

Government of Phaltan State Act, 1929
(Act I of 1929 as amended by Acts I, VI and VII of 1931 and I of 1932)

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Promulgated on the day of Ganesh Chaturthi, Shaka 1851 (7th September, 1929), under the authority of Shrimant Captain Malojirao Mudhojirao alias Nanasaheb Naik Nimbalkar, Deshmukh and Jahagirdar, Ruler of Phaltan.

(An Act to provide a Constitution for the Government of the Phaltan State.)

WHEREAS it was declared on the day of Ganesh Chaturthi, Shaka 1850 (17th September, 1928), by a Huzur Proclamation that the establishment of responsible government in the Phaltan State is the ultimate goal of the Phaltan Durbar :

Preamble to Government of Phaltan State Act I of 1929.

And whereas this policy is in conformity with the modern ideas of government, and with the policy of the British Government in India :

And whereas progress in giving effect to this policy can only be achieved by successive stages :

And whereas the time and manner of each advance can only be determined by the Ruler of Phaltan upon whom responsibility lies for the welfare and advancement of the peoples of the Phaltan State :

And whereas it is expedient that the first steps in this direction should now be taken by the establishment of an Executive and a Legislative Council in the Phaltan State :

Be it enacted by the *Ruler of Phaltan* and under his authority as follows :—

PART I.

THE PHALTAN DURBAR.

1. The words " Phaltan Durbar " or " Durbar " shall mean the Ruler of Phaltan together with his Executive Council ; and in respect of the powers, privileges and rights inherent in him as Ruler of the State or exclusively reserved to him by this Act, the Ruler of Phaltan alone.

Phaltan Durbar.

2. (1) Subject to the provisions of this Act, the Phaltan Durbar shall have and perform all such and the like powers

Powers of Phaltan Durbar.

and duties relating to the government or revenues of the Phaltan State, and shall have all such and the like powers over all officers and servants of the State, as, if this Act had not been passed, might or should have been exercised or performed by the Ruler of Phaltan alone in relation to that government or those revenues.

(2) In particular, the Phaltan Durbar shall, subject to the provisions of this Act or Rules made thereunder, superintend, direct and control all acts, operations and concerns which relate to the government or revenues of the Phaltan State.

THE RULER OF PHALTAN.

Ruler of Phaltan. **3.** The Phaltan State, being vested hereditarily in the Naik Nimbalkars, Deshmukh and Jahagirdar, is ruled by and in the name of the Ruler of Phaltan; and all rights, which the Ruler of Phaltan has been exercising and may hereafter be entitled to exercise, may, subject to the provisions of this Act, be exercised by and in the name of the Ruler of Phaltan as rights incidental to the Ruler of the State.

Foreign and Political relations. **4.** The Political relations of the Durbar with the British Government in India, and with the other Indian States, and all questions appurtenant thereto, shall be in the exclusive power of the Ruler of Phaltan though he may, if he thinks it advisable, consult his Executive Council in any such matter.

Emergency Powers of the Ruler. **5.** The Ruler of Phaltan alone may, in cases of emergency or when the safety, tranquillity or interests of the Phaltan State, or of any part thereof, are, or may be, in the judgment of the Ruler of Phaltan, essentially affected, exercise all the powers of the Phaltan Durbar; but he shall immediately communicate all orders under this section to his Executive Council for information.

Power to make Ordinances in cases of emergency. **6.** The Ruler of Phaltan may, in cases of emergency, make and promulgate Ordinances for the peace and good government of the Phaltan State; and any Ordinance so made shall, for a period of not more than one year from its promulgation, have the like force of law as an Act passed by the Phaltan State Legislature.

Power to veto. **6A.** The Ruler of Phaltan shall have the power to veto any decision of his Executive Council.

7. The Ruler of Phaltan as the Ruler of the State shall, during any contingency, have power to appoint a person to exercise all or any of his powers; but the ultimate responsibility will nevertheless remain with the Ruler of Phaltan.

Delegation of powers by the Ruler.

8. The Ruler of Phaltan alone shall have power to make amendments to this Act.

Power to make amendments.

THE EXECUTIVE COUNCIL.

9. (1) The Ruler of Phaltan, in the interest of good government of the State, shall establish an Executive Council consisting ordinarily of not more than three Members, one of whom shall be the Dewan of the State. But in case of necessity, the Ruler of Phaltan may temporarily create a fourth Member; and in such a case he may effect any redistribution of portfolios and may, if he so chooses, keep any Member without a portfolio.

