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## APPENDIX 1.

## BILL No. XVII OF 1929.

(A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.)

## REPORT OF THE SELECT COMMITTEE.

We, the undersigned members\* of the Select Committee appointed to consider Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925), have the honour to report as follows:—

We have carefully considered the Bill and have made several changes therein. The reasons for the principal changes are noted against the clauses in which they occur; but we would make one general remark at the beginning. We have deleted all the portion of the Bill relating to the establishment of pilgrim committees for the local board areas. We think it advisable to watch the working of the proposed committees in the municipalities, where most of the more important shrines are situated, before such a proposal is considered in respect of local board areas. This decision has led to the deletion of a considerable portion of clause 3.

*Clause 2, sub-clause (ii).*—We think that out of the three councillors to be elected by the municipalities on the pilgrim committee one should *ex-officio* be the president of the municipality, and of the three persons to be nominated by the Commissioner not more than two should be salaried servants of Government. We think the power of nomination should be exercised by the Commissioner instead of the Collector, as the nomination of municipal councillors is vested in the Commissioner in respect of the municipalities governed by the Bombay District Municipal Act of 1901.

In sub-section (2) of the proposed new section 27-A, we have made a provision for the appointment of new pilgrim committees in cases of supersession of the municipality or of the existing pilgrim committee.

We have amended sub-section (3) of the proposed new section 27-A, so as to enable the municipality to exercise a certain amount of control on the working of the pilgrim committee, by enabling the former to lay down certain limitations and restrictions in accordance with rules to be framed under the new sub-clause (aa) of section 46.

\**Note.*—The signatures of the Hon'ble Sir Ghulam Husain Hidayatallah, Kt., Mr. R. G. Pradhan, Rao Bahadur R. B. Kale, Mr. Lalji Naranji and Rao Bahadur D. R. Patil will be notified when received.

[Appendix 1—*contd.*]

In sub-section (5) of the proposed new section we have provided for the filling in of vacancies caused by the death, resignation, disqualification, disability or removal of nominated members previous to the expiry of their term of office.

In the new sub-section (6) of proposed section 27-A we have incorporated the principle enunciated in sub-section (5) in the original Bill. In amending that sub-section we have kept in view the necessity of retaining the contact between the pilgrim committee and the municipality without definitely subordinating the pilgrim committee to the municipality.

In the new sub-section (7) of the proposed new section, we have provided for the application of sections 170, 171 and 172 of the District Municipal Act to the Pilgrim Fund Account and for the framing of the budget by the pilgrim committee and for its incorporation in the general municipal budget. We have also provided for differences arising between the pilgrim committee and the municipality and for their final settlement in case the two bodies do not come to an amicable settlement.

In sub-section (8) of the proposed new section we have made a provision for the application of the relevant control sections of the District Municipal Act to the pilgrim committees.

*Sub-clause (iv).*—We have added this new sub-clause as we think that in the case of pilgrim committees it is desirable that the Revenue Officer of the highest rank should *ex-officio* be the chairman of the committee.

*Sub-clause (vi).*—We have suggested the insertion of a new sub-clause (aa) to section 46 in order to enable the municipality to frame rules prescribing the limitations and restrictions subject to which the pilgrim committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund.

*Sub-clause (vii).*—This sub-clause incorporates the principle of sub-clause (vi) of the original Bill. In providing for the establishment of a new Pilgrim Fund Account, we have suggested that, before the proceeds of the pilgrim tax are credited to that account, the municipality should be remunerated by payment of such percentage of the proceeds of the tax as may be determined by the Commissioner for the services of the municipality in the matter of the collection of the tax and of other general duties connected with the health, convenience and safety of the pilgrims.

*Clause 3, sub-clause (i).*—We think that the first meeting of the new board should be presided over by the president or the vice-president of the retiring board, and, in their absence, by the Chief Officer, who is a permanent official of the municipality. If the president or the vice-president happens to be a member of the new board also, we think, he should not be debarred from exercising his right to vote as an ordinary member. We are further of opinion that the Chief Officer should have no right to vote at all, and that in case there is an equality of votes the chairmanship of that meeting should be decided by lot drawn in the presence of the person presiding, as provided in the original Bill. The sub-clause has been amended accordingly.

[Appendix 1—*contd.*]

*Sub-clause (ii).*—This sub-clause contains the principle enunciated in the second proviso of sub-clause (v) of clause 3 of the original Bill. In this new proviso we have left the option to the local board whether or not to credit to a separate heading in the local board accounts any portion of the local fund set apart by it for any special purpose; but we think that it should be insisted that any grant or donation received by it for any special purpose should be credited to a separate heading in the board accounts, and that such grants or donations should be applied exclusively to the special purpose for which they were received.

*Clause 4, sub-clause (ii).*—We have substituted the words “been assessed to” for the word “paid” and added an explanation in order to provide that nobody should be disfranchised because the qualifying tax has not been paid for the sole reason that a bill under section 104 has not been presented.

*Sub-clause (iii).*—We think that the power to make temporary appointments of unqualified persons as Chief Officers should be restricted to a period not exceeding two months in the aggregate in a year. This sub-clause has been amended accordingly.

*Sub-clause (v).*—The changes effected in this sub-clause are analogous to the changes effected in sub-clause (ii) of clause 2 in respect of municipalities governed by the District Municipal Act of 1901, and our reasons are exactly the same. The only change that we would note here is that in respect of the pilgrim committees in the borough municipalities we think the president of the municipality should be the *ex-officio* chairman.

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

(Signed) HARILAL DESAIBHAI DESAI.  
 ( „ ) D. D. NANAVATI.  
 ( „ ) R. B. EWBANK.  
 ( „ ) G. LAIRD-MACGREGOR.  
 ( „ ) P. R. CHIKODI.  
 ( „ ) J. GHOSAL.  
 ( „ ) L. M. DESHPANDE (*subject to  
 a minute of dissent*).  
 ( „ ) JETHALAL CHIMANLAL SWAMI-  
 NARAYAN.  
 ( „ ) M. K. DIXIT.  
 ( „ ) SHAIKH ABDUL AZIZ.

(*Minute of dissent by Mr. L. M. Deshpande, M.L.C.*)

The power of notifying that a municipality shall have a pilgrim committee is given to Government, but the circumstances under which

[Appendix 1—*contd.*]

such notifications would be issued are not mentioned. I think this is essential. Moreover, the municipalities concerned should be given an opportunity of expressing their views before such notification is issued.

The number of nominated members should be 2 instead of 3.

The chairman of the pilgrim committee in municipalities constituted under Act III of 1901 should be the president as is the case in the municipal borough.

(Signed) L. M. DESHPANDE.

Karad, 13th September 1929.

### BILL No. XVII OF 1929.

*A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.*

(As amended by the Select Committee.)

Bom. III of 1901. WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bom. VI of 1923. Bombay City Municipalities Act, 1925, in manner hereinafter appearing ; It is hereby enacted as follows :—

Bom. XVIII of 1925. 1. *Short title.*—This Act may be called the Bombay District Municipal, Local Boards and City Municipalities (Amendment) Act, 1925.

Bom. III of 1901. 2. *Amendment of Bom. III of 1901.*—In the Bombay District Municipal Act, 1901,

(i) after proviso (b) to sub-section (2) of section 27, the following shall be inserted, namely :—

“(c) any powers of the Pilgrim Committee appointed under section 27A.”

(ii) after section 27, the following shall be inserted, namely :—

“27A. *Pilgrim Committee.*—(1) In every municipality notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 46 and of three Government officers persons nominated by the Collector Commissioner of whom not more than two may be salaried servants of Government.

(2) The members of the Pilgrim Committee shall hold office for the duration of the Municipality term of office of the councillors and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section. In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner.

## [Appendix 1—contd.]

*Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.*

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 51 and shall exercise the powers and perform the duties of the municipality in respect of the said fund, *subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 46.*

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

~~(5) The provisions of section 36 shall not apply to the Pilgrim Committee."~~

(5) *In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred ;*

(6) *Section 36 shall not apply to the Pilgrim Committee ; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee, and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.*

(7) *The provisions of sections 170, 171 and 172 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely :—*

*" The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee for reconsideration, either in whole or in part, together with any alterations which they may recommend, and if the Pilgrim Committee agrees to these alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."*



[Appendix 1—contd.]

