appointed to hold charge of a Division. Government have therefore decided to create two temporary posts, one for the period from 1st September 1936 to 1st April 1937 and the other from 1st September 1936 to 27th September 1937 and to appoint to them the two candidates selected from amongst the

[Appendix 35—*contd.*]

applicants. The expenditure in the current year is estimated at Rs. 3,900 as shown below:—

	Rs.
Pay at Rs. 200 per mensem each to two candidates for six months	2,400
Permanent travelling allowance at Rs. 125 per mensem each to two candidates for six months ...	1,500
	3,900

The expenditure will be met from savings. 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.

“8, Forest—Transferred.”

Rs. 23,01,000 + Rs. 10.

APPENDIX 36.

The Honourable Sir ROBERT BELL.

Reserved 16. *Use of wireless for police purposes in Bombay City.*

	Rs.		Rs.
Recurrent ...	Nil.	Non-recurrent ...	5,000
Total ...	5,000	Ultimate annual recurrent ...	Nil.

Hitherto during riots and other disturbances the Bombay City Police have had to rely for communication on the telephone and motor transport. While these still have their uses, it is realised that they cannot be entirely dependable, particularly during serious commotions such as communal riots or wide-spread industrial disturbances. Experience has shown that during times of stress the police telephone system is liable to break down and is unequal to the large number of calls that are made on it. At such times, the convenience of wireless cannot be exaggerated. With wireless communication it would not only be possible to relieve the telephone system of a certain amount of work, but it would also be possible to exercise effective control over a large portion of a disturbed area.

2. Wireless has its uses even in normal times. The fact that all the principal police forces in Europe and America have wireless installations, many on a large scale, is proof that wireless has a great future in connection with police work. The Government of

[Appendix 36—*contd.*]

Bombay accordingly propose to make a beginning in the use of this system for police purposes in Bombay City. They consider however that before they commit themselves to the use of this means of communication, it should be the subject of experiment by the City Police. For this purpose they propose to allot a sum of Rs. 5,000 in the current financial year. The details of this expenditure are given below :—

	Rs.
(1) One KSFH 050/1 crystal controlled transmitter complete with arrangement for telephony and telegraphy and adjusted to the wave-length of 140 metres.	
Price (delivery at Police Headquarters, Bombay)	3,200
(2) Two suitable receivers for police purposes to work in conjunction with the above transmitter.	
Delivery at Police Headquarters, Bombay	650
(3) Installation of the above transmitter together with a suitable convertor, aerials and aerial masts, including the erection of the masts, and time and cost of fitting in police headquarters	775
(4) Cost of buzzers, headphones, telephone jacks, etc., required for the training of operators, say	350
Total	4,975 or
	5,000 in round figure.

3. The expenditure of Rs. 5,000 will, it is anticipated, be met from savings in the current year's grants under "26, Police". 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. 1,33,14,000 + Rs. 10.

APPENDIX 37.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 17. *Creation of posts of a Mechanic and a Carpenter at the Royal Institute of Science, Bombay.*

	Rs.		Rs.
Recurrent	... 650	Non-recurrent	... Nil.
Total	... 650	Ultimate annual recurrent	... 1,560

In the year 1935 the Principal of the Royal Institute of Science, Bombay, reported that continued restriction of the contract grant of the Institute was having a deleterious effect on the stock of the apparatus of the Institute, that much of the apparatus was ten years old and that during the last few years when increasing amounts should have been allocated to repairs, the sums so earmarked had to be decreased in order to set free funds for consumable stores. The result was that much of the apparatus was in need of repairs and that the University Inspection Committee which visited the Institute in the year 1934 commented unfavourably on the state of the apparatus. In view of these facts the Principal stated that it was necessary to engage a fine mechanic and an assistant to him to carry out more difficult repairs as it was essential to keep the apparatus in good working order. On the recommendation of the Director of Public Instruction, Government sanctioned the entertainment of a temporary mechanic on Rs. 100 per mensem and an assistant on Rs. 30 per mensem for a period of 8 months from 1st August 1935 for carrying out repairs to the apparatus at the Institute.

The experiment tried for 8 months has proved very successful. Both these men rendered rapid and skilled assistance to almost every member of the staff and every post-graduate worker. The mechanic also prepared some new pieces of apparatus last year which were of a very special design. In these cases detailed drawings and first actual working models had to be prepared by the Professor concerned himself and the work had to be done very precisely before the mechanic could appreciate the fine points in the design and execute them properly. This was possible only because the mechanic was on the spot working under the constant supervision of the designer. The value of such apparatus lies mainly in the great facility, made available to research workers, which invariably saves both anxiety and time. The Chemistry Department, among other things, used to send at least one vacuum pump for cleaning purposes every week and the mechanic did the job almost without loss of time. To attempt to send such articles for repair to an outside workshop makes efficiency difficult, particularly on account of the consequent loss of time. There is

[Appendix 37—contd.]

still another advantage, viz., the increasing skill and efficiency which the mechanic and his assistant gain by their close and continued association with the various research departments of the Institute. If the apparatus is repaired quickly on the spot it not only saves the research workers a lot of time but also lengthens the life of the apparatus itself. The efficiency of a premier research institute like the Royal Institute of Science depends much on its apparatus.

For all these reasons it is considered that the services of a mechanic and a carpenter at the Royal Institute of Science, Bombay, are quite essential to the Institute. It is, therefore, proposed to create these two posts viz., (1) of a mechanic and (2) of a carpenter permanently at the Royal Institute of Science, Bombay. The extra expenditure involved during the current year will be met from savings in the grants under "31, Education". 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.

"31, Education—Transferred."

Rs. 1,50,64,000 + Rs. 10.

APPENDIX 38.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI, Kt.

Transferred 18. *Entertainment of three additional Foresters for doing specialised revenue work in the Akrani Mahal, North Khandesh Forest Division.*

	Rs.		Rs.
Recurrent ...	813	Non-recurrent ...	Nil.
Total ...	813	Ultimate annual recurrent ...	2,136

The Akrani tract has been constituted a mahal under the Land Revenue Code, but owing to its peculiar circumstances its revenue administration has been entrusted to officers of the Forest Department. There are 146 villages in the mahal of which 67 have been surveyed and settled under the Land Revenue Code. As a consequence of the introduction of the settlement, the land revenue in these villages has to be assessed and collected under the provisions of the Code in lieu of collection at a uniform rate of annas four per acre as was the case previously. At present there are four round officers who do forest and excise work and collect land revenue. It

[Appendix 38—contd.]

is not possible for them to do land revenue collections in the surveyed and settled villages according to the ordinary procedure under the Land Revenue Code and it is therefore necessary to entertain with effect from 1st October 1936 three additional foresters on the pay and allowances mentioned below:—

	Rs.
Pay	30—1—40
Permanent travelling allowance	10
Bad climate allowance	10
Contingent allowance	1

The expenditure in the current year is estimated at Rs. 813 inclusive of Rs. 48 for the cost of uniform at the rate of Rs. 16 per forester per annum and will be met from savings. The expenditure will, in the first instance, be debited to "8, Forest". It has been decided that the cost of the establishment employed in the mahal should be distributed ultimately in proportion to the revenue accruing to each of the three departments, viz., Forest, Excise and Revenue and that corresponding *deduct* entries should be made under "8, Forest", in respect of the expenditure ultimately debitable to "5, Land Revenue" and "6, Excise". 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.

"8, Forest—Transferred."

Rs. 23,01,000 + Rs. 10.

APPENDIX 39.

The Honourable Diwan Bahadur S. T. KAMBLI.

Transferred 19. *Continuance of temporary appointments of Photo Inspectors employed in the Registration Department for the work of binding and certifying photo-prints in the Gujarat and Marathi Divisions.*

	Rs.
Recurrent	Nil.
Total	3,018
	Non-recurrent
	Ultimate annual
	recurrent
	3,018
	Nil.

Remarks.—Under section 70 (D) (1) (d) of the Indian Registration Act the photo copies of registered documents are required to be bound together in books and to each book containing such copies the District Registrar or the Sub-Registrar has to prefix a certificate of the serial numbers it contains. It was found that the photo copies were lying loose and unbound in most sub-registry offices and it was not possible for these offices to undertake

[Appendix 39—*contd.*]

the work of binding the old prints numbering over 18,00,000 in addition to attending to new prints. As it was not desirable to allow the work to remain in this condition any longer three temporary appointments of Photo Inspectors on Rs. 220 each were sanctioned, with effect from 14th October 1935, for the Gujarat, Marathi and Kanarese Divisions for the periods mentioned below :—

	Period.
Gujarat Division	5½ months.
Marathi Division	13½ months.
Kanarese Division	3 months.

The work in the Kanarese Division has been completed but that in the Gujarat and Marathi Divisions is expected to be finished by 30th September 1936 and 31st May 1937, respectively. The continuance of the appointments in question has accordingly been sanctioned up to these dates in anticipation of the sanction of the Legislative Council. It is proposed to meet the charge involved during the current year, *viz.*, Rs. 3,618, by reappropriation from the current year's grants under "9, Registration". As, however, 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.

"9, Registration (Transferred)—Voted."

Rs. 5,66,000+Rs. 10.

APPENDIX 40.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI, Kt.

Transferred 20. *Modernizing of certain roads in Poona (second instalment).*

	Rs.
Estimated cost	2,82,619
Proposed expenditure in 1936-37...	1,66,000

The first instalment of the work of modernizing certain sections of the through Provincial roads in Poona was completed in 1935-36 at a cost of about Rs. 1,32,000 debited to the Petrol tax funds. Certain other roads mentioned below comprising the second

[Appendix 40—contd.]

instalment estimated to cost Rs. 2,82,619 have been undertaken this year :—

	Estimated cost.
	Rs.
(1) Portion of Bombay Road from Judge's bungalow to Aundh Road No. I ...	14,800
(2) Portion of Wellesley Road ...	24,700
(3) Portion of Bombay Road from Murray Bridge to mile No. 111/0 ...	26,600
(4) Asphalting the surface of the Bombay Road from Murray Bridge to Nasik Road Junction..	1,01,896
(5) Asphalting the surface of the Sholapur Road from Cantonment limit to Bahiroba Nala ...	43,228
(6) Asphalting the surface of the Satara Road from Dhobi ghat to the junction with Sholapur Road ...	24,680
(7) Asphalting the surface of the Shankar Shet Road from Swar Gate to Cantonment limit ...	41,565
(8) Asphalting the surface of the Nagar Road (2/6 $\frac{1}{2}$ to 2/8) ...	5,150
	2,82,619

This scheme has been agreed to by the Board of Communications and approved by the Government of India as being eligible for being financed from the Petrol tax fund. A provision of Rs. 66,000 has been made in the current year's budget for the first three items mentioned above. A further sum of Rs. 1,00,000 can be spent on the remaining items and the Superintending Engineer, Central Circle, has been asked to incur the expenditure. This sum can be made available from the anticipated savings in the grant for the current year voted by the Legislative Council under the head 41, Civil Works—Provincial. 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.

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

Rs. 1,13,66,000 + Rs. 10.

