

TABLE OF CONTENTS.

	Pages
<i>Saturday, March 5, 1938.</i>	
Agenda and Supplementary Agenda for the Second Session of 1938 .. .. .	1-5
Messages from the Assembly re : Harijan Temple Worship Bill and Small Holders Relief Bill .. .. .	7-8
Governor's Assent to Act .. .. .	8
Nomination of Chairmen .. .. .	8
Death of Mr. B. G. Pahalajani .. .. .	8-10
Questions and Answers .. .. .	11-21
Presentation of the Budget .. .. .	21-24
Business of the House .. .. .	24
<i>Monday, March 7, 1938.</i>	
Time of sitting of the Council .. .. .	25-26
General discussion of the Budget .. .. .	26-57
<i>Tuesday, March 8, 1938.</i>	
General discussion of the Budget .. .. .	118
Business of the House .. .. .	118
<i>Thursday, March 10, 1938.</i>	
Finance Act Amendment Bill .. .. .	120-136
Business of the House .. .. .	136
<i>Friday, March 11, 1938.</i>	
Tobacco Acts Amendment Bill .. .. .	138-167
Business of the House .. .. .	167
<i>Monday, March 28, 1938.</i>	
New Member sworn .. .. .	169
Questions and Answers .. .. .	169-174
Business of the House .. .. .	175, 196
Further Demands for Grants .. .. .	175-186
<i>Tuesday, March 29, 1938.</i>	
Governor's Assent to Act .. .. .	188
Supplementary Grants .. .. .	188-214
Business of the House .. .. .	214-215
<i>Monday, April 11, 1938.</i>	
Governor General's Assent to Acts .. .. .	216
Leave of absence : Mr. B. B. Potdar .. .. .	217
Questions and Answers .. .. .	217-218
Appreciative reference to Mr. J. R. Dhurandhar's services as Secretary of the Council .. .. .	218
Business of the House .. .. .	219, 255-256
District Municipal and Municipal Boroughs Acts Amendment Bill .. .. .	219-253
Special (Emergency) Powers Act Repeal Bill .. .. .	253-254

	PAGES
<i>Wednesday, April 13, 1938.</i>	
Leave of absence : Major Sardar B. N. Patankar .. .. .	258
Resolution <i>re</i> :—	
Facilities for Indian Apprentices .. .. .	258-261
Control of the profession of Midwives .. .. .	261-264
Prevention of speculation on the Stock Exchange .. .. .	264-271
Creation of a separate Karnatak Province .. .. .	272-291
Business of the House .. .. .	292
Resolution <i>re</i> :—	
Separate and independent classification of Scheduled Castes .. .. .	292-311
Constitution of an Economic and Industrial Council .. .. .	311-317
<i>Monday, April 25, 1938.</i>	
Indian Lunacy Act Amendment Bill .. .. .	319-321
Business of the House .. .. .	321
<i>Tuesday, April 26, 1938.</i>	
Questions and Answers .. .. .	323-327
Petitions <i>re</i> : Rent Bill .. .. .	327
Private Bills—	
Rent Bill (Mr. S. C. Joshi) .. .. .	327-344
Annual Leave Bill (Mr. S. C. Joshi) .. .. .	344-347
Presidency Towns Insolvency Act Amendment Bill—Leave to introduce (Mr. Shantilal H. Shah) .. .. .	347-348
Business of the House .. .. .	348-349
<i>Friday, April 29, 1938.</i>	
Probation of Offenders Bill .. .. .	350-391
Business of the House .. .. .	391
<i>Tuesday, May 3, 1938.</i>	
Questions and Answers .. .. .	393-394
City of Bombay Police Act Amendment Bill .. .. .	395-453
<i>Wednesday, May 4, 1938.</i>	
City of Bombay Police Act Amendment Bill .. .. .	454-472
Race-courses Licensing Act Amendment Bill .. .. .	473-482
Primary Education Act Amendment Bill .. .. .	483-492
<i>Thursday, May 5, 1938.</i>	
Primary Education Act Amendment Bill .. .. .	493-562
Probation of Offenders Bill (Message from the Legislative Assembly) .. .. .	526
Business of the House .. .. .	562-565
<i>Friday, May 6, 1938.</i>	
Questions and Answers .. .. .	567-568
City of Bombay Municipal Act Amendment Bill .. .. .	568-592-634
City of Bombay Police Act Amendment Bill (Message from the Legislative Assembly) .. .. .	592
Business of the House .. .. .	634
<i>Saturday, May 7, 1938.</i>	
Primary Education Act Amendment Bill (Message from the Legislative Assembly) .. .. .	635
Questions and Answers .. .. .	636-637
Government Motions <i>re</i> :—	
Utilization of power from Bhatghar Dam .. .. .	637-644
Conversion of the Government Law College into a full-time institution .. .. .	644-656
Experiments in rayon industry .. .. .	656-662
City of Bombay Municipal Act Amendment Bill (Message from the Legis- lative Assembly) .. .. .	662
Prorogation of the Council .. .. .	662
<hr/>	
Appendices .. .. .	663-767

## APPENDIX 1.

## L. A. BILL No. VIII OF 1938.

*An Act to amend the Bombay Finance Act, 1932.*

(As read for the third time and passed on the  
3rd March 1938.)

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Finance (Amendment) Act, 1938.

(2) It shall come into force on the 31st March 1938.

2. *Amendment of section 2 of Bom. Act II of 1932.*—In sub-section (3) of section 2 of the Bombay Finance Act, 1932, (hereinafter called "the said Act") for the word "six" the word "seven" shall be substituted.

3. *Amendment of the Schedule to Part II of Bom. Act II of 1932.*—In the First Schedule to Part II of the said Act—

for the words—

"Six pies for each unit of energy consumed", the following shall be substituted, namely:—

"(1) In the city of Bombay, and in such areas as the Provincial Government may, by notification in the *Official Gazette*, specify in this behalf—nine pies for each unit of energy consumed, and

(2) In other areas—six pies for each unit of energy consumed."

4. *Amendment of section 15 of Bom. Act II of 1932.*—In sub-section (5) of section 15 of the said Act,—

(1) in clause (b), the figures "14" shall be deleted;

## [Appendix 1—contd.]

(2) in clause (c) under Article 5 relating to "agreement or memorandum of an agreement"—

(a) in entry (aa) for the words "if relating to the sale", the words "if relating to the purchase or sale" shall be substituted and after the words "the value of the security", the words "at the time of its purchase or sale, as the case may be" shall be added;

(b) for entry (b), the following shall be substituted, namely:—

"(b) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, debenture stocks or any other marketable security of a like nature in or of any incorporate company or other body corporate. Two annas for every Rs. 2,500 or part thereof of the value of the security at the time of its purchase or sale as the case may be."

(c) in entry (a) under "Exemptions" for the words "relating to the sale", the words "relating to the purchase or sale" shall be substituted;

(d) after entry (c) under "Exemptions", the following entry shall be added, namely:—

"(d) made in respect of the purchase or sale of a Government security or of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of any incorporate company or other body corporate, an entry relating to which is made in a clearance list which is duly stamped under Article 20A."

(3) in clause (c) under Article 43 relating to "Note or memorandum sent by a Broker or Agent to his principal"—

(i) for entry (b), the following shall be substituted, namely:—

"(b) of any share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature exceeding in value twenty rupees, not being a Government security. Two annas for every Rs. 2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be."

(ii) in entry (bb) after the words "the value of the security", the words "at the time of its purchase or sale, as the case may be" shall be added;

[Appendix 1—concl'd.]

(iii) after entry (bb), the following shall be added, namely :—

*“Exemption.*

Note or memorandum sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal of a Government security or a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporate company or other body corporate, an entry relating to which is made in a clearance list which is duly stamped under Article 20A.”

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

“(dd) after Article 20, the following Article shall be inserted, namely :—

<p>‘ 20A. Clearance list relating to the transactions for the purchase or sale by a member of a recognised stock exchange on his own account or on account of any other person, of a Government security or a share, scrip, stock bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporate company or other body corporate submitted by such member to the clearing house of a stock exchange recognised under the Bombay Securities Contracts Control Act, 1925.</p>	<p>The sum of duties payable at the rates specified under Articles 5 and 43, as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price fixed in accordance with the rules made under the Bombay Securities Contracts Control Act, 1925.</p>
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*Explanation.*—For the purposes of this Article a clearance list shall mean a list of transactions required to be submitted to the clearing house by the members of a recognised stock exchange in accordance with the rules under the Bombay Securities Contracts Control Act, 1925.”

**5. Amendment of Schedule to Part IV of Bom. Act II of 1932.**—In the Schedule to Part IV of the said Act—

(i) the entries relating to Article 14 shall be deleted; and

(ii) in the entry in column I relating to Article 62 (c) (i) for the word “five” the word “ten” shall be substituted.

## APPENDIX 2.

## L. A. BILL No. IX OF 1933.

*An Act to amend the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933.*

(As read for the third time and passed on the  
8th March 1938.)

Bom. IV of 1857. Bom. II of 1933. WHEREAS it is expedient to amend the Tobacco Duty (Town of Bombay) Act, 1857, and the Bombay (District) Tobacco Act, 1933, for certain purposes; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Tobacco (Amendment) Act, 1933.

2. *Amendment of section 11 of Bom. IV of 1857.*—In section 11 of the Tobacco Duty (Town of Bombay) Act, 1857 (hereinafter called the "Town Act")—

(1) after the words "provisions of this Act", the words "such license shall be subject to such terms and conditions as may be prescribed by rules made by the Provincial Government in this behalf" shall be inserted; and

(2) for the words "A fee of one rupee shall be paid for every such license" the following shall be substituted, namely:—

"Such fee as may be fixed by rules made by the Provincial Government in this behalf shall be levied for every such license, subject to the following maxima:—

				Rs.
(a) Superior tobacco	..	..	..	50
(b) Inferior tobacco	..	..	..	25

For the purposes of this section the Provincial Government may also by rules made in this behalf specify the varieties of tobacco which shall be classed as Superior and Inferior."

3. *Amendment of section 1 of Bom. II of 1933.*—The provisions of the Bombay (District) Tobacco Act, 1933 (hereinafter called "the District Act"), continued in force up to and inclusive of the 31st day of March 1938 by Government Notification (Revenue Department) No. 480/28, dated the 31st March 1937, issued under paragraphs 6 and 14 (1) of the Government of India (Commencement and Transitory Provisions) Order, 1936, are hereby further continued in force by the deletion of the words "and shall remain in force for a period of four years" occurring in sub-section (3) of section 1 of that Act, subject to the modification hereinafter provided.

[Appendix 2—contd.]

4. *Insertion of new section 7A in Bom. II of 1933.*—After section 7 of the District Act, the following section shall be inserted, namely :—

“7A. Notwithstanding anything contained in section 7, the Provincial Government may in addition to the license fee leviable under the said section, levy also a tax at such rates, subject to such conditions and in such areas as may be prescribed, on any sale of tobacco on *ad valorem* basis not exceeding 50 per cent. of the price of such sale.”

5. *Amendment of section 27 of Bom. II of 1933.*—In sub-section (2) of section 27 of the District Act, after clause (c) the following clauses shall be added, namely :—

“(d) under section 7A prescribing the rates at which, the conditions subject to which and the areas in which a tax on sales of tobacco shall be levied ;

(e) for the purposes of the Schedule hereto annexed, prescribing the varieties of tobacco which shall be classed as Superior and Inferior tobacco.”

6. *Amendment of Schedule to Bom. II of 1933.*—For the Schedule to the District Act, the following shall be substituted, namely :—

“SCHEDULE.

(SECTION 7.)

*License Fees.*

	Ra.
Wholesale—	
Maximum rate .. .. .	50
Retail or Hawker—	
(1) Maximum rate in any urban area which the Provincial Government may, by notification published in the Official Gazette, specify—	
Superior tobacco .. .. .	50
Inferior tobacco .. .. .	25
(2) Fixed rate in any other area .. .. .	2
Broker—fixed rate .. .. .	2”

7. *Saving.*—Nothing in this Act shall affect the validity, or the conditions or restrictions of a license granted under the Town Act or District Act before the commencement of this Act or any rights or liabilities accrued or incurred thereunder.

## APPENDIX 3.

Schedule of further Demands for grants for the year 1938-39 submitted for the vote of the Legislative Assembly under No. 32-A of the Bombay Legislative Assembly Rules.

No. of further demand.	Minister in charge.	Service or administration to which the demand relates.	Head of account.	Amount.
				Rs.
1	Honourable the Prime Minister.	Education ..	37, Education ..	8,92,000
2	Honourable the Minister for Health (Medical, Public Health and Excise).	Medical Services ..	38, Medical ..	20,000
3	Honourable the Minister for Revenue, Rural Development and Agriculture.	Agriculture ..	40, Agriculture ..	1,52,500
4	Do.	Co-operation ..	42, Co-operation ..	27,500
5	Honourable the Minister for Local Self-Government (and Miscellaneous).	Industries ..	43, Industries ..	28,000
6	Honourable the Prime Minister.	Miscellaneous Departments.	47, Miscellaneous Departments.	5,600
7	Honourable the Minister for Public Works.	Civil Works ..	50, Civil Works ..	42,000
8	Do.	Bombay Development Scheme.	52, Bombay Development Scheme.	4,50,000
				16,17,600

FINANCE DEPARTMENT :

22nd March 1938.



[Appendix 3—contd.]

Details of further Demands for Grants for 1938-39.

—	Budget estimate for 1938-39.	Remarks.
	Rs.	
<b>37, EDUCATION.</b>		
<b>E-GENERAL.</b>		
<i>R—Miscellaneous.</i>		
Lump provision for new schemes of educational expansion and improvement .. .. .	8,92,000	Fide note attached.
<b>38, MEDICAL.</b>		
<b>D-MEDICAL COLLEGES AND SCHOOLS.</b>		
<i>D-2 (5) Grants-in-aid, contributions, etc.—</i>		
Grants-in-aid to Ayurvedic and Unani teaching institutions .. .. .	20,000	Fide note attached.
<b>40, AGRICULTURE.</b>		
<b>A-AGRICULTURAL DEVELOPMENT.</b>		
<i>A-2, Agricultural Propaganda—</i>		
Pay of Establishment .. .. .	22,000	} Fide note attached.
Allowances, Honoraria, etc. .. .. .	2,000	
Contingencies .. .. .	49,500	
Lump provision .. .. .	61,100	
Total ..	1,34,600	
<i>D. Agricultural Education and Research—</i>		
Pay of Officers .. .. .	3,000	} Fide note attached.
Pay of Establishment .. .. .	2,600	
Allowances, Honoraria, etc. .. .. .	1,000	
Contingencies .. .. .	9,300	
Deduct—Establishment charges recoverable from other Governments, Departments, etc.	— 8,600	
Total ..	7,300	

## [Appendix 3—contd.]

	Budget estimate for 1938-39.	Remarks.
	Rs.	
<b>G.—OTHER CHARGES.</b>		
<i>G-1—Schemes partly or wholly subsidised by the Imperial Council of Agricultural Research.</i>		
<i>(N) Scheme for investigation into Striga attacks on Jowar Crops—</i>		
Pay of Establishment .. .. .	2,400	} <i>Vide note attached.</i>
Allowances, Honoraria, etc. .. .. .	600	
Contingencies .. .. .	7,600	
Total .. .. .	*10,600	
Grand Total .. .. .	1,52,500	
<b>42, CO-OPERATION.</b>		
<b>B—SUPERINTENDENCE.</b>		
Pay of Establishment .. .. .	22,400	} <i>Vide note attached.</i>
Allowances, Honoraria, etc. .. .. .	9,800	
Contingencies .. .. .	3,400	
Probable savings .. .. .	-15,600	
Total .. .. .	20,000	
<b>C—GRANTS-IN-AID.</b>		
<i>Grants-in-aid to village multi-purpose—</i>		
Co-operative Societies .. .. .	7,500	} <i>Vide note attached.</i>
Grand Total .. .. .	27,500	

\*The following addition will be made under debt heads as a result of the inclusion of this grant in next year's budget :—

*Other Account—*

Deposit account of the grants made by the Imperial Council of Agricultural Research.

Scheme for investigation into *Striga* attacks on Jowar crops—

Charged .. .. . .. Rs. 8,000

[Appendix 3—contd.]

	Budget estimate for 1938-39.	Remarks.	
	Rs.		
<b>43, INDUSTRIES.</b>			
<b>A—INDUSTRIES.</b>			
<i>A-4-Industrial Development—</i>			
A-4-(9)-Grant to the All-India Village Industries Association.	20,000	} <i>Vide note attached.</i>	
Total ..	20,000		
<i>A-8-Vocational Training of Middle class unemployed—</i>			
A-8-(4)-Contingencies—			
Other supplies and services .. ..	8,000		
Total ..	8,000		
Grand Total ..	28,000		
<b>47, MISCELLANEOUS DEPARTMENTS.</b>			
<b>A—INSPECTOR OF FACTORIES.</b>			
Pay of Officers .. .. .	1,870	} <i>Vide note attached.</i>	
Pay of Establishment .. .. .	1,590		
Allowances, Honoraria, etc. .. .. .	440		
Contingencies .. .. .	1,700		
Total ..	5,600		
Grand Total ..	5,600		

[Appendix 3—contd.]

	Budget estimate for 1938-39.	Remarks.
	Rs.	
<b>50, CIVIL WORKS.</b>		
<b>A—ORIGINAL WORKS.</b>		
<i>(i) Civil Buildings—</i>		
<i>Industries.</i>		
<b>New Major Works—</b>		
Construction of buildings, etc., for a tanning school at Chamdewalaki Wadi at Khar.	42,000	Vide note attached.
Grand Total ..	42,000	
<b>52, BOMBAY DEVELOPMENT SCHEME.</b>		
<i>Original Works</i> .. .. .	3,43,500	} Vide note attached.
<i>Repairs</i> .. .. .	87,000	
<i>Establishment</i> .. .. .	19,500	
Total ..	4,50,000	
Grand Total ..	14,17,600	

[Appendix 3—contd.]

*Details of further Demands for Grants for 1938-39.*

## DEMAND NO. 1.

In his speech introducing the Civil Estimates the Honourable the Finance Minister stated that it had been decided to allot 8.92 lakhs for Education in addition to the lump provision of 24 lakhs entered at item No. 53 of the Budget Memorandum. An assurance has also been given that full details of the expenditure of all lump provisions will be laid before the House. In asking the vote of the Legislative Assembly to this additional demand of 8.92 lakhs the following details for the expenditure of 13.29 lakhs out of the total lump amount of 32.92 lakhs are given. Details of the remaining 19.63 lakhs will be placed before the Legislative Assembly in due course.

(1) *Restoration of the temporary cut in grants to local bodies for primary education—Rs. 8,05,000.*

Owing to financial stringency, Government have had to make temporary reductions in primary education grants from year to year as mentioned below :—

Year.			Temporary cut enforced.
1931-32	..	..	.. 5 per cent.
1932-33	..	..	.. 19½ "
1933-34	..	..	.. 12 "
1934-35	..	..	.. 12 "
1935-36	..	..	.. 11 "
1936-37	..	..	.. 8 "
1937-38	..	..	.. 8 "

These reductions in grants have not only hampered further expansion of primary education but have actually resulted in some cases in a setback in the progress made during the years prior to 1931-32. The resources of local bodies in the mofussil are very limited. They largely depend for their expenditure on primary education on grants from provincial revenues, and they have been very hard hit by these reductions in the provincial grants. Government therefore consider it absolutely necessary that the cut should be restored. An amount of Rs. 8,05,000 in addition to the amount of Rs. 1,09,32,500 already made in the budget will be required for this purpose. This grant will be sanctioned on condition that the whole of the amount thus made available to the Boards will be spent by the local authorities on the provision of facilities for the spread of education and not for reducing their own expenditure on education. With this object in view the use to be made by each Board of the grants now to be made available to them will be carefully examined by Government.

[Appendix 3—contd.]

(2) *Additional grant to Local Authorities on their admissible expenditure—Rs. 3,25,000.*

For several years past on account of financial stringency it was impossible for Government to admit for grant additional items of expenditure by Local Authorities owing to the normal expansion of educational activities by them. Therefore Government allowed the Local Authorities to incur from their own funds the whole of the additional expenditure, on the understanding that when the financial position of Government improved, the grant would be paid to them but without retrospective effect. An additional grant of about Rs. 3,25,000 recurrent is required to pay grants on account of such expenditure for which no grant has been paid to the Local Authorities for some years past. This grant will be sanctioned on the condition specified in item (1) above.

(3) *Grants to Local Authorities and others for school buildings—Rs. 1,00,000.*

The number of primary schools maintained by Local Authorities on 31st March 1937, was 10,784. They are housed as shown below:—

	District Local Boards.	Munici- palities.	Total.
1. Own buildings .. .. .	2,704	205	2,909
2. Buildings partly owned and partly rented.	603	40	643
3. Rented buildings .. .. .	2,098	841	2,939
4. Rent-free buildings .. .. .	4,268	25	4,293
Total ..	9,673	1,111	10,784

It will be seen that a large proportion of the Local Authority schools are housed in rented or rent-free buildings which are generally unsuitable for school purposes. At present the Local Authorities have, however, no definite building programme for lack of funds.

The following extract from a report of the Educational Inspector, Southern Division, shows the very unsatisfactory state of affairs in regard to school buildings:—

“It is rather tiresome to have to repeat year after year the same old story of unsatisfactory buildings. But the fact is still there that many of our Primary school buildings are unfit for use by children.

[Appendix 3—*contd.*]

In an age when even criminals are well housed and well looked after and when institutions for delinquents are no longer treated as juvenile jails, but as Reformatory schools, we still come across buildings in which it would be a social crime to house even delinquents. Many a building suffers from too much of the sun, rain and wind, while not a few have rooms where the sun's rays rarely penetrate and where air condition is almost entirely absent. These are not conditions that will help to improve the none too good health of the village and town children."

Government therefore wish to encourage Local Authorities and other agencies who may wish to open primary schools to have school buildings of their own with the help of the building grants which Government will pay from this provision.

(4) *Grants-in-aid to Secondary Schools—Rs. 99,000.*

The total number of recognised secondary schools, whether in receipt of grants-in-aid or not, is \*585, including English classes attached to Primary schools. Of these only about 369 institutions are in receipt of aid from the Educational Department. According to the provisions of the grant-in-aid code, grants are admissible equal to one-third of the approved expenditure of a school. Owing to inadequacy of funds, however, in actual practice grants are limited to one-fourth only of the approved expenditure. Even then a large number of schools do not receive the full admissible grants according to the one-fourth limit. If all the 585 institutions were paid grants at the one-fourth rate, the total additional allotment required would be about Rs. 6,28,000. It is proposed to provide an additional allotment of Rs. 1,90,000 recurrent (of which Rs. 91,000 has already been taken into account at page 196 of the Civil Budget estimates). This additional provision of 1.90 lakhs recurrent will enable the Educational Department to give grants to some recognised schools which get none at present and to increase the percentage of grants in cases where it is low at present.

DEMAND NO. 2.

*Ayurvedic and Unani Teaching Institutions—Rs. 20,000.*

This is in addition to the grants provided for in the budget for 1938-39 which are considered inadequate. The total amount of Rs. 50,000 recurring and Rs. 50,000 non-recurring will be used for grants to recognised teaching institutions and for starting them in areas where recognisable institutions may not be available.

DEMAND NO. 3.

The expenditure of Rs. 1,52,500 is made up as under:—

*Appointment of Non-official Honorary Agricultural Agents.*

2. With a view to assisting agricultural propaganda work it is proposed to employ non-official agricultural agents who will work in

\* Excluding European schools.

## [Appendix 3—contd.]

co-operation with the officials of the Agricultural Department in bringing to the notice of the cultivators improved methods of agriculture. These agents will be selected from amongst persons willing to serve in an honorary capacity and, after receiving training in the work they have to carry on, will be supplied with literature on the subject and placed, in the first instance, in charge of large villages or groups of two or three small villages at five centres in each taluka. As these agents are honorary there will be no expenditure on pay, but expenditure of Rs. 5,000 (both recurrent and non-recurrent) is anticipated during the financial year 1938-39 on the item shown below :—

(1) Cost of training the agents including railway or motor bus fare to training centres and subsistence while under training.

(2) Miscellaneous, e.g., printing, postage, etc.

(3) Supply of stamped post-cards to agents for corresponding with the officers of the Agricultural Department in connection with progress of work, further requirements, outbreaks of insect or disease attack on crops, etc., at Rs. 2 per agent.

It is, therefore, proposed to sanction an expenditure of Rs. 5,000 on the schemes for the organisation of non-official agricultural agents outlined above.

*Construction of Gas Plant Apparatus at the Agricultural College, Poona.*

3. The provision of Rs. 7,939 made in the current year's budget on account of new equipment for the Poona Agricultural College laboratories, includes a grant of Rs. 5,500 for a Gas Plant with its accessories. The cost of providing the Gas Plant through the agency of the Public Works Department is now estimated to amount to Rs. 7,297. The work in question could not, however, be undertaken and completed during the current year owing to lack of adequate budget provision. It is therefore proposed to provide for the expenditure of Rs. 7,297 on the work in next year's budget.

*Opening of a Class in the College of Agriculture, Poona, for the Training of Ranger Students.*

4. (i) Hitherto probationers for the Ranger Course of this province have had two years training at the Madras Forest College, Coimbatore. Government has paid the travelling allowance of the probationers and the greater part of their fees, the remainder being paid by the students, at a cost to Government of Rs. 17,000 per annum. The Government of Madras has now decided to close the college as soon as the students now in the College have completed their course. After considering various possibilities Government have decided to make its own arrangements for training its own probationers at the Agricultural College, Poona, where lecture rooms, laboratory and hostel accommodation and lecturers in many subjects are available. For specialised forestry training a Forest Officer will be deputed to the Agricultural College as Forestry Instructor.



[Appendix 3—contd.]

(ii) The cost of training six students on an average at the College of Agriculture, Poona, during the whole course of 2 years is estimated as under:—

	Rs.
1. Pay of the Forestry Instructor in the scale of Rs. 250—20—750 (average Rs. 336) ..	8,064
2. Pay of one clerk on Rs. 80—5/2—95 (average Rs. 91) .. .. .	2,184
3. One peon on Rs. 18 .. .. .	432
4. Two peons on Rs. 17 each .. .. .	816
5. Travelling allowance of the Instructor for 8 months at Rs. 150 per month .. .. .	1,200
6. Travelling allowance of 2 peons for 8 months ..	320
7. Contingencies, postage, carriage of records, kit, etc.	1,000
8. Stock of books and mathematical instruments for issue to students on payment .. .. .	1,000
9. Cost of minor constructional alterations necessary in buildings and other unforeseen expenses ..	1,000
Total cost for 2 years for a class of 6 students ..	16,016

In round figures say Rs. 16,000.

It is proposed that fees to the extent of Rs. 500 for the two years' course should be recovered from each student as in the past when the students were trained at Coimbatore. The net financial effect will therefore be as follows:—

*Savings and Recoveries.*

	Rs.
Saving of fees paid to the Madras Government ..	15,000
Recoveries of fees from students .. .. .	3,000
	18,000
<i>Deduct—</i>	
Cost of training as estimated above .. .. .	16,000
Net saving ..	2,000

[Appendix 3—*contd.*]

(iii) A provision of Rs. 16,400 has been made in the budget estimates for 1938-39 for forest training under the head 10, Forest. This was intended for training of Ranger students at the Madras Forest College, Coimbatore. A portion of this is required for students already undergoing training at Coimbatore and the balance will be available to meet the expenditure on account of the class to be opened at Poona. The expenditure under Agricultural department will be counterbalanced by a corresponding credit from the Forest department. There will therefore, be no additional expenditure under 40, Agriculture. As, however, this is a new scheme, it is brought specifically to the notice of the Legislative Assembly.