(8) *The provisions of sections 173, 174, 175, 178 and 179 shall apply to a Pilgrim Committee, and in their application to a Pilgrim Committee the said sections shall be construed, so far as may be, as if for the word "municipality" occurring in the said sections the words "Pilgrim Committee" were substituted, and as if the words "other than a city municipality in such taluka" occurring in sub-section (2) of section 173 were omitted.*

(iii) in section 29 the following words shall be inserted at the end :—

"not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 27A";

(iv) to sub-section (1) of section 33 the following proviso shall be added, namely :—

"Provided that in the case of a Pilgrim Committee the revenue officer of the highest rank who is a member of such committee shall be ex-officio chairman thereof";

(iv) (v) In section 37 after the figures "27" the figures and letter "27A" shall be inserted;

(v) (vi) ~~in clause (a) of section 46~~ in section 46 (1) in clause (a) for the word and figures "section 27" the words, figures and letter "sections 27 and 27A" shall be substituted;

(2) After clause (a) the following clause shall be inserted, namely :—

"(aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund";

(vi) (vii) to section 51 the following proviso shall be added, namely :—

~~"(e) Every municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 of Chapter XII, credit to a separate heading in the municipal account to be called the 'Pilgrim Fund Account' the proceeds of the said tax and the sums so credited shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."~~

"(c) (1) Every municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account'.

(2) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as

[Appendix 1—contd.]

may be determined from time to time by the municipality with the approval of the Commissioner for

(i) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 or chapter XII ;

(ii) such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims ; and

(iii) the cost of collection of the said tax.

(3) The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."

3. Amendment of Bom. VI of 1923.—In the Bombay Local Boards Bom.  
VI of  
1923.  
Act, 1923,

(i) in section 27, for the words " The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president," the following shall be substituted, namely :—

~~" The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the president of the retiring board in such manner as he may determine. The meeting shall then proceed to elect the new president."~~

(ii) in sub-section (2) of section 36 after the word " contained " the words " in section 36 A or " shall be inserted ;

(iii) after section 36 the following section shall be inserted namely :—

~~" 36A Pilgrim Committee.—(1) In every local board of a local area notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three members elected in accordance with rules made under section 133 and of three Government officers nominated by the Collector.~~

~~(2) The members of the Pilgrim Committee shall, notwithstanding anything contained in sub-section (1) of section 30, hold office for the duration of the local board and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section.~~

~~(3) Notwithstanding anything contained in sub-section (2) of section 4 the Pilgrim Committee shall manage and administer the pilgrim fund established under the third proviso to section 75 and shall subject to any limitations or other provisions contained in rules made under section 133 or regulations made under sub-section (1) of section 35, exercise the powers and perform the duties of the local board in respect of the said fund.~~

[Appendix 1—*contd.*]

(4) ~~All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.~~

(iv) ~~In sub-section (1) of section 38 the following words shall be inserted at the end:—~~

~~“ or, where a Pilgrim Committee has been appointed, powers or duties referred to in section 36A.”~~

(v) ~~To section 75 the following proviso shall be added, namely:—~~

~~“ Provided also that when a tax is levied on pilgrims resorting periodically to a shrine within the limits of the area subject to the jurisdiction of a local board, the proceeds of the said tax shall, after reasonable provision has been made for the performance of all obligations imposed or which may be imposed on the local board by or under section 101 or Chapter X, be credited to a separate heading in the account of the local board to be called the ‘ Pilgrim Fund Account’ and the sums so credited shall be devoted to such works conducive to the health, convenience and safety of the said pilgrim as may be approved by the Commissioner.~~

~~“ Provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the local board accounts any portion of the local fund received or set apart by it specially for the purposes of veterinary dispensaries or other such purposes as Government in this behalf approve and the local board may apply any sums properly so credited exclusively to the special purposes for which such sums were received or set apart.”~~

~~“ The president or vice-president of the retiring board and, in their absence, the chief officer, if any, shall preside at such meeting, and the new board shall then elect its own chairman for that meeting; provided that (a) if the president or vice-president so presiding is a member of the new board, he shall be entitled to vote only as such member, and (b) the chief officer, when so presiding, shall have no right to vote. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The chairman so elected shall then preside at such meeting, and the meeting shall then proceed to elect the new president.”~~

(ii) ~~To section 75 the following proviso shall be added, namely:—~~

~~“ provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the local board accounts any portion of the local fund set apart by it for any~~

[Appendix 1—contd.]

*special purpose and shall credit to a separate heading any grant or donation received by it for any special purpose. Any grant or donation so credited by it shall be applied exclusively to the special purpose for which the same was received."*

4. *Amendment of Bom. XVIII of 1925.*—In the Bombay City Municipalities Act, 1925,—

(i) in sub-section (1) of section 1, for the words "City Municipalities" the words "Municipal Boroughs" shall be substituted.

(ii) In clause (a) of sub-section (2) of section 11, for the figures, brackets and words

"(ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has paid the qualifying tax and who within the three months next preceding the aforesaid date has paid all arrears of taxes if any due from him to the municipality,

shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough:" the following shall be substituted:—

"(ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has ~~paid~~ been assessed to the qualifying tax,

and who within the three months next preceding the date referred to in sub-clause (ii) has paid all arrears of taxes, if any, due from him to the municipality, shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough:"

*Explanation.*—A person shall be deemed to be in arrears of taxes if he has not paid within one month of the date of presentation any bill which has been presented under section 104.

(iii) In the proviso to sub-section (1) of section 33, after the word "Act" where it occurs for the second time the words "or a person temporarily appointed as chief officer under this Act for a period not exceeding two months in the aggregate in a year" shall be inserted.

(iv) In sub-section (2) of section 37 after the figures "34" the figures and letter "37A" shall be inserted.

(v) After section 37 the following new section shall be inserted, namely:—

"37A. *Pilgrim Committee.*—(1) In every municipality notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 58 and of three Government officers persons nominated by the Collector Commissioner of whom not more than two may be salaried servants of Government.

## [Appendix 1—contd.]

(2) The members of the Pilgrim Committee shall hold office for the duration of the municipality and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section.

*In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.*

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 65 and shall exercise the powers and perform the duties of the municipality in respect of the said fund *subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 58.*

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

~~(5) The provisions of section 45 shall not apply to the Pilgrim Committee;~~

*(5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.*

*(6) Section 45 shall not apply to the Pilgrim Committee; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.*

(7) *The provisions of sections 210, 211 and 212 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely:—*

*“The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee for reconsideration, either in whole or in part, together with any alterations, which they may recommend, and if the Pilgrim Committee agrees to those alterations, the budget so altered shall be*

[Appendix 1—contd.]

incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."

(8) The provisions of sections 213, 214, 215, 218 and 219 shall apply to a Pilgrim Committee and in their application to a Pilgrim Committee the said sections shall be construed so far as may be, as if for the word 'municipality' occurring in the said sections the words 'Pilgrim Committee' were substituted.

(vi) In sub-section (I) of section 38 after the word "purpose" the following shall be inserted, namely:—

"not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 37A";

(vii) to sub-section (I) of section 42 the following proviso shall be added, namely:—

"Provided that in the case of a Pilgrim Committee the President shall be ex-officio Chairman thereof."

(vii) (viii) In section 46 after the figures "37" the figures and letter "37A" shall be inserted;

(viii) (ix) In clause (a) of section 58 In section 58 (I) in clause (a) after the word "or" where it occurs for the third time the following shall be inserted, namely:—

"subject to the provisions of section 37A";

(2) After clause (a) the following clause shall be inserted, namely:—

"(aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the Pilgrim Fund";

(ix) (x) To section 65 the following proviso shall be added, namely:—

"(e) ~~Every municipality in a municipal borough in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough is levied shall, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the municipal account to be called the 'Pilgrim Fund Account' the proceeds of the said tax and the sums so credited shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner.~~

"(c) (I) Every Municipality in a municipal borough in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2) credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account.'

[Appendix 1—contd.]

(2) *The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner, for*

(i) *making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force ;*

(ii) *such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims ; and*

(iii) *the cost of collection of the said tax.*

(3) *The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."*

(\*) (xi) *In sub-section (2) of section 105—*

(a) *after the words "as the case may be" the words "where the property is in a cantonment the warrant shall be addressed to the Executive Officer of the cantonment" shall be inserted ;*

(b) *after the word "district" where it occurs for the third time the words "or cantonment" shall be inserted ; and*

(c) *after the word "vice-president" where it occurs for the second time the words "Executive Officer" shall be inserted.*

(\*) (xii) *In sub-section (3) of section 106 for the words "one year" the words "three years" shall be substituted.*

#### LEGISLATIVE COUNCIL OFFICE :

Council Hall, Poona, 29th September 1929.