APPENDIX 41.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 21. *Appointment of an additional teacher at the Training College for Women, Ahmedabad.*

	Rs.		Rs.
Recurrent ...	725	Non-recurrent ...	Nil.
Total ...	725	Ultimate annual recurrent ...	1,596

Government decided last year to increase the output of trained primary teachers and for this purpose, to open additional classes at the different Vernacular Training Institutions for Men and Women. The number of students at the Training College for Women, Ahmedabad, accordingly increased, last year from 45 to 80. The increase in the number of students considerably increased the work of supervision, because practice lessons at such institutions require expert guidance and closer individual attention. The Director of Public Instruction therefore made a strong recommendation to revive the post of a graduate teacher at the College, which had been kept vacant since 1923, and to appoint thereto a graduate woman teacher on Rs. 85 per mensem in the scale of Rs. 85—5—115—efficiency bar—5—145—efficiency bar—6—175 with effect from the 15th June 1936.

2. The following statement will show that the Training College for Women, Ahmedabad, is understaffed as compared with the other two similar institutions :—

Name of the Institution.	Total sanctioned number of students.	Total number of ordinary teachers.	Total number of special teachers.	Lady Superintendent.	Total.	Remarks.
1	2	3	4	5	6	7
(1) Training College for Women, Poona ...	100	9	2*	1	12	
(2) Training College for Women, Dharwar.	55	6	3†	1	10	
(3) Training College for Women, Ahmedabad ...	100	5	2‡	1	8	

In view of these figures, Government agreed with the Director as to the necessity of the additional teacher asked for, and as the College was due to commence its session from 15th June, they sanctioned the proposal immediately, in anticipation of the sanction

* One part-time, excluding the Matron.

† One part-time, excluding Matron and one Urdu teacher.

‡ All part-time.

[Appendix 41—contd.]

of the Legislative Council. The cost during the current financial year is expected to be Rs. 725 only and it is proposed to be met from the anticipated savings from the sanctioned grants under "31, Education—Transferred". As this 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. 1,50,64,000 + Rs. 10.

APPENDIX 42.

The Honourable Sir ROBERT BELL.

Reserved 23. *Additional staff for the administration of the Bombay Motor Vehicles Tax Act, 1935, and the rules framed under it.*

		Rs.		Rs.	
Recurrent	...	Nil.	Non-recurrent	...	4,300
Total	...	4,300	Ultimate annual recurrent	...	Nil.

The administration of the Bombay Motor Vehicles Tax Act, 1935, and the rules framed under it imposed additional duties on the Motor Vehicles Department of the office of the Commissioner of Police, Bombay. To cope with the work, and in order that the public should have no reason to complain of undue delay, 17 clerks, in addition to the executive staff, were sanctioned from 1st March, 1936. This staff, though considered sufficient for normal times, was found to be inadequate to cope with the sudden rush of work which began with the introduction of the Act, and, as a result, adverse comments appeared in the local Press on the delay which occurred in dealing with the public who called at the Head Police Office for the registration of their cars under the new rules. For this reason, eight additional temporary clerks were sanctioned, first for six weeks from 8th April 1936, and thereafter from month to month. As fresh work connected with claims for refunds, alterations of design and consequent transfer to a fresh taxation class, and other items, is increasing, and as there is no reason to suppose that it will decrease before the end of the year, it has been represented that these eight clerks may be continued till the end of February 1937. Government therefore propose to continue their appointments until that time. The pay of these

[Appendix 42—*contd.*]

clerks is Rs. 50 per mensem each. The expenditure will amount to Rs. 4,300, and it is proposed to meet it from the savings in the grant under "37, Miscellaneous Departments—Reserved". 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.

"37, Miscellaneous Departments—Reserved."

Rs. 15,00,000 + Rs. 10.

APPENDIX 43.

The Honourable Sir ROBERT BELL.

Reserved 24. *Temporary increase in the strength of the Police Guard at the Sub-Jail at Broach.*

	Rs.		Rs.
Recurrent	.. Nil.	Non-recurrent	.. 1,179
Total	.. 1,179	Ultimate annual recurrent	.. Nil.

The sanctioned strength of the police guard at the Broach Sub-Jail is two armed head constables, and 14 armed constables inclusive of relief and 15 per cent. sick and leave reserve. As this strength was found to be inadequate in view of the weak condition of the jail premises and their isolated position, it was temporarily increased by 5 armed constables for a period of one year from 1st May 1935, and Government in the meantime undertook to examine the question of improving the Sub-Jail by spending a small capital sum on alterations and of making possible thereby a reduction in the number of guards. The sanctioned period of one year expired on 30th April 1936, and as the necessary repairs to the Sub-Jail could not be carried out by that date, Government considered it necessary to sanction the continuance of the temporary addition of five constables to the jail guard for a further period of one year from 1st May 1936. The necessary additions and alterations to the Sub-Jail have since been sanctioned but cannot be completed for some time to come.

2. The expenditure on account of the continuance of the temporary addition of five constables to the jail guard in the current financial year amounts to Rs. 1,179, which will be met from savings in the grants under "26, Police". 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. 1,33,14,000 + Rs. 10.

APPENDIX 44.

The Honourable Sir ROBERT BELL.

Reserved 25. *Entertainment of a Police Guard for the 3rd Class Sub-Jail at Dharwar.*

	Rs.		Rs.
Recurrent	.. 1,276	Non-recurrent	.. Nil.
Total	.. 1,276	Ultimate annual recurrent	.. 3,476

The 3rd class Sub-Jail attached to the Mamlatdar's Kacheri at Dharwar which was constituted in 1899 was closed in the year 1918 and with it the strength of the Dharwar District Police was reduced by the strength of the jail guard, viz., two Head Constables and six Constables plus one Constable on account of 15 per cent. sick and leave reserve. The sub-jail has now been revived and Government consider it necessary to restore the strength of the Dharwar District Police by two Head Constables and seven Constables to provide for the strength of the jail guard. The expenditure on this account for the five months (from 1st October 1936 to 28th February 1937) of the current financial year amounts to Rs. 1,276 which it is proposed to meet from savings in the grants under "26, Police". 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. 1,33,14,000 + Rs. 10.

APPENDIX 45.

The Honourable Sir A. M. K. DEHLAVI, Kt.

Transferred 26. *Additions and alterations to the Court House at Mahad.*

Estimated cost Rs. 18,346 (in works expenditure or Rs. 23,299 inclusive of Public Works Department Establishment and Tools and Plant charges at 27 per cent.).

	Rs.
Proposed expenditure in 1936-37	.. 18,300

The existing Court House at Mahad, which was built about 80 years ago as a Travellers' Bungalow and then adapted as a Court, is in a very dilapidated condition and almost unsafe for occupation. Government

[Appendix 45—*contd.*]

at first contemplated the construction of a new Court House and plans and estimates were accordingly prepared. Subsequently a further examination revealed that it is feasible to renovate the building by making extensive alterations and repairs and, whereas a new Court House would cost about Rs. 67,000, the alterations and repairs will only cost Rs. 18,346 in works expenditure as shown below :—

	Rs.
(i) Original work portion	14,716
(ii) Repair portion	3,630
	18,346

Government have accordingly approved of the alterations and repairs. The work is of an urgent nature and is proposed to be taken up during the current financial year. It is hoped to meet the cost from savings that become available later in the year in the grant voted by the Legislative Council under the head 41, Civil Works—Provincial. As however 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.

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

Rs. 1,13,66,000 + Rs. 10.

APPENDIX 46.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 27. *Reorganisation of the revenue administration in the Bombay Suburban District.*

	Rs.		Rs.
Recurrent ..	4,224	Non-recurrent ..	1,090
Total ..	5,314	Ultimate annual recurrent...	15,982

The problem of running the Bombay Suburban District efficiently, and yet economically, has engaged the attention of Government ever since the Development Department was abolished. The district was never properly organised for revenue purposes. Organisation is a matter of growth, and the conditions of the district are so different from those of any other that it has been impossible to administer it on the lines of the ordinary district system. The extensive

[Appendix 46—*contd.*]

development schemes have involved the acquisition of large areas for the Crown, a considerable increase of land revenue and the resultant increase in land revenue collection work and the addition of several thousand khatedars, educated, contentious and difficult of access by the talati, but ever eager to enter into direct negotiations with the Collector.

The district was at first under a Commissioner, who was also Secretary to Government, Development Department, and a separate Collector and Salsette Development Officer. On the abolition of the Development Department in 1930 the suburbs were placed under the Commissioner, Central Division, for meeting statutory requirements, but, as the district was found to require a Commissioner's supervision as well, it was, in April 1935, placed completely under the Commissioner, Northern Division. Previously, in June 1932, the post of Collector and Salsette Development Officer was abolished as a retrenchment measure, the duties of that post being assigned to the Collector of Bombay. The district had also, from about the time it was formed in 1920, a Deputy Collector who was also Personal Assistant to the Salsette Development Officer and Assistant Development Officer, Bandra and Ambernath Areas; but in October 1931 the post was abolished, also as a measure of economy, and a temporary post of the rank of Mamlatdar, designated Personal Assistant to the Salsette Development Officer and Collector and Assistant Development Officer, Bandra Area, was created instead. In June 1932, when the City of Bombay and the Bombay Suburban District were placed under a single Collector, the Deputy Collector, Bombay, was appointed to be also District Deputy Collector and Additional District Magistrate for the Bombay Suburban District, his land acquisition work in Bombay being transferred to the Land Manager, Bombay Suburban District, a temporary post which has been in existence since 1921.

Apart from the substantive posts of Collector and Deputy Collector who have jurisdiction both over Bombay City and the suburbs, there are at present in the suburban district four temporary gazetted posts, namely, those of Land Manager (pay Rs. 900) and Personal Assistant to the Salsette Development Officer and Collector (pay Rs. 370—15—400) referred to above, and two other posts of the status of Mamlatdar, namely, Chitnis to the Collector, Bombay Suburban District (pay Rs. 275—15—350), and Mamlatdar, South Salsette (pay Rs. 200—15/2—260).

Successive Collectors of Bombay and of the Bombay Suburban District have drawn the attention of Government to the very unsatisfactory state of affairs prevailing in that district. Under the present arrangement the ordinary village inspection work is much neglected. It is not possible for either the Collector or the Deputy Collector, who have duties to attend to in Bombay, to do it either jointly or severally. In default of such inspection matters drag on and become involved. Further the innumerable miscellaneous applications and questions that arise require to be dealt with

[Appendix 46—*contd.*]

promptly by an officer empowered to pass final orders on as many of them as possible, and neither the Collector nor the Deputy Collector can devote to these matters anything like the time they require.

The Commissioner, Northern Division, who recently visited the district found the office of the Mamlatdar, South Salsette, in a chaotic condition. There was no proper control over the work of the clerks, there were large arrears of non-agricultural assessment and other Government dues, proper and expeditious steps were not taken to remove encroachments on Government land, applications for building permissions were unduly delayed, in short the faults were too numerous to mention. Then again no serious attempt had been made to form any village improvement committee nor even a district executive committee. The Commissioner also found the condition of records in the office of the Collector, Bombay Suburban District, deplorable. In the latter office the congestion is indeed serious. The Deputy Collector cannot find the time to control the work in the branches of the suburban office for which he is responsible, and in the branches for which the Collector assumes directly responsibility with the assistance of his Personal Assistant the situation is far worse. It is common occurrence to find files on which no action of any sort has been taken for months together.