#### *Taluka Demonstration Centres.*

5. With a view to enable the results of successful research work carried out at Government research stations, farms, etc., to be incorporated in the agricultural practice in the districts it is proposed to establish, in the first instance, 50 taluka demonstration centres in 1938-39. These centres will be organised on cultivators' lands, at or near each taluka headquarters. They will be cultivated in accordance with the methods advocated by the Agricultural Department, the land and the produce remaining the property of the cultivator-owner. They will also be developed as seed and implement distribution centres and, wherever possible, as horticultural, dairying and live stock improvement demonstration centres also. Ultimately the scheme in full working would require 180 taluka demonstration stations. Even with the beginning suggested the scheme will create a close contact between the Department of Agriculture and the cultivator in several places where there is no real contact at present. The cost on account of the scheme during the next year will be Rs. 49,500 as shown below:—

#### I—NON-RECURRENT.

#### *Contingent expenditure.*

	Rs.
Amount required for the purchase of implements, seed, etc., for initial stocking of the seed and implement depôts to be established at 50 Taluka Agricultural Demonstration Centres (at Rs. 250 for each centre) .. ..	12,500

[Appendix 3—*contd.*]

II—RECURRENT.

*Contingent expenditure.*

	Rs.
(i) Annual grants to the cultivator on whose land the Taluka Agricultural Demonstration centre will be established (at Rs. 5 per acre or Rs. 150 for 30 acres being the average size of such centre).	7,500
(ii) Rent for accommodation for resident kamgar and for seed and implement depôts at Rs. 6 per month or Rs. 72 per annum .. .. .	3,600
(iii) Miscellaneous expenditure at Rs. 78 per annum on account of stationery, postage, horticultural materials, etc. .. .. .	3,900
(iv) <i>Expenditure on staff</i> —50 kamgars on Rs. 35—5/2—60 at an average starting pay of Rs. 40 per mensem for 11 months .. .. .	22,000
Total ..	49,500

On the establishment of these centres, it is expected that the cost on some of the Government farms will be retrenched and some savings will be effected.

*Distribution of improved seed to cultivators.*

6. The increased distribution of improved seed will be one of the most important functions of the "Taluka Demonstration Centres" which it is proposed to establish. There will be 50 such centres and at each centre a seed depôt will be established and stocked with improved seed for distribution at the cheapest possible rates to the neighbouring cultivators. At the rate of Rs. 200 per centre, an expenditure of about Rs. 10,000 will be necessary for this purpose next year.

*Demonstration of control measures against mango-hopper.*

7. The mango-hopper is a very serious pest on mango trees in the Province and causes considerable loss to mango-growers. The Agricultural Department has evolved very effective measures of insecticidal treatment of this pest, but the application of these measures requires skill and experience. It is accordingly proposed that a travelling organisation should be established to visit the main centres of mango cultivation in the Province at the time when control measures against mango-hopper will be most effective in order to demonstrate, on a wide scale, to the mango-growers, effective means of dealing with this pest. The cost of such a travelling organisation with complete equipment will be approximately Rs. 4,000.

[Appendix 3—contd.]

*Spraying parties to combat Koleroga disease of betelnuts.*

8. Betelnut is the main money crop of the Kanara District and is estimated to yield in a normal year an outturn worth about half a crore. It has always been subject to a fungus disease locally called Koleroga, which causes very heavy losses. Spraying with Bordeaux Mixture has been found to be a specific remedy. Neither the spraying apparatus nor the chemicals are locally available, but operations in small areas with a few sprayers provided by Government proved the suitability of this remedy locally. Extensive propaganda work is accordingly being undertaken in the Southern Division to spread this practice of spraying with Bordeaux Mixture. In Siddapur Taluka 2,000 acres were sprayed in 1936-37 as against 1,615 acres in the previous year, and loans amounting to Rs. 9,492 were made to gardeners to meet the cost of spraying machines and chemicals and the wages of expert climbers. This work was organised in 101 villages. Similar work, but on a less intensive scale, was carried out in other talukas of the Kanara District. The total area sprayed was 3,516 acres in 1936-37 as against 3,156 acres in the previous year, and the total saving to the garden-owners is estimated at Rs. 1,23,060 at Rs. 35 per acre sprayed. Government desire to accelerate the rate of progress which can only be accomplished by the organisation of skilled spraying parties equipped with the necessary materials and machines for spraying. Additional expenditure of Rs. 5,000 is proposed for this purpose.

*Schemes for investigation into Striga attacks on jowar crops.*

9. There are four species of *Striga* in India, three of which cause serious damage to Jowar in many Provinces. The parasite is a flowering plant producing a large number of minute seeds which are easily distributed by the wind. Once the parasite infests a particular area its eradication is almost impossible by the means at the disposal of cultivators. *Striga* attacks not only Jowar but also sugarcane finger millet and Kodra or Italian hill millet. Besides it has a fairly wide range of hosts in uncultivated plants and grasses.

The area under Jowar in India is 20,616,072 acres of which the Province of Bombay grows 8,315,203 acres or 40.3 per cent. There is a large number of varieties of Jowars suited to the different tracts in India and *Striga* attacks all of them. In the Province of Bombay itself *Striga* occurs in the Karnatak, the Deccan and Gujarat tracts which differ considerably from each other in climatic and soil characters. There are tracts in this Province where Jowar cannot be grown owing to the heavy infestation by *Striga*. The attack of *Striga* on jowar is a problem affecting more than half the provinces in India and calls for immediate investigation. In this Province the *Striga* affected area is increasing year by year and the cultivators, finding the task of eradication hopeless, have resigned themselves to harvesting the surplus after the parasite has done its damage. A scheme of investigation was prepared by the Economic Botanist to Government but in view of its all-India importance was submitted to the Imperial Council of Agricultural Research after approval by the Provincial Agricultural Research Committee.

[Appendix 3—*contd.*]

The scheme, as approved by the Imperial Council of Agricultural Research, is for five years and costs Rs. 27,060. Government have agreed to meet 20 per cent. of the cost of the scheme, i.e., Rs. 5,412 spread over five years.

The Imperial Council of Agricultural Research recently intimated its readiness to provide its share of the cost in 1938-39 if the Government of Bombay could provide its quota. This item is accordingly submitted for the approval of the Legislature.

The cost during the first year is estimated at Rs. 10,565 as shown below :—

	Rs.
Pay of Establishment .. .. .	2,365
Allowances, Honoraria, etc. .. .. .	600
Recurring contingencies .. .. .	600
Non-recurring contingencies .. .. .	7,000
Total ..	<u>10,565</u>

This cost will be shared as shown below :—

	Rs.
Imperial Council of Agricultural Research ..	8,132
Bombay Government .. .. .	2,433
Total ..	<u>10,565</u>

10. The cost of the schemes outlined above and of the schemes under Demand No. 4 comes to Rs. 1,18,900. The details regarding the balance of Rs. 61,100 out of the total demand of Rs. 1,80,000 will be laid on the tables of the Legislatures in due course. A sum of Rs. 40,000 approximately out of this is intended to provide for the improvement of the Tobacco crop in the Karnatak and in other suitable areas and for improving the marketing facilities of Tobacco-growers and for introducing industries subsidiary to Tobacco-growing.

#### DEMAND No. 4

1. The expenditure of Rs. 27,500 is made up as under.

##### *Additional establishment in the Co-operative Department.*

2. (i) Under section 22 of the Co-operative Societies Act, 1925, it is the statutory duty of the Registrar to audit the accounts of every co-operative society at least once a year. The audit staff under the Registrar consists of—

- 4 Special Auditors,
- 30 Auditors,
- 29 Sub-Auditors.

Owing to the shortage of staff, the audit is sometimes perfunctorily performed, while a number of societies remain unaudited at the end of

## [Appendix 3—contd.]

the year. The societies pay for their audit and Government have recently issued orders that if a society is not audited within the co-operative year, its audit fees should be refunded to it.

(ii) It has been decided in the interests of administration to classify societies into minor and major societies and to entrust the audit of minor societies to sub-auditors and of major societies to auditors and special auditors. Societies with a share capital of Rs. 2,000 or less and all societies in which the members hold no shares will be treated as minor societies. There are over 4,450 societies of this class and a staff of 53 sub-auditors will be required to audit them adequately. For the audit of major societies a staff of 4 special auditors and 23 auditors is required.

(iii) Provision for the employment of 3 sub-auditors has been made in the budget estimates for 1938-39. It is now proposed to make provision for 21 additional sub-auditors as under :—

	Cost in 1938-39.	Ultimate annual cost.
	Rs.	Rs.
7 Sub-auditors (Rs. 95—5—130) ..	7,315	9,876
14 Sub-auditors (Rs. 75—5/2—90) ..	11,550	14,247
21 Peons (3 on Rs. 20, 4 on Rs. 17 and 14 on Rs. 14 per mensem each).	3,564	3,888
Travelling allowance, etc. ..	9,790	10,680
Contingencies .. ..	3,400	2,520
Total .. ..	35,619	41,211

(iv) With the employment of the additional sub-auditors, 7 posts of auditors with their clerks and peons will be reduced. The reduction will result in an average annual saving of about Rs. 29,000. The reduction will be effected gradually as vacancies in the cadre of auditors take place. In the meanwhile a reduced number of sub-auditors will be employed. A reduction of Rs. 15,619 for probable savings has, therefore, been made in the provision of Rs. 35,619. The net provision for 1938-39, therefore, comes to Rs. 20,000.

*Grants-in-aid to Village multi-purpose Co-operative Societies.*

3. (i) The experience so far gained of the working of agricultural credit societies shows that although these societies have been able to supply credit to agriculturists on very reasonable terms and bring about a reduction of interest they have not been able to do much to foster the economic development of rural life. If the co-operative movement is to be revitalised and make real progress it is necessary to have village

## [Appendix 3—contd.]

societies which will not only provide loans but also help the agriculturists in the marketing of crops and purchase of necessities and take an active part in agricultural development. It is, therefore, proposed to start multi-purpose societies to serve as centres of rural economic progress.

(ii) These societies will be started in areas provided with marketing facilities. The area of operation of a multi-purpose society will be a group of villages within a radius of about five miles. The society will work on the unlimited liability basis and will, besides providing credit for the normal cultivation needs of its members, act as an agency for the supply of agricultural requisites and the sale of marketable produce. It is proposed to start about 50 societies during the next year.

(iii) To manage these societies efficient and qualified staff is necessary. To enable the societies to maintain such a staff it is necessary to give them grants-in-aid. On an average a grant-in-aid of Rs. 150 will be necessary for each society. The expenditure during 1938-39 will amount to Rs. 7,500.

## DEMAND No. 5.

In November 1930, Government sanctioned a grant of Rs. 8,500 to the All-India Village Industries Association for the training of candidates in jaggery-making out of palmyra and date-palm juice, grant of scholarships for short courses of instruction in paper-making and oil pressing at the All-India Village Industries Association Village Workers' Training School at Wardha, setting up of approved type of Ghanis for demonstration purposes at five centres in the Presidency, and the publication of leaflets, pamphlets, etc., on subjects relating to the development of village industries.

2. The Association has submitted an application for a grant of Rs. 21,220 for similar purposes in the year 1938-39 also.

3. The details of the scheme submitted by the Association are being scrutinised by Government and will be laid on the tables of the Legislature. In the meantime, sanction of the Legislative Assembly is requested to the provision of a lump sum of Rs. 20,000 for the payment of the grant to the All-India Village Industries Association.

*Scheme for a Tanning School.*

4. In the current year's budget, provision has been made for engaging the staff necessary for starting a leather-working school from next year. It is now proposed to start a tanning school in conjunction with the leather-working school. The first school will be in the vicinity of and almost on the same lines as the latter, i.e. there will be an advanced course of two years and an artisan course of one year. It is proposed to start both the schools at Chamdewalakiwadi at Khar where facilities for such schools already exist. A provision of Rs. 8,000 is proposed in next year's budget estimates for the purchase of some of the equipment required for the tanning school, and a provision of Rs. 42,000 is proposed under "50, Civil Works" on account of buildings etc. for both the schools.

[Appendix 3—*contd.*]

Because of the inadequacy of the equipment and the building accommodation it will be possible to start only the artisan course in both the schools next year. In the tanning school only manual methods and processes will be taught as it will not be possible to buy much machinery with the small sum available. It is hoped to admit students into both the schools from the month of September next by which time the construction of buildings should be complete. The proposed tanning school will be of such size as will cost about Rs. 10,000 annually.

## DEMAND No. 6.

Government have applied the provisions of the Factories Act, 1934, to certain concerns employing between 10 and 20 persons and working with or without the aid of power. They have also extended the important provisions of the Payment of Wages Act, 1936, to all classes of persons employed in any individual industrial establishment or classes of industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act, 1934, for all or any purposes of that Act. It is estimated that something like five or six hundred concerns will be brought on the register in this way. This will result in a considerable addition to the work of the Factory Department and it will be necessary to keep an Inspector permanently at Poona for this work. In the beginning this Inspector will be appointed for one year. It is also necessary to sanction the necessary clerical and menial staff. The following expenditure is required during 1938-39 :—

Name of appointment.	No.	Pay.
		Rs.
Inspector .. .. .	1	170-10-250—E.B.—15-400 plus Rs. 40 conveyance allowance.
Clerk .. .. .	1	50-5,2-90.
Clerks .. .. .	2	25-5,2-75 each.
Peons .. .. .	2	17 per mensem each.

	Rs.
<i>Contingencies—</i>	
Office rent .. .. .	900
Recurrent contingencies .. .. .	400
Non-recurrent contingencies .. .. .	400

The total cost during next year amounts to Rs. 5,594 or Rs. 5,600 in round figures.



[Appendix 3—contd.]

## DEMAND No. 7.

*Construction of Buildings, etc., for the Leather Working and Tanning School.*

In order to start the leather-working and tanning schools proposed in Demand No. 5 the following expenditure is necessary under "50, Civil Works"—

	Rs.
(1) Making improvements and filling up site ..	1,000
(2) Approach Road to the schools .. ..	8,000
(3) Water supply and electricity .. ..	3,000
(4) Building half the Leather Working School ..	12,000
(5) Building half the Tanning School .. ..	18,000
Total ..	<u>42,000</u>

## DEMAND No. 8.

*Improvements to Development Chawls.*

There are about 60 chawls at Worli, Naigaum, DeLisle Road and Sewri vacant for a considerable time. Government have for some time past been considering the question of making the chawls attractive so as to increase the number of tenants, and have for this purpose appointed a committee of which the Honourable the Prime Minister is the Chairman. It is considered that, if some additions and alterations, etc., estimated to cost about Rs. 10 lakhs in all are made, the chawls will be more comfortable and suitable for labourers to live in. This will solve to some extent the housing problem of labourers. According to the declared policy of Government, special attention has been paid to necessary amenities consisting of electric lights in the rooms, play grounds for children at Government cost, radio sets at four centres, etc. Every chawl will have three rooms reserved for reading rooms and other recreations. Social workers are being appointed to look after sanitary arrangements and make social propaganda to improve the habits of tenants. It is anticipated that about 40 more chawls will be let out due to the proposed improvements and these will bring in an additional revenue of about Rs. 70,000 per annum by way of rents. It is proposed to spend 4½ lakhs during 1938-39 and the balance in 1939-40.

## APPENDIX

## Statement of Supplementary

Serial No.	Minister in Charge.	Major Head of Account.	Original Appropriation Charged.
			Rs.
1	Hon'ble the Minister for Revenue, Rural Development and Agriculture.	7, Land Revenue	14,78,000
2	Hon'ble the Minister for Health (Medical, Public Health and Excise).	8, Provincial Excise	....
3	Hon'ble the Minister for Revenue, Rural Development and Agriculture.	9, Stamps	....
4	Do.	10, Forest	4,48,000
5		11, Registration	....
6	Hon'ble the Minister for Home Department (and Legal).	12, Charges on account of Motor Vehicles Tax.	12,98,000
7	Hon'ble the Minister for Public Works.	XIII, Deduct Working Expenses	..
		18, Other revenue expenditure financed from ordinary revenues, and	....
		19, Construction of Irrigation, etc., Works.	..
8	Hon'ble the Minister for Finance.	23, Appropriation for reduction or Avoidance of Debt.	4,21,000
9	Do.	25, General Administration	....
10	Hon'ble the Minister for Home Department (and Legal).	27, Administration of Justice	....
11	Do.	28, Jails and Convict Settlement	....
12	Do.	29, Police	....
13	Hon'ble the Prime Minister.	37, Education	....
14	Hon'ble the Minister for Health (Medical, Public Health and Excise).	38, Medical	....
15	Hon'ble the Prime Minister.	47, Miscellaneous Departments	96,000

4.

*Expenditure for the year 1937-38.*

Original Grant Voted.	Supplementary Appropriation Charged.	Supplementary demand Voted.	Remarks.
Ra.	Ra.	Ra.	
31,25,000	18,000	53,000	} <i>Vide statement of explanation attached.</i>
32,36,000	....	40,000	
1,08,000	....	3,500	
23,43,000	13,000	2,31,700	
5,66,000	....	5,020	
2,19,000	1,09,000	5,000	
14,05,000	....	7,31,620	
....	15,88,000	....	
78,22,000	....	2,05,908	
42,77,000	....	2,44,000	
15,65,000	....	68,789	
1,31,66,000	....	1,80,000	
1,51,97,000	....	9,55,000	
38,47,000	....	53,000	
6,56,000	7,040	20,514	

[Appendix 4—contd.]

Serial No.	Minister in Charge.	Major Head of Account.	Original Appropriation Charged.
			Rs.
16	Hon'ble the Minister for Public Works.	50, Civil Works	7,78,000
17	Hon'ble the Minister for Revenue, Rural Development and Agriculture.	54, Famine	....
18	Hon'ble the Minister for Local Self-Government (and Miscellaneous).	56, Stationery and Printing	....
19	Do.	57, Miscellaneous	....
20	Hon'ble the Minister for Finance.	63, Extraordinary Charges	....
		Total Expenditure Charged	
		<i>Expenditure Charged to Capital.</i>	
21	Hon'ble the Minister for Health (Medical, Public Health and Excise).	70, Capital Outlay on Improvement of Public Health.	....
22	Hon'ble the Minister for Public Works.	80, Bombay Development Scheme	....
23	Hon'ble the Minister for Finance.	83, Payment of Commuted Value of Pensions.	37,000
24	Do.	85, Payment to Retrenched Personnel	....
		Total Expenditure Charged	
		<i>Debt heads.</i>	
25	Hon'ble the Minister for Finance.	Permanent debt	....
26	Do.	Loans from the Central Government	57,30,000
27	Do.	State Provident Funds	29,88,000
28	Do.	Famine Relief Fund	5,38,000
29	Hon'ble the Minister for Public Works.	Provincial Road Fund	13,20,000
30	Hon'ble the Minister for Finance.	Advances repayable	13,31,000
31	Do.	Permanent Advances	4,000

[Appendix 4—contd.]

Original Grant Voted.	Supplementary Appropriation Charged.	Supplementary demand Voted.	Remarks.
Ra.	Ra.	Ra.	
1,42,32,000	68,485	70	} <i>Vide statement of explanation attached.</i>
....	3,82,500	....	
10,62,000	....	2,65,000	
6,90,000	831	94,300	
8,000	....	30,500	
to Revenue ..	22,96,856	31,86,921	
1,46,000	....	10	} <i>Vide statement of explanation attached.</i>
7,61,000	....	10	
5,00,000	1,23,000	95,000	
....	....	10	
to Capital ..	1,23,000	95,030	
....	75,000	....	} <i>Vide statement of explanation attached.</i>
....	17,46,000	....	
....	6,12,000	....	
....	1,27,000	....	
....	3,10,000	....	
3,38,000	81,000	50,000	
....	2,000	....	

[Appendix 4—contd.]

Serial No.	Minister in Charge.	Major Head of Account.	Original Appropriation Charged.
			<i>Debit heads—</i> Rs.
32	Hon'ble the Minister for Finance.	Accounts with the Government of Burma.	....
33	Do.	.. Accounts with the Reserve Bank ..	....
34	Do.	.. Suspense Accounts ..	8,85,000
35	Do.	.. Departmental and Similar Accounts ..	60,000
36	Do.	.. Miscellaneous Government Account ..	10,93,000
37	Do.	.. Loans and Advances by Provincial Government.	....
38	Do.	.. Cash remittances between officers rendering accounts to the same Accountant General.	1,12,08,000
39	Do.	.. Remittance by Bills ..	....
40	Do.	.. Adjusting account between Central and Provincial Governments.	....
41	Do.	.. Inter-Provincial Suspense Account ..	....
			Total—

FINANCE DEPARTMENT :

18th March 1938.

[Appendix 4—contd.]

Original Grant Voted.	Supplementary Appropriation Charged.	Supplementary demand Voted.	Remarks.
contd.			
Rs.	Rs.	Rs.	
....	30,000	....	} <i>Vide statement of explanation attached.</i>
....	1,20,000	....	
....	2,19,15,000	....	
....	90,000	....	
....	1,58,000	....	
8,46,000	....	4,93,000	
....	11,35,92,000	....	
....	3,90,00,000	....	
....	3,57,00,000	....	
....	19,00,000	....	
Debt heads ..	21,54,58,000	5,43,000	

[Appendix 4—contd.]

## Statement of Explanations.

## No. 1. 7, Land Revenue.

(a) The charged excess is under the minor head "Assignments and Compensations" mainly due to the payment of arrears.

(b) An additional grant of Rs. 53,000 is required to cover the excess expenditure expected to occur during the year 1937-38 under the following voted heads—

## Charges of Administration—

	Rs.
Contingencies .. .. .	12,000

## Land Records—Pot Hissa measurement operations—

Pay of officers .. .. .	} 23,600
Pay of establishment .. .. .	
Cost of boundary marks recoverable from land-holders .. .. .	17,400
Total ..	53,000

The main reason for the excess is that the provision for each item which was fixed in consultation with the Finance Department, after taking into account the requirements of the controlling officers and the past actuals, was reduced in order to accommodate the lump reduction of Rs. 50,000 applied to the total voted grants under 7-Land Revenue. The grants so reduced proved inadequate.

## No. 2. 8, Provincial Excise.

In furtherance of its policy of total prohibition (i.e., prohibition of the transport, consumption and possession of all liquor and drugs) in this Province, Government have decided to constitute (1) Ahmedabad City and Cantonment and Suburbs and (2) two talukas in each of the three divisions as "dry areas" with effect from 20th May and 1st April 1938 respectively. The details of the two schemes were explained in the new item statements 16 and 17 printed on pages 138-142 of the Budget Memorandum for 1938-39. In order that the schemes may be brought into working order by the due dates the Commissioner of Excise has been authorised to incur during the current year expenditure of Rs. 38,000 for the Ahmedabad experiment and of Rs. 3,000 for the three rural areas.



[Appendix 4—*contd.*]

The total expenditure comes to Rs. 41,000 but it will be possible to meet a part of it from savings under the minor head "District Charges". The balance of the expenditure together with small excesses under other minor heads comes to Rs. 40,000 during the current year.

**No. 3.** *9, Stamps.*

An additional grant of Rs. 3,500 is required to cover the excess expenditure of Rs. 3,500 expected in the current year as shown below :—

	Excess expenditure.
	Rs.
Charges for sale of Stamps—(Non-judicial)—	
Contingencies—discount .. .. .	2,300
C-Cost of stamps supplied from Central Stamp Stores (Non-judicial) .. .. .	1,200
	3,500

The increase under "Contingencies—discount" is due to the increased sale of stamps of lower denominations and the consequent increase in the amount of commission given to stamp-vendors. The increase in the cost of stamps supplied from the Central Store (non-judicial) is also due to the increase in the sale of stamps. For these reasons the lump cut of Rs. 3,000 made in the current year's budget is not expected to be realised.

**No. 4.** *10, Forest.*

(a) The increase of Rs. 13,000 in the charged grant is mainly due to (i) officers proceeding on leave in England in excess of the number anticipated and (ii) the Chief Conservator of Forests and Conservator of Forests, N. C., drawing pay for part of March before the close of the financial year before proceeding on leave to England. This is partly counterbalanced by savings in the charged expenditure in India including that in the provision for "Interest on capital outlay".

(b) On 22nd September 1937 Government issued orders abolishing, with effect from 1st July 1937, grazing fees for all classes of cattle, sheep and goats other than those coming from Indian States or other Provinces. A considerable part of the grazing fees for the year had been collected however before these orders were issued and Government ordered the refund of the fees so collected. It is estimated that an expenditure of Rs. 2,31,700 will be incurred on account of this refund. As no provision was made for this purpose in the current year's budget, a grant of Rs. 2,31,700 is now requested.

[Appendix 4—*contd.*]

No. 5.

## 11, Registration.

An excess of Rs. 17,320 has occurred owing to—

(i) higher expenditure on travelling allowance to Sub-Registrars visiting outstations for registration purposes and also on account of transfer and deputation of clerks as Sub-Registrars in leave vacancies;

(ii) increased expenditure under non-contract contingencies for the purchase of country stores in the Government Photo Registry owing to the extension of the photo system to sixteen more offices; and

(iii) increased consumption of service stamps, the cost of which is recoverable from the parties for return of their documents.

The excess is covered to the extent of Rs. 12,300 by corresponding savings which accrued mainly on account of the abolition of 3 posts of Sub-Registrars and 16 posts of clerks. The net excess comes to Rs. 5,020.

No. 6.

## 12, Charges on account of Motor Vehicles Acts.

In the current year's budget a provision of Rs. 5,33,000 (charged) was made under the minor head "Other charges". The provision represents the transfer to the Provincial Road Fund under Section 9 (4) of the Bombay Motor Vehicles Tax Act, 1935. Under this section of the Act, surplus receipts after deducting charges of collection, overhead charges, and the amount of Rs. 26,53,000 mentioned therein are to be transferred to the Provincial Road Fund. The receipts under the Act during the current year are estimated at Rs. 37,79,000 against the budget estimate of Rs. 34,00,000 showing an increase of Rs. 3,79,000 but on the other hand the estimate of overhead charges and charges of collection which had not been fully worked out when the budget estimates were framed has had to be raised. Consequently the amount to be transferred to the Road Fund is estimated to increase by Rs. 2,07,000. This increase is counterbalanced by a decrease of Rs. 8,000 under other minor heads and the net increase comes to Rs. 1,99,000 (charged).

2. The voted excess of Rs. 5,000 is on account of the leave salary drawn in England by Mr. E. Sheehy, Superintendent of Police, Motor Vehicles Department.

No. 7.

## 18, Other Revenue expenditure financed from ordinary revenues.

A total excess of Rs. 7,31,620 is anticipated on the grant voted by the Legislative Assembly as shown below :—

(i) Rs. 9,540 under the minor head "18-A—Irrigation Works—(1) Extensions and Improvements". (Public Works).

(ii) Rs. 6,080 under the minor head "18-A—Irrigation Works—(2) Miscellaneous Expenditure". (Public Works).

[Appendix 4—contd.]

(iii) Rs. 7,16,000 under "18-A—Irrigation Works—Civil".

(a) The amount of Rs. 9,540 is to cover the expenditure incurred on scarcity works (improvements to tanks) in the Panch Mahals.