Establishment and Constitution of Executive Council.

(2) The Ruler of Phaltan will appoint or remove the Members of his Executive Council, but while issuing orders of dismissal he shall record his reasons for such an action.

Appointment and removal of Members of Executive Council.

(3) Any Member of the Executive Council may, by writing signed by him, and submitted to the Ruler of Phaltan, resign his office. The instrument of resignation shall be recorded in the minutes of the Council.

Option to a Member to resign.

(4) A vacancy in the Executive Council caused by dismissal, resignation or death of any Member or by any other cause, shall be filled up by the Ruler of Phaltan within a month from the date of any such vacancy.

Period within which vacancy in the Executive Council must be filled up.

(5) The salary of Members of the Executive Council shall be from Rs. 150 to 500 *per mensem* according to the pleasure of the Ruler of Phaltan.

Salary of Members.

(6) Members of the Executive Council shall be entitled to pension as follows:—

Pension to Members.

(a) if the Member is a permanent servant of the State, his pension will be determined according to the Pension Rules of the State;

(b) if the Member is not in the permanent service of the State, he may be given a pension, if the Ruler of Phaltan so directs—provided he (i) has completed five years of service as such Member, and (ii) is not a pensioner elsewhere.

President and Vice-President. **10.** (1) The Dewan of the State shall be the President of the Executive Council, with power to vote.

(2) The Ruler of Phaltan shall appoint a Member of his Executive Council to be the Vice-President thereof.

(3) At every meeting of the Executive Council, the President, or, in his absence, the Vice-President, or, if he is absent, the Senior Member shall preside.

Meetings of Executive Council. **11.** (1) Meetings of the Executive Council shall be convened and held as and when the President, or, in his absence, the Vice-President, directs.

(2) Ordinarily the Executive Council shall assemble at any place in the Phaltan State appointed by the President. But the President of the Council may with the permission of the Ruler of Phaltan call a meeting outside those limits.

(3) The decisions of the Executive Council shall ordinarily be arrived at in a regular meeting; but they may also be arrived at by calling for the written opinions of the Members if the President thinks it advisable to do so.

Quorum. **12.** At any meeting of the Executive Council the President or other person presiding, and *one* Member of the Council may exercise all the functions of the Phaltan Durbar.

Business of Phaltan Durbar. **13.** (1) All orders and other proceedings of the Executive Council shall be expressed to be made by the Phaltan Durbar, and shall be signed by the President or the Vice President, as the case may be, and when so signed shall not be called into question in any legal or other proceeding on the ground that they were not duly made by the Phaltan Durbar.

(2) The Ruler of Phaltan may make rules and orders for the more convenient transaction of business in his Executive Council, and every order made or act done, in accordance with such rules and orders, shall be treated as being the order or the act of the Phaltan Durbar.

When President or the Vice-President to have casting vote. **14.** The decision of the majority of the Members present at any meeting of the Executive Council shall be the decision thereof, and in cases when they are equally divided the President, or other person presiding, as the case may be, shall have a second or casting vote.

Decisions of Executive Council to be communicated to the Ruler. **15.** The decisions arrived at in every meeting of the Executive Council shall be at once communicated to the Ruler of Phaltan, by the President or the Vice-President, as the case may be.

16. (1) In cases where the decisions of the Executive Council are arrived at in a meeting when some members only are present, they shall be submitted to the Ruler of Phaltan for confirmation. Procedure when some Members only are present.

(2) In other cases the unanimous decisions of the Executive Council shall ordinarily be binding on the Ruler of Phaltan, unless he deems it fit to exercise his powers of veto under Section 6A. Unanimous decision ordinarily binding on the Ruler.

(3) In case of a difference of opinion between the Members of the Executive Council the Ruler of Phaltan may, if he thinks fit, approve of them or send them back (with the views thereon if so desired) for reconsideration by the Executive Council and the decisions then arrived at by the Executive Council, whether unanimously or by a majority, shall only be subject to the general powers of veto by the Ruler of Phaltan under Section 6A. Procedure in case of difference of opinion.

16A. No person other than Ruler of Phaltan shall have the right to be present at a meeting of the Executive Council. Right to be present at a meeting of the Executive Council.

PART II

THE LEGISLATURE

17. (1) The Phaltan State Legislature shall consist of the Ruler of Phaltan and the Phaltan State Legislative Council. Composition of Phaltan State Legislature.