To put the Bombay Suburban District into proper order Government are of opinion that while the suburbs must continue to be under Collector of Bombay, the district should have a separate Deputy Collector (pay. 300—20—420—Efficiency Bar—20—480—Efficiency Bar—20—520) living and holding office in Bandra, though he may be expected to visit Bombay once or twice a week. With the creation of such a post, the post of Land Manager (pay Rs. 900) can suitably be abolished, the valuation, land acquisition and town planning work being transferred to a special branch of the Consulting Surveyor's office to be opened in Bombay and the rest of the work to the Deputy Collector, Bombay Suburban District, in addition to his duties of a full prant officer. The special branch of the Consulting Surveyor's office will consist of a Senior Assistant of the Consulting Surveyor's Department who will be transferred from Poona to Bombay and some subordinates drawn from the existing staff of the Land Manager. The Deputy Collector will also take up the work now done by the Personal Assistant to the Salsette Development Officer and Collector, the Collector retaining in his own hands the scrutiny and sanction of plans and buildings. The Deputy Collector, Bombay Suburban District, will be also Additional District Magistrate, Bombay Suburban District. The Deputy Collector, Bombay, will be Personal Assistant to the Collector for all Bombay and Bombay Suburban District work that comes to the Collector in the ordinary course. There will thus be no need for the existing post of Personal Assistant to the Salsette Development Officer and Collector, Bombay Suburban District, which will be abolished. Under this arrangement the Deputy Collector, Bombay Suburban District, will be

[Appendix 46—contd.]

enabled to supervise non-agricultural work and development schemes in the district in a way not easily accomplished under the existing system which has been found deficient in respect to adequate supervision by superior officers and inspection of sites. The new system will also put the Collector in his proper position as regards land administration in the suburbs, and bring in considerable additional revenue and eliminate a great deal of waste and inefficiency. The subordinate establishments in the several suburban offices are not susceptible of reduction and will be redistributed.

The Deputy Collector, Bombay Suburban District, will hold his office in the Mamlatdar's kacheri at Bandra, the Mamlatdar's office being removed from Bandra to Andheri into the building which was occupied by District Inspector of Land Records' office which has since been transferred to Bombay.

In estimating the financial effect of this scheme it must be borne in mind that had it not been framed it would have been necessary to make permanent the existing temporary posts of Land Manager, Personal Assistant to the Salsette Development Officer and Collector, Chitnis to the Collector, Bombay Suburban District, and Mamlatdar, South Salsette. Under the present proposal the Deputy Collector will replace the Land Manager and the Personal Assistant except for such of the work as will be transferred to the Assistant Consulting Surveyor's office, without scarcely any additional cost, and the posts of Chitnis and Mamlatdar which have been on a temporary footing for the last 15 years will be made permanent since they cannot be dispensed with. Actually the scheme results in a saving, viz. :—

<i>Present.</i>	Rs.	<i>Proposed.</i>	Rs.
Land Manager—		Deputy Collector, Bombay Suburban District—	
Pay	900	Pay (average)	499.6
Conveyance allowance	80	Special pay	100
Personal Assistant to the Salsette Development Officer—		Conveyance allowance	95
Pay (average)	396	Compensatory allowance	40
Special pay	50	Compensatory allowances in Assistant Consulting Surveyor's Office	232
Compensatory allowance	35		<u>966.6</u>
	<u>1,461</u>		
			Rs.
			494.4
Saving per mensem (Rs. 1,461 - 966.6)			9.2
Add saving on peons' railway passes			
Add reduction in the conveyance allowance of the Deputy Collector, Bombay, from Rs. 120 to Rs. 75 and abolition of his special pay of Rs. 50			95
			<u>598.6</u>
Annual saving			<u>7,183.2</u>

The figures of recurrent and ultimate annual recurrent expenditure at the head of this statement comprise only the cost of the three substantive posts of Deputy Collector, Chitnis and Mamlatdar

[Appendix 46—concl'd.]

less a small saving in recurrent expenditure and do not take into account the saving that will accrue from the abolition of temporary posts that would otherwise have to be continued on a permanent basis. Provision exists in the current year's budget for the posts of Chitnis and Mamlatdar, and the additional cost on account of the new Deputy Collector will be met from anticipated savings under the head "22, General Administration". As, however, the scheme constitutes a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10. It is proposed to introduce the proposed changes from 1st November 1936.

Certain additions and alterations to the Mamlatdar's kacheri at Bandra, estimated to cost Rs. 8,500, are necessary to provide accommodation for the Deputy Collector and his staff in that building. This expenditure is not shown at the head of this statement since it falls under "41, Civil Works". The work is a minor work and it is proposed to meet the cost from the current year's grants under that head. But, until the structural alterations are completed, it will be necessary to rent a bungalow at a cost not exceeding Rs. 160 per mensem. At the head of this statement against "Non-recurrent expenditure" Rs. 640 has been provided for rent for 4 months *plus* Rs. 450 for carriage of records from Bombay to Bandra and from Bandra to Andheri.

Some additional recurrent saving will probably result from a proposal under the consideration of Government to revise the pay scales of the staff in the Bombay Suburban District so as to make it interchangeable with the Thana subordinate revenue staff. Government find this measure necessary in order to provide an outlet for subordinates that might otherwise stagnate in the Bombay Suburban District as is happening to some hands in that district at present.

Demand voted and now increased.

"22, General Administration—Reserved."

Rs. 85,15,000 + Rs. 10.

APPENDIX 47.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 28. *Expenditure on leave salaries and travelling allowance to retrenched personnel in the Public Works Department, Secretariat.*

	Rs.		Rs.
Recurrent ...	7,000	Non-recurrent ...	2,600
Total ...	9,600	Ultimate annual recurrent ...	<i>Nil.</i>

On account of the reduction in work in consequence of the separation of Sind from the Bombay Presidency considerable

[Appendix 47—*contd.*]

retrenchment has been effected in the various grades of non-gazetted staff in the Public Works Department, Secretariat. The expenditure on leave salaries and travelling allowance to the retrenched personnel is debitable to the sub-head "(B)—Joint Establishment—Public Works" of the major head "52-Extraordinary charges—Reserved". Provision for the expenditure in question could not be made in the current year's budget estimates as the question of the retrenchment to be effected in the staff in consequence of the separation of Sind was not settled when those estimates were framed. The total estimated expenditure to be incurred during the current year amounts to Rs. 12,000 (Rs. 11,000 for leave salaries + Rs. 1,000 for travelling allowance). Of this amount an estimated sum of Rs. 2,400 is to be accounted for under the head "XIII" as the share of the expenditure debitable to the Irrigation Branch of the Public Works Department and it is proposed to meet the same as far as possible from the savings anticipated on the grant already voted by the Legislative Council under that head. The balance is required under the head "52-Extraordinary charges—Reserved". The sanction of the Legislative Council is therefore requested to the demand for a grant of Rs. 9,600.

Demand voted and now increased.

"52-Extraordinary charges (Reserved)."

Rs. 2,000 + Rs. 9,600.

APPENDIX 48.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 29. *Expenditure on gratuities to retrenched personnel in the Public Works Department, Secretariat.*

		Rs.
	Rs.	
Recurrent	... Nil.	Non-recurrent ... 7,200
Total	... 7,200	Ultimate annual recurrent ... Nil.

On account of the reduction in work in consequence of the separation of Sind from the Bombay Presidency considerable retrenchment has been effected in the various grades of non-gazetted staff in the Public Works Department, Secretariat. The expenditure on gratuities to the retrenched personnel is debitable to the minor head "(2)-Joint Establishment—Public Works" of the major head "61-Payments to Retrenched Personnel—Reserved". Provision for the expenditure in question could not be made in the current year's budget estimates as the question of the retrenchment to be effected in the staff in consequence of the separation of Sind was not settled when those estimates were framed. The estimated expenditure to be incurred during the current year amounts to

[Appendix 48—*contd.*]

Rs. 9,000. Of this amount an estimated sum of Rs. 1,800 is to be accounted for under the head "XIII" as the share of the expenditure debitable to the Irrigation Branch of the Public Works Department and it is proposed to meet the same as far as possible from the anticipated savings on the grant already voted by the Legislative Council under that head. The balance is required under the head "61-Payments to Retrenched Personnel—Reserved". The sanction of the Legislative Council is therefore requested to the demand for a grant of Rs. 7,200.

Demand voted and now increased.

"61-Payments to Retrenched Personnel—Reserved."

Rs. Nil + Rs. 7,200.

APPENDIX 49.

The Honourable Sir A. M. K. DEHLAVI, Kt.

Transferred 30. *Providing and fixing 102 additional fire hydrants on the existing mains in the Poona Cantonment Water Supply.*

	Rs.		Rs.
Recurrent ...	<i>Nil.</i>	Non-recurrent ...	21,110
Total ...	21,110	Ultimate annual recurrent ...	<i>Nil.</i>

102 fire hydrants are required by the following three authorities in Poona who are willing to pay the usual rent of Rs. 5 per year per hydrant:—

	No. of hydrants demanded.
(i) Cantonment Authority ...	58
(ii) Garrison Engineer ...	10
(iii) Suburban Municipality ...	34
	<hr/> 102 <hr/>

Fire hydrants are necessary accessories of water mains, and the cost of their installation should strictly speaking be considered as part of the capital cost of the water works and be covered by the general water rate charged. Moreover, as fire hydrants supply water for road repairs and construction, as well as for watering roads, they are a useful means of increasing the water revenue. The total revenue derived directly from the sale of water through hydrants during the year 1933-34 was over Rs. 6,000, the number of hydrants being 327. The average income per hydrant was therefore about Rs. 20 per year. There is, of course, in addition the rent recovered

[Appendix 49—contd.]

on the hydrant itself at the rate mentioned above. In the present case, the rent recoverable will be Rs. 510 and with the revenue from the sale of water there will be a profit even when the cost of the installation is considered by itself. Further, the provision of five hydrants is a measure of public safety. It is proposed to take up the work during the current financial year. The total cost of the work is distributed as under :—

	Rs.
(a) Works outlay	17,447
(b) Establishment charges (voted)	3,140
(c) Tools and Plant charges	528
	21,110

Items (b) and (c) are for accounts purposes only and the corresponding credit will be afforded under the head "33, Public Health". Over and above this expenditure there will be a non-voted expenditure of Rs. 1,047 under Establishment charges.

The extra expenditure in the current year will, it is anticipated, be met from savings in the grants under "56-A, Capital Outlay on Improvements of Public Health". As however the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

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

Rs. 2,07,000 + Rs. 10.

APPENDIX 50.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 31. *Scheme for the supply of musket racks and ammunition boxes to excise officers for the safe custody of their arms.*

	Rs.		Rs.
Recurrent	Nil.	Non-recurrent	4,400
Total	4,400	Ultimate annual recurrent	Nil.

A survey of the arrangements for the custody of Government arms and ammunition held by the excise officers in the Presidency made, as a result of a theft of a Government revolver and some ammunition from an Excise Inspector's office, has disclosed that the existing arrangements are inadequate. Most of the excise officers have no strong racks or boxes to store their arms and ammunition. To ensure the safe custody of Government arms and ammunition, it is necessary to provide each excise officer, having custody of arms and ammunition, with a moveable rack in which

[Appendix 50—contd.]

the muskets in his charge can be securely locked so that no weapon can be removed without the bodily removal of the whole rack. In addition to a rack each such officer has to be provided with a strong box in which Government ammunition and side arms can be securely stored.