No. 1345.—With reference to the foot-note to the Report of the Select Committee on Bill No. XVII of 1929 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925), published at pages 171-175 of the *Bombay Government Gazette*, Part V, dated the 20th September 1929, it is notified that the Honourable Sir Ghulam Hussain Hidayatallah, Kt., LL.B., M.L.C., Rao Bahadur R. R. Kale, M.L.C., and Mr. R. G. Pradhan, M.L.C., have signed the report of the Select Committee and that Mr. Lalji Naranji, M.L.C., and Rao Bahadur D. R. Patil, M.L.C., have signed the same subject to the minutes of dissent shown below :—

*(Minute of dissent by Mr. Lalji Naranji, M.L.C.)*

27-A—

*Bombay District Municipal Act, 1901.—Clause 2, sub-clause (ii).—*  
"Of the three persons to be nominated by the Commissioner not more than one may be salaried servant of Government."

[Appendix 1—*contd.*]

*Comments.*—Taking the usual experience into consideration, it is desirable that the Pilgrim Committee should be as non-official as possible. In small Taluka Towns like Pandharpur, Alandi, etc., two salaried servants of Government mean District Deputy Collector, Mamlatdar or Engineer and the influence of these two can easily affect the working of a small committee of six only. If the Revenue Officer is the *Ex-officio* Chairman, then the casting vote of the chairman would always reduce the elected element to nonentity. One salaried servant is more than enough.

27-A (sub-section 6).—Add “and that the Municipality shall have power to suspend the execution of any resolution of the Pilgrim Committee by a vote of two-third of the whole number of councillors and require the Pilgrim Committee to modify or cancel the said resolution subject to the approval of the Commissioner for the same.”

*Comments.*—By the proposed bill in question, the Municipalities are being deprived of their existing powers and there has been much discontent among them. The Select Committee is also conscious of this and the sub-section 6 has been a substitute for what is being taken away by making section 36 inoperative. Powers to call for proceedings within reasonable time are not enough, unless some control is given. It is however proposed to keep two safeguards—one is two-third majority to suspend the resolution of Pilgrim Committee and the second is Commissioner's approval. The Municipality will be satisfied and the Pilgrim Committee will feel some responsibility without any danger of being want only interfered with.

37-A—*Bombay City Municipalities Act, 1925.*

Sub-section (1).—“Of three persons nominated by Government of whom not more than one may be salaried servant of Government.”

*Comments.*—The nominations of major Municipalities rest with the Minister at present and smaller Municipalities with the Commissioner. The nominations on Pilgrim Committee of major Municipalities should therefore rest with Government and not with Commissioner who is only an echo of the local officer. This safeguard is necessary in view of the growing unpleasant experience. There should be only one salaried servant for reasons already given above (27-A).

Sub-section (7).—Add after “shall be final” “subject to the right of appeal to Government.”

*Comments.*—Often the Collector's recommendations or proposals are echoed by the Commissioner and in the case of major Municipalities where large financial questions are involved and differences of view-points are serious, it is necessary to make provision for appeal to Government in the case of major Municipalities at least.

37-A—

Sub-section (6).—Add “and that the Municipality shall have power to suspend any resolution of the Pilgrim Committee by a two-third vote of the whole number of councillors; and require the Pilgrim Committee



[Appendix 1—concl.]

to modify or cancel the said resolution subject to the approval of the Commissioner for the same."

*Comments.*—Same as for 27-A mentioned above.

(Signed) LALJI NARANJI.

20th September 1929.

*(Minute of dissent by Rao Bahadur D. R. Patil, M.L.C.)*

In my opinion the period of a person to be temporarily appointed as Chief Officer under the City Municipal Act should be six months instead of two months. The main reason for my above view is that no competent Chief Officer having the necessary qualifications under the Act will be available to work as Chief Officer for a short period of two months. So it is but proper that there should be a provision of six months instead of two months contemplated by the Bill.

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

(East Khandesh).

Bhusaval, 24th September 1929.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

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## APPENDIX 2.

### BILL No. XIX OF 1929.

*(A Bill to provide for the establishment of Borstal schools in the Presidency of Bombay.)*

#### REPORT OF THE SELECT COMMITTEE.

We the undersigned members\* of the Select Committee appointed to consider Bill No. XIX of 1929 (A Bill to provide for the establishment of Borstal schools in the Presidency of Bombay), have the honour to report as follows :—

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

*Clause 6.*—We have throughout the bill substituted the words "found guilty" for the word "convicted" so as to free the young delinquent as far as possible from the stigma attaching to the word "convicted".

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\**Note.*—The signatures of Mr. B. G. Pahalajani and Khan Bahadur S. N. Bhutto will be notified when received.

[Appendix 2—*contd.*]

We have substituted the words "or is liable to imprisonment for failure to give security under Chapter VIII" for the words "or of an offence punishable under Chapter VIII" as describing more accurately the circumstances under which a person is sent to jail under the said chapter of the Criminal Procedure Code.

We have deleted the words "repression of crime" in order to emphasize the fact that the primary intention of this legislation is the reformation of the offender.

We think that before an offender is ordered to be detained in a Borstal school his parents or guardians should be given an opportunity of being heard in the matter. We have accordingly made the necessary change in the proviso to this clause.

*Clause 8.*—We are of opinion that the powers under this Act should not ordinarily be exercised by second class magistrates, but may be exercised by a sub-divisional magistrate even if he happens to be a second class magistrate. We have amended the clause accordingly.

*Clause 9.*—As it is intended that a person on failure to furnish security should be liable to be detained in a Borstal school, we have proposed that if a magistrate not empowered to pass an order under this measure has such a person before him, he should, if he thinks fit, send such a person to the district magistrate or the Chief Presidency Magistrate, as the case may be, in order that he may be dealt with under this Act, if the latter so desires.

*Clause 19.*—We have provided that the rules to be framed under this Act should be made after previous publication and should be placed on the table of the Bombay Legislative Council.

*Clause 20.*—We think that the Governor in Council should have power to remove any disqualification on account of an order of detention under this Act not only on the recommendation of the Inspector General of Prisons and the Visiting Committee, but also otherwise on making such enquiries or calling for such reports as he deems fit.

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

(Signed)	J. E. B. HOTSON.
( " )	N. E. NAVLE.
( " )	W. C. TUDOR-OWEN.
( " )	D. D. NANAVATI.
( " )	E. W. TROTMAN.
( " )	E. E. DOYLE.
( " )	R. G. PRADHAN.
( " )	A. C. OWEN.
( " )	R. S. ASAVALE.
( " )	G. A. D. WASIF.
( " )	SYED MUNAWAR.

[Appendix 2—contd.]

**BILL No. XIX OF 1929.**

*A Bill to provide for the establishment of Borstal schools in the Presidency of Bombay.*

(As amended by the Select Committee.)

5 & 6. VIII  
Geo. of  
V, c. 61 1897,  
s. 4  
(b).

WHEREAS it is expedient to provide for the establishment of Borstal schools in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; it is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Borstal Schools Act, 1929.

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

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

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

(a) “Borstal School” means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) “Inspector-General” means the Inspector-General of Prisons and includes any officer appointed by the Governor in Council to perform all or any of the duties imposed by this Act on the Inspector-General;

(c) “prescribed” means prescribed by rules made under this Act.

Cf. 8  
Edw. VII  
of  
1897,  
s. 4  
(b).

4. *Establishment of Borstal schools.*—(1) For the purposes of this Act the Governor in Council may establish one or more Borstal schools.

(2) For every Borstal school, a visiting committee shall be appointed in such manner as may be prescribed.

Cf. 8  
Edw. VII  
of  
1897,  
s. 4  
(2).

5. *Application of the Prisons Act, 1894, and the Prisoners Act, 1900.*—Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners. IX of 1894. III of 1900.]

Cf. 8  
Edw. VII  
of  
1897,  
s. 1.  
V of  
1898.

6. *Court may pass order for detention in a Borstal school.* Where an offender is convicted found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or of an offence punishable or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether

[Appendix 2—contd.]

any previous conviction is proved against him or not, and it appears to the Court—

(a) that the offender is not less than sixteen or, in any district or place in which the Bombay Children Act, 1924, is not in operation less than fifteen, nor more than twenty-one years of age; and

(b) that by reason of his criminal habits or tendencies, or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation, ~~and the repression of crime,~~

it shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, ~~or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898,~~ an order for the detention of the offender in a Borstal school for such term, not being less than two years nor more than five years, as the Court, subject to rules made under this Act, thinks fit :

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

7. *Power of Government to exempt.*—The Governor in Council may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school.