(b) As regards the sum of Rs. 6,080, a committee consisting of official and non-official members has been appointed to examine the general irrigation policy of Government. The Committee commenced its work from the 6th January 1938 and is expected to finish it by the middle of March 1938. In order to accelerate the work of the committee, the following temporary posts have been sanctioned from the dates specified against them till the completion of the work of the committee :—

	Date of creation.
One post of Executive Engineer on special duty.	3rd February 1938.
One post of Assistant Engineer in the scale of Rs. 250—20—750 with efficiency bars at Rs. 390 and Rs. 550.	6th February 1938.
One post of Deputy Engineer in the scale of Rs. 170—10—250—E.B.—265—15—400—E.B.—420—20—500.	4th February 1938.
One post of Overseer in the scale of Rs. 60—5—100—E.B.—10—170—E.B.—10—250.	19th January 1938.
One post of clerk in the scale of Rs. 115—5—160.	19th January 1938.
Two posts of typists on Rs. 100 per mensem each.	1st February 1938.
One peon on Rs. 19 per mensem	.. 3rd February 1938.
Shorthand allowance to the clerk at Rs. 40 per mensem.	19th January 1938.
Special pay at Rs. 25 per mensem to one Junior Assistant in the P. W. D. Secretariat for doing work in connection with the Committee in addition to his own duties.	14th January 1938.

It is estimated that the total expenditure on the Committee including the cost of pay and travelling allowance

	Rs.	
(a) Pay of Officers—		
Charged ..	1,500	of the staff mentioned above and
Voted ..	1,100	
(b) Pay of establishment—		
Voted ..	1,400	travelling allowance to non-official
(c) Allowances—		
Charged ..	1,500	members of the Committee and
Voted ..	7,050	
(d) Contingencies—		
Voted ..	150	Secretary to the Committee will amount
	<u>12,700</u>	
		roughly to Rs. 12,700 as shown
Charged ..	3,000	
Voted ..	9,700	on the margin. Out of this an

## [Appendix 4—contd.]

expenditure of Rs. 10,600 as shown below is estimated to be incurred during the current year:—

					Rs.
(a) Pay of Officers—					
<i>Charged</i>	..	..	..	..	1,100
Voted	..	..	..	..	700
(b) Pay of Establishment—					
Voted	..	..	..	..	900
(c) Allowances—					
<i>Charged</i>	..	..	..	..	1,100
Voted	..	..	..	..	6,650
(d) Contingencies—Voted	..	..	..	..	150
				Total	.. 10,600
				<i>Charged</i>	.. 2,200
				Voted	.. 8,400

The charged expenditure will be met from savings in the charged grant. As regards the voted expenditure, a sum of Rs. 2,320 is available from the grant already voted by the Legislative Assembly.

(c) Owing to the scarcity conditions prevailing in the eastern portion of the Panch Mahals sub-division of the Broach and Panch Mahals district and in parts of the Ahmednagar, Poona, Sholapur and Bijapur districts a number of scarcity works were undertaken to provide labour to the scarcity-stricken people. These works consisted of repairs to and construction of tanks in charge of the Revenue Department and the Public Works Department, metal-breaking works, repairs to roads, etc. A provision of Rs. 9,05,000 was made on this account in the budget for the year 1937-38 under the head "50, Civil Works", pending its distribution between the other heads of accounts to which the charge was properly debitable. This arrangement had to be made owing to the absence of information, at the time, as to the amounts likely to be required under each head of account. The total expenditure expected on scarcity works in the current year is Rs. 12,16,000 of which Rs. 7,16,000 will be for works under this head and Rs. 5,00,000 under "50, Civil Works". There will be a saving of Rs. 4,05,000 under "50, Civil Works" part of which is being reappropriated to meet excesses under that head, and the balance is being surrendered.

**No. 8.**            *23, Appropriation for Reduction and Avoidance of Debt.*

The consolidated debt is being repaid to the Government of India in fixed half-yearly equated instalments of principal and interest. During the current year interest was due for 10 months only instead of for 12 months as provided in the budget; but the total instalments being fixed, the reduction in interest charges has resulted in a corresponding increase in the portion of principal repaid. This accounts for the excess of Rs. 15,88,000.

[Appendix 4—contd.]

## No. 9. 25, General Administration.

An excess expenditure of Rs. 2,05,908 is expected to occur during the year 1937-38 under the following voted heads:—

	Rs.
(a) Commissioners .. .. .	9,036
(b) General Establishments .. .. .	1,91,377
(c) Sub-Divisional Establishments .. .. .	22,435
(d) Other Establishments .. .. .	55,060

The excess under (a) is due to leave being taken to a greater extent by gazetted officers than anticipated, long and extensive touring and transfers, more expenditure on carriage of records during tours and Commissioners' conferences, increased correspondence on account of famine, and expenditure on the Karnatak Agricultural Show.

The excess under (b) is due to the appointment of a greater number of officers, whose pay is voted, to officiate in place of I.C.S. officers on leave, continuance of temporary establishment in the Bombay Suburban District for which no budget provision existed, non-realisation in full of the 2½ per cent. cut in allowances and contingencies and increased correspondence on account of scarcity operations and local board and other elections.

The excess under (c) is under (i) "Pay of Officers" due to leave being taken to a greater extent than was anticipated and under (ii) "Allowances, Honoraria, etc." due to the non-realisation in full of the 2½ per cent. cut and payment of water allowance to establishments in Nasik, Poona and Ahmednagar districts.

The excess under (d) is due to the transfer of talatis, payment of arrears and non-realisation in full of the 2½ per cent. cut under allowances and contingencies.

2. Owing to the pressing necessity of retrenchment in expenditure in 1931 a reduction of 10 per cent. was made in the cost of the non-gazetted establishment in the General Department. It was, however, found that this arrangement only resulted in the Department being overworked. Some additional subjects were transferred to the General Department from other Departments on the commencement of the new Constitution from the 1st April 1937 and this has added to the already heavy work of the Department. Since the present Ministry took office the work in the General Department has increased particularly because it deals with most of the "nation-building" subjects, in connection with which the Ministry has raised large questions of policy, outlined comprehensive programmes and undertaken legislation. The following additional establishment has been sanctioned temporarily for one year in the first instance with effect from 1st November 1937:—

1 Senior Superintendent in the grade of Rs. 475—25—600 per mensem.

1 Senior Assistant in the grade of Rs. 210—15—300 per mensem.

4 Clerks in the grade of Rs. 50—3—95 per mensem.

[Appendix 4—contd.]

The general increase in work in the Department added considerably to the already heavy work of the one Assistant Secretary and consequently Government have sanctioned temporarily from 3rd January 1938 to 31st October 1938 in the first instance an additional post of a Junior Assistant Secretary in the new scale of Rs. 600—50—750—800 per mensem and a peon for him on Rs. 19 per mensem.

All these new posts may have to be continued further and perhaps sanctioned permanently if the work in the Department continues to be heavy. The extra expenditure during the current year will be met from the savings in the provision made for the General Department, which otherwise would have been available to reduce the additional grant asked for above.

No. 10.                      27, Administration of Justice.

The latest actuals under the head "27, Administration of Justice" and the reports received from the officers concerned show that there will be an excess of Rs. 2,44,000 (including Rs. 1,35,000 for refunding monies, etc., forfeited in the Civil Disobedience Movement) over the voted grant of Rs. 42,77,000. The reasons for the excess expenditure under the minor heads concerned are given below:—

*Law Officers.*—The excess under this head is Rs. 17,000 and is due to increased expenditure on account of fees to pleaders in civil and criminal cases in the mofussil.

*Presidency Magistrates' Courts.*—The excess under this head is Rs. 17,000, and is due to provision being made in the budget for one of the two additional Presidency Magistrates and his staff for six months only, while the appointment was continued subsequently by Government up to the end of the year. It is also due to payment of increased rent for the Police Court at Dadar, and purchase of furniture, fixtures, etc., for that Court.

*Civil and Sessions Courts.*—The excess under this head is Rs. 69,000. This excess is due to the appointment of more non-I. C. S. officers as District and Assistant Judges, as a sufficient number of I. C. S. officers was not available for duty. There is a corresponding saving in the provision for I. C. S. officers. The excess is also due to increased expenditure on leave salary for subordinate establishments.

*Criminal Courts.*—The excess under this head is Rs. 6,000. This is due to increase in expenditure for diet and road money to witnesses due to several criminal cases in which a large number of witnesses had to be called from long distances.

*Refunds.*—Owing to the decision of Government to refund to the original owners the monies and sale proceeds of moveable properties which were forfeited to Government in consequence of the civil disobedience movement, an amount of Rs. 1,35,000 is required to be refunded. Although these refunds will, for purposes of accounts, be shown under

[Appendix 4—contd.]

the major head "XXI-Administration of Justice," they have been differentiated from the ordinary refunds of revenue, and a vote of the Legislative Assembly is necessary.

**No. 11. 28, Jails and Convict Settlements.**

In view of the latest actuals it is expected that the provisions for contingencies for District Jails and the provisions for "Jail Manufactures" will prove inadequate and an additional sum of Rs. 57,220 will be required. The excess is mainly due to high rates of contract for dietary in sub-jails, increase in the number of prisoners and increase in the rate of maintenance charges of children on remand, rise in price of raw materials such as wool, yarn, etc., and large purchase of materials for umbrella manufacture owing to the expansion of the industry at the Thana District Prison.

2. Additional expenditure in respect of the following items is also anticipated:—

	Rs.
(1) Grant-in-aid to the Bombay Presidency Probation and After Care Association .. ..	1,180
(2) The Criminal Tribes Inquiry Committee .. ..	1,000
(3) Final adjustment of the passage account of a Jail Department officer permanently transferred to Sind Government .. ..	3,069
(4) Charges in England—Leave salaries and deputation pay .. ..	6,320
	11,569

3. The total excess comes to Rs. 68,789.

**No. 12. 29, Police.**

The latest actuals under the head "29-Police" show that there will be an excess of Rs. 1,80,000 over the grant voted by the Legislative Assembly. The excess is under the minor heads "Presidency Police", "District Executive Force", "Criminal Investigation Department" and "Charges in England".

*Presidency Police.*—The increase of Rs. 86,000 under this minor head is mainly due to (1) smaller provisions sanctioned under "Pay of Establishment" and "Contingencies" under "City Police" for the year 1937-38, (2) compensation paid for acquisition of land at the C. P. Tank, (3) heavy repairs to chowkies and traffic boards, (4) more expenditure incurred for the up-keep of motor lorries of the Police Department owing to the increase in the rate of petrol and (5) the pay of the present incumbent of the post of the Deputy Commissioner of Police, Port, Bombay, who does not belong to the Indian Police, having been debited to the voted grant under "Pay of Officers" under which no provision for that officer was made.

## [Appendix 4—contd.]

*District Executive Force.*—The increase of Rs. 80,000 under this minor head is mainly due to (1) more expenditure under "Pay of Establishment" owing to fewer vacancies in the police force due to good recruitment, (2) smaller provisions sanctioned under "Allowances" and "Contingencies" and (3) additional expenditure incurred for the following purposes:—

- (a) Deputation of extra policemen to Ahmedabad in connection with the mill strike and to Poona in connection with the Satyagraha agitation near the Sonya Maruti temple,
- (b) Grant of refreshment allowances to policemen on duty in connection with the mill strike at Ahmedabad,
- (c) Deputation of extra policemen on duty at the Congress Session at Haripura in the Surat District,
- (d) Purchase of a motor prison van in Poona,
- (e) Purchase of a site for a motor stand at Mahabaleshwar,
- (f) Purchase of water for policemen owing to the scarcity of rain in the Ahmednagar District,
- (g) Payment of enhanced water charges including arrears in some cases in the Thana, Ahmednagar and Bijapur Districts and also of conservancy charges in the Ahmednagar District,
- (h) Enhanced telephone rents in certain districts owing to the introduction of the Central Telephone Exchange and the installation of a few additional telephones in certain districts.

*Criminal Investigation Department.*—Out of the total increase of Rs. 11,000 under this minor head Rs. 7,000 is under the "Criminal Investigation Department (Bombay City)" and it is mainly due to increased expenditure for (1) service postage and telegram charges and (2) cost of photographic articles purchased for the Modus Operandi Bureau in Bombay. The increase of Rs. 4,000 under "Criminal Investigation Department (Presidency)" is due to increased expenditure on account of (1) extensive touring of the Criminal Investigation Department staff, (2) service postage and telegrams, (3) the purchase of ordnance stores on account of repairs to revolvers and (4) telephone charges due to the shifting of telephones.

*Charges in England.*—The increase of Rs. 3,000 under this minor head is due to the payment of leave salary in England to certain Police officers for which less provision existed.

## No. 13.

## 37, Education.

A total excess of Rs. 9,55,000 is anticipated over the voted grants under "37-Education" on account of the following items:—

- (i) Grants to Local Authorities (including the Bombay Municipality) for Primary Education Rs. 8,62,000.—An additional amount of



[Appendix 4—*contd.*]

Rs. 8,62,000 is required to meet excess expenditure under this head. This excess expenditure is mainly due to the causes mentioned below:—

(a) *Arrears of grant to the Ahmedabad Municipality for Primary Education—Rs. 6,00,000.*—During the year Government issued orders that the grant to the Ahmedabad Municipality for primary education which had been withheld since 1930 for that body's participation in the Civil Disobedience Movement should be paid to it and that a sum of Rs. 6 lakhs should be paid during the current year as part payment of the arrears of Government grant due to that body.

(b) *Bombay Municipality: Compulsory Education—Rs. 2,15,000.*—A charged provision of Rs. 2,15,000 was made in the budget on account of the grant to the Bombay Municipality for its scheme of compulsory education. According to legal opinion the grant is purely voluntary and the provision for it should be voted. Out of the charged provision of Rs. 2,15,000 an amount of Rs. 20,500 is being reappropriated and the balance is being surrendered. An amount of Rs. 2,15,000 is required to be voted.

(c) The allotment for primary education for the Bombay Municipality has fallen short of the requirements by about Rs. 34,000.

(d) An excess expenditure of about Rs. 13,000 over the allotment for grants to local authorities other than the Bombay Municipality has occurred for the following reasons:—

(1) The District Local Board, Kaira, had to be given an additional grant towards its expenditure on primary education in the year 1932-33 which could not be admitted during that year for Government grant as the Board did not, for lack of funds, incur the expenditure before the close of the financial year, 1932-33.

(2) An additional grant had to be sanctioned for the District Local Board, Dharwar, on account of Government grant towards the salaries of the Board's teachers for two months of the last year which the Board had not paid during that year.

(3) The District Local Board, Satara, had to be given an additional grant in respect of Government's liability towards adjustments of Provident Fund contributions of teachers for previous years made by the Board.

(ii) *Payment of arrears of pay of clerks in Government educational institutions in Bombay City.*—Payment of arrears of pay amounting to Rs. 43,950 had to be made to clerks in Government educational institutions in Bombay City as it was due to them under the Fundamental Rules.

(iii) *Additional grants to the Karnatak College, Dharwar, and the Royal Institute of Science, Bombay—Rs. 8,000.*—As a result of the revision by the Bombay University of the courses in Chemistry for the B.Sc. Examination to be held in 1939, the purchase of apparatus for the teaching of the revised courses became a necessity at the Karnatak

[Appendix 4—*contd.*]

College, Dharwar, and at the Royal Institute of Science, Bombay. Government had accordingly to sanction a grant of Rs. 6,000 to the Karnatak College and of Rs. 2,600 to the Royal Institute of Science.

(iv) *Additional grants to Colleges for expenditure on Libraries—Rs. 4,000.*—During the current year Government permitted certain colleges to incur expenditure on their libraries against a corresponding income from library fees to be levied from students and credited to Government. An extra expenditure of Rs. 4,000 has been incurred on this account.

(v) *Additional allotment for grants-in-aid to non-Government Secondary Schools—Rs. 24,800.*—An annual saving of Rs. 24,800 has been regularly accruing to Government since 1936 as the proportionate share of the total saving effected by (a) the transfer of the Government High School, Hyderabad, to a private agency and (b) the closure of the Government Middle School, Surat. In accordance with the decision taken by Government on the recommendation of the Reorganisation Committee, these yearly savings are to be utilized for grants to non-Government Secondary Schools and during the last two years a supplementary demand has been sanctioned by the Legislature for the purpose. The current year's budget provision on this account has similarly to be increased by a supplementary grant of Rs. 24,800.

(vi) *Miscellaneous small items.*—A net total excess expenditure of about Rs. 11,650, which is expected to occur under various minor items in the major grant and could not be avoided, has also to be covered.

No. 14.

38, Medical.

*Reorganisation of medical education at the Grant Medical College, Bombay.*

The Triennial Inspection Committee on the Medical Colleges appointed by the University of Bombay, made certain criticisms in regard to the teaching at the Grant Medical College, and the Surgeon General, as a result of a further investigation, has put up proposals for a reorganisation of medical teaching at the College. Government are convinced that if the standard of medical education is to be improved and placed on a sound footing it is essential that the Surgeon General's proposals should be accepted. They are both conservative as regards cost and essential for an all-round improvement at the Grant Medical College. They comprise, as shown below, a reorganisation of the teaching staff for non-clinical subjects; a similar reorganisation of the staff for clinical subjects, involving the creation of medical and surgical units at the J. J. Group of Hospitals for purposes of clinical teaching; and

[Appendix 4—contd.]

thirdly minor alterations in regard to the non-teaching medical staff at the J. J. Hospital:—

—	Annual extra cost.	Annual extra saving.
	Ra.	Ra.
<b>I—TEACHING STAFF FOR NON-CLINICAL SUBJECTS.</b>		
(1) Conversion of the three part-time posts of Tutor in Embryology (Ra. 100 per mensem) and of Assistant Professors of Physiology and of Pathology (Ra. 175 per mensem each) into three full-time posts of Assistant Professors in the same subjects on a scale of pay of Ra. 200—40/3—400 (with Efficiency Bars at Ra. 240 and 320) plus Bombay Compensatory Allowance plus Ra. 50 per mensem each for loss of private practice .. .. .	8,370	....
(2) Abolition of 8 posts of Senior and Junior Tutors (Ra. 100 and 75 per mensem) in the departments of Anatomy, Pathology, Physiology and Bacteriology and the creation in their stead of 11 posts of demonstrators on a pay of Ra. 50 per mensem each .. .. .	....	2,100
(3) Conversion of the two posts of tutors in Materia Medica and in Hygiene (Ra. 100 and 75 per mensem) into two posts of demonstrators on Ra. 50 per mensem each .. .. .	....	900
<b>II—STAFF FOR CLINICAL SUBJECTS.</b>		
<b>A. J. J. Hospital.</b>		
(1) Reorganisation of the clinical staff at the Hospital into six medical and six surgical units which involve the creation of 12 posts of Honorary Assistant Surgeons and Honorary Assistant Physicians and Tutors to be filled by highly qualified men on an honorarium of Ra. 85 per mensem each; one senior surgical tutor and one senior medical tutor being on Ra. 100 per mensem; and the abolition of 11 posts of tutors at the J. J. Hospital .. .. .	6,600	....
(2) Change of tenure of the existing six posts of house surgeons and the existing six posts of house physicians from 6 months to one year; and creation of six new posts of house surgeons and six new posts of house physicians. The incumbents of these posts will be kept on an honorary basis for the first six months and will be given a stipend of Ra. 50 per mensem each for the latter six months .. .. .	3,600	....

## [Appendix 4—contd.]

	Annual extra cost.	Annual extra saving.
	Rs.	Rs.
<b>B. Bai Mollibai and Petit Hospitals.</b>		
(3) Reorganisation of the teaching staff into two units which involves the abolition of the Subordinate Medical Service post of second Resident Medical Officer and of the Tutor in Midwifery; the extension of tenure of the two posts of House Surgeons from six months to one year, and the creation of a post of Honorary Assistant Obstetric Physician and Tutor on Rs. 85 per mensem .. .. .	....	1,284
<b>C. Sir C. J. Ophthalmic Hospital.</b>		
(4) Reorganisation of the teaching staff into two teaching units which involves the abolition of four posts of Subordinate Medical Service officers, one post of Tutor and two posts of house surgeons for six months each and the creation of one post of Honorary Ophthalmic Surgeon (without honorarium), of one post of Bombay Medical Service Class II officer as Resident Medical Officer, of one post of Assistant Honorary Ophthalmic Surgeon, and Tutor in Ophthalmology on an honorarium of Rs. 85 per mensem and four posts of house surgeons on Rs. 50 per mensem each .. .. .	....	1,830
<b>D. B. J. Hospital for Children.</b>		
Abolition of one post of House Surgeon (Rs. 50 per mensem) and change of tenure of the existing two posts of House Physicians and one post of House Surgeon from six months to one year ..	600	....
<b>III—NON-TEACHING MEDICAL STAFF AT THE J. J. HOSPITAL.</b>		
Abolition of one Bombay Medical Service Class II post of Casualty Medical Officer and two Bombay Medical Service Class II posts of Surgical Registrar, and Medical Registrar; creation of two posts of clerks on Rs. 25—5, 2—55 plus compensatory local allowance; creation of two posts of short-term Casualty Medical Officers on Rs. 75 per mensem each in place of the three posts of short-term Casualty Medical Officers on Rs. 50 per mensem each ..	....	11,910

The net annual average cost involved in these proposals is Rs. 1,146. There will, however, be no actual extra expenditure during the current and the next year, as the incumbents of all the new appointments proposed to be sanctioned will start on the minima of their respective scales of pay. The sanction of the Legislative Assembly is requested to this scheme.

[Appendix 4—*contd.*]

2. The total voted provision made in the current year's budget under the head "38, Medical" is Rs. 38,47,000. It is reported that there will be a voted excess of Rs. 53,000. The excess is mainly due to additional expenditure of a contingent nature in several Government hospitals in Bombay City and Mental hospitals, such as (i) increased expenditure on diet and clothing to patients owing to higher tender rates and increase in the number of patients, (ii) purchase of a Thresh disinfector at the Central Mental Hospital, Yeravda, (iii) purchase of a sterilizer unit and 8 Lawson Tait beds for the Bai Motlibai and Petit Hospitals, Bombay. The excess expenditure is essential and inevitable.

**No. 15.** *47, Miscellaneous Departments.*

The total excess under the major head "47, Miscellaneous Departments" is Rs. 20,514 (Voted) and Rs. 7,040 (charged) which is accounted for as follows:

2. *Expenditure on account of the Textile Labour Inquiry Committee.*—A Labour Inquiry Committee was appointed in October 1937 to investigate the adequacy of wages and kindred matters in the textile industry in the Province of Bombay. The Committee has submitted an interim report but it is likely to take some months more for the Committee to submit a final report. The expenditure on account of the Committee till the 31st March 1938 is estimated at Rs. 13,370 as shown below:—

					Rs.
Salaries	..	..	..	..	6,300
Travelling allowance	..	..	..	..	5,120
Contingencies	..	..	..	..	1,950
					<hr style="width: 10%; margin: 0 auto;"/>
					13,370

Out of this amount a sum of Rs. 5,293 will be met from savings and the net excess comes to Rs. 8,077.

3. *Additional expenditure under the Juvenile Branch.*—On the basis of actuals the provision of Rs. 56,000 made for "Grants-in-aid, contributions, etc." to meet expenditure involved in the administrations of the Bombay Children's Act, 1924, will need supplementing by Rs. 12,500. As savings of about Rs. 1,523 will be available, the additional grant required will be Rs. 10,977. The excess is mainly due to the increase in the number of committals by the Bombay Juvenile Court necessitating an increase in expenditure for food, clothing, bedding, etc., and payment of capitation fees. Government have also sanctioned an annual grant-in-aid of Rs. 300 to the Child Protection Society, Ahmedabad. The additional amount required is therefore Rs. 11,277.

4. *Appointment of Mr. D. Symington, I.C.S., as Special Enquiry Officer for Partially Excluded Areas.*—The improvement of the moral economic and social condition of the Bhils and other aboriginal and hill tribes in the partially excluded areas in the Province of Bombay is a special concern of Government. Government servants of all departments concerned with the partially excluded areas are charged with carrying out this policy, and the Backward Class Officer is charged with

## [Appendix 4—contd.]

watching, co-ordinating and facilitating its execution. In order to ascertain in what ways this policy should be further developed and improved it was necessary to take stock of the present situation, enquire into the success or failure of past measures and consider what should be done in the future. Government therefore appointed Mr. D. Symington, I.C.S., on special duty from 1st November 1937 to 31st March 1938. No provision was made in the budget for expenditure on this special enquiry. The voted expenditure incurred during the current year on the pay, travelling allowance and contingencies of the staff employed under the Special Enquiry Officer amounted to Rs. 1,160 as follows:—

Pay of clerk at Rs. 85 per mensem for 4 months	..	Rs.	340
Pay of 1 typist for 1 month	.. ..	..	30
Pay of 1 peon at Rs. 18 per mensem for 4 months	..	..	72
Pay of 1 peon at Rs. 17 per mensem for 4 months	..	..	68
Travelling allowance for the staff	.. ..	..	400
Contingencies	.. ..	..	250
			1,160

Besides this, an expenditure of Rs. 7,040 (charged) has also been incurred on account of the pay and allowances of the Special Enquiry Officer himself.

5. The voted excess thus comes to Rs. 20,514.

## No. 16.

## 50, Civil Works.

(1) *Excess over the provision for charged establishment charges—*  
Rs. 88,485.

For purposes of Appropriation Accounts the "charged" ordinary establishment charges debitable to the several heads of accounts on *pro rata* basis are watched under the head "50, Civil Works". In the authenticated schedule of expenditure for the year 1937-38 provision to the extent of Rs. 1,00,500 for these charges has, however, been included under the heads mentioned below instead of under the head "50, Civil Works":—

Major head.				Amount included. Rs.
XVII	..	..	..	70,800
18	..	..	..	12,600
52	..	..	..	6,300
68	..	..	..	10,700
81	..	..	..	100
				1,00,500

It is accordingly proposed to supplement the provision under the head "50, Civil Works" to the extent of Rs. 88,485 after taking into account the saving of Rs. 12,015 already available under that head. The provisions under the other major heads mentioned above will be surrendered after taking into account requirements under those heads.

[Appendix 4—contd.]

- (2) *Construction of a road to the new port at Dhollera in the Dhanduka Taluka, Ahmedabad District—Rs. 10.*

Estimated cost—Rs. 3,33,100.

Proposed Expenditure in 1937-38—Rs. 40,000.

In order to develop the new port of Dhollera, which will be of inestimable benefit to the trade and prosperity of Dhanduka Taluka and the neighbouring parts of North Gujarat it is necessary to construct a good road from the port (which is at Magarkhadi Creek) to Dhollera, 14 miles away, where there is a fairly good Public Works Department road to the railway terminus at Dhanduka. From Dhollera to Rah Talao, four miles away, there is an old District Local Board road which the Board will repair as its contribution to the scheme. From Rah Talao to the new port 10 miles away, a new road is required over the salt flats. The Talukdars through whose land the road will pass will give the land free of cost. The merchants of Dhollera, through the Port Reconstruction Committee, have spent much money in preliminary work.

The Board of Communications has recommended this work and the Government of India have agreed to pay from their reserve in the Central Road Fund a sum of Rs. 3,00,000 towards its cost, the balance being met from the share allotted to this Province in the Road Fund. The accounting procedure, however, requires that the whole amount should be met by this Government, the amount contributed by the Government of India from their reserve being treated as additional receipts of this Government in the Central Road Development Account.

Towards the end of September 1937, the Superintending Engineer, Northern Circle, reported that owing to the difficulty in arranging for a supply of potable water it would be difficult to get work done in the hot weather and it was therefore necessary that as much work as possible should be completed in the cold weather. In view of this urgency earth-work and masonry works costing Rs. 1,00,951 have been undertaken as a first instalment.