2. Out of 167 excise officers in the Presidency who hold Government arms and ammunition there are about 146 officers who have to be supplied with musket racks and ammunition boxes. The cost of a rack and ammunition box, complete with lock, is estimated at about Rs. 30 per set. It is proposed to meet the charge by reappropriation of funds from the current year's grants under 6, Excise. As, however, 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.

"6, Excise—Transferred."

Rs. 42,52,000 + Rs. 10.

APPENDIX 51.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 33. *Entertainment of additional temporary staff at the Elphinstone College, Bombay, and the Royal Institute of Science, Bombay, during the academic year 1936-37.*

	Rs.		Rs.
Recurrent	.. Nil.	Non-recurrent	.. 8,371
Total	.. 8,371	Ultimate annual recurrent	.. Nil.

Owing to increase in the number of admissions it has been considered necessary to provide additional temporary staff at the Elphinstone College, Bombay, and the Royal Institute of Science, Bombay, for the academic year 1936-37.

Provision for the teaching of Physics in the First Year Arts Class of the Elphinstone College, Bombay, is made at the Royal Institute of Science, Bombay. The strength of this class has been steadily increasing during recent years. To cope with the work, entertainment of additional temporary staff in the Department of Physics at the Institute has been found to be necessary every year for the last few years. So also there has been a large demand for admission to the Chemistry classes of the Institute during these years and the number of students taking Chemistry in Junior and Senior B.Sc. Classes of the Institute has increased. With a view to maintaining the standard of teaching and research in the Department of Chemistry at the Institute, the strengthening of the staff in Chemistry has been considered necessary. Similarly in the case of the Elphinstone College, Bombay, need for strengthening

[Appendix 51—contd.]

the staff at the College has been felt owing to increase in the number of students in F. Y. A. class of the college. Further with a view to providing facilities for teaching German at the Elphinstone College as there is a tendency among students to take up this subject and to render additional help to the existing staff in History and Economics at the college the entertainment of additional Assistant Lecturers in these subjects has been found necessary. Thus the entertainment of the following temporary staff in the Chemistry and Physics Departments of the Royal Institute of Science and at the Elphinstone College, Bombay, is necessary during the academic year 1936-37:—

ROYAL INSTITUTE OF SCIENCE, BOMBAY.

	Rs.	Cost during 1936-37.
<i>I Department of Chemistry.</i>		
(1) Analytical Assistant on Rs. 40 per mensem. (The M.Sc. student selected for the post is exempted from payment of usual tuition fees of Rs. 15 per term).	360	(for nine months).
(2) Four part-time Demonstrators in chemistry each on Rs. 50 per mensem.	1,700	
	2,060	
<i>II Department of Physics.</i>		
(1) Two Assistant Lecturers in Physics on Rs. 130 per mensem each with a house rent allowance of Rs. 20 per mensem (for the period from 15th July 1936 to 12th March 1937).	2,381	
(2) Five part-time Demonstrators on Rs. 50 per term each.	500	
	4,941	
<i>Elphinstone College, Bombay.</i>		
(1) Two tutors—one in English and one in Mathematics—Rs. 100 per mensem each (for the period from 1st July 1936 to 12th March 1937).	1,680	
(2) Two additional temporary Assistant Lecturers on Rs. 100 per mensem each, one in German and other in History and Economics.	1,750	
	3,430	
	8,371	

The total cost involved in the entertainment of the additional staff mentioned above will be Rs. 8,371 during 1936-37. The temporary staff referred to above excepting that mentioned against item (2) at the

[Appendix 51—concl'd.]

Elphinstone College, Bombay, was entertained during the preceding academic year also.

In view of the urgent necessity for the staff Government have sanctioned its entertainment during the academic year 1936-37. As however the entertainment of the temporary staff in question amounts 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.

“31-Education—Transferred.”

Rs. 1,50,64,000 + Rs. 10.

APPENDIX 52.

The Honourable Sir ROBERT BELL.

Reserved 34. *Remodelling the Pravara Left Bank Canal from mile 0 to mile 16½.*

Estimated cost Rs. 1,93,718 for “works” expenditure only (or Rs. 2,49,508 inclusive of establishment, pensionary and tools and plant charges).

Proposed expenditure in 1936-37 : Rs. 75,000.

The Pravara Left Bank Canal has, after being in operation for about fifteen years, silted. Consequently, although surplus water is available in the storage reservoir, viz. Lake Arthur Hill, and is in demand, the canal, in its present condition, cannot carry this surplus water. The remodelling of the canal is accordingly necessary in order to restore the channel to its discharging capacity of 530 cusecs as originally designed. It is estimated that, by the remodelling of the canal, an additional area of 2,000 acres of cane can be brought under cultivation which would result in an increased revenue of about Rupees one lakh annually. The execution of the work of remodelling the canal is a matter of extreme urgency for the following reasons :—

(1) Delay involves an annual loss of revenue, in the form of water rates, of nearly Rupees one lakh to Government ;

(2) The two sugar companies in the area, viz. the Belapur Company and the Maharashtra Sugar Mills (which will pay the above water rates on account of extensions of their present sugarcane areas), will not otherwise be in a position to reap the advantage afforded by the prevailing tariff as it is impracticable to increase these companies' cane areas until the proposed remodelling has been carried out ;

(3) In the case of the Maharashtra Sugar Mills, there will be an additional loss to the company because that concern will be compelled to run a high crushing capacity mill at a low output rate in the absence of an extension in its present sugarcane area.

[Appendix 52—*contd.*]

It is therefore considered necessary to carry out the remodelling work as early as possible to allow of the extension of the sugarcane areas of the above sugar companies. The work is classified under the head "XIII-A—Irrigation works—(2) Unproductive—Extensions and Improvements" and is estimated to cost Rs. 1,93,718 for "works" charges only. The total cost, including establishment, pensionary and tools and plant charges, will amount to Rs. 2,49,508. An expenditure of Rs. 75,000 under "I—Works" is expected to be incurred during the current financial year. As it was necessary to start the work before the commencement of the current year's monsoon, orders to begin the work were issued in April 1936. The amount required during the current year will, it is anticipated, be met by reappropriation from savings on other works accruing during the course of the year. As, however, the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

Demand voted and now increased.

"XIII—*Deduct*—Working Expenses, 15—Other revenue expenditure financed from ordinary revenues and Refunds of Revenue under the heads XIII and XIV—Reserved."

Rs. 13,41,000 + Rs. 10.

APPENDIX 53.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 35. *Scheme for village enquiry regarding cattle and milk production and consumption.*

	Rs.		Rs.
Recurrent	... Nil.	Non-recurrent	... 3,275
Total	... 3,275.	Ultimate annual recurrent	... Nil.

The Imperial Council of Agricultural Research has undertaken a scheme for village enquiry regarding cattle and milk production and consumption. The enquiry will consist of a rapid survey of seven typical areas in different parts of the country, where a definite type of cattle predominates. The object of the enquiry is to ascertain the actual position as to the amount of land under fodder production, the number of animals maintained, the amount of milk and dairy products produced and the way in which these are consumed or disposed of. To carry out the survey ten village investigators have been appointed for each area with a supervisor over them. The village investigators are to remain for about a fortnight in a village and to deal with approximately 20 holdings per village. The supervisors will be responsible for organising and checking the work of the investigators and for compiling a suitable report at the end of the enquiry.

[Appendix 53—*contd.*]

2. So far as this Presidency is concerned, the area selected for the enquiry is the Kankrej tract where the Kankrej cattle is bred by the cultivators. About 50 villages in the Ahmedabad District have been selected for the present enquiry which was to start from 1st September 1936. The Imperial Council of Agricultural Research has sanctioned a grant of Rs. 3,275 for this purpose, the details of which are shown below :—

	Amount.
	Rs.
(1) 10 Village Investigators on Rs. 30 per mensem each for 5 months	1,500
(2) 1 Supervisor on Rs. 150 per mensem for 6½ months	975
(3) Travelling allowance	700
(4) Contingencies	100
Total ...	3,275

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. 20,99,000 + Rs. 10.

APPENDIX 54.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 36. *Grant of loans to cultivators and to the Thakor of Amod.*

	Rs.		Rs.
Recurrent ..	Nil.	Non-recurrent ..	10,00,000
Total ..	10,00,000	Ultimate annual recurrent ..	Nil.

The current year's sanctioned budget estimate for advances to cultivators under the Agriculturists' Loans Act amounts to Rs. 2,23,000. This estimate will be very largely exceeded on account of the unforeseen agricultural conditions at present prevailing in many parts of the Presidency. Owing to the failure of rains in many parts of Gujarat, the Deccan and the Karnatak there is great scarcity of fodder and tagai is required by agriculturists either for purchase of fodder or for raising fodder crops. So far it has been necessary to supplement the allotments, already placed at the disposal of the Commissioners out of the current year's sanctioned estimate, by Rs. 3,30,000 and it is expected that further allotments will

[Appendix 54—*contd.*]

be required. Besides the above amount a sum of Rs. 2,50,000 is required as the Thakor of Amod has applied to Government for a loan of Rs. 2,50,000 to defray debt incurred by his predecessors. Government have satisfied themselves that the loan will not be used for unproductive purposes but will be definitely in the interests not only of the Thakor but also his tenants who depend on him and that the security offered by the Thakor for the loan is sufficient. They accordingly propose to advance the loan asked for on the following principal conditions:—

(1) The loan should be advanced at the rate of 5½ per cent. per annum.

(2) It should be repaid in 15 equated annual instalments of principal and interest.

(3) To allow for bad years, there should be no foreclosure unless there is a default of two continuous instalments.

(4) A security of 3,962 acres of talukdari land, valued at Rs. 100 per acre at a safe estimate, should be offered.

The sanction of the Legislative Council is, therefore, requested to an additional allotment of Rs. 10,00,000—Rs. 7,50,000 to cover the anticipated requirements for tagai advances in the areas in which scarcity conditions are prevailing and Rs. 2,50,000 for advancing loan to the Thakor of Amod.

Demand voted and now increased.

“Loans and Advances by Provincial Government (Reserved).”

Rs. 5,77,000 + Rs. 10,00,000.

APPENDIX 55.

The Honourable Sir ROBERT BELL.

Reserved 37. *Construction of roads and drains in the Back Bay Reclamation area.*

			Rs.
	Rs.		
Recurrent ..	Nil.	Non-recurrent ..	2,00,000
Total ..	2,00,000	Ultimate annual recurrent ..	Nil.

With a view to taking advantage of the present demand for building lands in Bombay it is proposed that the development of Blocks Nos. I and II of the Back Bay Reclamation Area be accelerated. A provision of Rs. 4,37,000 has been made in the current year's budget under the head “59—Bombay Development Scheme” for the construction of roads and sewers in Blocks Nos. I and II of the Back Bay Reclamation Scheme, and an additional sum of Rs. 2,00,000 is required for the completion of the works now in progress and the execution of the additional works which are now proposed to be undertaken this year.

[Appendix 55—contd.]