8. *Courts empowered to pass order for detention.*—The powers conferred *Cf.* on Courts by this Act shall be exercised only by the High Court, a Court <sup>Bom. XIII</sup> of Session, a District Magistrate, a *sub-divisional Magistrate*, a <sup>1924, s. 6.</sup> salaried Presidency Magistrate, or a Magistrate of the first class ~~or any Magistrate of the second class specially empowered by the Governor in Council in this behalf,~~ and may be exercised by such Courts whether the case comes before them originally, or on appeal, or in revision.

9. *Procedure when Magistrate is not empowered to pass an order under this Act.*—(1) When any Magistrate not empowered to pass an order for <sup>Bom. XIII</sup> detention under this Act is of the opinion that an offender ~~convicted~~ <sup>of</sup> *who has been found guilty by him or who has failed to furnish the security* <sup>1924, s. 6;</sup> *which the Magistrate has ordered him to furnish under Chapter VIII of the* <sup>4 and 5 Geo. V, c.</sup> *Code of Criminal Procedure, 1898,* is a proper person to be detained in a Borstal school, he may, without passing any order, record such opinion and submit his proceedings and forward the offender to the District <sup>58, s. 10;</sup> Magistrate or the Chief Presidency Magistrate, as the case may be, to <sup>and VIII</sup> whom he is subordinate. <sup>of</sup>

## [Appendix 2—contd.]

1897,  
a. 9 (1),  
V of  
1898. (2) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

V of  
1898. 10. *Limitation on powers conferred by section 6.*—Any offender detained in a Borstal school for failure to furnish security when ordered to do so under section 106 or section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security or on the passing of an order under section 124 of the said Code.

Cf. 8  
Edw.  
7, c.  
59,  
s. 3. 11. *Transfer from prison to Borstal school.*—The Inspector-General may, if satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal school under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal school.

12. *Transfer of incorrigibles, etc., to prison.*—(1) Where an offender detained in a Borstal school escapes, or is reported to the Governor in Council by the Inspector-General to be incorrigible or to exercise a bad influence on the other inmates of the school, the Governor in Council may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Governor in Council may determine, but in no case exceeding the shorter of the following two periods:—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was ~~convicted~~ *found guilty* or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal school.

(2) Such offender may be confined in any prison within the Bombay Presidency by warrant under the hand of a Secretary to Government and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

[Appendix 2—*contd.*]

13. *Government to determine the Borstal school in which a person shall be detained and may order removal.*—(1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the Governor in Council may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Governor in Council may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The Governor in Council may order the removal of any offender from any one Borstal school to any other Borstal school, provided that the whole period of his detention in a Borstal school shall not be increased by such removal. Cf. s  
Edw.  
7, c.  
59,  
s. 2.

14. *Power to release on licence.*—(1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal school and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such—

- (a) officer of Government,
- (b) secular institution,
- (c) religious society, or
- (d) responsible person, as may be approved by the Inspector-General and willing to take charge of the offender.

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

15. *Revocation of licence.*—(1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by licence been permitted to live, revoke a licence granted under section 14, and upon such revocation the offender shall be detained in a Borstal school until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted

[Appendix 2—*contd.*]

to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

16. *Subsequent supervision.*—(1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Governor in Council may direct that he shall, on the expiration of the term of his detention remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to rules made under this Act, may direct.

(2) The Governor in Council may also direct that any offender who is under supervision in accordance with sub-section (1) shall again be detained in a Borstal school for such period as he may think fit, provided that the total period of detention under this section shall not exceed one year.

17. *Period of detention.*—No person shall be detained in a Borstal school after he has, in the opinion of the Governor in Council, attained the age of twenty-three years, or, if in any particular case the Governor in Council so directs, after he has attained the age of twenty-five years.

*Cf. VIII of 1897, s. 29; 8 Edw. 7, c. 59, s. 5 (3) and (5).* 18. *Arrest of offender escaping from Borstal school, or escaping from supervision.*—Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal school, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under section 14, may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school or to such authority, institution, society or person, as the case may be.

*Cf. 8 Edw. 7, c. 59, s. 4 (2) and VIII of 1897, s. 26.* 19. *Rules.*—(1) The Governor in Council may make rules for the regulation and management of any Borstal school and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(a) the control and management of Borstal schools established under this Act ;

(b) the appointment, powers and duties of officials in such schools ;

(c) the constitution, powers and duties of visiting committees ;

(d) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until arrangements can be made for sending them to such school ;

(e) the regulation of visits to, and communication with, offenders detained in such school ;

[Appendix 2—*contd.*]

(f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(i) the form and conditions of licences granted under section 14;

(j) the supervision of offenders after the expiration of the term of their detention;

(k) the transfer of incorrigible offenders from a Borstal school to prison.

~~(3) All rules made under this section shall be published in the Bombay Government Gazette and, on such publication, shall have the same effect as if enacted in this Act.~~

(3) *The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.*

20. *Removal of disqualification.*—The Governor in Council may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal school on account of such detention.

21. *Appeal or revision.*—For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under v of section 6 of this Act shall be deemed to be a sentence of imprisonment<sup>1898.</sup> for the same period:

Provided that nothing contained in the Code of Criminal Procedure, 1898, shall be construed to authorise any Court or Magistrate to alter or v of reverse in appeal or revision any order passed with respect to the age of<sup>1898.</sup> an offender or the substitution of an order for detention in a Borstal school for transportation or imprisonment.



## APPENDIX 3.

## BILL No. XXI of 1929.

(A Bill for safeguarding life and property in the Presidency Area in times of emergency.)

## REPORT OF THE SELECT COMMITTEE.

We, the undersigned members\* of the Select Committee appointed to consider Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency), have the honour to report as follows :—

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

*Clause 2.*—We are of opinion that the Act should remain in force for a period of five years. We have amended the clause accordingly.

*Clause 3.*—We think that the words " Presidency Area " should include only the City of Bombay and the Bombay Suburban District. We have modified the clause accordingly.

*Clause 5.*—We have substituted the words " About to commit " for the words " likely to commit " in order to make it clear that it is not the mere possibility but the actual probability of a person's committing one of the offences mentioned in sub-clauses (a), (b) and (c) that should attract the application of this clause.

We are further of opinion that any person inciting by words, either spoken or written, the commission of any of those offences should also be liable to be dealt with in accordance with the provisions of this clause.

We think it is desirable that an order passed under this clause should contain the reasons which have led the officer concerned to pass the order.

We are of opinion that six months is a sufficiently long period for which a person may be directed to remove himself from the Presidency Area and not to return to it.

We have amended the clause to give effect to these recommendations.

*New Clause 8.*—We think it desirable that every order passed under clause 5 should automatically be reviewed by a committee to be appointed by Government in this behalf. We have, therefore, provided for the appointment of such a committee by Government.

We think that such a committee should review every order within a period of one month and should also consider any representation that may be made to it within fifteen days from the date of the passing of

\*Note.—The signatures of Mr. H. A. Laljee, Dr. M. D. Gilder, Mr. J. Addyman, Rao Bahadur R. R. Kale, Mr. N. A. Bechar, Mr. N. E. Navle, Khan Saheb Abdul Latif Haji Hajrat Khan and Mr. N. B. Chandrachud will be notified when received.

[Appendix 3—contd.]

such order, and that the committee should thereupon submit its recommendations to Government, who may confirm, modify or revoke such order.

*Clause 9 (old clause 8).*—The small change effected in this clause is intended to make it clear that the appeal to be made under this clause could be made not only by the agent authorised by the person dealt with under clause 5, but also by the person himself.

*Clause 10 (old clause 9).*—We think that a person committing an offence described under this clause should be liable to be punished with imprisonment which need not necessarily be rigorous. We have also provided that he should also be liable to a fine. We think that if the period for which a person has been directed to remove himself under clause 5 has not expired on the day on which the fine is paid or the term of imprisonment expires, he should be liable to be removed outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period—the period of imprisonment undergone by such person being treated as part of the period for which a person was directed to remove himself under clause 5.