The amount required for expenditure during the current year will be made available from the grant sanctioned under the major head 50, Civil Works—Provincial (Voted). As, however, the expenditure relates to a new service, the sanction of the Legislative Assembly is requested to a token sum of Rs. 10.

- (3) *Extension of the Labour Ward and construction of quarters for House Surgeons at the Cama and Alibless Hospitals, Bombay—Rs. 10.*

Estimated cost—Rs. 23,654 (in works expenditure or Rs. 30,041 inclusive of Public Works Department establishment and tools and plant charges at 27 per cent.)

Proposed Expenditure in 1937-38—Rs. 22,000.

To meet the present demand it has become necessary to extend the Labour Ward at the Cama and Alibless Hospitals, Bombay, and to provide quarters for House Surgeons on the top of that Ward as there are at present no quarters for them in the Hospital compound. Mrs. C. D'Monte, Retired Medical Officer of the Hospital, has given a cash

## [Appendix 4—contd.]

donation of Rs. 16,000 towards the scheme and Government have agreed to provide the remaining amount.

According to the accounting procedure relating to such cases, the contribution has to be split up into (a) works outlay and (b) centage charges (excluding the audit charge) as under :—

	Rs.
(a) Works outlay .. .. .	12,365
(b) Establishment (including pensionary charges) and tools and plant charges at 29·4 per cent. .. .. .	3,635
	<hr/> 16,000

The amount to be provided by Government thus comes to Rs. 11,289 (Rs. 23,654 *minus* Rs. 12,365). The Public Works Department centage charges (27 per cent.) on the Government portion of the works outlay would amount to Rs. 3,048. The amount actually required however comes to Rs. 9,635 (Rs. 9,417 for original work *plus* Rs. 218 for repairs) only. This is mainly due to some amount recovered from a contractor, who had abandoned the work, having been credited to the work. As the work was of an urgent nature and as the contribution from the donor was already available, it was started during the course of the current financial year. Funds for the Government portion will be made available from savings in the sanctioned grant for the year under the head 50-Civil Works—Provincial (Voted). As the expenditure relates to a new service, the sanction of the Legislative Assembly is requested to a token grant of Rs. 10.

(4) *Construction of two new storage reservoirs at the J. J. and C. J. Ophthalmic Hospitals, Bombay—Rs. 10.*

Estimated cost—Rs. 15,442 (works expenditure or Rs. 19,611 inclusive of Public Works Department establishment and tools and plant charges at 27 per cent.).

The present water supply at the J. J. and C. J. Ophthalmic Hospitals, is inadequate and danger to life has been occasioned and was likely to recur owing to the shortage of water. It was therefore necessary to improve it by constructing two storage reservoirs at ground level with electric pumping sets to overhead tanks on (1) the Elappa Balaram Pavilion and Ward Pavilion No. 1, Sir J. J. Hospital and (2) the Sir C. J. Ophthalmic Hospital. Owing to the danger involved the work was taken up at once. The cost will be met from savings in the sanctioned grant for the current year under the head 50-Civil Works—Provincial (Voted) but as the work is a new service sanction of the Legislative Assembly is requested to a token grant of Rs. 10.

(5) *Special Tools and Plant required for communication works financed from the Petrol Tax Fund—Rs. 10.*

Estimated cost—Rs. 93,025.

Proposed expenditure in 1937-38—Rs. 92,900.

With the prior approval of the Government of India (which is required before expenditure on tools and plant can be debited to the Central



[Appendix 4—contd.]

Road Development Account) special tools and plant costing Rs. 47,900 have been sanctioned for the Thana and Surat and Broach Divisions and similar expenditure of Rs. 45,000 of the Ahmednagar and Poona Irrigation Division has been sanctioned. The expenditure will be met from savings under the head 50-Civil Works—Provincial (Voted) but as each of the two estimates mentioned above exceeds Rs. 10,000, it is to be treated as a major work, and the sanction of the Legislative Assembly is required. A token grant of Rs. 10 is therefore requested.

(6) *Improvements to roads leading to the Congress Nagar (Vithalnagar) at Hariपुरa in the Surat and Broach Division—Rs. 10.*

Estimated cost of improvements—Rs. 65,163 (in works expenditure or Rs. 82,757 inclusive of Public Works Department Establishment and Tools and Plant Charges at 27 per cent.).

Proposed expenditure in 1937-38—Rs. 73,172 (Rs. 63,172 for improvements plus Rs. 10,000 on account of special grant-in-aid to the District Local Board, Surat).

In order to cope with the heavy traffic expected during the last Congress Session at Hariपुरa it was necessary to carry out improvement to the Provincial road from Madhi to Mandvi at a cost of Rs. 36,460 as shown below :—

	Rs.
(i) Improvements to Madhi-Mandvi Road (surface painting) .. .. .	28,725
(ii) Improvements to Madhi-Mandvi Road, including link road (reducing dust on side widths) ..	7,735
	<hr/>
	36,460

2. In addition, it was also necessary to improve the District Local Board road from Kadod to Tarsada, miles 1/0 to 5/4. Since, however, the District Local Boards finances did not permit of this being done, Government took upon themselves to carry out the necessary improvements by temporarily provincializing this portion, on the distinct understanding that the District Local Board took back the road after the Congress Session was over. The cost of these improvements is Rs. 26,712 as detailed below :—

	Rs.
(i) Surface painting .. .. .	20,915
(ii) Improvements to the side widths .. .. .	2,097
(iii) Improvements to the road reducing dust on the side widths .. .. .	3,700
	<hr/>
	26,712

3. It was essential to allow two way traffic, leaving some space for pedestrians on either side and also to minimise the dust nuisance as much as possible, lest it unduly held up traffic and was a source of

[Appendix 4—contd.]

danger to the health of travellers. As the matter was urgent, Government issued orders to carry out at once these improvements estimated to cost Rs. 65,163 in all.

Besides this expenditure of Rs. 63,172 on improvements to the roads, Government also sanctioned a special grant of Rs. 10,000 to the District Local Board, Surat, to be spent on the following roads :—

	Rs.
(i) Bardoli-Kadod Road .. .. .	5,450
(ii) Kadod-Tarsada Road (first mile only) ..	700
(iii) Kadod-Balda Road .. .. .	650
(iv) Puna-Un Road .. .. .	1,800
(v) Bardoli Purna river Road .. .. .	800
(vi) Kabilpore Junction (near Navsari) to Purna river Road .. .. .	600
	<hr/>
	10,000

This grant-in-aid was sanctioned on condition that it was spent only on the roads mentioned above and that any unspent money was refunded to Government.

The total expenditure to Government on roads on account of the Congress Session thus amounts to Rs. 73,172 :—

	Rs.
(i) Improvements to the Provincial road ..	36,460
(ii) Improvements to the District Local Board road.	26,712
(iii) Grant-in-aid to the District Local Board ..	10,000
	<hr/>
	73,172

This expenditure will be met from savings in the sanctioned grant for the year under the head 50-Civil Works—Provincial (Voted). As however expenditure on items (i) and (ii) is classifiable under "original works"; for which no provision has been made in the Budget of the year, sanction of the Legislative Assembly is requested to a token grant of Rs. 10.

(7) *Scarcity works in the Bijapur District*—Rs. 10.

Estimated cost—Rs. 1,84,826 (in works expenditure or Rs. 2,34,729 inclusive Public Works Department establishment and tools and plant charges at 27 per cent.).

Proposed expenditure in 1937-38—Rs. 25,844.

[Appendix 4—contd.]

In order to meet scarcity conditions in the Bijapur District the following works were opened for the relief of the people living in the area affected :—

	Estimated cost. Rs.	Proposed expenditure in 1937-38. Rs.
(1) Improving miles 2, 3, 12, 13, 14 and 16 of Muddebihal-Chimalgi Road.	28,897	9,000
(2) Improving Bijapur-Kagwad Road, Section I .. .. .	29,795	2,000
(3) Widening Belgaum-Hungund Road, Section from Kamatgi to Hungund .. .. .	49,308	1,200
(4) Reserve metal collection 4" thick on Tikota-Nagaz Road .. .. .	25,052	9,000
(5) Reserve metal collection on Bijapur-Shindgi Road, Section II .. .. .	51,774	4,644
(6) Improvements to Muddebihal-Chimalgi Road .. .. .	18,013	250
Total ..	2,02,839	26,094

These works were taken up after the Budget for the year was authenticated. The amount required is being met from the lump provision of Rs. 9,05,000 made under the head 50-Civil Works—Provincial for scarcity works, *vide* Item 50 on page 286 of the current year's Budget. These works are brought to the notice of the Legislative Assembly as they are major works (each estimated to cost more than Rs. 10,000) and sanction is requested to a token grant of Rs. 10.

(8) *Reopening of the Bijapur Division.*

In September last the Superintending Engineer, Southern Circle, submitted to Government a detailed report explaining the necessity for the immediate reopening of the Bijapur Division. The purport of that report is given below in the Superintending Engineer's own words :—

"The exceptionally heavy charge of the Belgaum Division has now become far too heavy for one Executive Engineer to cope with and it has now become immediately necessary to re-open the Bijapur Division in order to avoid a break down in the administration and the efficiency of that charge. Apart from scarcity conditions in Bijapur District the number of works in progress has considerably increased in the last year or so and this is expected to still further increase with the large expansion of the Petrol Tax programme. The scarcity conditions in Bijapur District have necessitated the starting of 9 Petrol Tax works and 3 other works in that area and many more will still be required to be opened if the distress there deepens, as there appears to be every prospect of at the moment. It is the situation in Bijapur which has now made the immediate reopening of Bijapur Division imperative as it is now becoming physically impossible for the charge to be managed by one Executive Engineer. It is already quite impossible for him and his staff to devote their attention properly to

[Appendix 4—*contd.*]

all matters, as they simply have not the time for it. Scarcity or famine works, so long as they last, entail a tremendous amount of close supervision as they are equivalent to works carried out departmentally. Apart from the scarcity conditions, which have merely accentuated the position, the Belgaum Division, as at present constituted, is too unwieldy. It spreads over the Collectorates of Ratnagiri (part), Belgaum (whole) and the greater part of Bijapur, has an area of approximately 8,800 square miles with a provincial road mileage of 732, the largest length, it is believed, held by one Division. Apart from 524 second class irrigation tanks it possesses in the Gokak Canal System the only irrigation work of major importance in the Southern Circle. The Belgaum and Dharwar Divisions cover the area originally managed by the Belgaum, Dharwar, Dharwar Irrigation and Bijapur Divisions. The reduction from four to two was made owing to the then imperative necessity of retrenchment above all other considerations. The Dharwar Division has also become very unwieldy due to the large increase in Petrol Tax and other works and, if the new programme of repairs to II class irrigation tanks is approved, that in itself will give a very large amount of extra work. By the opening of the Bijapur Division, Dharwar Division will also obtain some much-needed relief."

The Commissioner, Southern Division, strongly supported the Superintending Engineer. The question of opening the Bijapur Division was fully considered by Government in further consultation with the Superintending Engineer and the Commissioner and various alternative proposals were examined. Finally Government were satisfied as regards the necessity of reopening the Division, particularly in view of the severe scarcity conditions in the Bijapur District, and the minor irrigation schemes to be undertaken there. Orders were accordingly passed for the reopening of the Division on a temporary basis for one year with effect from the 1st February 1938.

2. The new Division comprises four Sub-divisions, viz. Bijapur, Indi and Bijapur Scarcity Works Sub-divisions transferred from the Belgaum Division and Bagalkot Sub-division transferred from the Dharwar Division. The following establishment required for the Bijapur Divisional Office has been sanctioned:—

	Scale of pay. Rs.
1 Head Clerk .. .. .	115—5—160
1 Accountant (the additional Accountant in the Belgaum Divisional Office to be transferred to the Bijapur Division).	100—10—270— 30,5—300
1 Senior Accounts Clerk .. .	95—5—115
2 Clerks (one clerk to be transferred from the Belgaum Divisional Office and the other clerk from the Dharwar Divisional Office).	70—5—95

[Appendix 4—*contd.*]

		Scale of pay.
		Rs.
4 Clerks (one clerk to be transferred from the Belgaum Divisional Office and one clerk from the Dharwar Divisional Office and two clerks to be newly appointed).		25-5/2-65 (Rs. 30 to a qualified clerk).
1 Store-keeper .. .. .		40-4-80 (plus conveyance allowance of Rs. 3 per mensem).
1 Draftsman .. .. .		90-5/2-140
1 Assistant Draftsman .. .. .		50-5/2-90
1 Tracer .. .. .		40
1 Daftary .. .. .		25
1 Naik .. .. .		17
2 Chowkidars .. .. .		15
4 Menials .. .. .		14

3. The net extra cost involved during the current year on account of the new Division is Rs. 1,236 (Rs. 105 charged + Rs. 1,131 voted) and has been met from savings. As this expenditure relates to a new service, sanction of the Legislative Assembly is requested to the grant of a token sum of Rs. 10.

**No. 17.**

*54, Famine.*

Under Section 7 (1) of the Bombay Famine Relief Fund Act, 1936, the accounts of the fund are to 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. Section 7 (2) of the Act provides that if the accounts so made up show that the balance in the fund at the end of such year falls short of Rs. 63 lakhs, the deficit should be made up from the revenues of the Province. In the budget estimate of 1937-38 it was anticipated that the deficiency to be made good from the revenues of the Province at the beginning of 1937-38 would amount to Rs. 3,10,000. The market value of the securities, however, fell below expectation and a sum of Rs. 3,79,475 was required to make up the deficiency in the fund. The amount of Rs. 3,10,000 had been provided in the budget as voted, but as it has since been decided that the provision is charged, a sum of Rs. 3,79,475 (charged) will be required during 1937-38 under the head "54-B" on this account. To this will have to be added a charged expenditure of Rs. 2,969 under the head "54-A" on account of the cost of Mr. R. S. Mani, I.C.S., who was appointed Scarcity Assistant to the Collector of Broach and Panch Mahals from 3rd May to 31st July 1937. The net excess, therefore, comes to Rs. 3,82,444 or Rs. 3,82,500 in round figures.

[Appendix 4—contd.]

No. 18.

## 56, Stationery and Printing.

The latest actuals indicate that there will be an excess of Rs. 2,65,000 during the current year for the reasons given below :—

(i) *Purchase of Stationery Stores.*—The excess is due chiefly to the following reasons :—

(1) Purchase of additional paper, stationery, etc., for (i) Assembly and Council elections, (ii) new offices and (iii) additional works done at the Government Central Press including those for the Sind Government ;

(2) Increased rates for straw boards and kraft paper ; and

(3) Kraft paper ordered last year but received in 1937-38.

(ii) *Government Central Press.*—The excess is due mainly to (a) the printing of (i) reports, etc., received from Sind, (ii) supplements of Bombay Code, (iii) additional issues of budget estimates, (iv) electoral rolls for Legislative Assembly, etc. ; and (b) extra payments on account of (i) revised leave rules and (ii) bonus and overtime.

(iii) *Yeravda Prison Press.*—The excess is due mainly to (a) printing of destandardised forms and Village Panchayat forms and (b) additional work received from the Central Government.

(iv) *Charges in England.*—The excess is due mainly to the purchase of a larger quantity of paper, stationery and drawing articles from England.

No. 19.

## 57, Miscellaneous.

An excess of Rs. 95,131 (Rs. 831 Charged and Rs. 94,300 Voted) is expected under the head 57, Miscellaneous for the following reasons :—

2. *Charges on account of vagrants.*—An excess of Rs. 7,000 is expected on account of deportation charges of bad characters.

3. *Special Commissions of Enquiry.*—Expenditure to the extent of Rs. 831 (Charged) and Rs. 493 (Voted) has been incurred during the current year on account of the pay of the Secretary to the Stock Exchange Enquiry Committee and the passage of one of the members of the Committee.

4. *Irrecoverable temporary loans and advances written off.*—The estimate of Rs. 38,000 is expected to be exceeded by Rs. 14,000 mainly on account of the writes off of arrears of tagai loans due from (1) khatedars in Dhandhuka Taluka of the Ahmedabad District and (2) one Mr. Nilekani of Sirsi Taluka of Kanara District who had no means of repaying the amount outstanding against him.

5. *Contributions.*—Under section 12 (2) of the Local Boards Act, the first publication of voters' list must be made at least three months before the date of the general elections. The triennial elections of the

[Appendix 4—contd.]

local boards in the Northern and Central Divisions were due in the months of January and February of this year and the voters' lists were accordingly printed in almost all the districts and kept ready for first publication. In the meantime Government decided to revise the constitution of the district local boards by abolishing nominations, increasing the number of seats and giving elective representation in joint electorates to Harijans, backward tribes, women, etc. The Bombay Local Boards Act has been so amended and orders regarding the revised constitution of, and constituencies of, district local boards in the Northern and Central Divisions have been issued. The new elections of these boards under the revised constitution will take place shortly. Section 11 (1) of the Local Boards Act requires that the voters' lists shall be prepared by constituencies and it is, therefore, necessary to get the voters' lists reprinted for each of the revised constituencies as finally approved by Government. A sum of Rs. 11,400 is required for expenditure in this connection during the current year.

6. *Miscellaneous and unforeseen charges.*—An excess of about Rs. 1,500 is expected on account of travelling allowance charges of Government nominees on the Board of Directors of the East India Cotton Association.

7. *Illumination of Provincial buildings on the occasion of the Coronation of Their Majesties.*—Government decided that important provincial buildings should be illuminated, on the occasion of the Coronation of Their Majesties, as they were on the occasion of the Silver Jubilee. In all, Government buildings in 22 towns were illuminated. In places like Kaira, Karwar, Alibag and Ratnagiri where electric current was not available, the buildings were illuminated by country lights. Illumination took place on two days, viz. 12th and 13th May 1937, from 7-30 p.m. to 12 standard time (midnight) except at Bombay, Ahmedabad and Poona where the period was extended until 2 a.m. on the days following.

The total expenditure incurred is Rs. 77,406 as shown below :—

	Rs.
Works outlay .. .. .	60,950
Establishment charges—Voted .. .. .	14,628
Tools and plant charges .. .. .	1,828
	77,406

The establishment, etc., charges are, however, for accounts purposes only.

8. The total voted excess thus comes to Rs. 1,11,799 or Rs. 1,11,800 in round hundreds. Savings to the extent of Rs. 17,500 are available under different minor heads and the net voted excess comes to Rs. 94,300.

[Appendix 4—contd.]

## No. 20. • 63, Extraordinary Charges.

Government have, in concurrence with the legislature, decided to restore to the original holders lands which were confiscated in consequence of participation in the civil disobedience movement and sold to third parties. It is estimated that an expenditure of Rs. 30,500 will be incurred on this account, during the year 1937-38. As no provision was made for the purpose in the current year's budget under the head "63, Extraordinary charges" under which large payments of non-recurring character are recorded, the sanction of the Legislative Assembly is requested to an additional demand of Rs. 30,500.

## No. 21. 70, Capital Outlay on Improvement of Public Health.

There are twenty plots in the Wilson Garden Development area at Poona. Six buildings have been completed and buildings in three of the plots are nearing completion. The plot owners find it very expensive to take water connections from the Sassoon Road which is at a distance of 500 feet from their plots. As there were many demands for supplying water, Government have decided to provide a 3" diameter pipe for the area at an estimated cost of Rs. 4,950 including centage charges. When the water supply is provided, the whole area will soon be developed. As the work was considered urgent, permission was accorded to take it in hand. The expenditure during the current year amounts to Rs. 3,437 as shown below:—

	Rs.
Works—outlay .. .. .	2,834
Establishment charges—voted .. .. .	518
Tools and Plant charges .. .. .	85
	3,437

In addition to Rs. 3,437, a charged expenditure of Rs. 162 will be incurred. The expenditure in the current year will be met from savings. As however the expenditure relates to a new service, the sanction of the Legislative Assembly is requested to a token grant of Rs. 10.

## No. 22. 80, Bombay Development Scheme.

Between 1927 and 1931 Messrs. Mugaseth and Sons were employed by Government to do the work of dry filling of the Back Bay Reclamation Scheme. Certain stores including certain railway tracks and sidings in Blocks Nos. I, II and VIII of the Back Bay Reclamation Scheme and at Kandivli were lent to them on condition that on the expiry or termination of their contract they should be returned to Government in the same condition as when they were handed over to them, fair wear and tear excepted. In August 1929 the phrase "fair wear and tear" was



[Appendix 4—*contd.*]

defined in relation to the sleepers, which were in constant use, and it was mutually agreed between the Executive Engineer, Back Bay Reclamation Division, and the contractors that the sleepers handed over to the contractors should be considered to have a maximum life of three years commencing from 1st December 1927.

On the expiry of the contract for the dry filling, Government took possession from the contractors of certain railway tracks and sidings along with the sleepers at Kandivli. The contractors contended that, by reason of the arrangement mentioned above, Government gave up their right to claim the return of their sleepers at the expiry of the agreed life of the sleepers which were supposed to be then non-existent, and that they were not bound to return any sleepers to Government. They therefore claimed Rs. 82,357-8-0 being the cost of 10,981 sleepers at Rs. 7-8-0 per sleeper of which they alleged possession was wrongfully taken from them, or in the alternative, Rs. 45,607-8-0 being the cost of 6,081 sleepers replaced by them at their own cost, which were included in the said 10,981 sleepers.

Government were advised that for the purposes of the liability of the contractors to return the materials lent, the whole of the comparatively cheap sleepers lent to them by Government should be considered non-existent at the end of three years and that it would be expedient for Government to settle the suit on the basis of the contractors' right to retain the sleepers which in fact were handed over by them to Government. The number of sleepers which was actually handed over at Kandivli was 7,871. The suit was accordingly settled by Government by payment to the contractors of a sum of Rs. 24,000 in full and final settlement of all their claims including the costs of the suit. The payment was made in September 1937.

The item was not provided for in the Budget of 1937-38 but the expenditure is being met from savings. The sanction of the Legislative Assembly is requested to a token demand of Rs. 10.

**No. 23.**            *83, Payments of commuted value of pensions.*

The latest actuals indicate that during the year 1937-38 there will be net excesses of Rs. 1,23,000 (charged) and Rs. 95,000 (voted) under this head. They are mainly due to a larger number of cases in which commutations of pensions were sanctioned than anticipated when the budget estimates were framed.

**No. 24.**            *85, Payments to Retrenched Personnel.*

No provision was made in the budget estimate for 1937-38 under the above head for payments of gratuities to retrenched personnel, as no such expenditure was expected at the time of framing the budget estimate. There was, however, a minus provision of Rs. 54,000 under this head on account of write back to "55, Superannuation allowances and pensions" for which no demand was necessary. During the course

## [Appendix 4—contd.]

of the year claims for gratuities arising mostly from peons and other inferior staff, relating to the previous year were settled and paid. The total expenditure anticipated in the current year on this account amounts to Rs. 829. As the net expenditure is a minus figure sanction is requested to a token demand of Rs. 10.

**No. 25.** *Permanent debt discharged.*

Represents the balance of the Bombay Development loan expected to be discharged in the current year.

**No. 26.** *Loans from the Central Government.*

The consolidated debt is being repaid to the Government of India in fixed half-yearly equated instalments of principal and interest. During the current year interest was due for 10 months only instead of for 12 months as provided in the budget but the instalments being fixed the reduction in interest charges has resulted in a corresponding increase in the portion of principal repaid.

**No. 27.** *State Provident Fund.*

The excess is based on current actuals.

**No. 28.** *Famine Relief Fund.*

Mainly due to larger famine expenditure.

**No. 29.** *Provincial Road Fund.*

Represents investments in treasury bills of sums to be transferred to this fund in 1937-38 and of the further amount that became available in the final accounts of 1936-37.

**No. 30.** *Advances repayable.*

The charged excess is mainly due to larger forest advances.

The net increase of Rs. 50,000 under "Advances Repayable" is due to larger expenditure (Rs. 88,000) being anticipated mainly on account of refunds of revenue deposits. This increase is partly counterbalanced by saving of Rs. 37,000 under "Objection-book advances", and after taking into account the saving under other minor heads, the net voted excess expenditure amounts to Rs. 50,000.

**Nos. 32-33.** *Accounts with the Government of Burma and Reserve Bank.*

These are new heads and in the absence of any data, no provision was made in the budget estimate. The excesses are based on current actuals.

[Appendix 4—contd.]

**No. 34.**

*Suspense Accounts.*

Of the total increase, Rs. 1,59,70,000 is on account of the investment of cash balances in Government of India treasury bills, Rs. 51,80,000 is under the minor head "Central Accounts Office—Reserve Bank suspense" which represents transactions of other Provincial Governments, Government of India, Indian Stores Department, etc. and the remainder is under the minor head "Suspense Account" which is based on the transactions so far recorded on the Accountant General's books.

**No. 35.**

*Departmental and Similar Accounts.*

The excess is based on the latest actuals.

**No. 36.**

*Miscellaneous Government Account.*

The three long dated loans of the Bombay Municipal Corporation included in the consolidated debt are being repaid in fixed half-yearly equated instalments of principal and interest. Interest during the current year is due for 10 months only instead of for 12 months as provided in the budget; but the instalment being fixed, the reduction in interest charges has resulted in a corresponding increase in the portion of principal repaid and this mainly accounts for the excess.

**No. 37.**

*Loans and Advances by Provincial Government.*

The current year's sanctioned grant for loans and advances by the Provincial Government is Rs. 8,46,000. This grant has been largely exceeded on account of the unforeseen agricultural conditions prevailing in the Presidency. Owing to the failure of rains there has been great scarcity of fodder and this has resulted in increased demands for tagai by agriculturists mainly for purchase of fodder or for raising fodder crops by construction of bunds and wells. The position in the Northern and Central Divisions has now considerably improved but the scarcity conditions in Bijapur in the Southern Division still continue. 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 nearly Rs. 6 lakhs. A loan of Rs. 75,000 has also been sanctioned to the Bijapur Municipality for financing certain scarcity works. After taking into account the savings anticipated in the sanctioned estimate under other classes of the Provincial Loans and Advance Account, it is estimated that there will be a net excess of Rs. 4,93,000.

**No. 38.** *Cash remittances and adjustments between officers rendering accounts to the same Accountant-General.*

**No. 39.** *Remittances by Bills.*

**No. 40.** *Adjusting Account between Central and Provincial Governments.*

**No. 41.** *Inter-Provincial Suspense Account.*

The excesses under these heads are based on the latest transactions recorded. The nature of these transactions has been explained in paragraph 272 of the Budget Memorandum for 1938-39.

## APPENDIX 5.

## L. A. BILL No. XI OF 1938.

*An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for certain purposes.*

(As read for the third time and passed on the  
6th April 1938.)

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for certain purposes; It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1938.

(2) It shall come into force on such date as the Provincial Government may by notification in the *Official Gazette* appoint.

2. *Amendment of section 10 of Bom. III of 1901.*—In the Bombay District Municipal Act, 1901, hereinafter called the District Act, clause (b) of sub-section (1) of section 10 and the proviso to the said sub-section shall be deleted. Bom.  
III.  
1901

3. *Amendment of section 11 of Bom. III of 1901.*—In section 11 of the District Act, clause (b) in sub-section (1) shall be deleted.

4. *Amendment of section 27A of Bom. III of 1901.*—In sub-section (1) of section 27A of the District Act for the words, figures, letter and brackets beginning with the words “of three councillors” and ending with the words “of the Crown”, the words, figures, letter and brackets “of four councillors of whom one shall be the President of the Municipality and the other three shall be elected in accordance with rules made under clause (a) of section 46 and of two persons appointed by the Provincial Government, both of whom may be salaried servants of the Crown” shall be substituted.