The details of this additional amount of Rs. 2,00,000 required for expenditure during the current financial year are as follows:—

(i) *Construction of sewers with accessories along the two 50 feet roads and the 120 feet road situated in the south-east portion of Block No. II.*—

A provision of Rs. 24,000 has been included in the current year's budget for the construction of sewers with accessories along the two 50 feet roads and the 120 feet road situated at the South end of Block No. II. The sanctioned estimate for the work amounts to Rs. 44,390. The work will be started by the Bombay Municipality after the current monsoon and completed during the current financial year. An additional sum of Rs. 20,000 is required for the completion of the work in question.

(ii) *Providing surface drainage for, and constructing, without paving of footpaths, certain roads* in Blocks Nos. I and II, including planting road-side trees.*—The

*1. The remaining lengths of—

(a) the 80' road in Block No. II and

(b) the 120' road in Block No. II up to its junction with the 80' road.

2. The two approaches—one 40' wide and the other 50' wide—leading to the area leased to the Cricket Club of India, Limited.

3. All the roads in Block No. I situated between the extension of Churchgate Street and the Lloyd Recreation Ground.

estimated cost of this item is Rs. 3,25,000. The work includes the construction of the underground storm water drains required in connection with the roads surrounding the area leased to the Cricket Club of India, Limited, and also those

required in connection with all the roads in Block No. I lying between the extension of Churchgate Street and the Lloyd Recreation Ground except the Marine Drive. It is proposed that the construction of these storm water drains be undertaken during the current financial year. A sum of Rs. 30,000 is required for expenditure in connection with this work during the current financial year.

(iii) *Providing sewers and accessories along certain roads† in Blocks Nos. I and II.*—The construction of the sewers, estimated to cost Rs. 98,919, required in connection with the roads mentioned in item (ii) above and the Marine Drive from plot No. 98 to plot No. 207 will be started by the Bombay Municipality after the current monsoon and this work will be completed during the current financial year. A sum of

†1. The remaining length of the 80' road in Block No. II.

2. The two approaches—one 40' wide and the other 50' wide—leading to the area leased to the Cricket Club of India, Limited.

3. All the roads in Block No. I situated between the extension of Churchgate Street and the Lloyd Recreation Ground.

4. The Marine Drive from plot No. 98 to plot No. 207 and the 100' road situated to the North of the Lloyd Recreation Ground.

Rs. 1,00,000 is therefore required for expenditure on this work during the financial year 1936-37.

(iv) *Widening of the footpath situated on the West side of Queen's Road between the extension of Churchgate Street and the Band Stand.*—

The existing pavement on the West side of Queen's Road is only 10 feet

[Appendix 55—concl'd.]

wide. As this width will be insufficient to meet the future demands of pedestrian traffic in this length of Queen's Road, Government have decided that the width of this pavement shall be increased from 10 feet to 20 feet. A sum of Rs. 8,000, representing the estimated cost of the work, is therefore required for expenditure on this item during the current financial year.

(v) *Constructing the Marine Drive to its full width (140 feet) from plot No. 98 to plot No. 207, complete with drains, lights and trees in Blocks Nos. I and II of the Back Bay Reclamation Scheme.*—The estimate for this item, which is the construction of the Marine Drive to its full width of 140 feet in the length situated between the 80 feet road in Block No. II and the North end of the Lloyd Recreation Ground, amounts to Rs. 4,00,000 approximately. It is anticipated that the Bombay Municipality will specify cement concrete surfacing, 6 inches thick, for the pedestrian pavements of this road and provision has accordingly been made in the estimate in question for this type of pavement. A sum of Rs. 20,000 for the construction of a cement concrete pavement on the seaside of the Marine Drive in the length referred to above is accordingly required for expenditure during the current financial year.

This work also includes the construction of the necessary surface drainage works which it is proposed to commence after the current monsoon. A sum of Rs. 22,000 is required in this connection for expenditure during the current year.

2. The sanction of the Legislative Council is accordingly requested to a supplementary demand of Rs. 2,00,000 for the execution of the works referred to in paragraph 1 above.

Demand voted and now increased.

“59-Bombay Development Scheme—Reserved.”

Rs. 2,50,000 + Rs. 2,00,000.

APPENDIX 56.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 38. <i>Expenditure in connection with the Poultry Breeding Scheme.</i>		
		Rs.
Recurrent	Rs. .. 4,410	.. 15,943
	Non-recurrent	.. Nil.
Total	.. 20,353	Ultimate annual recurrent

There are great possibilities in this country in poultry breeding, both on a large commercial scale and as a cottage industry. Conditions in the country are so varied that it is not possible, without careful investigation, to produce breeds or types that will be useful under the different conditions. Agriculturists in many parts of the country,

[Appendix 56—*contd.*]

through force of circumstances, cannot fill in their time during a great part of the year and poultry keeping is, therefore, suitable for them as a subsidiary occupation. Government have at present a poultry farm at Kirkee under the supervision of the Live Stock Expert. This farm is intended to produce good European fowls for the improvement of the village poultry industry. The farm is not provided with adequate equipment for research work. A central research station is necessary to investigate the problems of poultry-breeding, e.g., nutrition, prevention of disease, housing and runs, the best methods of introducing poultry in villages and the collection and marketing of village eggs and researches in ailments of fowls and their treatment, etc.

2. The question of conducting such fundamental investigations was, therefore, taken up by the Agricultural Department. A scheme was placed by that Department before the Imperial Council of Agricultural Research which has been approved by it. Under this scheme, it is proposed to take up the work at the following centres :—

(1) Government Central Poultry Farm, Kirkee, under the Live Stock Expert.

(2) American Mission Vocational School and Rural Centre, Vadala Mission, District Ahmednagar, under Rev. Mr. R. V. Fairbank.

(3) Vocational Training School, Ankleshwar, District Broach, under Mr. I. W. Moomaw.

Both Mr. Fairbank and Mr. Moomaw are highly qualified men having considerable experience in poultry farming. At each place the following staff will be necessary :—

Central Poultry Farm—

One Assistant Manager on Rs. 35—5/2—60—4—100.

Two labourers on Rs. 20 per mensem each.

Two women for cleaning at Rs. 10 per mensem each.

Special pay of Rs. 25 to the Manager, Central Poultry Farm.

American Mission Vocational School, Vadala, and Vocational Training School, Ankleshwar—

Two Assistant Managers on Rs. 35—5/2—60—4—100.

Two skilled labourers on Rs. 20 per mensem each.

Four women at Rs. 10 per mensem each for cleaning.

3. The total cost of the scheme spread over a period of five years amounts to Rs. 53,653. This is made up of Rs. 18,923, non-recurring, and Rs. 34,730, recurring. The capital expenditure is intended for additions and alterations to the Incubator House at the Central Poultry Farm, provision of housing and runs, instruments, egg-boxes and other appliances and for the purchase of foundation stock. The recurring expenditure will be incurred on the pay of the staff mentioned in paragraph 2 above and contingencies such as feed and feeding, oils, medicines, service postage, record forms, etc. The receipts from the scheme are estimated to amount to Rs. 3,664. The Imperial Council of

[Appendix 56—concl'd.]

Agricultural Research has sanctioned the scheme at a net cost to it of Rs. 43,736 which takes into account the receipts mentioned above. The Local Government have agreed to make a contribution of Rs. 6,253 as their share in the cost of the scheme. This amount is made up of Rs. 4,653 (non-recurring) for the provision of an Incubator House and Foundation Stock and Rs. 1,600 (recurring) for replacing the Indian stock. The scheme is to be conducted under the supervision of the Live Stock Expert to Government.

4. The total expenditure during the current year on the scheme which is intended to be brought into effect from 1st September 1936 is estimated to amount to Rs. 20,353. On this, an amount of Rs. 1,673 representing the share of the Local Government, will be met by reappropriation from the sanctioned grants of the Agricultural Department under the head "34-A, Agriculture". The balance of Rs. 18,680 will be provided by the Imperial Council of Agricultural Research. As the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

Demand voted and now increased.

"34-Agriculture (Transferred)."

Rs. 20,99,000 + Rs. 10.

APPENDIX 57.

The Honourable Sir A. M. K. DEHLAVI, Kt.

Transferred 39. *Construction of a maternity ward in the compound of the Civil Hospital, Karwar.*

Estimated cost Rs. 12,321 (in works expenditure or Rs. 15,815 inclusive of Public Works Department establishment. Tools and plant charges).

Proposed expenditure in 1936-37 .. Rs. 12,300.

The necessity of constructing a maternity ward in the compound of the Civil Hospital at Karwar was brought to the notice of Government as early as 1930. But owing to financial stringency Government considered it inadvisable to sanction the construction of such a ward unless public subscriptions, not only to cover the original cost but also to provide for an endowment fund for the upkeep, were forthcoming. In 1934, Mr. Shantaram Mangesh Kulkarni of Karwar agreed to donate on certain conditions Rs. 9,000 for the construction of the maternity ward and in addition to contribute Rs. 6,000 towards an endowment fund from which the recurring expenditure of the ward could be met. Government accepted the offer and approved in 1935 plans and estimate for the construction of the ward at an estimated cost of Rs. 12,321. The work is to be carried out by the Public Works Department and is to become the property of Government.

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According to the accounts procedure relating to such cases the contribution has to be split up into (a) works outlay and (b) centage charges (excluding audit charge) as under :—

	Rs.
(a) Works outlay	6,955
(b) Establishment (including pensionary charges) and tools and plant charges at 29·4 per cent. ..	2,045
	9,000

The balance of the works cost—Rs. 5,366—has been decided to be borne by Government. The Public Works Department centage charges on the Government portion of works outlay will amount to Rs. 1,449. The work has been let out on contract and is likely to be completed by end of December 1936.

The amount to be provided by Government will, it is hoped, be met from savings under the head “41-Civil Works—Provincial”. As however 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.

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

Rs. 1,13,66,000 + Rs. 10.

APPENDIX 58.

The Honourable Dewan Bahadur S. T. KAMBLI.

Transferred 40. *Expenditure in connection with co-operative experiments in tobacco.*

Recurrent .. Rs.	1,600	Non-recurrent .. Rs.	1,250
Total	2,850	Ultimate annual recurrent	1,600

The Imperial Council of Agricultural Research considered the question of formulating a co-ordinated programme of agricultural research for the improvement of the tobacco crop in India and sanctioned a co-operative scheme of research into the problems relating to the type of tobacco to be cultivated from the points of view of growing capacity, quality and yield of cigarette tobacco, the chemical changes which take place in the leaf as a result of flue-curing, during bulking and storage and the chemical composition of the leaf produced on different soils and under different conditions of climate and manuring. The general object of the scheme is to ascertain the areas where cultivation of cigarette tobacco can be extended. For this purpose a pair of flue-curing barns and an assistant trained in tobacco curing are to be stationed at each of the tobacco centres which are to be located at an experimental farm

[Appendix 58—contd.]

growing tobacco. Bombay Presidency is one of the Provinces which have been included in the co-operative scheme. The Imperial Council of Agricultural Research offered a grant of Rs. 2,500 for a pair of flue-curing barns if the Agricultural Department agreed to undertake the research work and on condition that the Local Government agreed to provide the recurring expenditure involved on the scheme.