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

(Signed) J. E. B. HOTSON,  
 ( " ) D. D. NANAVATI,  
 ( " ) S. K. BOLE,  
 ( " ) E. W. TROTMAN,  
 ( " ) SYED MUNAWAR,  
 ( " ) FRANK OLIVEIRA,  
 ( " ) S. C. JOSHI (*subject to a  
 minute of dissent*),  
 ( " ) V. A. DABHOLKAR,  
 ( " ) LALJI NARANJI.

(*Minute of dissent by Mr. S. C. Joshi, M.L.C.*)

I regret I cannot agree with the majority of the members on the following points:—

(1) In clause 5 (1) for the word "likely" the Committee has substituted the words "about to". In my opinion the words now proposed are as vague as the original word "likely". It is not desirable to order any man to leave the Presidency Area merely on suspicion. There must be some tangible proof of an overt act to justify the drastic order which deprives a citizen of one of his natural rights of citizenship. The proper word should therefore be "attempting".

[Appendix 3—*contd.*]

(2) By the addition in clause 5 (1) of the words "or inciting by words either spoken or written" wider powers are given to the executive than were intended by the original Bill. From the statement of objects and reasons it is clear that the Bill is intended to enable Government to deal promptly and adequately with hooligans and bad characters only in times of need. The amendment made by the Committee has thus widened the scope of the Bill. Already there is a great apprehension about the misuse or abuse of the powers given to the executive without the intervention of the judiciary. There is absolutely no justification for widening the scope of the Bill. I am therefore opposed to the addition of these words.

(3) By clause 5 (2) power is given to the executive to expel non-Presidency men out of the whole of the Presidency of Bombay. In my opinion this is an unduly harsh restriction on one of the liberties of person, namely, the liberty of free movement and settlement in any part of the State. The expulsion of the undesirable person only from the Presidency Area in times of emergency will serve the purpose in view. This restriction should therefore be removed by the deletion of sub-clause (2) of clause 5 and making other consequential amendments in the Bill.

By the amendment of clause 9 (ii) the Committee has made the Bill more drastic than before. Under the old clause of the Bill the effect of conviction and sentence by a magistrate was to vacate the order of removal from the Presidency Area, passed by the executive. The clause gave no alternative to the magistrate to inflict a sentence of simple imprisonment or fine on a person who may have disobeyed the order. The circumstances of a case might be such as might justify the passing of a sentence of simple imprisonment or only fine. The clause should therefore be so amended as to give discretion to the magistrate to pass a sentence of simple imprisonment or fine; and the effect of the sentence must be to vacate the original order of removal as was originally meant by the Bill. I am therefore opposed to the amendment made by the Committee.

(Signed) S. C. JOSHI.

### BILL No. XXI OF 1929.

*A Bill for safeguarding life and property in the Presidency Area in times of emergency.*

(As amended by the Select Committee.)

WHEREAS it is expedient to make provision in manner hereinafter appearing for the safeguarding of life and property in the Presidency Area in times of emergency;

5 & 6  
Geo. V,  
c. 61. And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act.

[Appendix 3—*contd.*]

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Presidency Area (Emergency) Security Act, 1929.

2. *Extent, commencement and duration.*—(1) This Act shall extend to *Cf. Bengal Act III of 1926, s. 1.* the whole of the Presidency of Bombay and shall remain in force for five years.

(2) Section 5 shall come into force on the date or dates on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates. The rest of the Act shall come into force at once.

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

“Presidency Area” means the City of Bombay together with and

(i) the Bombay Suburban District, and

(ii) ~~any other area adjacent to the City of Bombay or the Bombay Suburban District which the Local Government may, by notification in the Bombay Government Gazette, include within this definition.~~

4. *Power to declare state of emergency.*—The Local Government, if *Cf. ibid, s. 3.* satisfied that the public tranquillity and security of life and property in the Presidency Area or any part thereof are endangered, may at any time, by notification in the *Bombay Government Gazette*, declare that a state of emergency exists and shall set forth the reasons for such declaration in the notification.

5. *Power to order removal of turbulent character.*—(1) Whenever the *Cf. ibid, s. 4.* Commissioner of Police or District Magistrate exercising jurisdiction in the Presidency Area is satisfied that any person within his jurisdiction is committing or has committed or is likely about to commit or is assisting, or abetting or inciting by words either spoken or written the commission of

(a) a non-bailable offence against any person or property, or

(b) the offence of criminal intimidation, or

(c) any offence involving a breach of the peace,

so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof, the Commissioner of Police or the District Magistrate, as the case may be, may, subject to the control of the Local Government, by written order *briefly stating his reasons therein* direct such person to remove himself from the Presidency Area within such time and by such route as may be specified in the order and not to return thereto for a period (not exceeding ~~one year~~ *six months*) to be specified in the order without the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(2) An order under sub-section (1) against any person may, unless the Commissioner of Police or the District Magistrate, as the case may be, is satisfied in respect of such person that both he and his father were

[Appendix 3—contd.]

born in the Presidency of Bombay or that he is a member of a family which has settled in the Presidency of Bombay and is himself so settled, direct that such person shall remove himself from the Presidency of Bombay within such time and by such route as may be specified in the order and shall not return thereto for a period (not exceeding ~~one year~~ *six months*) to be specified in the order save with the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(3) An order under sub-section (1) shall be served personally on the person against whom it is directed in such manner as the authority making the order thinks fit.

*Cf.*  
*ibid.*  
*s. 5.*

6. *Procedure to be adopted in making order under section 5.*—(1) Before making an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation as he may make verbally or in writing.

(2) Within forty-eight hours from the making of an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall forward in writing to the Local Government his reasons for making the order.

*Cf.*  
*ibid.*  
*s. 6.*

7. *Power to modify order under section 5.*—When by an order under section 5 any person has been directed to remove himself from the Presidency of Bombay and has complied with the order, or when any person has been removed in police custody outside the Presidency of Bombay under section 9 10, the Commissioner of Police or the District Magistrate, as the case may be, may, of his own motion or upon application made to him in this behalf, if he is satisfied that both such person and the father of such person were born in the Presidency of Bombay or that such person is a member of a family which has definitely settled in the Presidency of Bombay and is himself so settled, modify the order in such manner as to permit such person to return to and remain in any part of the Presidency of Bombay outside the Presidency Area.

8. *Review.*—(1) *As soon as possible after the issue of a notification under section 4 the Local Government shall appoint a committee consisting of such number of persons as it thinks fit for the purpose of reviewing, in manner hereinafter provided, the orders passed under section 5.*

(2) *Every order passed by the Commissioner of Police or the District Magistrate, as the case may be, under section 5 shall, as soon as possible, be forwarded by him together with the relevant papers of the case to the committee appointed under sub-section (1).*

(3) *When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorized by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1) giving reasons why such order should be modified or revoked.*

[Appendix 3—contd.]

(4) *The committee shall, within one month from the date of service of an order under sub-section (1) of section 5, examine the proceedings relating to such order and shall consider such representation as may be made to it under sub-section (3) and shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order.*

8 9. *Right of appeal.*—When an order has been served on any person under section 5 and has been complied with by him, ~~his~~ *he or an agent* authorised by him in writing may petition the Local Government to revoke or modify the order and thereupon the Local Government shall consider such facts and circumstances relating to the case as may be placed before it, and may confirm, modify or revoke the order. *Cf. ibid. a. 7.*

9 10. *Failure to comply with order.*—Any person who, having been directed by an order made and served on him under section 5— *Cf. ibid. a. 8.*

(a) to remove himself from the Presidency Area or from the Presidency of Bombay, fails to remove himself therefrom within the time specified in the order,

(b) not to return to the Presidency Area or the Presidency of Bombay within a specified period, returns thereto within such period without the written permission of the Commissioner of Police or the District Magistrate, as the case may be,

may be arrested without a warrant by any police officer, and—

(i) may be removed in Police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, or

~~(ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with rigorous imprisonment for a term which may extend to one year.~~

(ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both :

*Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5 has not expired on the date on which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period.*

*Explanation.*—For the purposes of this proviso the period of imprisonment undergone by such person shall be treated as a part of the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5.

10 11. *Indemnity.*—No suit, prosecution or other legal proceeding *Cf. ibid. a. 9.* whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

[Appendix 3—*contd.*]

## LEGISLATIVE COUNCIL OFFICE :

Council Hall, Poona, 18th September 1929.