5. *Amendment of section 33 of Bom. III of 1901.*—In section 33 of the District Act, the proviso to sub-section (1) shall be omitted.

6. *Amendment of section 9 of Bom. XVIII of 1925.*—In sub-section (1) Bom. of section 9 of the Bombay Municipal Boroughs Act, 1925, hereinafter <sup>XVII</sup> called the Boroughs Act, clause (b) and provisos to the sub-section shall <sup>of</sup> <sub>1925.</sub> be deleted.

7. *Amendment of section 10 of Bom. XVIII of 1925.*—In section 10 of the Boroughs Act,—

(1) clause (b) of sub-section (1) shall be deleted;

[Appendix 5—contd.]

(2) in clause (c) of the sub-section—

(a) for the words “ Non-Muhammadans and depressed classes ” the words “ and Non-Muhammadans ” shall be substituted ;

(b) after the words “ by each ward ” the words “ and the number of seats to be reserved in each ward for women or for any tribe, caste or community and prescribing the manner in which the Muhammadans in any municipal borough may declare that all the wards constituted for their community be abolished ” shall be inserted ;

(c) after the words “ regulating generally such elections ”, the following proviso shall be added, namely :—

“ Provided that rules so made shall not provide for the reservation of seats in any ward for the representatives of any tribe, caste or community—

(a) other than—

(i) a backward tribe,

(ii) Harijans, or

(iii) any community, the members of which are under the Fifth Schedule to the Government of India Act, 1935, entitled to separate constituencies for electing representatives to the Bombay Legislative Assembly, and

(b) unless the Provincial Government is of opinion that the reservation of such seats is necessary having regard to the population of such tribe, caste or community in the municipal borough ;”

(3) for the explanation to the sub-section, the following explanations shall be substituted :—

“ *Explanation.*—For the purpose of this section—

(1) A Harijan shall mean a member of a scheduled caste as defined in the Government of India (Scheduled Castes) Order, 1936 ;

(2) A backward tribe shall mean a tribe specified in Part II of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936.”

(4) After sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) If at any time the Muhammadans in any municipal borough who are qualified voters declare either unanimously or by majority in the manner prescribed by rules made under sub-section (1) that all the wards constituted for their community in such municipal borough be abolished, the Provincial Government shall abolish all such wards and may also make rules prescribing the manner in which the representation of the said community shall be secured in such municipal borough :

[Appendix 5—*contd.*]

Provided that notwithstanding anything contained in the proviso to sub-section (1) the rules so made shall provide for reservation for the representatives of the Muhammadan community of such number of seats in such wards in the municipal borough as is, in the opinion of the Provincial Government, necessary having regard to their population in such municipal borough."

8. *Amendment of section 37A of Bom. XVIII of 1925.*—In sub-section (1) of section 37A of the Boroughs Act for the words, figures, letter and brackets beginning with the words "of three councillors" and ending with the word "Crown", the words, figures, letter and brackets "of four councillors of whom one shall be the President of the municipality and the other three shall be elected in accordance with rules made under clause (a) of section 58 and of two persons appointed by the Provincial Government, both of whom may be salaried servants of the Crown" shall be substituted.

9. *Saving.*—(1) Nothing in this Act shall affect any municipality constituted under the District Act or the Boroughs Act or any committee of such municipality constituted immediately before the commencement of this Act, and no appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed by or in respect of such municipality or committee shall be deemed to be invalid by reason only of the fact that this Act has come into force.

(2) Notwithstanding anything contained in this Act, any casual vacancy in such municipality or any committee thereof shall, in the case of a municipality constituted under the District Act subject to section 17 of the said Act and in the case of a municipality constituted under the Boroughs Act subject to section 25 of the said Act, be filled in the manner provided by either of the said Acts, as the case may be, as if this Act had not come into force.

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#### APPENDIX 6.

#### L. A. BILL No. XII of 1938.

*An Act to repeal the Bombay Special (Emergency) Powers Act, 1932.*

(As read for the third time and passed on the 6th April 1938.)

WHEREAS it is expedient to repeal the Bombay Special (Emergency) Powers Act, 1932; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Special (Emergency) Powers (Repeal) Act, 1938.

2. *Repeal of Bom. XVI of 1932.*—The Bombay Special (Emergency) Powers Act, 1932, is hereby repealed.

Bom.  
XVI  
of  
1932.

## APPENDIX 7.

## L. A. BILL No. XIV OF 1938.

*An Act to amend the Indian Lunacy Act, 1912, in its application to the Province of Bombay.*

(As read for the third time and passed on the  
13th April 1938.)

WHEREAS it is expedient to amend the Indian Lunacy Act, 1912, in its application to the Province of Bombay for the purpose herein-after appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Indian Lunacy (Bombay Amendment) Act, 1938.

2. *Insertion of new section 33A in Act IV of 1912.*—In the Indian Lunacy Act, 1912, after section 33, the following new section shall be inserted, namely:—

“33A. *Temporary release of lunatics.*—(1) When any relative or friend of a lunatic detained in any asylum under the provisions of section 7, 10, 14, 15 or 17 is desirous that such lunatic shall be temporarily released and delivered over to his care and custody, he may make an application to the person in charge of the asylum, who shall make an order for the temporary release of such lunatic for a period not exceeding sixty days, unless for any reason he considers that such release is undesirable and such lunatic shall, thereupon, be so released.

(2) No order under sub-section (1) for the temporary release of a lunatic detained under section 7 or 10 shall be passed except on an application of the petitioner on whose petition such lunatic was detained or without the consent in writing of such petitioner:

Provided that, if in any such case, it appears to the person in charge of the asylum that such petitioner refuses, without sufficient reasons, to accord such consent, he shall refer the application made to him under sub-section (1), to the magistrate who would have jurisdiction to detain such lunatic under section 7 or 10 and such magistrate may, after making such enquiry as he thinks fit, order the temporary release of such lunatic for the period specified in sub-section (1).

(3) Any order made for the release of a lunatic under sub-section (1) may, on the application of any relative or friend, at any time during the period of his release, be set aside or varied by the magistrate who would have jurisdiction to detain such lunatic in an asylum under section 7, 10, 14, 15 or 17 on any ground other than that the lunatic was not in a state of mind fit to be released at the time the order for his release was made under sub-section (1). If the order of release is so set aside, the lunatic shall be re-admitted and detained in the asylum.

[Appendix 7—concl.]

(4) If a lunatic released under sub-section (1) or (2) is, at any time during the period of his release, found to be unmanageable or dangerous and unfit to be at large, the person who applied for his release may take the lunatic to the asylum, and such lunatic shall thereupon be readmitted and detained in the asylum.

(5) If a lunatic released under sub-section (1) or (2) does not return to the asylum at the expiration of the period for which he was released and if no order for his discharge has been passed under section 31 or section 33 or if he is, at any time during the period of his release, found to be unmanageable or dangerous or unfit to be at large and the person who applied for his release states by a written application to the person in charge of the asylum that he is unable to bring him to the asylum such lunatic shall be deemed to have escaped from the asylum and may at any time within one month after the expiration of the said period be re-taken to and detained in the asylum in the manner provided in section 36 :

Provided that such a person shall be deemed to be discharged if on or before the expiry of the period for which he was released, the Board of Visitors is satisfied either (a) as a result of investigations conducted by the person in charge of the asylum concerned or (b) on receipt of a certificate signed by a medical practitioner that the person may with safety be discharged."

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## APPENDIX 8.

### L. C. BILL No. II OF 1938.

*A Bill to provide for grant of annual leave with pay to certain classes of workmen by their employers.*

(As introduced on the 17th January 1938 and published in the "Bombay Government Gazette" of the 31st January 1938.)

WHEREAS it is expedient to provide for the grant of leave, periodically, with pay, by employers to their workmen; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Annual Leave Act, 1938 .

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

(3) It shall come into force on such date as Government may, by notification in the *Official Gazette*, appoint.

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

(1) "Annual Leave" means leave with pay as prescribed in this Act, other than leave on half pay or without pay due to sickness, convalescence, accident or any other cause.



[Appendix 8—*contd.*]

(2) "Continuous Employment" means an employment which is not interrupted by absence of the workman other than absence due to illness, accident, leave with permission of the employer or absence for a total period not exceeding twenty days in an employment year.

*Explanation.*—The termination of a contract of employment shall not be deemed to be an interruption, if the contract is renewed within three months of its termination.

(3) "Employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of the deceased employer.

(4) "Employment Year" means a period of one year commencing on the day on which a workman last entered the employment or on an anniversary of that day.

(5) "Managing Agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer.

(6) "Pay" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance, or the value of any travelling concession.

(7) "Workman" means a workman as defined in clause (n) of section 2 (1) of the Workmen's Compensation Act, 1923. But it shall not include (a) a workman in regard to whose conditions of service the Provincial Legislature has not power to make laws; or (b) a member of the Police Force.

(8) "Year" means a calendar year according to the Gregorian Calendar.

#### WORKMEN'S LEAVE.

3. *Period of leave.*—Every employer shall allow to each workman annual leave with pay for a period of not less than thirty days in every complete employment year of such workman during which he has been in continuous employment with him.

4. *Grant of leave.*—(1) Annual leave shall be granted in a single period or in instalments of not less than five days each, at the time and in the manner best suited to the interest of the establishment or undertaking to which the workman belongs.

(2) Members of a family, who are employed in the same establishment or undertaking, shall be allowed to take annual leave during the same period, if they so desire.

5. *Taking of leave compulsory.*—The taking of annual leave shall be compulsory and it shall not be lawful for a workman to renounce or otherwise commute it in any way.

[Appendix 8—*contd.*]

6. *Accumulation of leave.*—Annual leave shall be granted either in the current employment year or after the completion of each year's service. In the latter case, it shall be granted not later than the twenty-third month after the beginning of the year in which the right to annual leave arose :

*Provided* that it shall be lawful for the employer and the workman to agree, in writing, to have the annual leave accumulated and taken at one time, up to a maximum of not more than three months.

7. *Treatment of holidays.*—Annual leave shall include intervening holiday recognised by the employer ; provided that where such holiday precedes or succeeds the duration of leave, the same shall not be included in leave and shall be allowed to be prefixed or affixed thereto or both.

#### WORKMEN'S WAGES DURING LEAVE.

8. *Remuneration during leave.*—(1) Every employer shall pay to his workman who has been on annual leave, for the leave period, the same pay as he was receiving at the beginning of the annual leave.

(2) If payment is made for the work at the piece-rates or by the jobs, the pay for the leave period shall be calculated on the basis of the average remuneration earned by the workman during the three months immediately preceding the leave.

#### WORKMEN'S LIABILITY.

9. *Remunerative work during leave not permitted.*—(1) It shall not be lawful for a workman during the period of the annual leave to do any work for pay or remuneration in another undertaking or establishment.

(2) A workman who does any work in contravention of sub-section (1) shall forfeit the right to receive his pay for that leave period.

10. *Forfeiture of right to leave.*—A workman shall forfeit his right to annual leave of that year if he himself terminates the contract of employment or if it is terminated for reasons which entitle an employer to terminate the contract of employment without previous notice.

11. *Pay for leave period when employment terminates before end of employment year.*—An employer, who terminates the contract of employment of his workman for reasons other than those not requiring previous notice, shall pay to such workman, in addition to other dues, an amount which is equal to the period of the proportionate leave due.

#### EMPLOYER'S LIABILITY.

12. *Denial of leave punishable.*—(1) An employer, who being responsible for the grant of annual leave to a workman to which he is entitled under the provisions of this Act, neglects, refuses, or otherwise withholds the annual leave that is due or any part thereof, shall be

[Appendix 8—*contd.*]

punishable with fine which may extend to four times the amount of pay of the workman for the period of the leave so neglected, refused or withheld.

(2) Out of the fine recovered, an amount equal to the pay of the workman for the period of the leave so neglected, refused or denied, shall be paid to such workman.

**13. Notice of leave.**—(1) An employer shall give to every workman to whom he is required to allow annual leave, notice, in writing, of the day on which such annual leave will begin and shall give such notice not less than one month before such day.

(2) An employer who fails or neglects to give the notice mentioned in sub-section (1), shall be punishable with fine not exceeding the remuneration of the workman for the period of leave due to him.

#### SAFEGUARDS AGAINST ADVERSE EFFECTS.

**14. Contract to lessen right to leave void.**—Any contract or agreement, whether made before or after the commencement of this Act, whereby a workman relinquishes or reduces any right of leave to which he is entitled under this Act, shall be null and void in so far as it purports to remove or reduce the right of the workman to obtain leave under this Act.

**15. Act not to curtail any existing rights.**—A workman, who has hitherto been granted annual leave with pay longer than that specified in this Act, shall continue to take such leave and the employer shall not be entitled to enforce the conditions herein laid down in such cases.

#### MISCELLANEOUS.

**16. Transfer of ownership not to affect the workman's right to leave.**—Where the ownership of an establishment or undertaking is transferred by act of parties or operation of law, every workman, who is employed in such undertaking or establishment immediately before such transfer, shall be entitled to reckon for the purposes of this Act, the period of his continuous employment in such undertaking.

**17. Reference to Commissioners.**—If any question arises in any proceedings under this Act, as to the liability of any employer to grant annual leave to any workman (including any question as to whether the person employed is or is not a workman) or as to the duration or periodicity of such leave and the remuneration during leave period, or as to the neglect, refusal or withholding of leave by the employer, the question shall be settled by a Commissioner.

**18. Appointment of Commissioners.**—(1) Government may, by notification in the *Official Gazette*, appoint any person to be a Commissioner

[Appendix 8—contd.]

for the purposes of this Act, for such local area as may be specified in the notification.

(2) Where more than one Commissioner has been appointed for any local area, Government may, by general or special order, regulate the distribution of business between them.

19. *Power of Government to make rules.*—(1) Government may make rules to carry out the purposes of this Act.

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

(a) prescribing the form and procedure in which the employer shall maintain the account of service and of pay earned by his workman ;

(b) prescribing the form and procedure in which the employer shall maintain the account of annual leave earned and enjoyed by the workman ;

(c) prescribing the procedure to be followed by the Commissioners in the disposal of cases under this Act, and by the parties in such cases ;

(d) regulating the transfer of matters and cases from one Commissioner to another ;

(e) regulating the scale of costs which may be allowed in proceedings under this Act ;

(f) prescribing and determining the amount of fees payable in respect of any proceedings before a Commissioner under this Act ;

(g) prescribing the form and procedure for maintenance by Commissioners of registers and records of, proceedings before them.

20. *Publication of Rules.*—(1) The power to make rules conferred by section 19 shall be subject to the condition of the rules being made after previous publication.

(2) Rules so made shall be published in the *Official Gazette* and shall have effect from such date as may be specified by Government :

Provided, however, that a period of at least three months shall be allowed to run from the date on which the rules were published to the date on which they come into effect.

(3) The rules made shall be laid on the table of the Provincial Legislative Council and Assembly for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council and Assembly. If any rule is so modified, Government shall republish the rule accordingly or rescind the rule.

[Appendix 8—*concl'd.*]

### STATEMENT OF OBJECTS AND REASONS.

Periodical rest is as essential to human body as food. Since the development of industry in modern times, there has been a growing realisation of the necessity of giving to workmen an opportunity of relaxation from work and for recuperation of their health. This is secured by the grant of annual periodical leave. In almost every civilised country in the world, employers as well as Governments have realised the importance of annual leave with pay. In some countries this is secured by legislation ; in others, it is done merely by agreements, administrative rules, regulations or bye-laws.

2. The question of granting annual leave with pay was considered by the International Labour Conference and a Convention was adopted with the requisite majority in the 20th Session in June 1936.

3. Legislation has been passed on this subject in countries like Irish Free State, France, Switzerland, Germany, Denmark, Sweden, Austria, Italy, Chile, Brazil and China. In India, the Government of India and the Provincial Governments as well as Municipalities, Local Bodies, Local Boards and many private firms and employers grant leave according to the rules made by them.

4. The views of the Government of India in this matter are expressed in their letter No. L-1831, dated 14th June 1937, to all Provincial Governments and Administrations, wherein they observe :—

“The Government of India believe that the general principle of holidays with pay is a sound one, and it is securing increasing recognition in labour legislation in other countries. In India, workers in most Government establishments and in some private ones receive paid holidays.....”

5. This Bill is intended to secure a minimum period of annual leave with pay to persons employed in the commercial and industrial undertakings and other organised bodies.

6. The Bill secures thirty days as the minimum period of leave during an employment year and the same can be granted either in a single period or in instalments of not less than five days each (clauses 3 and 4). Taking of the leave has been made compulsory and renouncing it is not lawful (clause 5). The workman is entitled to full pay during leave (clause 8) and is liable to forfeit his right to annual leave in certain cases (clauses 9 and 10). Provision has also been made to safeguard any existing right of leave if it is better than the one secured by this Bill. The other clauses of the Bill are self-explanatory.

S. C. JOSHI.

## APPENDIX 9.

## L. A. BILL No. XIX OF 1938.

*An Act to amend the City of Bombay Police Act, 1902.*

(As read for the third time and passed by the Legislative Assembly  
on the 30th April 1938.)

Bom. WHEREAS it is expedient to amend the City of Bombay Police Act,  
IV of 1902. 1902, for the purposes of dealing with persons who are a danger to the  
City of Bombay and for preventing disturbance of public peace or tran-  
quillity by reason of conflict between communities or sections thereof  
or gangs or factions and for other purposes hereinafter appearing;  
It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Police  
(Amendment) Act, 1938.

Bom. 2. *Amendment of section 27 of Bom. IV of 1902.*—In section 27 of the  
IV of 1902. City of Bombay Police Act, 1902,—

(1) in sub-section (1)—

(i) for the words beginning with the words “that the movements  
or encampment” and ending with the words “pauper immigrants”  
the following shall be substituted, namely :—

“ (a) that the movements or acts of any person in the City  
of Bombay are causing or calculated to cause alarm, danger or  
harm to person or property, or that there are reasonable grounds  
for believing that such person is engaged or is about to be engaged  
in the commission of an offence involving force or violence, or  
an offence punishable under Chapter XII, XVI, or XVII of the  
Indian Penal Code, or in the abetment of any such offence, and  
when in the opinion of the Commissioner witnesses are not willing  
to come forward to give evidencē in public against such person  
by reason of apprehension on their part as regards the safety  
of their person or property; or

(b) that an outbreak of epidemic disease is likely to result  
from the continued residence in the city of an immigrant.”;

(ii) for the words “the members of such gang or body or such  
immigrants” the words “such person or immigrant” shall be  
substituted;

(iii) for the word “themselves” wherever it occurs, the word  
“himself” shall be substituted.

(iv) the words “disperse and” shall be deleted.

(2) After sub-section (2B) the following shall be inserted,  
namely :—

“2C. *Proclamation of Emergency.*—(i) The Provincial Government  
may, if satisfied that the peace or public tranquillity in the City of  
Bombay or in any part thereof is disturbed or is likely to be

## [Appendix 9—contd.]

disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by a proclamation (hereinafter referred to as 'the proclamation of emergency') in the *Official Gazette* that an emergency exists.

(ii) A proclamation of emergency—

(a) may at any time be revoked by a subsequent proclamation and

(b) shall cease to operate at the expiration of one month, unless before the expiration of that period it has been renewed.

(iii) After the Provincial Government has issued under clause (i) a proclamation of emergency, the Commissioner of Police, whenever it appears to him that the presence, movements or acts of any person in the City of Bombay is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs, calculated to disturb peace or public tranquillity are entertained by such person, may by beat of drum or otherwise, as he thinks fit, direct such person so to conduct himself as he shall deem necessary in order to prevent the disturbance of the peace or remove himself to such place or places, by such route or routes, and within such time, as the Commissioner of Police shall prescribe.

(iv) Any person aggrieved by an order made by the Commissioner of Police under clause (iii) may appeal to the Provincial Government within ten days from the date of such order.

(v) Subject to the appeal under clause (iv), an order made by the Commissioner of Police under clause (iii) shall be final.

(vi) Nothing hereinbefore contained in this section shall require any police officer to disclose to the person against whom an order is made under clause (iii) or to the Court the sources of his information or any fact the communication of which, might, in the opinion of the Commissioner of Police, lead to the disclosure of the identity or name of any informant.

(vii) Any order passed by the Commissioner of Police under clause (iii) or by the Provincial Government under clause (iv) shall not have any effect after the proclamation of emergency has ceased to operate."

(3) After sub-clause (2), the following sub-clause shall be added, namely :—

(3) In sub-section (3) for the words, brackets, figure and letter "or (2.1)", the following shall be substituted, namely :—

"(2A) or (2C)."

[Appendix 9—concl'd.]

(4) After sub-section (3), the following new sub-sections shall be inserted, namely:—

“(4) Before an order under sub-section (1), (2) or (2A) is passed against any person, the Commissioner of Police or any officer authorised by him not below the rank of a Superintendent shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The Commissioner of Police or such officer may also examine witnesses, if any, which such person may produce, and any written statement put in by such person shall be filed with the record. Such person shall be entitled to appear before the Commissioner of Police or the said officer by an advocate or attorney for the purpose of explaining the allegations against him and for the purpose of examination of witnesses produced by him.

(5) The Commissioner of Police or the officer authorised under sub-section (4) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1), (2) or (2A), exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898.

(6) Any person aggrieved by an order made by the Commissioner of Police under sub-section (1), (2) or (2A) may appeal to the Provincial Government within thirty days from the date of such order.

(7) An order passed by the Commissioner of Police under sub-section (1), (2) or (2A) or by the Provincial Government under sub-section (6) shall not be called in question in any Court except on the ground that the Commissioner of Police or the officer authorised by him under sub-section (3) had not followed the procedure laid down in the said sub-section or that there was no material before the Commissioner of Police upon which he could have based his order or on the ground that the Commissioner of Police was not of opinion that witnesses were unwilling to come forward to give evidence in the public against the person in respect of whom an order was made under sub-section (1).

(8) Nothing hereinbefore contained in this section shall require any Police officer to disclose to the person against whom an order is made under sub-section (1), (2) or (2A) or to the Court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner of Police, lead to the disclosure of the identity of any person or property.”



APPENDIX 10.

L. A. BILL No. XVIII OF 1938.

*An Act to amend the Bombay Race-courses Licensing Act, 1912.*

(As read for the third time and passed by the Legislative Assembly on the 2nd May 1938.)

Bom. III of 1912. WHEREAS it is expedient to amend the Bombay Race-courses Licensing Act, 1912, for the purposes hereinafter specified; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Race-courses Licensing (Amendment) Act, 1938.

2. *Amendment of preamble of Bom. III of 1912.*—In the preamble of the Bombay Race-courses Licensing Act, 1912, hereinafter called “the said Act”, for the words “regulation of horse racing” the words “regulation, control and management of horse racing and all matters directly or indirectly connected therewith” shall be substituted.

3. *Amendment of section 4 of Bom. III of 1912.*—In sub-section (2) of section 4 of the said Act, after the words “may think fit” the following shall be inserted, namely:—

“Such conditions may provide for—

- (a) the payment of a licence fee;
- (b) the amount of stakes which may be allotted for different kinds of horses;
- (c) the measures to be taken for the training of persons to become jockeys; and
- (d) such other matters, whether directly or indirectly connected with horse racing, for which, in the opinion of the Provincial Government, it is necessary or expedient to make provision in the licence.”

APPENDIX 11.

L. A. BILL No. XV OF 1938.

*An Act to amend the Bombay Primary Education Act, 1923.*

(As read for the third time and passed by the Legislative Assembly on the 2nd May 1938.)

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

1. *Short title.*—(1) This Act may be called the Bombay Primary Education (Amendment) Act, 1938.

[Appendix 11—*contd.*]

(2) It shall come into force on such date as the Provincial Government may by notification in the *Official Gazette* appoint.

2. *Amendment of preamble to Bom. IV of 1923.*—In the Bombay <sup>Bom.</sup> Primary Education Act, 1923, hereinafter called the said Act for the <sup>IV of</sup> 1923, preamble the following shall be substituted:—

“Whereas it is the duty of Government to secure the development and expansion of primary education: and whereas it is the declared policy of the Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows:—”

3. *Amendment of section 2 of Bom. IV of 1923.*—For section 2 of the said Act the following shall be substituted, namely:—

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

(1) ‘Administrative Officer’ means the officer appointed under section 9;

(2) ‘Approved school’ means a school or part of a school which is for the time being approved for the purposes of this Act by the school board or by the Provincial Government on appeal from a decision of the school board refusing approval;

(3) ‘Area of compulsion’ means the area in which elementary or primary education as the case may be, is compulsory;

(4) ‘To attend an approved school’ means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required by the school board with the approval of the Provincial Government;

(5) ‘Provincial Board of Primary Education’ means the Board constituted under section 2A;

(6) ‘Child’ means a child whose age at the beginning of the school year is not less than six and whose age is, with reference to ‘Elementary education’ not more than eleven and with reference to ‘Primary education’ not more than fourteen years.

(7) ‘Director’ means the Director of Public Instruction for the Province of Bombay;

(8) ‘Elementary education’ means the education from time to time imparted in infant classes and vernacular standards I to IV inclusive as prescribed or sanctioned under section 17;

(9) ‘Local authority’ means (1) a district local board, or (2) a municipality which is authorised by the Provincial Government to manage its own schools;

[Appendix 11—*contd.*]

(10) 'Parent' includes a guardian or any person who has the custody of a child ;

(11) 'Prescribed' means prescribed by rules made by the Provincial Government for the purposes of this Act ;

(12) 'Primary education' means the education from time to time imparted in infant classes and vernacular standards I to VII inclusive as prescribed or sanctioned under section 17 ;

(13) 'Primary Education Fund' means the fund maintained under section 8A ; and

(14) 'School Board' means a board constituted under section 3."

4. *Insertion of a new section 2A in Bom. IV of 1923.*—After section 2 of the said Act the following new section shall be inserted, namely :—

"2A. *Provincial Board of Primary Education.*—(1) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, out of whom not more than three shall be Government officers, shall be appointed by the Provincial Government. The members of the said Board shall hold office for a period of three years.

(2) The elected members of the said Board shall be persons having any of the following qualifications :—

(a) a graduate of seven years' standing of any recognised University,

(b) a professor who has served for a period of five years in a recognised college in the Province of Bombay,

(c) a head master of ten years' standing of any recognised secondary school in the Province of Bombay.

*Explanation.*—For the purpose of this sub-section, the expression 'recognised' shall mean recognised by the Provincial Government in this behalf.

(3) The said Board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the Board. Out of the members appointed by the Provincial Government one member selected by the Provincial Government and belonging to the Educational Department shall act as Secretary to the Board.

(4) The powers and duties of the said Board shall be as follows, namely :—

(a) to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province ;

[Appendix 11—*contd.*]

(b) to make recommendations and to advise the Provincial Government with regard to matters specified in sub-section (3) of section 27 ;

(c) to advise the Provincial Government generally on all matters connected with primary education ;

(d) to exercise such other powers as may be conferred on it and to perform such other duties as may be prescribed by rules or by any other law for the time being in force."

5. *Amendment of section 3 of Bom. IV of 1923.*—For section 3 of the said Act, the following shall be substituted, namely :—

"3. *Constitution of School Boards.*—(1) For every local authority there shall be a school board.

(2) The school board shall be constituted as prescribed and shall consist of members not less than twelve and not more than sixteen elected by the local authority. Such members shall not necessarily be members of the local authority :

Provided that if any primary schools have been transferred by municipalities which are not local authorities to the local authority concerned, not more than two of such members shall be elected by the said municipalities in the manner prescribed.

(3) Out of the members elected by the local authority—

(a) two at least shall be members experienced in education ;

(b) one at least shall be a woman ; and

(c) such number not exceeding three as may be prescribed shall be representatives of minorities and backward communities.