2. The Agricultural Department has been trying the tobacco-varieties on the Nadiad Farm from seed supplied by the Imperial Economist Botanist. There is already a small flue-curing barn on the farm under a man specially trained at Pusa for this kind of work. In the Kaira District the tobacco growing tract covers an area of over 67,000 acres annually. In view of the importance of the crop, Government accepted the grant of Rs. 2,500 offered by the Imperial Council of Agricultural Research and agreed to provide a recurring grant of Rs. 1,600, the details of which are shown below :—

	Rs.	a.	p.
(1) Rent of three acres at Rs. 60 per acre ..	180	0	0
(2) Preparing seed-bed 8 gunthas ..	42	8	0
(3) Manure for three acres ..	75	0	0
(4) Carting and spreading ..	15	8	0
(5) Cultivation charges ..	132	8	0
(6) Irrigation ..	172	8	0
(7) Priming and curing ..	450	0	0
(8) Bailing ..	10	0	0
(9) Packing ..	20	0	0
(10) Miscellaneous ..	75	0	0
(11) One Kamgar at Rs. 35 (35 × 12) ..	420	0	0
	1,593	0	0
Extra ..	7	0	0
	1,600	0	0
Total ..	1,600	0	0

Out of the grant of Rs. 2,500 offered by the Imperial Council of Agricultural Research, a sum of Rs. 1,250 has been utilised on the construction of one standard flue-curing barn for conducting experiments parallel to those being done in other provinces. The balance of Rs. 1,250 has been kept in reserve till it is required for the construction of another barn at Borsad or any other suitable centre, which will be started next year. The recurring expenditure of Rs. 1,600 required for running the flue-curing barn at Nadiad will be met from savings anticipated in the sanctioned grants of the Agricultural Department under the head "34-A, Agriculture". As the expenditure in question relates to a new service, the sanction of the Legislative Council is required for the demand for a grant of a token sum of Rs. 10.

Demand voted and now increased.

"34, Agriculture (Transferred)."

Rs. 20,99,000 + Rs. 10.

APPENDIX 59.

The Honourable Sir ALI MAHOMED KHAN DEHLAVI.

Transferred 41. *Additional grant-in-aid to District Local Boards for village water supply in areas affected by drought.*

Recurrent	..Rs.	Nil.	Non-recurrent	..Rs.	43,200
Total	.. „	43,200	Ultimate annual recurrent	.. „	Nil.

A provision of Rs. 75,000 has been made in the current year's budget for grants-in-aid to District Local Boards for village water supply. A provision of Rs. 6,800 has also been made for village water supply schemes in the Belgaum District prepared by the late Special Engineer, Minor Irrigation Works. These provisions were distributed in April last as follows :—

	Rs.	
Northern Division	..	36,000
Central Division	..	17,000
Southern Division	..	22,000 + Rs. 6,800 (for village water supply schemes in the Belgaum District prepared by the late Special Engineer, Minor Irrigation Works).

In view of the deficiency of rainfall during July and August many places in the Presidency were seriously affected by drought and the allotments placed at the disposal of the Commissioners for grant-in-aid to District Local Boards for village water supply were found to be inadequate. As scarcity of drinking water was being felt in some of the areas the following *special* grants for village water supply have already been sanctioned in anticipation of the allotment of funds :—

Rs.
3,500 for village water supply in Panch Mahals.
10,000 for village water supply in the Ahmednagar District.

Total .. 13,500

It is considered probable that further special grants to the extent of Rs. 29,700 may have to be made in certain other areas of the Presidency similarly affected by drought unless the recent rainfall makes such grants unnecessary. The total supplementary grant required for village water supply under "33, Public Health" therefore, amounts to Rs. 43,200 and the Legislative Council is requested to sanction this additional amount.

Demand voted and now increased.

"33, Public Health—Transferred."

Rs. 19,94,000 + Rs. 43,200.

APPENDIX 60.

The Honourable Sir ROBERT BELL.

Reserved 46. *Additional revenue establishment required in connection with the revenue work in the lower (Chitali) Section of the Godaveri Right Bank Canal.*

	Rs.		Rs.
Recurrent ..	1,284	Non-recurrent ..	Nil.
Total ..	1,284	Ultimate annual recurrent ..	1,284

Irrigation has increased to a very considerable extent in the Lower Section of the Godaveri Right Bank Canal. The area at present irrigated on the different water courses and distributaries in the lower (Chitali) Section is 1,791 acres as shown below :—

Number of water course or distributary.	Sugar-cane "blocks".		Sugar-cane on wells.		Eight months "blocks"		Kharif out of "blocks"		Hot weather crops out of "blocks".		Total.	
	A.	g.	A.	g.	A.	g.	A.	g.	A.	g.	A.	g.
Water Course No. 41.	34	20	1	20	0		3	0	1	0	40	0
Do. No. 44.	184	20	3	0	0	0	9	0	0	0	196	20
Do. No. 45.	180	0	2	20	5	0	12	20	16	20	216	20
Distributary No. 17.	675	0	0	0	0	0	24	20	169	20	869	0
Do. No. 18.	448	20	0	0	3	0	11	20	6	0	469	0
Total ..	1,522	20	7	0	8	0	60	20	193	0	1,791	0

Experience has shown that the strength of the existing revenue establishment in the Deccan Irrigation Circle is inadequate for the purpose of dealing with the revenue work connected with the irrigation referred to above. Government accordingly propose to sanction the following additional staff on the temporary establishment :—

- 1 Sectional Karkun on pay of Rs. 22 per mensem.
- 3 Canal Inspectors on pays of Rs. 18 per mensem each.
- 1 Measurer on pay of Rs. 18 per mensem.
- 1 Tapali on pay of Rs. 13 per mensem.

The extra cost involved in the entertainment of the above establishment is debitable to the head "XIII—Deduct—Working Expenses" and

[Appendix 60—*contd.*]

will be met from the savings accruing on existing grants during the course of the year. As, however, the expenditure in question is of the nature of a new service the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10 in this connection.

Demand voted and now increased.

“XIII—Deduct—Working Expenses”, “15—Other Revenue Expenditure financed from ordinary revenues” and “Refunds of Revenue” under the heads “XIII” and “XIV”—Reserved.

Rs. 13,41,000 + Rs. 10.

APPENDIX 61.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 47. *Additional grant for grants-in-aid to non-Government Secondary Schools.*

Recurrent	.. Rs. 24,800	Non-recurrent	..Rs. Nil.
Total	.. ,, 24,800	Ultimate annual recurrent	,, 24,800

The Reorganisation Committee recommended the transfer of Government Secondary Schools to private agencies and the payment of grants-in-aid to those agencies under the Grant-in-aid Code. Government accepted the general principle and decided that the savings effected by such transfer should be primarily utilised for righting the position under the Grant-in-Aid Code. In accordance with this decision, the Government High School at Hyderabad was handed over to the Muslim Education Society, Hyderabad, and the Government Middle School at Surat was amalgamated with the Government High School there in 1934. A saving of Rs. 31,000 was effected by these transfers; but it was not possible to increase the provision for “Direct Grants to non-Government Secondary Schools” by the amount of this saving either in the Budget estimates for 1935–36 or in those for 1936–37. With the sanction of the Legislative Council, however, Government increased the last (1935–36) year’s provision by Rs. 31,000. In placing this demand before the Council in March last, Government explained the present unsatisfactory position in respect of grants to non-Government Secondary Schools resulting from the previous cuts in the provision made for this purpose and the growth in the number of secondary schools and showed that it was essential that this amount of Rs. 31,000 at least should be sanctioned as an addition to the existing provision for grants-in-aid to non-Government Secondary Schools. Owing to the separation of Sind, the Presidency can now claim only its *pro rata* share in the saving of Rs. 31,000

[Appendix 61—contd.]

referred to above, which comes to Rs. 24,800 and this amount is proposed to be added to the Budget provision of Rs. 8,51,900 made for the current year on account of grants-in-aid to non-Government Secondary Schools. The sanction of the Legislative Council is accordingly requested to a supplementary demand of Rs. 24,800.

Demand voted and now increased.

“31, Education—Transferred.”

Rs. 1,50,64,000 + Rs. 24,800.

APPENDIX 62.

The Honourable Khan Bahadur D. B. COOPER.

Reserved 48. *Measures for the relief of distress in the Ahmednagar District.*

Recurrent ..	Rs.	Nil.	Non-recurrent	..	Rs. 15,00,000
Total ..	..	15,00,000	Ultimate annual recurrent	..	Nil.

By reason of the failure of the rains to date in the Ahmednagar District it has become necessary to declare that a condition of scarcity exists in that district and to commence relief measures. These measures will take the form of gratuitous relief, the opening of scarcity works, the improvement of sources of supply of drinking water, etc. In order to finance these measures, it has been decided to draw upon the Famine Relief Fund. No estimate of the total expenditure involved can be formed at present but the Commissioner, C. D., has calculated that about Rs. 1,60,000 will be required up to the end of October 1936, not including expenditure on tagai advances for which a separate supplementary demand is being made. Government consider that it is desirable to provide for expenditure of Rs. 15,00,000 in the current year on relief measures in the Ahmednagar District and if necessary in other parts of the Presidency and the sanction of the Legislative Council is therefore requested to a demand for a grant of Rs. 15,00,000 under the head 43-A, Famine Relief.

Demand voted and now increased.

“43-A, Famine Relief—Reserved.”

Nil + Rs. 15,00,000.

APPENDIX 63.

STATEMENT OF DEMANDS FOR GRANTS TO COVER THE EXCESSES SHOWN IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1934-35.

ITEM 1-A. The Honourable Khan Bahadur D. B. COOPER.

In paragraph 88 of his report on the Appropriation Accounts of the Government of Bombay for the year 1934-35, the Accountant General has reported that excess of expenditure under the following heads requires the sanction of the Legislative Council:—

	Amount of excess.
	Rs.
(1) 7, Stamps—Reserved	9,621
(2) 34, Agriculture—Transferred	9,042
(3) 43, Famine—Reserved	292
(4) Expenditure in England—Reserved and Transferred	1,617

The reasons for these excesses are explained below:—

(1) 7, *Stamps (Reserved)*.—The expenditure under Refunds—non-judicial—in the Northern Division showed a very large increase (Rs. 26,000) over the budget grant of Rs. 12,500 for the year 1934-35. The increase was due to the payment of a larger amount than was previously anticipated on (a) refunds on account of spoilt stamps, (b) refunds to Vendors in the Ahmedabad District on relinquishment of office and (c) refund of penalty amounting to over Rs. 15,000 paid in the Surat District. Part (Rs. 12,000) of the excess could have been met by reappropriation from savings under Refunds—Judicial. Accordingly a supplementary demand to cover the remaining excess expenditure was prepared and circulated to Members of the Legislative Council but was subsequently withdrawn for the following reasons:—

(i) The figures of actual expenditure during the ten months of the year 1934-35 supplied by the Accountant General showed that no additional amount over the sanctioned grant was likely to be required, and

(ii) Large savings have occurred in the past under Refunds.

The Legislative Council is now requested to sanction the excess amount of Rs. 9,621.