No. 1271.—With reference to the footnote to the Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) published at pages 159-163 of the *Bombay Government Gazette*, Part V, dated the 17th September 1929, it is notified that Mr. J. Addyman, M.L.C., Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C., Mr. N. E. Navle, M.L.C., and Mr. Hoosainbhoy A. Lalljee, M.L.C., have signed the report of the Select Committee and that Rao Bahadur R. R. Kale, M.L.C., has signed the same subject to a minute of dissent shown below :—

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

I regret I was unable to participate in the discussion in the Select Committee on the Bill as I could not attend the meeting owing to illness. I have however signed the report sent to me, subject to this minute of dissent.

I cannot agree to the new proposed clause 8. From the amendments tabled at the first reading of the bill, as well as the debate on that occasion, it is quite clear that in a matter affecting the personal liberty of a citizen, sufficient safeguards should be provided for securing the confidence of the people in the justice of any proposed restriction that is sought to be placed upon such liberty. This object cannot be secured by the clause 8, as amended by the Select Committee. I would therefore suggest that sections 5 and 8 should be amended, the former by the substitution of the words "The Chief Presidency Magistrate" for the words "The Commissioner of Police" in it and the latter by substituting "Appeal to the High Court" for "Petition to the Local Government".

I am aware of the possible objections to be raised to these amendments on the ground that sanction under the Government of India Act of the Governor-General is necessary for such amendments. Assuming that the sanction of the Governor-General is required to such amendments, it is already covered by the preamble. If any amendments cannot be considered by the Legislative Council, the logical conclusion would be that such bills would have to be accepted or rejected *in toto*. This Legislative Council has the power and it is sufficiently safeguarded by the ultimate power of the Governor-General to withhold his sanction.

(Signed) R. R. KALE.

16th September 1929.

G. S. RAJADHYAKSHA,  
Secretary to the Legislative Council of the  
Governor of Bombay.

[Appendix 3—*contd.*]

**LEGISLATIVE COUNCIL OFFICE :**

Council Hall, Poona, 19th September 1929.

No. 1286.—With reference to the footnote to the Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) published at pages 159-163 of the *Bombay Government Gazette*, Part V, dated the 17th September 1929, it is notified that Dr. M. D. Gilder, M.L.C., has signed the report of the Select Committee and that Mr. N. B. Chandrachud, M.L.C., has signed the same subject to a minute of dissent shown below :—

*(Minute of dissent by Mr. N. B. Chandrachud, M.L.C.)*

I have signed the report subject to the following minute of dissent.

1. I would delete the words "And has been complied with by him" in clause 9 (original clause 8). No system of jurisprudence makes the complying with the order complained of a condition precedent to the filing of an appeal or an application for revision against the said order. I do not think that there are any reasons which make it necessary that in this particular case a person ordered to be removed must comply with the order before he can petition the Government against the said order.

In all probability the Commissioner of Police or the District Magistrate would prescribe a very short period during which the person ordered must remove himself from the presidency area. It is also very unlikely that the Government will grant stay of the executive order passed by the Commissioner or the District Magistrate simply on the ground that the person aggrieved has filed a petition to the Government. It may however happen that the order made by the Commissioner of Police or the District Magistrate is grossly unjust and Government may think it to be a fit case for granting a stay of the order pending the decision of the petition made. The clause however as it stands makes it incumbent on the person on whom the order is served to remove himself from the presidency area first before he is entitled to make the petition. Suppose the person on whom the order is served makes a petition to the Government during the period given to him for removing himself, is that petition to be thrown off simply because the person has not complied with the order?

2. I would also delete the whole of the clause 11 (old clause 10).

I shall not discuss the vexed question whether the Bombay Legislature can pass an Act depriving a subject of his right of suit against the Government or officers of the Government; and whether such an Act, if passed, would not be *ultra vires*. Assuming that this Council is competent to pass an Act depriving a subject of his right of action against the Government or the Government officers concerned, I do not think it would be just to do so. The clause, as it stands, is also



[Appendix 3—*contd.*]

very sweeping as it bars the right of action not only against the Government or the Government officers but against *any one*.

The bill is intended to confer extraordinary powers on the executive. Its aim, ostensible at any rate, is to remove undesirable persons styled as "Gundas". Even well-to-do persons cannot for several reasons afford to bring an action against the Government and the officers of the Government, and the probability of such undesirable persons bringing an action against the Government is very remote. But if any citizen aggrieved by such an order is advised that he has a good and valid claim, I do not think that he should be deprived of this right.

The right of action is the only safeguard against the abuse of powers vested in the executive. I am of opinion that the said clause should not be retained, though the Bengal Act, on the model of which the bill is framed, contains a similar provision.

(Signed) N. B. CHANDRACHUD.

Poona City, 18th September 1929.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council of the  
Governor of Bombay.

#### LEGISLATIVE COUNCIL OFFICE :

Council Hall, Poona, 1st October 1929.

No. 1354.—With reference to the footnote to the Report of the Select Committee on Bill No. XXI of 1929 (A Bill for safeguarding life and property in the Presidency Area in times of emergency) published at pages 159-163 of the *Bombay Government Gazette*, Part V, dated the 17th September 1929, it is notified that Mr. N. A. Bechar, M.L.C., has signed the report of the Select Committee subject to a minute of dissent shown below :—

*(Minute of dissent by Mr. N. A. Bechar, M.L.C.)*

My objection to the principle of the Bill stands. The Bill as it has emerged from the Select Committee has become more obnoxious and in one case goes against the intention of this Bill. In the Statement of Objects and Reasons it was shown that the hooligans are required to be dealt with under certain circumstances and that the Bill was to be a preventive measure. I cannot therefore understand how consistently Government could, as it did, jump up in accepting the amendment moved by my friend Mr. Munawar to include even the Editors of Newspapers by adding the words "or inciting by words either spoken or written." Surely the Orators and the Editors cannot be classed among the hooligans. Secondly, when anyone incites by words spoken or written, he definitely commits breach of peace and as such could be dealt with

[Appendix 3—concl'd.]

under the ordinary law. In their case the Bill ceases to operate as a preventive measure and as such it ought not to be applied to them. Again section 9 (b) (ii) has been made more retrograde by inflicting double punishment. Besides this, none of the safeguards necessary to check the wide autocratic powers which this Bill places in the hands of the irresponsible Executive, are provided in the Bill. I would have preferred that the Chief Presidency Magistrate had been substituted for District Magistrate or the Police Commissioner in clause 5 (1) so that some element of check had been provided. Section 5 (1) (a) includes all non-bailable offences and as the Act can be brought into force in a state of emergency, the class and character and the extent of which the Government will be the sole judge, the Bill should have excluded sections of the Indian Penal Code dealing with the crime against the State, but unfortunately the amendment was voted down. The worst feature is that even after a person is removed he is not given an opportunity to clear his character before a Court of Law and even an amendment to provide an appeal to the High Court was voted down on the ground that the Local Legislature have no authority to affect the powers of the High Court although the Bombay Children's Act sections 5 and 51 does provide for appeal to High Court.

(Signed) N. A. BECHAR.

23rd September 1929.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

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#### APPENDIX 4.

#### BILL No. XXIV OF 1928.

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

(As introduced on the 31st July 1928 and published in the "Bombay Government Gazette" of the 11th August 1928.)

WHEREAS it is expedient further to amend the law relating to the Municipal Government of the City of Bombay; It is enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal Act, No. of 1928.

2. *Amendment of section 11 of Bom. III of 1888*—In clause (2) of Bom. section 11 of the City of Bombay Municipal Act, 1888, the word "ten" <sup>III of 1888.</sup> in line 11 shall be substituted by the word "five".

[Appendix 4—*contd.*]

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to democratise the municipal constitution by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 1,137,782, population numbering 1,018,098 is deprived of the vote and the Bill proposes to give some of them the right of vote.

(Signed) S. K. BOLE.

## APPENDIX 5.

## BILL No. XX OF 1928.

*A Bill further to amend the Bombay Hereditary Offices Act, known as Watan Act, being the Bombay Act, No. III of 1874.*

(As introduced on the 31st July 1928 and published in the "Bombay Government Gazette" of the 11th August 1928.)

Bom. III of 1874. WHEREAS it is expedient further to amend the Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1928.

Bom. III of 1874. 2. *Amendment of section 36, clause 3 of Bom. III of 1874.*—In section 36, clause (3), of the Bombay Hereditary Offices Act, 1874, for the word "may" the word "shall" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

Disputes of heirship under the Bombay Hereditary Offices Act, 1874, are primarily decided by the Collector whose decision is at times not satisfactory to all the parties. So one of the aggrieved parties goes to the Civil Court to get the question of heirship settled by a judicial decision in accordance with the provisions of the Watan Act. The present Watan law does not make the judicial decision binding upon the Collector. Such a state of law is not desirable in the interests of justice. This amending bill does, therefore, aim at making it obligatory upon the Collector to respect the decision of the Civil Court in the matter of heirship so that the Collector should be required to cause the entry in respect of heirship in the Watan Register to be amended in the light of the decision of the Civil Court.