(4) The remaining members shall be persons who shall possess the requisite educational qualification.

*Explanation.*—For the purposes of this section—

(a) minorities and backward communities shall mean such classes and communities as may be prescribed ;

(b) a person shall be deemed to possess the requisite educational qualification, if such person—

(i) has passed the vernacular school final examination held by the Provincial Government ;

(ii) has passed the anglo-vernacular third standard ; or

(iii) possesses any other equivalent or higher educational qualification which the Provincial Government may prescribe in this behalf.

(5) Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the local authority for which it was constituted :

Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the local authority is dissolved or superseded ;

[Appendix 11—*contd.*]

Provided further that notwithstanding the expiry of the term of office of such members, the said members shall continue in office, until the members of a new school board are elected or appointed, as the case may be.

(6) If the term of office of the members of a school board expires during the period of supersession of a local authority for which it was constituted, a new school board shall from time to time be constituted as provided in sub-section (2), until the local authority is re-established, provided that the members of such school board shall, instead of being elected, be appointed by the Provincial Government. The term of office of the members of a school board so appointed shall be for such period not exceeding three years as the Provincial Government may decide :

Provided that if during such period the local authority is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is elected by the local authority concerned.

(7) Casual vacancies during the term of a school board shall be filled for the remaining period by election or appointment, as the case may be."

6. *Insertion of new sections 3A to 3C in Bom. IV of 1923.*—After section 3 of the said Act, the following shall be inserted, namely:—

"3A. *Disqualifications of members.*—No person shall be elected or appointed a member of a school board who—

(a) is less than 25 years of age, or

(b) is a judge of a civil court, or a magistrate or

(c) (i) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, if and so long as such order is in force, or,

(iii) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the *Official Gazette* been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(d) is a stipendiary officer or servant of a school board or of a local authority or of a municipality which is not a local authority, or

[Appendix 11—*contd.*]

(e) is an uncertified bankrupt or an undischarged insolvent, or

(f) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the school board or of the local authority for which it has been constituted or in any contract or employment with, under, or by, and on behalf of the school board or such local authority, or

(g) has not resided for a period of not less than six months next preceding the date fixed for recording of votes for elections to the school board

(i) within the district, if the local authority for which the school board has been constituted is a District Local Board, or

(ii) within the municipal district or municipal borough, as the case may be, or within seven miles of the limits thereof, if such local authority is a municipality, or

(h) has been adjudged by a competent court to be of unsound mind.

*Explanation.*—A person shall not be deemed to have incurred disqualification under clause (f) by reason of his—

(a) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(b) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which shall contract with or be employed by or on behalf of the school board or of the local authority for which it has been constituted, or

(c) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the local authority for which it has been constituted may be inserted, or

(d) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the local authority for which it has been constituted, or

(e) being professionally engaged on behalf of the school board or the local authority for which it has been constituted, as a legal practitioner,

(f) having a share or interest in the occasional sale to the school board or the local authority for which it has been constituted of any article in which he regularly trades, or in the purchase from the school board or such local authority of any article, to a value

[Appendix 11—*contd.*]

in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the school board or such local authority with the sanction of the Provincial Government may fix in this behalf, or

(g) having a share or interest in the occasional letting out on hire to the school board or the local authority for which it has been constituted, or in the hiring from the school board or such local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or such local authority with the sanction of the Provincial Government may fix in this behalf, or

(h) being a police patel, who is an *ex-officio* keeper of village cattle pounds under the control of the local authority for which the school board has been constituted.

3B. *Determination of validity of elections; enquiry by Judge; procedure.*—(1) If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election such person may, at any time within fifteen days after the date of the declaration of the result of the election apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(2) Enquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or setting the election aside. For the purposes of the said enquiry the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken, for holding a fresh election.

(3) All applications received under sub-section (1)—

(a) in which the validity of the election of members is in question shall as far as possible be heard by the same Judge; and

(b) in which the validity of the election of the same member is in question shall be heard together.

(4) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not allow (a) any application to be compromised or withdrawn or (b) any pleadings in the proceedings to be altered or amended unless he is satisfied that such application, alteration or amendment is *bona fide* and not collusive.

(5) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (6), he shall declare the candidate disqualified both for the purpose of that election and of

[Appendix 11—*contd.*]

such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

(b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

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

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

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

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

*Explanation.*—The expression ' a promise of individual profit '

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

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

(7) If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.

(8) If the Judge sets aside an election under clause (a) of sub-section (5), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of sub-section (6) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :



[Appendix 11—contd.]

Provided further that such person may, by an order of the Provincial Government in that behalf, be at any time relieved from such disqualification.

3C. *Disqualification after becoming a member.*—(1) If any member of a school board, during the term for which he has been elected or appointed—

(a) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(b) becomes subject to any of the disqualifications mentioned in section 3A,

he shall be disabled from continuing to be a member of such board, and his seat shall be deemed to be vacant :

Provided that he shall not be deemed to have incurred any disqualification under clause (f) of sub-section (1) of section 3A by reason of his having any share or interest in any lease, sale or purchase of any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

3D. *Disabilities on account of interest in the subject matter.*—A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he is directly or indirectly, by himself or by his partner, any share or interest such as is described in clause (f) of sub-section (1) of section 3A or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

3E. *Removal of members of School Board for misconduct.*—The Provincial Government may on its own motion or on the recommendation of the school board or the local authority for which it has been constituted, supported by a resolution passed by at least two-thirds of the whole number of members of either body, remove any member elected to the school board, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made."

[Appendix 11—*contd.*]

7. *Amendment of section 4 of Bom. IV of 1923.*—In section 4 of the said Act—

(a) in sub-section (1) omit the words “and subject to the general control of the local authority”;

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

“(2) The school board shall exercise the powers and perform the duties of the local authority in respect of primary education as may be prescribed in this behalf and if the local authority is a district local board it shall also exercise the like powers and perform the like duties of the municipalities in the district which are not local authorities and the primary schools in the municipal limits of which are not transferred to any other local authority. The school board shall also enforce the provisions of this Act.”;

(c) sub-section (4) shall be re-numbered as sub-section (3); and

(d) sub-section (5) shall be deleted.

8. *Insertion of a new section 4A in Bom. IV of 1923.*—After section 4 of the said Act the following new section shall be inserted, namely:—

“4A. *Election of chairman and vice-chairman.*—(1) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.

(2) *Removal of chairman and vice-chairman.*—A chairman or a vice-chairman shall be removable from his office as such chairman or vice-chairman by the school board by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board sanction is accorded by the Provincial Government for such removal and provided further, that before such resolution is passed the chairman or vice-chairman is given a reasonable opportunity of showing cause why such resolution should not be passed and the notice of such resolution appears on the agenda of the meeting of the board at which such resolution is taken into consideration.

(3) *Absence of chairman or vice-chairman without leave.*—Every chairman or vice-chairman who, for a continuous period exceeding three months, absents himself without leave of the school board from the local limits of the area for which the school board is constituted, shall cease to be chairman or vice-chairman.

(4) No leave shall be granted by the school board under sub-section (3) for a total period exceeding six months during the term of the school board.

(5) Whenever leave is granted to a vice-chairman under sub-section (3), a member shall be elected to be vice-chairman during the period of such leave.”

[Appendix II—*contd.*]

9. *Insertion of section 5A in Bom. IV of 1923.*—After section 5 of the said Act the following new section shall be inserted, namely:—

“5A. *Payment of travelling allowances to members of school board.*—The members of a school board may be paid allowance for expenses incurred by them in travelling for the purpose of the business of the school board at such rates and subject to such conditions as may be prescribed.”

10. *Amendment of section 6 of Bom. IV of 1923.*—In section 6 of the said Act—

(1) for sub-section (1) the following shall be substituted, namely:—

“(1) Every municipality which is not a local authority shall, on a date to be notified by the Provincial Government in this behalf, transfer to the District Local Board of the district in which it is situate, or to any municipality which is a local authority in the same district as the Provincial Government may decide with the consent of that local authority, all primary schools with their lands, buildings, records and equipment which vest in it and shall pay over annually to the said local authority for educational purposes such amount as may from time to time be fixed by the Provincial Government on the basis of the average number of pupils on the rolls of the schools in the municipal limits receiving primary education, and the income accruing from any funds (including trust funds) held, and all moneys received by it for purposes of primary education.”

(2) In sub-section (2) for the words “the district local board of the district” the words “the local authority to which schools had been transferred” shall be substituted.

(3) The following shall be inserted as sub-section (3), namely:—

“(3) (a) The Provincial Government may at any time by an order published in the *Official Gazette* together with reasons thereto, direct that any municipality which is a local authority shall with effect from a date specified in this behalf cease to be a local authority;

(b) On such order being made, the provisions of sub-section (1) shall apply to such municipality from the date specified in such order.”

11. *Insertion of new sections 8A and 8B in Bom. IV of 1923.*—After section 8 of the said Act, the following sections shall be inserted, namely:—

“8A. *Primary Education Fund.*—(1) A fund hereinafter called the Primary Education Fund shall be maintained by each local authority.

[Appendix 11—contd.]

(2) The following shall form part of, or be paid into the Primary Education Fund :—

(a) the balance of the Primary Education Fund constituted under the Bombay Primary Education Rules at the date on which the Bombay Primary Education (Amendment) Act, 1938, comes into force,

(b) the grant payable on account of primary education including, in the case of a local authority which is a district local board, the portion of the revenue which is to be devoted to primary education under section 80 of the Bombay Local Boards Act, 1923,

(c) the grants paid or payable by the Provincial Government on account of primary education,

(d) the contributions of such municipalities in the district as are not local authorities,

(e) fees and fines received from primary schools,

(f) such other sums as may from time to time be received on account of primary education.

*Explanation.*—For the purposes of clause (b) the grant payable by a local authority which is a municipality shall be the amount of recurring expenditure on primary education in any year less the grant paid by the Provincial Government in that year, and fees and sums of money from other sources of income belonging to the Fund.

8B. *Application of the Primary Education Fund.*—The Primary Education Fund shall stand in the name of the school board and be applied subject to the provisions and for the purposes of this Act.

8C. *Deposit and withdrawal of Primary Education Fund.*—(1) The Primary Education Fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or to such other bank or co-operative society registered or deemed to have been registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the Provincial Government.

(2) It shall be lawful for the school board to invest such portion of the Primary Education Fund as is not likely to be required immediately in Post Office Cash Certificates or in securities of the Central Government or of any Provincial Government.

(3) Every investment in Government securities shall be made through the Reserve Bank of India or any other bank approved by the Provincial Government in this behalf."

12. *Amendment of section 9 of Bom. IV of 1923.*—For section 9 of the said Act, the following shall be substituted, namely :—

"9. *Administrative Officer.*—(1) For every school board there shall be an Administrative Officer. He shall be the chief executive officer of the school board.

(2) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. His pay, powers and duties shall be as prescribed."

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[Appendix II—*contd.*]

13. *Insertion of new section 9A in Bom. IV of 1923.*—After section 9 of the said Act, so substituted the following new section shall be inserted, namely :—

“9A. *Inspecting staff and accountants.*—(1) The Provincial Government may appoint such officers as may in its opinion be necessary to inspect approved schools.

(2) The Provincial Government may also appoint such number of accountants as may be necessary.

(3) The officers appointed under sub-sections (1) and (2) shall be the servants of the Provincial Government, and their pay, powers and duties shall be such as may be prescribed.”

14. *Amendment of section 10 of Bom. IV of 1923.*—In sub-section (1) of section 10 of the said Act, the words “and, if the local authority is a district local board, in any area subject to the jurisdiction of a municipality situate in the district which is not a local authority” shall be deleted.

15. *Amendment of sections 10 and 11 of Bom. IV of 1923.*—(1) In sections 10 (1), 10 (2) and 11 (e) of the said Act, after the word “elementary” wherever it occurs the words “or primary” shall be inserted.

(2) In section 10 (3) after the words “compulsory education” the words “elementary or primary as the case may be” shall be inserted.

16. *Amendment of section 14 of Bom. IV of 1923.*—In section 14 of the said Act—

(a) for the words “elementary education” where they occur for the first time, the words “elementary or primary education as the case may be” shall be substituted;

(b) for the words “elementary education” where they occur in the penultimate line, the words “such education” shall be substituted.

17. *Amendment of section 16 of Bom. IV of 1923.*—In sub-section (1) of section 16 of the said Act, the words “and of the local authority” shall be deleted.

18. *Amendment of section 19 of Bom. IV of 1923.*—In clause (b) of section 19 of the said Act, for the words “elementary education” the words “elementary or primary education as the case may be” shall be substituted.

19. *Amendment of section 22 of Bom. IV of 1923.*—In sub-section (2) of section 22 of the said Act the words “School Boards” wherever they occur, before the words “Administrative Officer” shall be deleted.

20. *Amendment of section 26 of Bom. IV of 1923.*—In sub-section (1) of section 26 of the said Act, for the words “elementary education”, the words “elementary or primary education, as the case may be” shall be substituted.

[Appendix 11—*contd.*]

21. *Insertion of new sections 16A, 16B and 16C in Bom. IV of 1923.*—After section 16 of the said Act, the following new sections shall be inserted, namely:—

“16A. *Inspecting Officer of Educational Department to be present at school board meetings.*—(1) An inspecting officer of the Educational Department of the Provincial Government nominated by the Director in this behalf shall have the right of being present at any meeting of the school board and with the consent of the Chairman of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution at such meeting.

(2) *Powers of supervision.*—The Director or Educational Inspector or any other officer authorised by a general or special order of the Provincial Government may—

(a) (i) enter on and inspect any immovable property occupied for any purpose connected with primary education by any local authority or school board, or any educational institution under its control or management; or

(ii) cause such property or institution to be entered upon and inspected by any other person authorised by him in this behalf;

(b) call for any extract from the proceedings of any local authority or school board or of any committee appointed by either of them relating to any matter connected with primary education; or

(c) call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of a local authority or school board.

16B. *Power to call for return or require an explanation, etc.*—The Director may—

(a) call for from any local authority or school board any return, statement, account, or report relating to any matter connected with primary education which he may think it fit to require such local authority or school board to furnish; and

(b) require a local authority or school board to take into consideration any objection which appears to him to exist to the doing of anything connected with primary education which is about to be done by such local authority or school board or any information furnished by him which appears to him to necessitate the doing of a certain thing by such local authority or school board and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing or for not doing such a thing.

16C. *Power of suspending execution of orders, etc. of a school board or local authority.*—(1) If, in the opinion of the Director, the execution of any order or resolution of a school board or the doing of anything which is about to be done or is being done by or on behalf of a school board is in excess of the powers conferred by or contrary to this Act or the rules or regulations made thereunder, or if otherwise unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

[Appendix II—*contd.*]

(2) When the Director makes an order under sub-section (1), he shall forthwith forward to the school board affected by it a copy of such order with a statement of the reasons for making it.

(3) The Director shall forthwith submit to the Provincial Government a report of every case occurring under this section, and the Provincial Government may confirm, revise or modify any order made therein and make in respect thereof, any other order which the Director could have made:

Provided that no order of the Director passed under this section shall be confirmed, revised or modified by the Provincial Government without giving the school board reasonable opportunity of showing cause against the said order."

22. *Insertion of new sections 26A, 26B, 26C, 26D and 26E in Bom. IV of 1923.*—After section 26 of the said Act the following new sections shall be inserted, namely:—

"26A. *Power of Provincial Government to provide for performance of duties on default by school board.*—(1) When the Provincial Government is informed that a school board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Provincial Government may if it is satisfied after such enquiry as it may think fit that the school board has been guilty of such default, by an order in writing direct the school board to perform the duty within a period fixed for the performance of that duty:

Provided that no such order shall be made unless the school board has been given an opportunity to show cause why such order shall not be made.

(2) If such duty is not performed within the period so fixed the Provincial Government may appoint some person to perform it and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be paid, within such time as it may fix, to such person by the school board or by the local authority as the Provincial Government may direct.

(3) If the expense and remuneration are not so paid, the Provincial Government may make an order directing the officer in charge of the treasury or bank or society in which the Primary Education Fund is kept, or the whole or portion thereof is deposited, or lent at interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the school board in such treasury or bank or society or as may, from time to time be received from or on behalf of the school board by way of deposit by such treasury or bank or society; and such officer or bank or society shall be bound to obey such order. Every payment made in pursuance to such order shall be a sufficient discharge to such officer, bank or society from all liability to the school board in respect of any sum or sums

## [Appendix 11—contd.]

so paid by him or it out of the moneys so received or standing to the credit of the school board in such treasury, bank or society.

26B. *Inquiry into affairs of school board.*—(1) The Provincial Government may, from time to time, cause inquiry to be made by any of its officers in regard to any local authority or school board on matters connected with primary education concerning them or any matters with respect to which the sanction, approval, consent or order of the Provincial Government is required by or under this Act.

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(2) The officer holding such inquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.

(3) The Provincial Government may make orders as to the costs of any inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid, and such order may, on the application of the Provincial Government or of any person named therein, be executed as if it were a decree of a civil court.

26C. *Power of Provincial Government to dissolve or supersede school board in certain circumstances.*—(1) If in the opinion of the Provincial Government, a school board is not competent to perform or is not properly performing the duties imposed on it by or under this Act or any other law for the time being in force, or exceeds or abuses its powers, or is acting or has acted contrary to the provisions of this Act or the rules or regulations made thereunder, it may, by an order published with the reasons for making it, in the *Official Gazette*, either—

(a) dissolve the school board, or

(b) supersede it for a period to be specified in the order.

(2) When a school board is dissolved or superseded the following consequences shall ensue :—

(a) all members of the school board shall, in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, vacate their offices as such members ;

(b) all powers and duties of the school board, shall, during the period of dissolution or supersession, be exercised and performed by such persons as the Provincial Government may from time to time appoint in this behalf ;

(c) the persons appointed under clause (b) may delegate their powers and duties to any individual or committee or sub-committee.

(3) On the issue of an order of dissolution under sub-section (1) election of members shall be held under the provisions of this Act or of the rules made thereunder on or before the date to be specified



[Appendix 11—contd.]

by the Provincial Government and the school board shall be re-established by the election of members under the aforesaid provisions on such date as may be specified by the Provincial Government.

(4) If, after enquiry made, the Provincial Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Provincial Government for the re-establishment of the school board.

(5) After the school board is superseded it shall be re-established by the election of members under the provisions of this Act or the rules made thereunder applicable thereto—

(a) if no direction has been made under sub-section (4) on the expiration of the period specified in the order of supersession under sub-section (1) (b); and

(b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the school board.

26D. *Dissolution of school board and its reconstitution on the alteration of the limits of a district.*—(1) When, during the term of office of the members of a school board of a local authority which is a district local board, the limits of the district are on account of the constitution of a new district under the Bombay Land Revenue Code, 1879, or for any other reason altered, the Provincial Government may, by order published in the *Official Gazette*, dissolve such board from a date specified in the order and direct a school board—

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

(ii) to be established for a new district which has been constituted. The members of the school board which has been dissolved shall vacate their offices from the date specified in the order.

(2) The school board reconstituted or established under the provisions of sub-section (1) shall consist of such number of members, elected in such manner as the Provincial Government may, by order in writing, direct. The Chairman and Vice-Chairman of the school board so reconstituted or established shall be elected in the manner provided in this Act and in the rules made thereunder.

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

(4) On the expiry of the period of office of the member of a school board under the provisions of sub-section (3), the school board for the district local board local authority shall be constituted in the manner provided in section 3.

[Appendix 11—contd.]

26E. *Limitation of suits.*—(1) No suit, prosecution or other legal proceeding shall be commenced against any school board or local authority or servant of a school board or of a local authority or any person acting under the orders of a school board or local authority for anything done, or purporting to have been done in pursuance of this Act, or any other law for the time being in force which entitles or requires a school board, local authority, member, officer, servant as such, or other person so acting to exercise any powers or perform duties, without giving to such school board, local authority, member, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, or after six months from the date of the act complained of.

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

23. *Amendment of section 27 of Bom IV of 1923.*—In section 27 of the said Act—

(1) In sub-section (1)—

(a) at the beginning of clause (a)—

(i) the words "the constitution of the school board," shall be inserted;

(ii) after the words "school boards," the words "chairman and vice-chairman of school boards" shall be inserted;

(iii) the words "School Board" shall be deleted;

(b) in clause (b) after the words "for the" the word "administrative" shall be inserted.

(c) after clause (b) the following clauses shall be inserted, namely:—

"(c) the manner of election of the chairman, vice-chairman and members of the school board;

(d) the rates and manner of payment of travelling allowances to members of the school board under section 5A;

(e) the qualifications, pay, conditions of service, powers and duties of Administrative and inspecting officers;

(f) the administration maintenance and use of primary education fund;

(g) the delegation of any power to any subordinate authority."

(d) Clause (c) shall be re-lettered (h).

(2) In clause (d) of sub-section (3) for the words "inspecting and supervising" the words "supervising, clerical and inferior" shall be substituted.

[Appendix 11—concl'd.]

24. *Delegation of power to certain local authorities to appoint Administrative Officers.*—After section 27 of the said Act the following new section shall be inserted, namely :—

“ 27A. (1) Notwithstanding anything contained in this Act, the Provincial Government may, by notification in the *Official Gazette*, delegate to a local authority which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 power to appoint an Administrative Officer. The officer so appointed shall be the servant of the local authority concerned.

(2) The appointment of such Administrative Officer shall be made, after inviting and considering the suggestions, if any, of the school board and with the previous approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removeable from office, reduced or suspended except by votes of at least two-thirds of the whole number of councillors of the local authority.

(3) The qualifications, pay and conditions of service of such Administrative Officer shall be regulated by regulations made by the local authority with the previous sanction of the Provincial Government.

(4) Such Administrative Officers shall, subject to the general or special orders of the Provincial Government, exercise all the powers and perform all the duties which may be exercised and performed by the Administrative Officers appointed under section 9.”

25. *Transitory provision.*—Notwithstanding any law or terms of any contract, all school board Administrative Officers employed by local authorities to which the power of appointing Administrative Officers is not delegated under section 27A of the said Act and all supervisors who may be in office on the day on which this Act comes into force shall, from such date, be deemed to be appointed as Administrative Officers and officers of the Inspecting Staff under section 9 or section 9A of the said Act, as the case may be, on such terms and conditions as may be determined by the Provincial Government :

Provided that such Administrative Officers and officers of the Inspecting Staff shall hold their respective offices until such date as the Provincial Government may, by general or special order, specify in this behalf.

## APPENDIX 12.

## L. A. BILL No. XVII OF 1938.

*An Act to amend the City of Bombay Municipal Act, 1888.*

(As read for the third time and passed by the Legislative Assembly on the 5th May 1938.)

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

1. *Short title.*—This Act may be called the City of Bombay Municipal (Third Amendment) Act, 1938.

2. *Amendment of section 3 of Bom. III of 1888.*—In section 3 of the City of Bombay Municipal Act, 1888 (hereinafter called “the said Act” in clause (c) for the words “duly elected or appointed” the words “who is duly elected or who is a member *ex-officio*” shall be substituted.

3. *Amendment of section 5 of Bom. III of 1888.*—For sub-section (1) of section 5 of the said Act, the following shall be substituted, namely:—

“5. *Constitution of Corporation.*—(1) The Corporation shall consist of one hundred and seventeen councillors as follows:—

(i) Elected councillors—

(a) one hundred and six councillors elected at ward elections;

(b) four councillors elected as follows:—

One by the Bombay Chamber of Commerce; one by the Indian Merchants' Chamber and Bureau; one by the Bombay Millowners' Association; one by Fellows;

(c) four councillors elected by delegates.

(ii) Three *ex-officio* councillors, namely:—

The Police Commissioner;

The Executive Engineer, Presidency Division, Public Works Department, Bombay;

The Chairman of the Board of Trustees of the Port of Bombay.”

4. *Amendment of section 6 of Bom. III of 1888.*—In sub-section (2) of section 6 of the said Act, for the words “selected or appointed” the word “elected” shall be substituted.

5. *Amendment of section 7 of Bom. III of 1888.*—(1) Section 7 of the said Act shall be renumbered as sub-section (1) of that section and in the sub-section so renumbered:—

(a) for the words “All members of the Corporation constituted as aforesaid”, the words “All elected councillors” shall be substituted; and

(b) with effect from the first day of April 1942, for the words “three years”, the words “four years” shall be substituted.

[Appendix 12—*contd.*]

(2) After sub-section (1) of section 7 of the said Act, the following sub-section shall be added, namely :—

“(2) The term of office of an *ex-officio* councillor shall continue so long as he holds the office by virtue of which he is such councillor.”

6. *Amendment of section 9 of Bom. III of 1888.*—In section 9 of the said Act, the words “or appointed” wherever they occur and the words “or appointment, as the case may be,” shall be deleted.

7. *Amendment of section 10 of Bom. III of 1888.*—In section 10 of the said Act, the words “or appointed” shall be deleted.

8. *Amendment of section 11 of Bom. III of 1888.*—(1) For sub-section (2) of section 11 of the said Act, the following shall be substituted, namely :—

“(2) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person—

(a) has, on the 30th day of September in the year preceding that for which the roll is being prepared, attained the age of 21 years, and

(b) has the requisite residence, business premises or taxation qualification.

(3) A person shall be deemed to have the requisite residence qualification or the requisite business premises qualification if he has ordinarily used a dwelling in the City as a sleeping place or occupied business premises in the City, as the case may be, for the qualifying period.

(4) A person shall be deemed to have the requisite taxation qualification if he owns immoveable property in the City which is assessed, on the first day of April next preceding the date of the publication of the roll, to any of the property taxes referred to in section 140.

(5) A person who is an inmate or a patient in any prison, lunatic asylum, hospital, or any other similar institution, shall not, by reason thereof, be deemed to have used such institution as a dwelling for the purposes of sub-section (3).

(6) For the purpose of this section—

(a) ‘Business premises’ shall mean premises occupied for the purpose of the business, profession or trade of the person to be enrolled and the annual rateable value of which, determined in accordance with the provisions of this Act, is not less than Rs. 60.

(b) ‘The qualifying period’ shall mean a period of one year before the first day of April next preceding the date of the publication of the roll.”

(2) The provisions of sub-section (1) shall come into force for the purposes of the general elections to be held after the first day of January 1942 and for all subsequent elections.

[Appendix 12—contd.]

9. *Amendment of section 14 of Bom. III of 1888.*—(1) Sub-section (2) of section 14 of the said Act shall be deleted.

(2) The provisions of sub-section (1) shall come into force for the purposes of the general elections to be held after the first day of January 1942 and for all subsequent elections.

10. *Amendment of section 16 of Bom. III of 1888.*—In section 16 of the said Act in sub-section (1) the words “or appointed” shall be deleted.

11. *Amendment of section 19 of Bom. III of 1888.*—(1) In section 19 of the said Act—

(a) In sub-section (1), for the words beginning with the words “whether such persons” and ending with the words “or land”, the following shall be substituted, namely:—

“Provided that where such person is—

(i) a company, the name of the Secretary or manager of the company,

(ii) a firm, the names of all the partners of such firm, registered under the Indian Partnership Act, 1932.

(iii) any other association or body of individuals, the name of the individual member of such association or body of individuals authorised by such association or body of individuals, or

(iv) an undivided Hindu family, the names of all adult coparceners of such family, shall be entered in such lists against the names of such company, firm, association, body of individuals or family, as the case may be.”

(b) For sub-section (5), the following shall be inserted, namely:—

“(5) The Commissioner shall, before preparing the list, by notice in writing, call upon every owner of a building to furnish him with a list of all tenants who resided in or occupied such building during the qualifying period referred to in section 11.