(2) The Phaltan State Legislative Council shall consist of the Members of the Executive Council, and of the members nominated or elected as provided by sub-section (4) of this section.

(3) The Ruler of Phaltan shall have the right of addressing the Legislative Council, and may for that purpose require the attendance of its members.

(4) The number of members of the Phaltan State Legislative Council shall be as shown below :—

	Members.	Number.
1	Executive Councillors	3 or 4
2	Nominated—	
	(1) Officials	2 or 1
	(2) Non-officials	5
3	Elected	9
	Total ..	19

Provided that—

- (a) rules made under this Act may provide for increasing the number of members of the Legislative Council as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least forty-five per cent. of the members of the Legislative Council shall be elected members, and at least one-half of the other members shall be non-official members ;
 - (b) the Ruler of Phaltan may, for the purpose of any Bill introduced or proposed to be introduced in the Phaltan State Legislative Council, nominate not more than two persons having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have, for the period for which they are nominated, all the rights of members of the Council, and shall be in addition to the number above referred to.
- (5) The powers of the Phaltan State Legislative Council may be exercised notwithstanding any vacancy in the Council.
- (6) Subject as aforesaid, provision may be made by Rules under this Act as to —
- (a) the term of office of nominated members of the Phaltan State Legislative Council, and the manner of filling casual vacancies occurring by reason of absence of members from the State, inability to attend to duty, death, acceptance of office, resignation duly accepted or otherwise ; and
 - (b) the conditions under which and the manner in which persons may be nominated as members of the Phaltan State Legislative Council ; and
 - (c) the qualifications of electors, the constitution of constituencies, and the method of election for the Phaltan State Legislative Council, including the number of members to be elected by the different electorates, and any matters incidental or ancillary thereto ; and
 - (d) the qualifications for being, or for being nominated or elected, a member of the Phaltan State Legislative Council ; and

- (e) the final decision of doubts or disputes as to the validity of any election ; and
- (f) the manner in which the rules are to be carried into effect.

18. (1) The Phaltan State Legislative Council shall continue for three years from its first meeting :

Session and duration of Phaltan State Legislative Council.

Provided that--

- (a) the Council may be sooner dissolved by the Ruler of Phaltan ; and
- (b) the said period may be extended by the Ruler of Phaltan for a period not exceeding one year, by notification in the Phaltan State Gazette, if in special circumstances (to be specified in the notification) he so thinks fit ; and
- (c) after the dissolution of the Council the Ruler of Phaltan shall appoint a date, not more than six months from the date of dissolution, for the next session of the Council.

(2) The Ruler of Phaltan may appoint such time and places for holding the sessions of the Phaltan State Legislative Council as he thinks fit, and may also, by notification or otherwise, prorogue the Council.

(3) Any meeting of the Phaltan State Legislative Council may be adjourned by the person presiding.

(4) All questions in the Phaltan State Legislative Council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

19. (1) There shall be a President of the Phaltan State Legislative Council, who shall be a person appointed by the Ruler of Phaltan from among the members of the Council.

Presidents of Phaltan State Legislative Council.

(2) There shall be a Deputy-President of the Phaltan State Legislative Council, who shall preside at meetings of the Council in the absence of the President and who shall be a member of the Council elected by the Council and approved by the Ruler of Phaltan,

(3) The appointed President of the Council shall hold office during the life of the Council, but he may resign office by writing signed by him, and submitted to the Ruler of Phaltan, or may be removed from office by order of the Ruler of Phaltan, and any vacancy occurring before the expiration of the term of office of the President shall be filled by a similar appointment for the remainder of such term.

(4) The Deputy President shall cease to hold office on ceasing to be a member of the Council, but he may resign office by writing signed by him, and submitted to the Ruler of Phaltan, and may be removed from office by a vote of the Council with the concurrence of the Ruler of Phaltan.

Vacation of seats
in Phaltan State
Legislative
Council.

20. An official shall not be qualified for election as a member of the Phaltan State Legislative Council, and if any non-official member of the Council, whether elected, or nominated, accepts any office in the service of the State, his seat on the Council shall become vacant.

Business and
Procedure in
Phaltan State
Legislative
Council.

21. The following provisions shall have effect with respect to business and procedure in the Phaltan State Legislative Council:—

(1) The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before the Council in each year, and the proposals of the Durbar for the appropriation of the State revenues and other moneys in any year shall be submitted to the Council for discussion.