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

## APPENDIX 6.

## BILL No. XXIX OF 1923.

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

(As introduced on the 2nd October 1923 and published in the  
"Bombay Government Gazette" of the 18th October 1923.)

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

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1923 .

2. *Amendment of sub-section 15 (2) of Bom. VI of 1923.*—In the sub-section 15 (2) of the Bombay Local Boards Act, 1923, for the paragraphs (a) (i), (ii) and (b) respectively, substitute the following paragraphs :—

"(a) (i) on the first day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from the Government alienated or unalienated land in Sind on which in any one of the five revenue years preceding the date of publication of the list under section 12 an assessment of not less than Rs. 16 has been paid or would have been paid if the land had not been alienated, or

(ii) on the first day of January aforesaid held in his own right or occupied as a tenant in any place in the Bombay Presidency, other than Sind, alienated or unalienated land assessed at or of the assessable value of not less than Rs. 16 land revenue; or

(b) on the first day of January aforesaid was the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than Rs. 16, leviable in respect of land so alienated and situate within the Bombay Presidency, or was a khoti or a sharer in a khoti village or a sharer in a Bhagdari or Narvadari village or a talukdar or sharer in a talukdari estate in the said Presidency, responsible for the payment of not less than Rs. 16<sup>1</sup>/<sub>2</sub> land revenue; or."

## STATEMENT OF OBJECTS AND REASONS.

The qualification of a voter in a District Local Board has been fixed as high as that of a voter in the Legislative Council. This is unfair. The object of this Bill is to lower the qualification of a voter in a District Local Board to Rs. 16 assessment or rent which will be lower than the qualification of a voter in the Legislative Council and higher than the qualification of a voter in a taluka local board.

(Signed) JETHALAL CHIMANLAL SWAMINARAYAN.

## APPENDIX 7.

## BILL No. XXXIII OF 1928.

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

(As introduced on the 2nd October 1928 and published in the  
"Bombay Government Gazette" of the 18th October 1928.)

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

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 192 .

2. *Amendment of section 112 of Bom. IV of 1902.*—To section 112 of the said Act the following proviso shall be added :—

"Provided that nothing contained in section shall apply to the persons referred to in (d) unless such persons are found so lying or loitering in any street, yard or other place between four hours immediately after sunset and sunrise."

## STATEMENT OF OBJECTS AND REASONS.

It has been the experience that after their release from jails many convicts find great difficulty in finding a place of residence or shelter. If any of such persons is found in any street, yard or other place between sunset and sunrise, he is arrested by the police and charged under section 112 of the City of Bombay Police Act, 1902. Thus loitering or lying in such places even a short time after sunset and before sunrise being made punishable, great hardship is caused, and the object of punishment is frustrated. Such convictions operate very harshly on and mar the future careers of the offenders. It is necessary, therefore, to give some reasonable latitude to such persons. The Bill is intended to remove the hardship.

(Signed) P. J. MARZBAN.

## APPENDIX 8.

## BILL No. XII OF 1929.

*A Bill further to amend the Bombay District Municipal Act III of 1901.*

(As introduced on the 15th March 1929 and published on the 9th April 1929.)

Bom. III of 1901. WHEREAS it is expedient further to amend the Bombay District Municipal Act III of 1901 in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay District Municipal (Amendment) Act, 192

[Appendix 8—*contd.*]

2. *Amendment of section 46 of Bom. III of 1901.*—In clause (g) of section 46 of the above Act insert the words "or on death" between the words "retirement" and "or" appearing in line five.

### STATEMENT OF OBJECTS AND REASONS.

The clause as it stands at present provides *inter alia* for the grant of gratuities or compassionate allowance to Municipal employees on retirement or on their becoming disabled in the execution of their duties and to the surviving relatives of those employees whose death has been caused in the execution of their duty. But there is no provision for the grant of a gratuity or compassionate allowance in the case of an employee who dies while in service and whose death has not been caused in the execution of his duty. This difficulty does not exist in the case of pensionable employees. If an employee on pension list dies while in service and even his death has not been caused in the execution of his duties, his surviving relatives can receive a compassionate allowance. For instance, the Pension Rules of the Karachi Municipality provide for a graduated scale of compassionate allowance in the case of a pensioner who dies in service after 5 years' completed service and also for the grant of the balance of the pension in the case of a pensioner who dies before receiving full 18 months' pension. On the other hand, an employee who is not a recipient of the benefits of pension or Provident Fund is denied the above concessions. Under the existing clause, an employee of the above class, on retirement, after having put in the qualifying service, gets a gratuity, but, if for one reason or the other, he continues to be in service after putting in his qualifying service and dies while in service, his family do not get anything. Had he retired immediately after putting in the qualifying service, he would have been entitled to some gratuity as stated above. Thus by continuing in service, he penalizes his family who by his death are deprived of the sole breadwinner in most cases and are thus left in a destitute condition. This means great hardship and denies relief to those who need it the most. With a view to remove this anomaly and the hardship, certain municipalities wanted to amend their Rules but they were informed that such Rules would be *ultra vires* as the substantive Act itself does not provide for the grant of gratuity on death not caused in the execution of duty. Hence the proposed amendment which seeks to remove the above drawbacks. Of course the gratuities would be granted only in case where an employee has put in the necessary qualifying service prescribed under the Rules framed under the above section and sanctioned by the Local Government.

(Signed) NARAINDAS ANANDJEE BECHAR.

## APPENDIX '9.

## BILL No. XXII OF 1929.

*A Bill further to amend the Bombay Revenue Jurisdiction Act, 1876.*

(As published in the "Bombay Government Gazette" of the  
11th September 1929.)

X of 1876. WHEREAS it is expedient further to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Revenue Jurisdiction (Amendment) Act, 1929.

X of 1876. 2. *Amendment of section 16 of Act X of 1876.*—For section 16 of the Bombay Revenue Jurisdiction Act, 1876, the following section shall be substituted, namely:—

"16. *Privileges of Government in suits defended by it.*—Whenever any suit is brought in any Court of a subordinate judge of the first class against Government, or against any Revenue Officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by certificate signed by a Secretary thereto, to require—

(a) that such suit shall be transferred by the District Judge to his own file and shall be tried or disposed of by the District Judge himself; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge;

and the Court shall give effect to every such requirement.

The privilege conferred on Government by clause (b) shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section."

## STATEMENT OF OBJECTS AND REASONS.

Sections 15 and 16 of the Bombay Revenue Jurisdiction Act, 1876, are based on section 32 of the Bombay Civil Courts Act, 1869. As the latter section has now been amended by the Bombay Civil Courts (Amendment) Act, 1926 (Bom. VI of 1926), sections 15 and 16 of the Bombay Revenue Jurisdiction Act, 1876, also stand in need of amendment. Government, however, do not consider it necessary to repeal section 15, since it is no longer operative and is harmless as it stands. Section 16, however, gives Government the right of directing that a particular suit shall be tried by the District Judge and not by an Assistant Judge, and that it shall have precedence over other suits. This law was enacted when the District Court alone could try a suit by or against Government. Under the law as it stands at present such a suit must be filed in the Court of the First Class Sub-Judge, and the District Judge

[Appendix 9—*contd.*]

cannot take cognizance of it directly. As the section applies only to suits pending in a District Court, Government cannot insist upon their litigant having precedence in the First Class Subordinate Judge's Court as they could do in the District Court. Section 16 is therefore proposed to be amended in the manner set forth in the Bill, so as to enable Government to claim precedence for Government suits in both the Courts and to require that a suit instituted in the First Class Subordinate Judge's Court shall be transferred by the District Judge to his own file and tried by himself.

(Signed) W. F. HUDSON.

31st August 1929.

#### APPENDIX 10.

#### BILL No. XXIII OF 1929.

*A Bill further to amend the Bombay Children Act, 1924.*

(As published in the "Bombay Government Gazette" of the 24th September 1929.)

WHEREAS it is expedient further to amend the Bombay Children Act, Bom. 1924, in manner hereinafter appearing: And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Children (Amendment) Act, 1929.