(2) 34, *Agriculture (Transferred)*.—The expenditure on the various research schemes in this Presidency which are financed by the Imperial Council of Agricultural Research is debited, in the first instance, to the head "34, Agriculture" and subsequently adjusted against the recoveries made from the Council. Remittances are not made by the Council in fixed instalments but only according to the actual requirements. The disbursements made by the Local Government during the year 1934-35 on account of these schemes exceeded the recoveries with

[Appendix 63—*contd.*]

the result that there was an excess of Rs. 9,042 over the total voted grant under the major head. The requirements were met by the Research Council fully by 31st March 1935 but some of their remittances were received late in March 1935 and could not therefore be adjusted in the accounts of 1934-35. They have been adjusted in the accounts for 1935-36. This caused an excess of Rs. 9,042 under "34, Agriculture" in 1934-35. With effect from the current financial year, a new procedure is being adopted whereby half the sanctioned amount will be remitted early in the year without waiting for a requisition, while the other half will be sent on receipt of the accounts as to the money spent during the first half of the year, the balance available, if any, from the previous year's grant and the amount actually required for expenditure during the remaining period of the year. This arrangement will result in all the requirements being met by the Imperial Council of Agricultural Research before the close of the financial year. The Legislative Council is now requested to sanction the excess of Rs. 9,042.

(3) *43, Famine (Reserved)*.—Gratuitous relief was given to the indigent people in the Mundargi Petha and Gadag Taluka of the Dharwar District owing to the scarcity conditions prevailing there during the year 1934-35. A supplementary grant of Rs. 1,600 was sanctioned by the Legislative Council for this purpose. Out of this amount, the actual expenditure during the year amounted to Rs. 1,513, leaving a small saving of Rs. 87. In addition to this expenditure an amount of Rs. 379 was incurred on the construction of a feed channel from the Kadampur Nala to the Dambal Tank in the same district, in excess of normal rates, in consequence of the employment of famine labour. This expenditure was debited to the head "43-A, Famine Relief". However no funds had been sanctioned to cover this expenditure under this head during the year 1934-35 as it was not anticipated and was not provided for. There was, therefore, a net excess of Rs. 292. The Legislative Council is now requested to sanction the excess of Rs. 292.

(4) *Expenditure in England (Reserved and Transferred)*.—The excess expenditure of Rs. 1,617 was mainly due to larger expenditure under the heads "22, General Administration—share of the cost of the High Commissioner's Establishment" and "45, Superannuation Allowances and Pensions" partially counterbalanced by savings in leave salary and Pensions" and in the provision for expenditure under the head "6, Excise" and in the provision for a scholarship under "34, Agriculture", in High Commissioner's grant. The appropriations under the heads "22, General Administration—share of the cost of the High Commissioner's establishment chargeable to Bombay Government" and "45, Superannuation Allowances and Pensions" were increased on the recommendation of the High Commissioner and a supplementary demand to cover the net excess in the High Commissioner's and the Secretary of State's combined grant was obtained from the Legislative Council in March 1935. The supplementary grant however proved insufficient, as the share to be borne by Bombay Government of the cost of the High Commissioner's establishment ultimately

[Appendix 63—concl'd.] .

exceeded the appropriation on account of the average number of passports issued to students from this Presidency being larger than anticipated and as the actual expenditure on pensions turned out to be greater than the estimate based on the progress of actuals.

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

	Rs.
7, Stamps (Reserved)	9,621
34, Agriculture (Transferred)	9,042
43, Famine (Reserved)	292
Expenditure in England (Reserved and Transferred)..	1,617

APPENDIX 64.

BILL No. XXII OF 1936.

A Bill to provide for the establishment and maintenance in the Presidency of Bombay of a Fund, called the Bombay Famine Relief Fund, for meeting expenditure at the time of serious famine or of distress caused by serious drought, flood or other natural calamities in the said Presidency.

(As published in the "Bombay Government Gazette"
of the 18th September 1936.)

WHEREAS it is expedient to provide for the establishment and maintenance in the Presidency of Bombay of a Fund for utilisation on occasions of serious famine and of distress caused by serious drought, flood or other natural calamities, in the said Presidency; And whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows :—

5 & 6
Geo. V,
c. 61.

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Famine Relief Fund Act, 1936.

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

(3) This section shall come into force at once. The remaining provisions of this Act shall come into force on such date as the Local Government may, by notification in the *Bombay Government Gazette*, appoint.

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

(1) "Fund" means the Bombay Famine Relief Fund established under section 3; and

(2) "Presidency" means the Presidency of Bombay.

3. *Establishment of the Bombay Famine Relief Fund.*—On the commencement of this Act, the Local Government shall establish in and

[Appendix 64—*contd.*]

for the Presidency a Fund called "The Bombay Famine Relief Fund". The Fund shall consist of—

(i) the securities of the Government of India mentioned in section 4 ;

(ii) the interest which may from time to time accrue on such securities ;

(iii) such other sums as the Local Government may from time to time contribute to the Fund under sub-section (2) of section 7 or otherwise ; and

(iv) the interest which may from time to time accrue on the securities of the Government of India in which the sums to the credit of the Fund may be invested or reinvested under section 6.

4. *Withdrawal of the Famine Relief Fund and its investment in securities of the Government of India.*—The Local Government shall, on the commencement of this Act, apply to the Governor General in Council for permission to withdraw the balance to their credit in the Famine Relief Fund maintained under rule 29 of the Devolution Rules made under the Government of India Act and on such permission being accorded, the Local Government shall, after setting apart from the balance so withdrawn, such sum as may be required during the remaining portion of the financial year 1936-37 for the grant of loans to cultivators and for meeting the expenditure on the relief of famine, if any, in the Presidency, invest the balance in securities of the Government of India in the name of the Secretary to the Government of Bombay, Finance Department.

5 & 6
Geo. V.
c. 61.

5. *Purposes for which the Fund may be utilised.*—The Fund shall not be expended except upon—

(i) the relief of serious famine in the Presidency ; and

(ii) the relief of distress caused by serious drought, flood or other natural calamities in the Presidency :

Provided that when the Fund exceeds sixty-three lakhs of rupees, the Local Government may utilise the excess to meet expenditure on protective irrigation works and other works for the prevention of famine in the Presidency, or for the grant of loans to cultivators either under the Land Improvement Loans Act, 1883, or under the Agriculturists' Loans Act, 1884, or for relief purposes, or in the repayment of advances made by the Government of India or to meet irrecoverable balances of loans granted under the said Acts or for relief purposes.

XIX of
1883.
XII of
1884.

6. *Investment and re-investment of amounts not required.*—The Local Government shall from time to time invest or re-invest in securities of the Government of India all sums to the credit of the Fund, which may not be immediately required for any of the purposes mentioned in section 5.

[Appendix 64—*contd.*]

7. *Accounts of the Fund and making up of the deficiency in the Fund.—*

(1) The accounts of the Fund shall be made up at the end of each financial year, the securities belonging to the Fund being valued at their market value on the last day of such year.

(2) If the accounts so made up show that the balance in the Fund at the end of such year falls short of sixty-three lakhs of rupees, the deficiency shall be made up from the revenues of the Province :

Provided that if the deficiency exceeds ten lakhs of rupees, it may be made up in annual instalments, the amount of each instalment except the last being not less than ten lakhs of rupees.

STATEMENT OF OBJECTS AND REASONS.

Under rule 29 of the Devolution Rules made under the Government of India Act, read with Schedule IV to those rules, the Bombay Government have been maintaining a Famine Relief Fund by making annual assignment from provincial revenues as required therein. The Fund is regarded as forming part of the general balances of the Government of India who pay at the end of each year interest on the average of the balances held in the Fund on the last day of each quarter. This interest is also credited to the Fund. The Fund can be utilised only for purposes of famine relief, though, when the amount to the credit of the Fund exceeds sixty-three lakhs of rupees, the excess over that sum may be utilised for certain other purposes specified in paragraph 8 of Schedule IV to the Devolution Rules. The Government of India Act, 1935, contains no provision for the continuance of this Fund. When Part III of that Act comes into force, the Devolution Rules will cease to operate and the Famine Relief Fund will not, therefore, continue to exist as a statutory Fund. As a result of this change, the amount of the Fund will, on the commencement of the new Constitution, merge in the general finances of the province and there will be nothing to prevent the amount being expended on ordinary services with the result that, should occasion suddenly arise for urgent and unanticipated expenditure on a large scale on famine relief, there would be no cash resources immediately available to fall back upon. In order to prevent such a result, this Bill is undertaken with a view to conserve the balance to the credit of the Famine Relief Fund and to make it continue to serve the purposes for which it was originally established. It is proposed by this Bill to establish a statutory Fund called the Bombay Famine Relief Fund which will practically take the place of the existing Fund. The amount to the credit of the existing Fund will be withdrawn and after setting apart what may be necessary for grant of loans to cultivators, and for expenditure on famine relief, etc., during the current year, the balance will be invested in securities of the Government of India. These securities will form the nucleus of the new statutory Fund to be established by this Bill. The Fund will not be expended save upon the relief of serious famine and the relief of distress due to serious drought, flood or other natural calamities ; but when the balance to the credit of the Fund exceeds sixty-three lakhs of rupees, the excess over sixty-three

[Appendix 64—concl'd.]

lakhs may be utilised to meet expenditure on protective irrigation works and on other works for the prevention of famine; in the grant of loans to cultivators either under the Land Improvement Loans Act, 1883, under the Agriculturists' Loans Act, 1884, or for relief purposes; or in the repayment of advances made by the Government of India or to meet irrecoverable balances of loans granted under the said Acts or for relief purposes. The Fund will be valued at the end of each year and if the valuation in any year shows that the Fund has fallen below sixty-three lakhs, the Local Government will be under a statutory duty to make good the deficiency. If, however, the deficiency exceeds ten lakhs, it may be made up by annual instalments each of which (except the last) will be not less than ten lakhs.

17th September 1936.

D. B. COOPER.

APPENDIX 65.

BILL No. XXIII OF 1936.

A Bill to amend the Bombay Weights and Measures Act, 1932.

(As published in the "Bombay Government Gazette"
of the 22nd September 1936.)

WHEREAS it is expedient to amend the Bombay Weights and Measures Act, 1932, for the purposes hereinafter appearing; It is hereby enacted Bom. XV of 1932. as follows:—

1. *Short title.*—This Act may be called the Bombay Weights and Measures (Amendment) Act, 1936.

2. *Amendment of section 27 of Bom. XV of 1932.*—(1) In sub-section (1) of section 27 of the Bombay Weights and Measures Act, 1932, herein-after called the said Act, for the words and figures "authorised under section 17 or 18", the words, figures and brackets "directed under sub-section (2) of section 8 or section 9 to keep secondary or working standards" shall be substituted. Bom. XV of 1932.

(2) The amendment made by this section shall be deemed to have been made on and to have had effect from 1st December 1932.

3. *Amendment of section 35 of Bom. XV of 1932.*—In section 35 of the said Act, for the words "less weight or measure than is purported to be sold shall", the words, figures and letter "weight or measure less than what is purported to be sold shall, if the less weight or measure exceeds the amount of error prescribed under section 46A," shall be substituted.

4. *Amendment of section 41 of Bom. XV of 1932.*—After clause (m) of sub-section (2) of section 41 of the said Act, the following clause shall be inserted, namely:—

"(mm) the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;"

[Appendix 65—*contd.*]

5. *Insertion of new section 46A in Bom. XV of 1932.*—After section 46 of the said Act, the following section shall be inserted, namely :—

“ 46A. *Power to prescribe the amount of error to be tolerated in selling articles by weight or measure.*—Government may prescribe the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades.”

STATEMENT OF OBJECTS AND REASONS.