(2) Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following heads of expenditure:—

- (i) contributions payable by the Durbar to the British Government; and
- (ii) instalments of and interests on loans incurred before the commencement of this Act; and
- (iii) expenditure of which the amount is prescribed by or under any law; and

(iv) salaries and pensions payable to the Gazetted Officers of the State and sanctioned as such by the orders of the Ruler of Phaltan under this sub-section; and

(v) sums payable to the Relatives and Dependants of the Ruler of Phaltan; and

(vi) amounts payable to the Khasagi Department on the following accounts:—

(a) Deshmukhi and Isafati Haks; and

(b) Nemnuk from the State at 15 per cent. of the gross revenues of the State.

(3) If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Ruler of Phaltan shall be final.

(4) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the Ruler of Phaltan may certify that the Bill or any clause of it, or the amendment affects the safety or tranquillity of the State, and may direct that no proceedings or no further proceedings shall be taken by the Council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under this Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the Council, and as to the persons to preside over meetings thereof in the absence of the President and Deputy-President, and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing Orders may be made providing for the conduct of business and the procedure to be followed in the Council, in so far as these matters are not provided for by Rules made under this Act. The first Standing Orders shall be made by the Ruler of Phaltan, but may, subject to the assent of the Ruler of Phaltan, be altered by the Phaltan State

Legislative Council. Any Standing Order made as aforesaid, which is repugnant to the provisions of any Rules made under this Act, shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the Council, there shall be freedom of speech in the Phaltan State Legislative Council. No person shall be liable to any proceedings in any Court by reason of his speech or vote in the said Council, or by reason of anything contained in any official report of the proceedings of the said Council.

Powers of
Phaltan State
Legislature,

22. (1) The Phaltan State legislature has power, subject to the provisions of this Act, to make laws—

- (a) for all persons, for all courts, and for all places and things, within the State ; and
- (b) for repealing or altering any laws which for the time being are in force in the State.

(2) It shall not be lawful for any member of the Phaltan State Legislative Council to introduce, without the previous sanction of the Ruler of Phaltan, any measure—

- (a) affecting the public debt or public revenues of the State, or imposing any charge on the revenues of the State ; or
- (b) imposing or authorising the imposition of any new tax, cess, rate, duty or fee ; or
- (c) affecting the Watan, Inam or Saranjam tenures ;
or
- (d) affecting the religion or religious rites and usages of any class of Phaltan State subjects ; or
- (e) affecting the maintenance of order and discipline in the State ; or
- (f) affecting the relations of the Durbar with the British Government or with the other Indian States ; or

- (g) affecting any power expressly reserved to the Ruler of Phaltan or the Phaltan Durbar by any law for the time being in force ; or
- (h) repealing or amending any Act or Ordinance made by the Ruler of Phaltan.

23. (1) When a Bill has been passed by the Phaltan State Legislative Council, the Ruler of Phaltan may declare that he assents to, or withholds his assent from, the Bill. Assent to Bills.

(2) If the Ruler of Phaltan withholds his assent from any such Bill, the Bill shall not become an Act.

24. When a Bill has been passed by the Phaltan State Legislative Council, the Ruler of Phaltan may, instead of declaring that he assents to, or withholds his assent from, the Bill, return the Bill to the Council for reconsideration, either in whole or in part, together with any amendments which he may be pleased to recommend. Return of Bills.

25. The resolutions passed by the Phaltan State Legislative Council shall be of a recommendatory character, and the Phaltan Durbar shall be free to use their discretion in accepting or rejecting them. Resolutions to be recommendatory.

26. (1) A law made by the Phaltan State Legislature shall not be deemed invalid solely because the requisite proportion of non-official members was not complete at the date of its introduction into the Council or its enactment. Removal of doubts as to validity of certain laws.

(2) A law made by the Phaltan State Legislature and repugnant to any provision of this Act shall, to the extent of that repugnancy, but not otherwise, be void.

PART III.

SUPPLEMENTAL.

27. Where any matter is required to be prescribed or regulated by Rules under this Act and no special provision is Provision as to Rules.

made as to the authority by whom the Rules are to be made, the Rules shall be made by the Ruler of Phaltan, and shall not be subject to repeal or alteration by the Phaltan State Legislature.

Suggesting
amendments to
Rules.

28. The Phaltan State Legislative Council shall have power to suggest amendments, cancellations or innovations in the Rules made under the provisions of this Act, but all these suggestions will be of a recommendatory character.

[The expression " Rules " includes Rules and Regulations made under the provisions of this Act.]

Short title.

29. This Act may be cited as the " Government of Phaltan State Act, 1929."