(5A) The Commissioner may also call upon by notice in writing any occupier of any building or other person to furnish such information as may be prescribed by rules made under this section.

(5B) Every person to whom a notice has been issued under sub-section (5) or (5A) shall furnish full and true information within fifteen days from the date of receipt of notice.

(5C) The Commissioner shall then verify and scrutinise the particulars furnished under sub-sections (5) and (5A) by a house to house enquiry and by taking such other steps as may be prescribed by rules made under this section.”

(c) In sub-section (15), after the word “dead” the words “or not qualified to be enrolled” shall be inserted.

IX of  
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[Appendix 12—*contd.*]

(d) In sub-section (19) the words, figure and brackets beginning with the words "But this shall" and ending with the words "so retained" shall be deleted.

(c) Sub-section (21) shall be deleted.

(f) After sub-section (22) the following shall be inserted, namely:—

"(23) Subject to the provisions of the foregoing sub-sections, the Corporation, with the sanction of the Provincial Government may make rules for the preparation and revision of the lists of persons qualified to vote."

(2) The provisions of this section shall apply to the first general election to be held after the first day of January 1942 and for all subsequent elections.

12. *Amendment of section 22 of Bom. III of 1888.*—With effect from 1st April 1942, in section 22 of the said Act, for the word "triennially", the words "every four years" shall be substituted.

13. *Amendment of section 28 of Bom. III of 1888.*—(1) In section 28 of the said Act, for clauses (d) and (e) the following shall be substituted, namely:—

"(d) when the name in a ward roll is that of a company, firm, association, body of individuals or an undivided Hindu family, all the persons whose names are entered against such company, firm, association, body of individuals or undivided Hindu family in the ward roll shall be entitled to vote."

(2) The provisions of sub-section (1) shall come into force for the purposes of the general elections to be held after the first day of January 1942 and for all subsequent elections.

14. *Deletion of section 35 of Bom. III of 1888.*—Section 35 of the said Act shall be deleted.

15. *Amendment of section 39 of Bom. III of 1888.*—In section 39 of the said Act,—

(1) in clause (a) of sub-section (1) the words beginning with "twelve shall" and ending with the words "and the remaining" shall be deleted and for the words "not being councillors resident in the City of Bombay" the words "whose names are entered in the election roll, but who are not councillors" shall be substituted.

(2) clause (b) of sub-section (1) and the explanation thereto shall be deleted.

[Appendix 12—*contd.*]

(3) in sub-section (f), for sub-clauses (a) and (b) the following shall be substituted, namely:—

“(a) One-half of the members of the Schools Committee shall retire at noon on the first day of April every year.

(b) The members who shall retire one year after the Schools Committee is constituted under sub-section (1) (a) shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(bb) During the succeeding years the members who shall retire under clause (a) shall be the members who were longest in office :

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.”

(4) in sub-sections (1-D) and (f) (c) the words “relating to the representation of communities” shall be deleted.

16. *Amendment of section 42 of Bom. III of 1888.*—In section 42 of the said Act, the words “twelve appointed by the corporation and four by Government” shall be deleted.

17. *Amendment of section 43 of Bom. III of 1888.*—In section 43 of the said Act—

(1) in sub-section (1) for the word “twelve” the word “sixteen” shall be substituted ; and

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

18. *Substitution of section 45 of Bom. III of 1888.*—For section 45 of the said Act, the following shall be substituted, namely:—

“45. *Members of Standing Committee to retire by rotation.*—(a) One half of the members of the Standing Committee shall retire at noon on the first day of April every year.

(b) The members who shall retire one year after the Standing Committee is constituted under section 43 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(c) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office :

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.”



[Appendix 12—contd.]

19. *Amendment of section 46 of Bom. III of 1888.*—In sub-section (1) of section 46 of the said Act, the words beginning with the words “and, within one week” and ending with the words “as aforesaid” shall be deleted.

20. *Amendment of section 47 of Bom. III of 1888.*—In section 47 of the said Act, the words “by the corporation or by Government, as the case may be,” shall be deleted.

21. *Amendment of section 49B of Bom. III of 1888.*—In section 49B of the said Act, the words “twelve appointed by the corporation and four by Government” shall be deleted.

22. *Substitution of section 49C of Bom. III of 1888.*—For section 49C of the said Act, the following shall be substituted, namely:—

“49C. *Members of Improvements Committee when to be appointed.*—The Corporation shall, at their first meeting in the month of April after each general election appoint sixteen persons out of their own body to be members of the Improvements Committee.”

23. *Substitution of section 49E of Bom. III of 1888.*—For section 49E of the said Act, the following shall be substituted, namely:—

“49E. *Members of Improvements Committee to retire by rotation.*—  
(a) One half of the members of the Improvements Committee shall retire at noon on the first day of April every year.

(b) The members who shall retire one year after the Improvements Committee is constituted under section 49C shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(c) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office:

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.”

24. *Amendment of section 49F of Bom. III of 1888.*—In sub-section (1) of section 49F of the said Act, the words beginning with the words “and, within one week” and ending with the words “as aforesaid” shall be deleted.

25. *Amendment of section 49G of Bom. III of 1888.*—In section 49G of the said Act, the words “by the corporation or by Government, as the case may be,” shall be deleted.

[Appendix 12—*contd.*]

26. *Amendment of section 57 of Bom. III of 1888.*—In section 57 of the said Act—

(1) in sub-section (1) for the words “a monthly salary of three thousand rupees”, the words “such monthly salary not exceeding three thousand rupees and not less than two thousand rupees as the Provincial Government may determine” shall be substituted;

(2) sub-section (3) shall be deleted.

27. *Amendment of section 68 of Bom. III of 1888.*—In sub-section (2) of section 68 of the said Act, after the word “namely” :—the following shall be inserted, namely :—

“Section 19”.

28. *Amendment of section 74 of Bom. III of 1888.*—In section 74 of the said Act, in sub-section (2), for clause (c) the following shall be substituted, namely :—

“(c) receive such monthly salary as the Corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the Municipal City Engineer shall not exceed Rs. 2,000 and shall not be less than Rs. 1,200, the monthly salary of the Municipal Executive Health Officer shall not exceed Rs. 1,500 and shall not be less than Rs. 1,200, and the monthly salary of the Municipal Hydraulic Engineer shall not exceed Rs. 1,500 and shall not be less than Rs. 1,200.”

29. *Insertion of new section 80B in Bom. III of 1888.*—After section 80A of the said Act the following shall be inserted, namely :—

“80B. *Manner of making appointments.*—(1) Save in the case of acting appointments made under section 85, no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications specified in the rules made in this behalf under sub-section (3).

(2) Before making an appointment to any post referred to in sub-section (1), the vacancy shall be advertised in at least one local newspaper, calling for applications for such post; the applications received shall be scrutinised by the Commissioner, who shall then, out of the persons who may have applied, submit to the Corporation through a committee if so required by the Corporation a list of persons who in his opinion are qualified for the post.

(3) Subject to the provisions of this Act, the Corporation shall, with the previous sanction of the Provincial Government, make rules for the purposes of this section. The Provincial Government may, when sanctioning such rules, make such modifications or additions as it deems fit.”

[Appendix 12—contd.]

**30. Amendment of sections 471 and 473 of and insertion of new section 473A in Bom. III of 1888.**—(1) In the table in section 471 of the said Act, before the entry relating to section 136, sub-section (2) in column 1, the words, figures and brackets "Section 19, sub-sections (5A) and (5B)", in column 2 "Requisition by Commissioner" and in column 3 "One hundred rupees" shall be inserted.

(2) In the table in section 473 of the said Act, before the entry relating to section 28, clause (j), the figures, brackets and letter "19 (5) and (5A)" in column 1 and the figures and words "176 or 177, as the case may be" in column 2 shall be inserted.

(3) After section 473 of the said Act, the following new section shall be inserted, namely :—

"473A. *Punishment for offences of preparing false election rolls or making false entries in ward lists.*—Any officer or servant of the Corporation who knowingly prepares or makes an entry in the list of persons qualified to be enrolled which is incorrect or false shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to Rs. 500."

(4) The provisions of sub-sections (1), (2) and (3) shall come into force for the purposes of the general elections to be held after the first day of January 1942 and for all subsequent elections.

**31. Substitution of Schedule B to Bom. III of 1888.**—For Schedule B to the said Act the Schedule as appended to this Act shall be substituted.

**32. Saving in case of present incumbents.**—Nothing contained in section 26, 28 or 29 of this Act shall apply to persons appointed to hold posts referred to in the said sections during the period for which they may have been appointed before the commencement of this Act.

**33. Savings.**—(1) Nothing in this Act shall affect the constitution of the Corporation, the Standing Committee, the Schools Committee, or the Improvements Committee as constituted immediately before the first day of April 1939 and no appointment, notification, notice, tax, order, scheme, licence, provision, rule, bye-law or form, made, issued or imposed in respect of or by the Corporation or Committee so constituted shall be deemed to be invalid by reason only of the fact that the provisions of this Act have come into force.

(2) Notwithstanding anything contained in this Act, any casual vacancy in the office of a councillor, or a member of any of the said Committees occurring before the 1st day of April 1939 shall, subject to the provisions of the said Act, be filled as if this Act had not come into force.

[Appendix 12—contd.]

## SCHEDULE B.

(See Section 24.)

*Division of the City into Wards.*

Con- secu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
1	Upper Colaba .. Middle and Lower Colaba. Fort Southern.	A line starting from Colaba point extending along the harbour up to its junction with the extension of Ballard Road, thence along the south side of Ballard Road, Sir Pheroza Mehta Road and Napier Road, thence cutting across Esplanade Road to Mayo Road, thence along the East side of Mayo Road up to its junction with Church Gate Street, thence along the South side of Church Gate Street, Sir Dinshaw Wachha Road to meet Backbay, thence along Backbay Sea-wall West of Blocks 6, 7 and 8 to Colaba point.	6
2	Fort Northern .. Esplanade.	A line starting from Backbay near Sir Dinshaw Wachha Road, extending along the North side of Sir Dinshaw Wachha Road, Church Gate Street up to its junction with Mayo Road, thence along the West side of Mayo Road cutting Esplanade Road to Napier Road, thence along the North side of Napier Road, Sir Pheroza Mehta Road, and Ballard Road, thence in a straight line to meet the harbour, thence along the Sea, up to the North wharf of Carnac Basin, thence along the aforesaid wharf along the South side of Carnac Road, 1st Marine Street, continuing thence in a straight line to Backbay Sea-wall, thence along the sea to the starting point, viz., junction of Sir Dinshaw Wachha Road and Backbay Sea-wall.	6
3	Mandvi .. Chakla.	A line starting from the junction of Abdul Rehman Street and Carnac Road, extending Eastward along the North side of Carnac Road, thence in a straight line along the North Wharf of Carnac Basin to the Harbour, thence along the Harbour up to the North Wharf of Victoria Docks, thence extending along the Bombay Port Trust Railway siding running	5

[Appendix 12—contd.]

SCHEDULE B—contd.

Con- secu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
4	Umarchadi Dongri.	<p>South of A and B Sheds of Princess Dock, thence along the South side of Masjid Siding Road and 1st Chinchbunder Road up to its junction with Dongri Street, thence Southward along the East side of Dongri Street up to its junction with Pydhoni Road, thence along the South side of Pydhoni Road to its junction with Sir Ibrahim Rahimtoola Road, thence along the East side of Abdul Rehman Street to the starting point, viz., the junction of Carnac Road and Abdul Rehman Street.</p> <p>A line starting from the junction of Sir Ibrahim Rahimtoola Road and Pydhoni Road extending along the North side of Pydhoni Road then Northward along the West side of Dongri Street up to its junction with 1st Chinchbunder Road, thence along the North side of 1st Chinchbunder Road, Masjid Siding Road, thence along the Bombay Port Railway siding running south of A and B sheds of Princess Dock to Sea, thence along the Harbour Northward up to the South Wharf of Clerk Basin, thence Westward to Wari Bunder Road then along the South side of Wari Bunder Road and East side of Margaon Road and South side of Babula Tank Road, thence along the East side of Sir Ibrahim Rahimtoola Road to its starting point, viz., junction of Sir Ibrahim Rahimtoola Road and Pydhoni Road.</p>	5
4	Khara Talao Kumbharwada.	<p>A line starting from the junction of Sir Ibrahim Rahimtoola Road and Grant Road extending along the South side of Grant Road up to its junction with Trimbak Parsharam Street, thence along the East side of Trimbak Parsharam Street and Ardeshir Dady Street, thence along the North side of Vithalbhai Patel Road to its junction with Cawasji Patel Tank Road, thence along the</p>	5

[Appendix 12—contd.]

## SCHEDULE B—contd.

Con- se- cu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
6	Bhuleshwar Market	<p>North side of Cawasji Patel Tank Road and Erskine Road up to its junction with Babu Khote Street, thence along the East side of Babu Khote Street to its junction with Sir Ibrahim Rahimtoola Road, and thence along the West side of Sir Ibrahim Rahimtoola Road to the starting point, viz., junction of Sir Ibrahim Rahimtoola Road and Grant Road.</p> <p>A line starting from the junction of Erskine Road and Babu Khote Street, extending along the West side of Babu Khote Street and Abdul Rehman Street and thence along the North side of Carnac Road to its junction with Kalbadevi Road, thence along the East side of Kalbadevi Road and North side of Dady Sheth Agyari Street to its junction with Cathedral Street, thence along the North side of Cathedral Street, thence Westward along the North side of Bhuleshwar Road and East side of Vithalbhai Patel Road to its junction with C. P. Tank Road, thence along the South side of C. P. Tank Road and Erskine Road up to the starting point, viz., the junction of Babu Khote Street and Erskine Road.</p>	7
7	Dhobi Talao Fanaawadi.	<p>A line starting from the junction of Thakurdwar Road and Bhuleshwar Road extending along the South side of Thakurdwar Road, thence in a straight line running South of Government Printing Press to meet Backbay Sea-wall, thence Southward along Backbay up to its junction with the Road in continuation of 1st Marine Street, South of Marine Line Station, thence along the North side of the aforesaid Road, 1st Marine Street and Carnac Road to its junction with Kalbadevi Road, thence along the West side of Kalbadevi Road to its junction with Dady Sheth Agyari Street, thence along the South side of Dady Sheth Agyari Street to its junction with Cathedral Street, thence</p>	7

[Appendix 12—contd.]

## SCHEDULE B—contd.

Con- secu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
8	Khetwadi Tardeo.	<p>along the West side of Cathedral Street and Bhuleshwar Road to the starting point, viz., junction of Thakurdwar and Bhuleshwar Roads.</p> <p>.. A line starting from the junction of Bellasis Bridge and B. B. &amp; C. I. Railway lines extending along the South side of Bellasis Bridge, Bellasis Road up to its junction with Suklaji Street, thence along the West side of Suklaji Street and South side of Grant Road up to its junction with Trimbak Parsharam Street, thence along West side of Trimbak Parsharam Street, Ardeshir Dady Street and North side of Vithalbhaji Patel Road, Girgaum Road to its junction with Frere Bridge, thence along the South side of Frere Bridge up to its junction with B. B. &amp; C. I. Railway lines, thence along the East side of B. B. &amp; C. I. Railway lines to the starting point, viz., to its junction with Bellasis Bridge.</p>	7
9	Girgaum Chaupati.	<p>.. A line starting from the junction of Harvey and Girgaum Roads extending along the South side of Girgaum Road up to its junction with Vithalbhaji Patel Road, thence along the South side of Vithalbhaji Patel Road and West side of Thakurdwar Road, thence in a straight line to Sea, thence along the Canady Seaface up to its junction with Harvey Road, thence along East side of Harvey Road to the starting point, viz., to its junction with Girgaum Road.</p>	6
10	Walkeshwar Mahalaxmi.	<p>.. A line starting from the junction of Harvey Road and Sea extending along the West side of Harvey Road, North of Frere Bridge to its junction with B. B. &amp; C. I. Railway lines, thence along the West side of B. B. &amp; C. I. Railway Lines up to its junction with Clerk Road, thence along the South side of Clerk Road to meet the Sea at Hornby Vellard, thence along the Sea up to the Malbar point, thence Northward along the Sea to the starting point, viz., to its junction with Harvey Road.</p>	6

[Appendix 12—contd.]

## SCHEDULE B—contd.

Con- secu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
11	Mazgaon Tarwadi.	A line starting from the junction of Kalachowky and Parel Road extending along the East side of Parel Road, Victoria Gardens Road to its junction with Shephard Road, thence Nesbit Bridge and along North side of Nesbit Road up to its junction with Mazgaon Road, thence along the East side of Mazgaon Road up to its junction with Wari Bunder Road, thence along the North side of Wari Bunder Road, thence Southward along the East side of Frere Road up to a distance of about 500 feet, thence Eastward to the North Wharf of Frere Basin, thence Northward along the Harbour up to the South Wharf of Brick Bunder, thence along the aforesaid Wharf up to Signal Hill Avenue, thence along the South side of the New 80 feet Road and South of N to B Sheds in the Cotton Green up to Cotton Avenue then along the North side of Cotton Avenue up to the 1st Avenue and then along the South side of 1st Avenue to Reay Road, thence Northward along the West side of Reay Road to Kalachowky Road, thence along the South side of Kalachowky Road to the starting point, viz., junction of Kalachowky and Parel Road.	6
12	1st Nagpada 2nd Nagpada. Kamathipura.	A line starting from the junction of Suklaji Street and Grant Road extending Eastward along the North side of Grant Road and Babula Tank Road and the West side of Mazgaon Road to its junction with Nesbit Road, thence along the South side of Nesbit Road cutting across Victoria Gardens Road to Shephard Road, thence along the South side of Shephard Road, thence Southward along the East side of Clare Road to its junction with Bellasis Road, thence along the south side of Bellasis Road to its junction with Suklaji Street, thence along the East side of Suklaji Street to the starting point, viz., the junction of Grant Road and Suklaji Street.	6



[Appendix 12—contd.]

SCHEDULE B—contd.

Con- secu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
13	Byculla .. ..	A line starting from the junction of Victoria Gardens Road and Shephard Road extending along the North side of Shephard Road, thence Southward along the West side of Claro Road up to Bellasis Road thence along the North side of Bellasis Road up to the B. B. & C. I. Railway lines, thence along the East side of the B. B. & C. I. Railway lines up to its junction with Clerk Road, thence Eastward along the South side of Clerk Road, Jacob Circle, and Arthur Road to Chinchpokli Station, thence cutting across Chinchpokli Station to Kalachowky Road, thence along the South side of Kalachowky Road up to its junction with Parel Road, then Southward along the West side of Parel Road, and Victoria Gardens Road to the starting point, viz., the junction of Victoria Gardens Road and Shephard Road.	7
14	Parel .. ..	A line starting from the G. I. P. Railway Parel Station extending Eastward along the South side of Elphinstone Road and Jerbai Wadia Road to its junction with Parel Tank Road, thence along the West side of Parel Tank Road and North side of Kalachowky Road to G. I. P. Railway Chinchpokli Station, thence Northward along the East side of G. I. P. Railway Lines to Parel Station.	5
15	Sewri-Naigaum .. ..	A line starting from the junction of 1st Avenue and Reay Road extending Northward along the South side of Reay Road and Parel Tank Road, thence Westward along the North side of Jerbai Wadia Road and Elphinstone Road to its junction with G. I. P. Railway lines, thence Northward along the East side of G. I. P. Railway lines up to its junction with the Naigaum Cross Road, thence along the South side of Naigaum Cross Road, thence Northward along the East side of Katrak Road to its junction with Sewri Cross Road, thence along the West side of Sewri Cross Road to its junction with	5

[Appendix 12—contd.]

## SCHEDULE B—contd.

Con- secu- tive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corpora- tion to be elected for each ward.
		the extension of Jerbai Wadia Road, thence Eastward in a line with the Jerbai Wadia Road extension to Khadkal Creek, thence Southwards along the Harbour to the South side of Brick Bunder, thence Westward up to its junction with Signal Hill Avenue and thence along the North side of the New 89 feet Road North of N to B Sheds in the Cotton Green up to its junction with Cotton Avenue, thence Northward along Cotton Avenue up to its junction with 1st Avenue and thence Westward along 1st Avenue up to the starting point, viz., the junction of Reay Road and 1st Avenue.	
16	Matunga-Sion	A line starting from G. I. P. Railway Dadar Station extending along the North side of Naigaum Cross Road and West side of Katrak Road to its junction with Sewri Cross Road and thence along the East side of Sewri Cross Road up to its junction with the extension of Jerbai Wadia Road, thence Eastwards in a straight line with the Jerbai Wadia Road extension to Khadkal Creek, thence along the Sea Northwards to the Northern limit of Bombay, thence Southwards along the East side of G. I. P. Railway Lines to Dadar Station.	4
17	Dadar-Mahim	A line starting from the middle of Mahim Causeway (from Bombay Limit), thence Southward, West of Mahim Causeway along the sea up to Kashinath Dhuru Road, thence along the North side of the aforesaid Road to its junction with Portuguese Church Street, thence along the North side of Portuguese Church Street and Dadar Road to its junction with the G. I. P. Railway Dadar Station; thence Northward along the West side of the G. I. P. Railway lines to the Northern Boundary of the City, thence across the creek to the North of Rewah Fort to the starting point, viz., middle point of Mahim Causeway.	4

[Appendix 12—contd.]

SCHEDULE B—contd.

Con-secutive No.	Name of Ward or Division.	Description of boundaries.	Number of members of the Corporation to be elected for each ward.
18	Parbhadevi-Worli	A line starting from the G. I. P. Railway Dadar Station extending along the West side of the G. I. P. Railway lines, Southward up to the G. I. P. Railway Store Yard, thence Westward cutting the yard up to the foot of DeLisle Road over bridge, and thence along the West of West Low Level Road up to Ferguson Road, thence along the North side of Ferguson Road and Worli Road up to its junction with Pochkhanawala Road, thence along the North side of Pochkhanawala Road to Sea, thence Northward along the Sea to Worli point, thence along the Sea (Mahim Bay) up to its junction with Keshinath Dhuru Road, thence along the South side of the aforesaid Road to Portuguese Church Street, thence along the South side of Portuguese Church Street and Dadar Road to G. I. P. Railway Dadar Station.	5
19	Chinchpokli-Love Grove	A line starting from the junction of Pochkhanawala Road and Worli Sea face extending along the South side of Pochkhanawala Road, Worli Road and Ferguson Road, thence Northward along the East side of Low Level Road up to the foot of DeLisle Road over bridge, thence cutting across G. I. P. Railway Store Yard to G. I. P. Railway Lines, thence Southward along the West side of G. I. P. Railway lines up to Chinchpokli Station, thence Westward along the North side of Arthur Road, Jacob Circle and Clerk Road to Sea, thence Northward along the Sea to the starting point, viz., junction of Pochkhanawala Road and Worli Sea face.	4
Total ..			106

## INDEX

## A

	Pages
<b>Acts—</b>	
Governor General's assent to, .. .. .	216
Governor's assent to, .. .. .	8, 188
<b>Agenda .. .. .</b>	<b>1-5</b>
<b>Appendices .. .. .</b>	<b>663-767</b>

## B

**Bhose, Mr. M. G.—****Bills—**

District Municipal and Municipal Boroughs Acts Amendment Bill .. .. .	237-38
Budget, General discussion of, .. .. .	85-87

**Bills—****Annual Leave Bill (No. II of 1938)—**

First reading .. .. .	344-47
-----------------------	--------

**City of Bombay Municipal Act Amendment Bill (No. XVII of 1938)—**

First reading .. .. .	568-92
Second reading .. .. .	592
Clause by clause reading .. .. .	592-634
Third reading .. .. .	634
Message from the Legislative Assembly .. .. .	662

**City of Bombay Police Act Amendment Bill (No. XIX of 1938)—**

First reading .. .. .	395-453
Second reading .. .. .	454
Clause by clause reading .. .. .	455-72
Third reading .. .. .	472
Message from the Legislative Assembly .. .. .	592

**District Municipal and Municipal Boroughs Acts Amendment Bill (No. XI of 1938)—**

First reading .. .. .	219-45
Second reading .. .. .	245-62
Clause by clause reading .. .. .	252-53
Third reading .. .. .	253

**Finance Act Amendment Bill (No. VIII of 1938)—**

First reading .. .. .	130-35
Second reading .. .. .	135
Clause by clause reading .. .. .	135-36
Third reading .. .. .	136

**Harjan Temple Worship Bill (No. V of 1938)—**

Message from the Legislative Assembly .. .. .	7
---	---

**Indian Lunacy Act Amendment Bill (No. XIV of 1938)—**

First reading .. .. .	319-20
Second reading .. .. .	320
Clause by clause reading .. .. .	320-21
Third reading .. .. .	321

**Primary Education Act Amendment Bill (No. XV of 1938)—**

First reading .. .. .	483-92, 493-536
Second reading .. .. .	536
Clause by clause reading .. .. .	536-62
Third reading .. .. .	562
Message from the Legislative Assembly .. .. .	635

## B—contd.

	PAGES
<b>Bills—contd.</b>	
Probation of Offenders Bill (No. III of 1938)—	
Clause by clause reading .. .. .	350-80
Third reading .. .. .	391
Message from the Legislative Assembly .. .. .	526
Race-courses Licensing Act Amendment Bill (No. XVIII of 1938)—	
First reading .. .. .	473-82
Second reading .. .. .	482
Clause by clause reading .. .. .	482
Third reading .. .. .	482
Rent Bill (No. I of 1938)—	
First reading .. .. .	327-44
Small-Holders Relief Bill (No. VI of 1938)—	
Message from the Legislative Assembly .. .. .	8
Special (Emergency) Powers Act Repeal Bill (No. XII of 1938)—	
First reading .. .. .	253-54
Second reading .. .. .	254
Clause by clause reading .. .. .	254
Third reading .. .. .	254
Tobacco Acts Amendment Bill (No. IX of 1938)—	
First reading .. .. .	138-61
Second reading .. .. .	161
Clause by clause reading .. .. .	161-67
Third reading .. .. .	167
<b>Bills (Private) introduced—</b>	
Presidency Towns Insolvency Act Amendment Bill (Mr. Shantilal H. Shah).	347-48
<b>Budget—</b>	
General discussion of, .. .. .	26-57, 58-118
Presentation of, .. .. .	21-24
<b>Business of the House</b>	24, 118, 136, 167, 175, 186, 214-15, 219, 255-56, 291, 318, 321, 348, 391, 492, 562-65, 634, 662

## C

Chairmen, nomination of, .. .. .	8
<b>Currimbhoy Ebrahim, Sir—</b>	
<b>Bills—</b>	
City of Bombay Police Act Amendment Bill .. .. .	415-18
District Municipal and Municipal Boroughs Acts Amendment Bill 219, 220-22, 245	
Tobacco Acts Amendment Bill .. .. .	146-47
Budget, General discussion of, .. .. .	26-29
<b>Supplementary Grants—</b>	
Civil Works (No. 16) .. .. .	206-07

## D

<b>Davar, Professor Sohrab R.—</b>	
<b>Bills—</b>	
City of Bombay Municipal Act Amendment Bill 569-74, 597, 599, 603, 606, 607-08, 620, 632-33	
City of Bombay Police Act Amendment Bill .. 418-23, 425, 449, 453, 466-67	
District Municipal and Municipal Boroughs Acts Amendment Bill 232-36, 248-49	
Finance Act Amendment Bill .. .. .	125-27, 131
Primary Education Act Amendment Bill 511-15, 522, 535, 547, 548, 551, 559-61	
Probation of Offenders Bill .. .. .	363, 364-65, 370, 371, 383-84
Rent Bill .. .. .	334-37, 340
Tobacco Acts Amendment Bill .. .. .	147-48, 160, 161, 162
Budget, General discussion of, .. .. .	29-36, 101, 103, 104, 106, 111, 113