Under section 27 (1) of the Bombay Weights and Measures Act, 1932, only those local bodies which are authorised to stamp weights and measures and weighing and measuring instruments can charge fees for verification, re-verification and adjustment of weights or measures or weighing or measuring instruments. The Director of Industries has reported that several local bodies have been charging these fees even though they have not been authorised to stamp weights and measures and weighing and measuring instruments. It is, therefore, considered necessary to amend the Act in order to give power to the local bodies to charge such fees in future, and also to validate the recoveries of fees made so far. Clause 2 of the Bill seeks to carry out this object.

Section 35 of the Act makes it an offence to deliver a less weight or measure than what is purported to be sold. As the strict interpretation of this penal provision is likely to cause great inconvenience to several trades, it is considered desirable to allow tolerances similar to those allowed by the Government of India under section 16 of the Indian Merchandise Marks Act, 1889, by empowering Government to prescribe the amount of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades. Clauses 3, 4 and 5 of the Bill are intended to carry out this object.

18th September 1936.

ALI MAHOMED KHAN DEHLAVI.

APPENDIX 66.

BILL No. IX OF 1936.

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

(As introduced on the 24th March 1936 and published in the “*Bombay Government Gazette*” of the 16th April 1936.)

Bom. III
of 1901.
Bom. VI
of 1923.
Bom.
XVIII
of 1925.

WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act and the Bombay Municipal Boroughs Act, 1925, as amended by Bombay Act No. XIV of 1934 for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay District Municipal, Bombay Local Boards and Bombay Municipal Boroughs (Amendment) Act, 1936.

[Appendix 66—contd.]

2. *Amendment of section 81 of Bom. III of 1901.*—For section 81, Bom. III of 1901. Bombay District Municipal Act, the following shall be substituted :—

“ When any agreement such as is referred to in clause (b) of section 39 has been entered into the bodies so entering into the agreement shall appoint a Board which shall be called a Joint Octroi Board from amongst the members of these bodies in such manner and proportion as shall be agreed upon amongst them and the Joint Octroi Board so appointed shall have the same power to establish such Octroi limits and stations and such rates of Octroi as that Joint Octroi Board may deem necessary for the entire area in which the Octroi is to be collected and shall have power to collect Octroi on animals or goods or both brought within the limits so established and shall generally be guided by the by-laws that may from time to time be framed by them and the collections made and the cost thereby incurred shall subject to provisions of section 39 be divided between the bodies entering into the agreement in such proportions as shall have been determined in the agreement.”

3. *Amendment of section 102 (a) of Bom. VI of 1923.*—For section 102 Bom. VI (a) of the District Local Boards Act, the following shall be substituted :—

“ When any agreement such as is referred to in sub-section 1 (a) of section 46 has been entered into, the bodies so entering into the agreement shall appoint a Board which shall be called a Joint Octroi Board from amongst the members of these bodies in such manner and proportion as shall be agreed upon amongst them and the Joint Octroi Board so appointed shall have the same power to establish such Octroi limits and stations and such rates of Octroi as that Joint Octroi Board may deem necessary for the entire area in which the Octroi is to be collected and shall have power to collect Octroi on animals or goods or both brought within the limits so established and shall generally be guided by the by-laws that may from time to time be framed by them and the collections made and the cost thereby incurred shall subject to provisions of section 46 be divided between the bodies entering into the agreement in such proportions as shall have been determined in the agreement.”

4. *Amendment of section 100 of Bom. XVIII of 1925.*—For section 100 Bom. XVIII of the Bombay Municipal Boroughs Act, the following shall be substituted :—

“ When any agreement such as is referred to in clause (b) of sub-section 1 of section 47 has been entered into, the bodies so entering into the agreement shall be called a Joint Octroi Board from amongst the members of these bodies in such manner and proportion as shall be agreed upon amongst them and the Joint Octroi Board so appointed shall have the same power to establish such Octroi limits and stations and such rates of Octroi as that Joint Octroi Board may deem necessary

[Appendix 66—*contd.*]

for the entire area in which the Octroi is to be collected and shall have power to collect Octroi on animals or goods or both brought within the limits so established and shall generally be guided by the by-laws that may from time to time be framed by them and the collections made and the cost thereby incurred shall subject to provisions of section 47 be divided between the bodies entering into the agreement in such proportions as shall have been determined in the agreement.”

STATEMENT OF OBJECTS AND REASONS.

Section 46 (1) (a) of the District Local Board Act provides that the District Local Board may enter into an agreement with another District Local Board or Municipality for the levy of Joint Octroi Duty and section 103 (a) of the same Act provides that when such an agreement is entered into; one of the agreeing parties shall have the power to establish Octroi limits, Octroi stations and to collect octroi and also divide the same between the contracting parties. That means to say that out of the contracting parties one is to be chosen to do all the things connected with the Joint octroi and the other parties will have no representation or voice in the working of the Body chosen. This will appear to be very strange. The interest of all the parties may not be same; but sometimes they may be conflicting and it will be inequitable to enable one of the members of the whole group to impose its will on all others in matters affecting the interests of the latter. So also the Managing Body chosen as stated above is to be governed by the provisions of the Act under which that particular Body is constituted. That means out of a group consisting of the District Local Board, Municipal Boroughs, Municipalities and Cantonment Authorities, if a Municipal Borough is chosen it will have to act according to the provisions of the Municipal Boroughs Act, irrespective of the provisions of the Acts by which the other members are governed. The provisions of the different Acts governing different bodies may vary; and in many cases the rates of octroi fixed by different bodies are different. So in this matter also the Managing Body will have to impose the provisions of one Act on all other bodies governed by different Acts. This is all anomalous. In Ratnagiri it was proposed to introduce a scheme of Joint octroi and for that purpose a conference of the District Local Board as well as of the Municipal Borough, Ratnagiri and Municipalities and Notified Areas was held under the Presidency of the Collector on 22nd February, 1935. Till then the general understanding of all the Local Bodies concerned had been that according to the new amendment a Joint Board on which there is a representation of all the members joining the scheme had to be constituted. But at the Meeting a point was raised by the District Local Board that such a joint board could not be constituted according to the proper interpretation of section 102 (A) of the District Local Boards Act and that only one member of the joining parties as already constituted under any particular Act could be chosen under

[Appendix 66—concl'd.]

the new scheme. Doubt being expressed about the correctness of this interpretation the matter was referred by the President to the Legal Remembrancer, who agreed with the interpretation suggested by the District Local Board. When this interpretation was known to all the bodies that is the Municipal Borough, Municipalities and Notified Area Committees, they passed resolutions in their respective meetings, that they were not willing to be parties to a course according to which a body is to be appointed to work the whole system of octroi where they have no representation or voice to safeguard their interest. In order to avoid this kind of anomaly it is proposed in the amendment that all the bodies agreeing to co-operate in the octroi matter should appoint a Joint Board in which all will have representation and voice in, as well as control over that Board. So also power is given to that Board to fix a uniform scale for the octroi for the whole area within its jurisdiction of that Board.

L. V. PARULEKAR.

APPENDIX 67.

AGENDA.

Supplementary Agenda for the Second Session, 1936, of the Bombay Legislative Council which commenced on Monday, the 7th September 1936 [vide Standing Order X, 1 (1) (d).]

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Mr. S. H. Prater, M.L.C.

1. (As No. 1 of Mr. L. R. Tairsee on the main Agenda.)

Resolutions by Mr. Daulatrao Jayaramrao Zunzarrao, M.L.C.

1. (As No. 1 of Rao Bahadur G. M. Kalbhor on the main Agenda.)
2. (As No. 1 of Dr. M. K. Dixit on the main Agenda.)

Resolution by Rao Sahab P. D. Kulkarni, M.L.C.

1. "This Council recommends to Government that they should rescind the orders issued by them from time to time, relating to the reservation of a certain percentage of direct appointments to Government service for the redress of communal inequalities and that in future they should make a recruitment to public services solely on merit through the agency of a Public Service Commission to be appointed for the purpose."

[Appendix 67—contd.]

Resolutions by Mr. M. H. Mehta, M.L.C.

1. "This Council recommends to Government that the restrictions placed on the import, export, sale and storage of mhowra flowers in the Panch Mahals and Khandesh districts by an amendment made in the year 1929 in the Abkari Act of 1878 be now removed."
2. "This Council recommends to Government that the cutting or destroying by contractors and other persons of flower and fruit growing trees like the mhowra and mango trees growing in Government forests in Panch Mahals be prohibited so long as they continue giving ordinary quantity of produce."
3. "This Council recommends to Government that in view of the failure of crops due to scarcity of rains in certain parts of Gujarat, they should be pleased to remit the arrears of land revenue and to suspend the collection of land revenue for the current year in those parts."

Resolution by Dewan Bahadur D. R. Patil, M.L.C.

1. "This Council recommends to Government that in view of the failure of rains in the East Khandesh District they should be pleased to give liberal remissions in land revenue to the agriculturists of that district."

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

1. "This Council recommends to Government to undertake legislation for preventing the slaughter of prime milch cattle during its dry period."

Resolutions by Mr. B. P. Wadke, M.L.C.

1. (As No. 1 of Mr. L. R. Tairsee on the main Agenda.)
2. (As No. 2 of Mr. L. R. Tairsee on the main Agenda.)

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

1. (As No. 1 of Dr. M. K. Dixit on the main Agenda.)
2. (As No. 1 of Rao Bahadur G. M. Kalbhor on the main Agenda.)
3. "This Council recommends to Government that they should take immediate steps to relieve the distress caused in the various districts of the Presidency by the failure of rains by opening famine works, supplying fodder and facilities for railway transport for taking the cattle to places where grass is available and by opening forest areas for grazing the cattle free of charge."

[Appendix 67—concl'd.]

Resolutions by Mr. Syed Munawar, M.L.C.

1. "This Council recommends to Government that the taxis plying at the rate of four annas a mile in Bombay City be taxed only Rs. 88, the scheduled rate for two-seater cars, and not at the rate of Rs. 120 to Rs. 152 as at present."

2. "This Council recommends to Government that they should immediately substitute, in place of the present system of giving by way of bonus one month's average pay to such of the employees in the Government Central Press as have not been absent for more than twenty days for any reason whatsoever during the course of a year, the system of granting leave on full average pay."

3. "This Council recommends to Government to take early steps (a) to establish at a suitable place in the Presidency a college of studies in the indigenous systems of medicine similar to the institutions in Lucknow, Benares, Hyderabad Deccan and Madras, (b) to have it affiliated to the Bombay University, and (c) to license the Hakims and Vaidis who conform to a prescribed standard of medical training or experience."

4. "This Council recommends to Government to take immediate steps to require the Bombay Suburban Electric Supply Company to cancel its rule under which it levies a minimum charge of Rs. 2-4-0 per month on each consumer of electrical energy even if no energy is consumed."

5. "This Council recommends to Government to explore the possibilities of starting, in consultation with the Director of Industries and Registrar of Co-operative Societies, spinning and weaving factories on co-operative basis on a small scale at centres of cotton producing districts in the Presidency."

Resolution by Rao Bahadur N. E. Navle, M.L.C.

1. "This Council recommends to Government that they should spend adequate amount out of the Famine Fund for taking prompt measures for relieving the distress of agriculturists and their cattle in those parts of the presidency which are affected by famine."

H. K. CHAINANI,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 28th September 1936.

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