## D—contd.

	Pages
<b>Davar, Professor Sohrab R.—contd.</b>	
Further Demands for Grants—	
Agricultural Agents, non-official honorary, appointment of, ..	181, 182
Motions—	
Law College (Government), conversion of, into a full-time institution ..	647-50
Resolutions—	
Stock Exchange, speculation on, prevention of, .. .. .	264-69, 271
Supplementary Grants—	
Civil Works (No. 16) .. .. .	205-06, 210, 211
Deduct working expenses, other revenue expenditure financed from ordinary revenues; and construction of Irrigation, etc., Works (No. 7) 197-98, 200, 202	
<b>Deodhakar, Mr. N. D.—</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	581, 600-01, 607, 620
City of Bombay Police Act Amendment Bill 407-08, 445, 447, 459, 460, 461, 463, 467-68	
District Municipal and Municipal Boroughs Acts Amendment Bill ..	222, 250
Finance Act Amendment Bill .. .. .	128-29, 130
Indian Lunacy Act Amendment Bill .. .. .	320, 321
Primary Education Act Amendment Bill 493-98, 524, 525, 528, 536-37, 538, 539, 548, 550, 551-52, 557-58, 562	
Probation of Offenders Bill .. .. .	357, 384-85, 386, 387, 388
Race-courses Licensing Act Amendment Bill .. .. .	477-78
Rent Bill .. .. .	339-40
Tobacco Acts Amendment Bill .. .. .	144-45, 149, 158, 161, 164
Budget, General discussion of, .. .. .	36-40
Further Demands for Grants—	
Development Chawls, improvements to, .. .. .	184
Motions—	
Bhatghar Dam, use of power from, .. .. .	638, 643
Pahalajani, Mr. B. G., death of, reference to, .. .. .	10
Questions .. .. .	634-37
Resolutions—	
Karnatak Province, separate, creation of, .. .. .	278, 281-82
Scheduled castes, separate and independent classification of, ..	299
Supplementary Grants—	
Administration of Justice .. .. .	193, 194
Deduct working expenses; other revenue expenditure financed from ordinary revenues; and construction of Irrigation, etc., Works (No. 7)	203-05
Extraordinary Charges (No. 20) .. .. .	191, 192
<b>Desai, Sardar Rao Bahadur Chandrappa B.—</b>	
Resolutions—	
Karnatak province, separate, creation of, .. .. .	274
<b>Desai, Mr. Dadubhai P.—</b>	
Bills—	
City of Bombay Police Act Amendment Bill .. .. .	469
District Municipal and Municipal Boroughs Acts Amendment Bill ..	240-41, 249
Finance Act Amendment Bill .. .. .	129-31
Primary Education Act Amendment Bill .. .. .	522-26, 551, 558, 559, 561
Rent Bill .. .. .	333
Tobacco Acts Amendment Bill .. .. .	148-49, 150
Budget, General discussion of, .. .. .	77-81
Motions—	
Bhatghar Dam, use of power from, .. .. .	639-41
Rayon industry, experiments in, .. .. .	659-60
Resolutions—	
Karnatak province, separate, creation of, .. .. .	276-78, 285
<b>Desai, the Honourable Mr. Morarji B.—</b>	
Bills—	
Annual Leave Bill .. .. .	346-47
District Municipal and Municipal Boroughs Acts Amendment Bill 233, 245, 250, 251	
Tobacco Acts Amendment Bill .. 133-41, 143, 157, 159-61, 162-63, 164, 165, 166, 167	

	PAGES
<b>Desai, the Honourable Mr. Morarji R.—contd.</b>	
Resolutions—	
Scheduled castes, separate and independent classification of, ..	294
Supplementary Grants—	
Administration of Justice .. .. .	193
Extraordinary Charges (No. 20) .. .. .	191
Famine (No. 17) .. .. .	195
Forest (No. 4) .. .. .	195
Land Revenue (No. 1) .. .. .	194
Registration (No. 5) .. .. .	195
Stamps (No. 3) .. .. .	195
<b>Desai, Mr. Narsingrao S.—</b>	
Bills—	
City of Bombay Police Act Amendment Bill .. .. .	432-34
Primary Education Act Amendment Bill .. .. .	515-17
Special (Emergency) Powers Act Repeal Bill .. .. .	254
Tobacco Acts Amendment Bill .. .. .	152-53
Budget, General discussion of, .. .. .	97-101
Questions .. .. .	171, 217-18
Motions—	
Bhatghar Dam, use of power from, .. .. .	641
Resolutions—	
Karnatak province, separate, creation of, .. .. .	272-74
<b>Dhurandhar, Mr. J. R. : Appreciative reference to services as Secretary to the Legislative Council .. .. .</b>	<b>218</b>
<b>Division on—</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	622
City of Bombay Police Act Amendment Bill .. .. .	471
District Municipal and Municipal Boroughs Acts Amendment Bill .. .. .	244-45, 252
Probation of Offenders Bill .. .. .	361
Rent Bill .. .. .	341
Tobacco Acts Amendment Bill .. .. .	163, 165
<b>F</b>	
<b>Further Demands for Grants—</b>	
Agricultural Agents (non-official honorary), appointment of, ..	181-83
Ayurvedic (and Unani) teaching institutions .. .. .	180-81
Development Chawls, improvements to .. .. .	183-86
Improved seed to cultivators, distribution of .. .. .	183
Unani (and Ayurvedic) teaching institutions .. .. .	180
<b>G</b>	
<b>Gandhi, Mr. Ratilal M.—</b>	
Resolutions—	
Apprentices (Indian), training of, facilities for, .. .. .	258, 259
Economic and Industrial Council, constitution of, .. .. .	314-15
Stock Exchange, speculation on, prevention of, .. .. .	265-66, 269-70
<b>Gilder, the Honourable Dr. M. D. D.—</b>	
Bills—	
Probation of Offenders Bill .. 354, 355, 360-61, 362, 367-68, 373, 378-79, 381, 382, 387-89, 391	
Further Demands for Grants—	
Ayurvedic and Unani teaching institutions .. .. .	180-81
Pahalajani, Mr. B. G., death of, reference to .. .. .	9

INDEX.

V

G—contd.

	PAGES
<b>Guido, Mr. T. M.—</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	606-07
City of Bombay Police Act Amendment Bill .. .. .	463

H

<b>Haldipur, Mr. S. R.—</b>	
Bills—	
Tobacco Acts Amendment Bill .. .. .	153-55
Resolutions—	
Karnatak province, separate, creation of, .. .. .	278-79
<b>Hamled, Dr. K. A.—</b>	
Bills—	
District Municipal and Municipal Boroughs Acts Amendment Bill .. .. .	238-40, 245
Tobacco Acts Amendment Bill .. .. .	163, 167
Motions—	
Rayon industry, experiments in, .. .. .	658-59

J

<b>Joshi, Mr. S. C.—</b>	
Bills—	
Annual Leave Bill .. .. .	344-46, 347
City of Bombay Municipal Act Amendment Bill .. .. .	574-76, 593-94, 595, 600, 604, 605-06, 607, 608-09, 610, 611, 618
City of Bombay Police Act Amendment Bill .. .. .	408-15, 456-58, 459-60, 461, 462, 463, 464, 465-66, 470-71, 472
Finance Act Amendment Bill .. .. .	124-25, 136
Primary Education Act Amendment Bill .. .. .	492, 542, 544, 548, 549, 555, 556, 559
Probation of Offenders Bill .. .. .	351-52, 354, 355-56, 359-60, 361, 362-63, 364, 366-67, 368-69, 371, 372-73, 374, 375-76, 378, 379-80, 382, 383, 389-90
Rent Bill .. .. .	327-34, 343-44
Special (Emergency) Powers Act Repeal Bill .. .. .	253-54
Tobacco Acts Amendment Bill .. .. .	141-44, 158, 159, 164, 165, 166, 167
Budget, General discussion of, .. .. .	40-57, 117
Motions—	
Law College (Government), conversion of, into a full-time institution .. .. .	650-51
Questions .. .. .	11-12, 14-21, 169-70, 217, 325-27

K

<b>Karanjia, Mr. B. N.—</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	578-81, 594, 596, 597, 598, 599, 602, 604, 610-11, 612, 619-20, 623-24, 625, 632, 633
City of Bombay Police Act Amendment Bill .. .. .	403-07, 419, 423, 468
Finance Act Amendment Bill .. .. .	127-28
Indian Lunacy Act Amendment Bill .. .. .	320
Probation of Offenders Bill .. .. .	356-57, 359, 372
Race-courses Licensing Act Amendment Bill .. .. .	475-77
Rent Bill .. .. .	337-39, 343
Tobacco Acts Amendment Bill .. .. .	140, 145, 162
Budget, General discussion of, .. .. .	58-65, 114
Further Demands for Grants—	
Agricultural Agents (non-official honorary), appointment of, .. .. .	182
Development Chawls, improvements to, .. .. .	184
Motions—	
Bhatghar Dam, use of power from, .. .. .	639, 643, 644
Law College (Government), conversion into a full-time institution .. .. .	654
Rayon industry, experiments in, .. .. .	657-58



## K—contd.

	PAGES
<b>Karanja, Mr. B. N.—contd.</b>	
Resolutions—	
Apprentices (Indian), training of, facilities for, .. ..	259
Economic and Industrial Council, constitution of, .. ..	311-14, 316-17
Midwives, control of profession of, .. ..	261, 262, 263, 264
Stock Exchange, speculation on, prevention of, .. ..	269
Supplementary Grants—	
Charges on account of Motor Vehicles Tax .. ..	192, 193
Deduct working expenses; other revenue expenditure financed from ordinary revenues; and construction of irrigation etc. works (No. 7) .. ..	198, 202
Extraordinary charges (No. 20) .. ..	191
Famine (No. 17) .. ..	195
Stationery and Printing (No. 18) .. ..	196
<b>Khan, Khan Sahib A. A.—</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. ..	613, 616
City of Bombay Police Act Amendment Bill .. ..	434-45, 468-69
District Municipal and Municipal Boroughs Acts Amendment Bill .. ..	225-32, 240
Primary Education Act Amendment Bill ..504-11, 540-41, 542, 545, 546, 547, 550-51, 552-53, 554	
Probation of Offenders Bill .. ..	352-54, 357-58, 365, 379, 387
Motions—	
Bhatghar Dam, use of power from, .. ..	641
Oath of office .. ..	169
Resolutions—	
Karnatak province, separate, creation of, .. ..	283-89
Scheduled castes, separate and independent classification of, .. ..	296-99
Supplementary Grants—	
Civil Works (No. 16) .. ..	207, 211
<b>Kher, the Honourable Mr. B. G.—</b>	
Bills—	
Primary Education Act Amendment Bill ..483-92, 515, 526-36, 537-38, 539-40, 541, 542, 543, 544, 545-46-47-48, 549, 550, 552, 553-54, 555-56, 558, 559, 561, 562	
Motions—	
Law College (Government), conversion into a full-time institution .. ..	644-47, 654-56
Resolutions—	
Karnatak province, separate, creation of, .. ..	291
Scheduled castes, separate and independent classification of, .. ..	299-307
Stock Exchange, speculation on, prevention of, .. ..	270-71

## L

**Lalthe, the Honourable Mr. A. B.—**

Bills—	
Finance Act Amendment Bill .. ..	120-23, 124, 127, 129, 130, 133-35, 136
Budget—	
General discussion of, .. ..	109-18
Presentation of, .. ..	21-24
Further Demands for grants—	
Agricultural Agents (Non-official Honorary), appointment of, .. ..	181-83
Development Chawls, improvements to, .. ..	184-86
Improved Seed: distribution to cultivators .. ..	183
Procedure regarding .. ..	175-176, 178, 179
Motions—	
Rayon industry, experiments in, .. ..	656-57, 661-62
Resolutions—	
Karnatak province, separate, creation of, .. ..	189-91
Scheduled Castes, separate and independent classification of, .. ..	309-11
Supplementary Grants—	
Advances payable .. ..	192
Charges on account of Motor Vehicles Tax .. ..	192, 193

L—contd.

	PAGES
<b>Laltha, the Honourable Mr. A. B.—contd.</b>	
Supplementary Grants— <i>contd.</i>	
Civil Works (No. 16) .. .. .	211
Extraordinary charges (No. 20) .. .. .	190, 191
Famine Relief Fund .. .. .	192
Loans from the Central Government .. .. .	192
Payment of Commuted Value of Pensions .. .. .	192
Payment to Retrenched Personnel .. .. .	192
Permanent advances (No. 31) .. .. .	192
Permanent Debt .. .. .	192
Provincial Excise (No. 2) .. .. .	214
State Provident Funds .. .. .	192
<b>Leave of absence—</b>	
Patankar, Major Sardar B. N. .. .. .	258
Potdar, Mr. B. B. .. .. .	217

M

**Mahajani, Dr. C. R.—**

*Bills—*

City of Bombay Municipal Act Amendment Bill .. .. .	604-05
City of Bombay Police Act Amendment Bill .. 431-32, 445, 446, 463-64, 468, 472	

District Municipal and Municipal Boroughs Acts Amendment Bill .. 236-37, 245-46, 247, 248, 250, 252	
---	--

Primary Education Act Amendment Bill .. .. 498-504, 541, 542-43-44, 549	
Rent Bill .. .. .	340

*Budget—*

General discussion of .. .. .	65-77, 110, 111, 115
-------------------------------	----------------------

*Further Demands for grants—*

Ayurvedic and Unani Teaching Institutions .. .. .	180
---	-----

*Motions—*

Law College (Government), conversion into a full-time institution .. .. .	651-54, 655
Mahajani, Mr. B. G., death of, reference to .. .. .	9-10

Questions .. .. .	393, 567
-------------------	----------

*Supplementary grants—*

Deduct Working Expenses, other revenue expenditure financed from ordinary revenues; and construction of Irrigation etc. Works (No. 7)	199
---	-----

Education (No. 13) .. .. .	212
----------------------------	-----

**Makan, Khan Sahab Mahomed Ibrahim—**

*Bills—*

City of Bombay Municipal Act Amendment Bill .. .. .	614
---	-----

*Budget—*

General discussion of, .. .. .	87-90
--------------------------------	-------

**Mehta, Mrs. Hansa J.—**

*Bills—*

India Lunacy Act Amendment Bill .. .. .	319-20, 321
---	-------------

*Budget—*

General discussion of, .. .. .	105-08
--------------------------------	--------

*Resolutions—*

Midwives, control of profession of, .. .. .	261, 262, 264
---	---------------

*Supplementary grants—*

Capital outlay on Improvement of Public Health (No. 21) .. .. .	214
---	-----

Education (No. 13) .. .. .	212, 213-14
----------------------------	-------------

Medical (No. 14) .. .. .	214
--------------------------	-----

Miscellaneous Departments (47) (No. 15) .. .. .	114
---	-----

## M—contd.

Motions—	PAGES
Bhatghar Dam, use of power from, .. .. .	637-644
Law College (Government), conversion into a full-time institution ..	644-56
Rayon Industry, experiments in, .. .. .	656-62
<b>Munshi, the Honourable Mr. K. M.—</b>	
Bills—	
City of Bombay Police Act Amendment Bill 395-403, 409, 446, 449-53, 454, 458-60, 461-62, 464, 465, 469-70, 471, 472	
District Municipal and Municipal Boroughs Acts Amendment Bill ..	251
Race-courses Licensing Act Amendment Bill .. .. .	473-74, 475, 480-82
Special (Emergency) Powers Act Repeal Bill .. .. .	253, 254
Supplementary grants—	
Administration of Justice .. .. .	193, 194
Charges on account of Motor Vehicles Tax .. .. .	192, 193
Jails and Convict Settlements .. .. .	194
Police .. .. .	194

## N

**Nurie, the Honourable Mr. M. Y.—**

Motions—	
Bhatghar Dam, use of power from, .. .. .	637-39, 642-43, 644
Supplementary grants—	
Bombay Development Scheme (No. 22) .. .. .	211
Civil Works (No. 16) .. .. .	205, 208-11
Deduct Working Expenses; other revenue expenditure financed from ordinary revenues; and construction of Irrigation etc. Works (No. 7)	197, 200-03
Provincial Road Fund (No. 29) .. .. .	211

## P

<b>Pahalajani, Mr. B. G., death of, reference to.</b> .. .. .	8-10
---	------

**Patil, the Honourable Mr. L. M.—**

Bills—	
City of Bombay Municipal Act Amendment Bill 568, 589-91, 594, 597, 598, 601, 602, 610, 611-12, 615-16, 618, 621-22, 625, 633, 634	
District Municipal and Municipal Boroughs Acts Amendment Bill 219-20, 242-44, 245, 249-50, 253	
Rent Bill .. .. .	340-41-43
Resolutions—	
Apprentices (Indian), training of, facilities for, .. .. .	258, 259, 260
Economic and Industrial Council, constitution of, .. .. .	315-16
Supplementary grants—	
Miscellaneous (No. 19) .. .. .	196, 197
Stationery and Printing (No. 18) .. .. .	195, 196

**Petitions—**

Rent Bill, presentation of, (Mr. S. C. Joshi), .. .. .	327
--	-----

**Pradhan, Mr. R. G.—**

Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	576-78
City of Bombay Police Act Amendment Bill .. .. .	445-449
Finance Act Amendment Bill .. .. .	131-32
Probation of Offenders Bill .. .. .	385-87
Tobacco Acts Amendment Bill .. .. .	150-52
Budget—	
General discussion of, .. .. .	73, 74, 76, 95-97
Pahalajani, Mr. B. G., death of, reference to, .. .. .	9

INDEX

ix

P—contd.

	PAGES
<b>Pradhan, Mr. R. G.—contd.</b>	
Resolutions—	
Karnatak Province, separate, creation of, .. .. .	274-76
Supplementary Grants—	
Miscellaneous (57) (No. 19) .. .. .	196
<b>President, the Honourable the—</b>	
Dhurandhar, Mr. J. R., appreciative reference to the services of, as Secretary to the Legislative Council .. .. .	218
Pahalajani, Mr. B. G., death of, reference to, .. .. .	8-9
<i>Rulings of—</i>	
Budget—	
Further Demands for Grants—	
Rules regarding discussion—	
General procedure in regard to discussion explained. Discussion may proceed item by item .. .. .	177-80
Supplementary Grants—	
General—	
The dates for the discussion of Supplementary Grants are fixed by the Governor and the discussion has to take place on the dates fixed and not on any other dates .. .. .	212
Debate—	
Procedure regarding discussion explained .. .. .	188-189, 190, 204
If members want any information, they are entitled to ask for it and the Ministers concerned will give it if it is within their knowledge; but cross-examination and supplementary questions cannot be permitted .. .. .	194
The policy of Government in regard to the department to which the grant relates is not open for discussion. The House can criticise only the particular grants placed before it. The question of policy is discussed at the time of the budget .. .. .	211-12
Resolutions—	
Discussion—	
If on the last day allotted for the Non-official resolutions, just before the House is to rise for the day, any resolution which is being discussed is not disposed of (and there is no motion for its postponement to the next session) the resolution will be considered as talked out .. .. .	315
Speeches—	
A member may refer to his written notes, but should not read them wholly as his speech .. .. .	99
<b>Q</b>	
<b>Questions—</b>	
Africa, passengers to, vaccination certificates for, hardships in obtaining of, .. .. .	170
Ankleshwar municipality: Disqualification of members, petition regarding removal of, .. .. .	174
Bombay City: Haji Alli's <i>dargah</i> , near Mahalaxmi Race Course, inconvenience of Muslim visitors to, .. .. .	393
Dairies owned by Government and private persons in Province, number of, .. .. .	17-21
Departments, classification of, expenditure on, .. .. .	169
Depressed Classes—	
In Government service—	
Employment of, .. .. .	324-25
Percentage of, .. .. .	323-24
Social disabilities of, removal of, measures for, .. .. .	12-13
Expenditure, classification as recurring and non-recurring, test for, .. .. .	217
Haji Alli's <i>dargah</i> , near Mahalaxmi Race Course, inconvenience of Muslim visitors to, .. .. .	393
Hangal Taluka (Dharwar District), land mortgage bank for, .. .. .	218
Haveri Taluka (Dharwar District), land mortgage bank for, .. .. .	218
Inam villages, social fund cess in, collection of, remuneration for, .. .. .	567-68
Kulkarni and Patilki appointments .. .. .	171
Libraries, public, in Province, number of, .. .. .	14

## Q—contd.

	Pages
<b>Questions—contd.</b>	
<b>Local fund cess—</b>	
Collection of, remuneration for, .. .. .	393
In inam villages, collection of, remuneration for, .. .. .	567-68
Milk products imported into Province, statistics regarding, .. .. .	17-21
Nation-building activities, primary activities and public utility activities, amounts spent on, .. .. .	170
Patilki and Kulkarni appointments .. .. .	171
Primary activities, public utility activities and nation-building activities of Government, amounts spent on, .. .. .	170
Public utility activities, nation-building activities and primary activities of Government, amounts spent on, .. .. .	170
Sandal-wood, importation of,— and depot for sale in Bombay .. .. .	325-26
Scheduled Castes <i>see under</i> "Depressed Classes".	
Scholarships for primary and secondary education for students of different communities .. .. .	15-16
Seeds, new and improved varieties of, supply to agriculturists, .. .. .	327
Sholapur riots: prisoner convicted of murder, release of, .. .. .	636-37
Stationery, Indian and non-Indian, consumption of, statistics regarding— for last three years— .. .. .	11-12
Sugar factories in Province .. .. .	14-15
Tagavi loans, interest and number of instalments, reduction and increase, respectively, of, .. .. .	217-18
Vaccination certificate for passengers for Africa, difficulties regarding obtaining of, .. .. .	170

## R

<b>Resolutions—</b>	
Apprentices (Indian), training of, facilities for, .. .. .	258-61
Economic and Industrial Council, constitution of, .. .. .	311-17
Karnatak, creation of a separate Province for, .. .. .	272-91
Midwives, control of profession of, .. .. .	261-64
Scheduled Castes, separate and independent classification of, .. .. .	292-311
Stock Exchange, speculation on, prevention of, .. .. .	264-71

## S

**Shah, Mr. Shantilal H.—**

<b>Bills—</b>	
City of Bombay Municipal Act Amendment Bill .. .. .	588-89, 597, 598-99, 601, 605, 606, 608, 609, 611, 614-15, 623, 624, 633
City of Bombay Police Act Amendment Bill .. .. .	460, 464, 472
District Municipal and Municipal Boroughs Acts Amendment Bill .. .. .	249
Presidency Towns Insolvency Act Amendment Bill .. .. .	347-48
Probation of Offenders Bill .. 338-59, 363, 365-66, 370, 377, 383, 384, 391	157-59
Tobacco Acts Amendment Bill .. .. .	101-05
Budget, General discussion of, .. .. .	174
Questions .. .. .	
<b>Supplementary Grants—</b>	
Deduct Working Expenses; other revenue expenditure financed from ordinary revenues and construction of irrigation, etc. works (No. 7) .. .. .	199-200
Education (No. 13) .. .. .	213
Miscellaneous (57) (No. 19) .. .. .	196

**Solanki, Dr. P. G.—**

<b>Bills—</b>	
City of Bombay Municipal Act Amendment Bill .. 581-88, 614, 617-18, 620-21	423-31
City of Bombay Police Act Amendment Bill .. .. .	222-25, 243
District Municipal and Municipal Boroughs Acts Amendment Bill .. .. .	132-33
Finance Act Amendment Bill .. .. .	517-22
Primary Education Act Amendment Bill .. .. .	155-57
Tobacco Acts Amendment Bill .. .. .	116
Budget, General discussion of, .. .. .	

S—contd.

	Pages
<b>Solanki, Dr. P. C.—contd.</b>	
Further Demands for Grants—	
Development Chawls, Improvements to, .. .. .	183-84, 185, 186
Pahalajani, Mr. B. G., death of, reference to, .. .. .	10
Questions .. .. .	12-13, 323-25
Resolutions—	
Karnatak, creation of a separate Province for, .. .. .	280-81, 282, 285, 289
Midwives, control of profession of, .. .. .	262-63
Scheduled Castes, separate and independent classification of, 292-96, 300, 301, 302, 303, 304, 305, 306, 307-09	
Supplementary Grants—	
Administration of Justice .. .. .	194
Civil Works (No. 16) .. .. .	207-08
Deduct Working expenses; other revenue expenditure financed from ordinary revenues and construction of irrigation, etc. works	
(No. 7) .. .. .	198-99, 203
Education (No. 13) .. .. .	213
Extraordinary Charges (No. 20) .. .. .	191
Miscellaneous (57) (No. 19) .. .. .	196-97
Permanent Advances (No. 31) .. .. .	192
Provincial Road Fund (No. 29) .. .. .	212
<b>Stones, Mr. Frederick—</b>	
Bills—	
Finance Act Amendment Bill .. .. .	131
Race-courses Licensing Act Amendment Bill .. .. .	476, 478-79
Budget, General discussion of, .. .. .	81-85
Further Demands for Grants—	
Improved seed : distribution to cultivators .. .. .	183
Motions—	
Bhatghar dam, use of power from, .. .. .	641-42
Rayon industry, experiments in, .. .. .	660-61
<b>Supplementary Agenda .. .. .</b>	<b>5</b>
<b>Supplementary Grants, procedure regarding, .. .. .</b>	<b>188-190</b>
<b>Supplementary Grants—</b>	
Administration of Justice .. .. .	193-94
Advances payable .. .. .	192
Bombay Development Scheme (No. 22) .. .. .	211
Capital outlay on improvement of Public Health (No. 21) .. .. .	214
Charges on account of Motor Vehicles Tax .. .. .	192-93
Civil Works (No. 16) .. .. .	205-11
Deduct Working Expenses; other revenue expenditure financed from ordinary revenues and construction of irrigation, etc. works (No. 7).	197-205
Education (No. 13) .. .. .	212-14
Extraordinary charges (No. 20) .. .. .	190-92
Famine (No. 17) .. .. .	195
Famine Relief Fund .. .. .	192
Forest (No. 4) .. .. .	195
Jails and Convict Settlements .. .. .	194
Land Revenue (No. 1) .. .. .	194
Loans from the Central Government .. .. .	192
Medical (No. 14) .. .. .	214
Miscellaneous (57) (No. 19) .. .. .	196-97
Miscellaneous Departments (47) (No. 15) .. .. .	214
Payment of commuted value of pensions .. .. .	192
Payment to Retrenched personnel .. .. .	192
Permanent Advances (No. 31) .. .. .	192
Permanent Debt .. .. .	192
Police .. .. .	192
Provincial Excise (No. 2) .. .. .	214
Provincial Road Fund (No. 29) .. .. .	211-12
Registration (No. 5) .. .. .	195
Stamps (No. 3) .. .. .	195
State Provident Funds .. .. .	192
Stationery and Printing (No. 18) .. .. .	195-96

	PAGES
<b>T</b>	
<b>Tambe, Mr. Mahomed Amin Wazeer—</b>	
Bills—	
City of Bombay Municipal Act Amendment Bill .. .. .	613
Questions .. .. .	170, 393
Supplementary Grants—	
Provincial Road Fund (No. 29) .. .. .	211, 212
<b>Time of sitting of Council .. .. .</b>	<b>25-26</b>
<b>V</b>	
<b>Virkar, Mr. M. B.—</b>	
Budget, General discussion of, .. .. .	10-14