2. *Amendment of section 4 of Bom. XIII of 1924.*—For section 4 of Bom. the Bombay Children Act, 1924, the following shall be substituted, namely:—

"4. *Amendment of sections 4, 8 and 10 of Act VIII of 1897.*—In the VIII Reformatory Schools Act, 1897, in its application to the Presidency of Bombay,—

(a) for the word 'fifteen' occurring in section 4 (a) and in section 10 and the marginal note thereto, the word 'sixteen' shall be substituted; and

(b) in sub-section (1) of section 8 for the word 'three' the word 'two' shall be substituted."

#### STATEMENT OF OBJECTS AND REASONS.

Section 4 of the Bombay Children Act, 1924, amended section 4 of the Reformatory Schools Act, 1897, raising the age of fifteen years to sixteen years in the definition of "youthful offender", but no corresponding amendment was made in section 10 of the latter Act. The Bill is intended to remedy this defect. The amendment in section 8 of the Reformatory Schools Act, 1897, is consequential.

(Signed) J. E. B. HOBSON.



## APPENDIX 11.

## BILL No. XXIV OF 1929.

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

(As published in the "Bombay Government Gazette" of the  
28th September 1929.)

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

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act, 1925.

Bom. 2. *New section 34A of Bom. XVIII of 1925.*—After section 34 of the  
XVIII Bombay City Municipalities Act, 1925, hereinafter called the said Act,  
of the following section shall be inserted, namely :—  
1925.

" 34A. *Power of Government to veto the appointment or to require the removal of a chief officer, health officer or an engineer.*—(1) Notwithstanding anything contained in section 33 and sub-section (5) of section 34, it shall be lawful for the Government to make in its discretion an order

(a) vetoing the appointment of any person selected for the appointment of a chief officer, a health officer or an engineer;

(b) on the recommendation of any municipality supported by a resolution passed by a majority of the members present at a special general meeting called for the purpose, vetoing the continuance in office of any person holding the appointment of a chief officer, a health officer or an engineer.

(2) The tenure of office by any person whose appointment or continuance in office is vetoed under sub-section (1) shall cease and determine on and from such date as may be appointed by Government in that behalf."

3. *Amendment of section 58 of Bom. XVIII of 1925.*—In clause (f) of section 58 of the said Act for the word and figures " 33 and 34 (5) " the word and figures " 33, 34 (5) and 34A " shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

Under sections 33 (2) and 34 (5) (b) of the Bombay City Municipalities Act, 1925, a chief officer, health officer or an engineer in a municipal borough can be removed from office only by the assent of at least two-thirds of the whole number of councillors. It appears that these provisions are not adequate and that in the interest of the efficiency of municipal administration it is necessary that Government should have power, in its discretion, to make, if necessary, an order vetoing the appointment or the continuance in office of a chief officer, a health officer or an engineer, when the selection made by the municipality is found

[Appendix 11—contd.]

to be unhappy or, for any reason against the interest of the municipality. Such a power exists in the case of appointments made by district municipalities, *vide* section 177(I) (ii) of the Bombay District Municipal Act, 1901. As a safeguard it is provided that the power to require the removal of any such officer from office shall be exercisable by Government only if a recommendation for such removal has been made by a resolution passed by a majority of the members present at a special general meeting called for the purpose.

(Signed) HARILAL DESAIBHAI DESAI.

24th September 1929.

## APPENDIX 12.

### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 1. The Honourable Mr. B. V. JADHAV.

#### *Construction of a second tube well at Sakrand.*

The main source of water supply for the Sakrand Agricultural Research Farm is the Sakrand dhand, but this supply lasts for a part of the year only. The dry period varies, depending upon the preceding inundation of the river, from two to five months. During this period the farm is supplied with water from a tube well which was constructed in the year 1926. During the hot weather of 1928 the farm was entirely dependent upon this tube well and the strain on it was great. It is evident that a water supply, on which important experiments depend, should not be allowed to rest on one well only. In the event of any damage either to the structure of the well or to the turbine pump the work would be brought to a standstill. It is therefore essential to have a reserve well to meet such an emergency. It is accordingly proposed to construct a second tube well at a cost of Rs. 15,556 and a grant for this amount is required. The details of the expenditure are as shown below :—

	Amount.
	Rs.
1. Two trial bores .. .. .	700
2. Tube well .. .. .	5,669
4. Pump and its erection .. .. .	4,187
4. Discharge tank and its connections .. .. .	2,500
5. Shed to house machinery .. .. .	1,500
6. Miscellaneous .. .. .	1,000
Total ..	15,556

The sanction of the Legislative Council is requested to a supplementary grant of Rs. 15,556 under the head 34-Agriculture—Transferred. The requisite amount will be earmarked from the reserve of Rs. 3,50,000 at

[Appendix 12—contd.]

the disposal of the Finance Department under 47-Miscellaneous—  
Transferred.

*Demand voted and now increased.*

34-Agriculture (Transferred).

Rs. 28,30,010 + Rs. 15,556.

FINANCE DEPARTMENT :

Bombay Castle, 30th September 1929.

### APPENDIX 13.

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

RESERVED 2. The Honourable Sir GHULAM HUSSAIN HIDAYAT-  
ALLAH.

*Expenditure due to damage caused by heavy rains and floods to  
Irrigation Works in Sind.*

The abnormally heavy rains and unprecedented river floods in Sind this year have caused very serious damage to canals and protective bund lines and it has therefore become imperatively necessary to provide additional funds for repairing this unforeseen damage. It is not possible at present to frame an exactly accurate estimate of the total damage caused, as some portions of the affected areas are still under water, but as far as can be judged at present by the local officers the total approximate amount that will be required in the current financial year under the heads "XIII-Irrigation, Navigation, Embankment and Drainage Works for which capital accounts are kept" and "15-Other Revenue Expenditure financed from ordinary revenues" will be Rs. 7,38,000 as shown below:—

	Rs.
" XIII " .. .. .	3,76,500
" 15 " .. .. .	3,61,500
	<hr/> 7,38,000

Details of individual items of works and repairs on which this amount will be spent, as well as full explanation of the necessity for each item, are given in the accompanying statement.

Out of the total amount of Rs. 7,38,000 required, Rs. 3,06,000 will be met from savings on other irrigation works under the heads "XIII" and "15". These savings have been effected by exercising the strictest economy in expenditure. A supplementary grant of Rs. 4,32,000 is required for the balance (Rs. 7,38,000—Rs. 3,06,000) and the sanction of the Legislative Council is requested thereto.

[Appendix 13—*contd.*]

*Demand voted and now increased.*

Irrigation Works charged to Revenue—Reserved (including XIII-Working Expenses, 15-Other Revenue Expenditure financed from ordinary revenues, and 15 (1) Other Revenue Expenditure financed from the Famine Relief Fund).

Rs. 71,65,000 + Rs. 4,32,000.

FINANCE DEPARTMENT:

Bombay Castle, 1st October 1929.

*Statement showing the details of the individual items of works and repairs on which the sum of Rs. 7,38,000 required for repairing the damage caused to Irrigation Works by the abnormally heavy rains and river floods in Sind will be spent in 1929-30.*

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[Appendix 13—contd.]

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Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
	<b>XIII—IRRIGATION, NAVIGATION EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT—WORKING EXPENSES</b>  <b>INDUS RIGHT BANK CIRCLE</b>  <i>Bejari Canals Division</i>	Rs.	
1	Repairs to Desert Canal .. ..	1,00,000	This canal has been damaged considerably by hill torrents which overtopped it on 22nd August 1929 from miles 16 to 18 and miles 32 to 50. These torrents flowed for approximately 12 days, washing away banks and berms in long reaches. The branches in the above reaches have also been damaged considerably, especially Frontier Rajwah. In consequence of these numerous breaches from hill torrents, combined with the recent river floods, it was necessary to close the Head Regulator almost completely for over a fortnight, and this caused the Head to silt heavily. Two cuts were made in the right bank upstream of the Head Regulator, to relieve pressure on this structure, during the recent high river floods. These cuts have to be repaired. The minimum amount required to repair this canal and to bring it into an efficient condition is Rs. 1,50,000 out of which Rs. 1 lakh will be required this year and the balance next year.
2	Repairs to Unharwah .. ..	10,000	Owing to river erosion at the head of this canal a heavy silt bar has been deposited across the head, and canal upstream of the Head Regulator has silted. The hill torrents crossing the Desert Canal have also damaged Unharwah somewhat from mile 27 to mile 33 tail. The heavy regulation necessitated at the head, owing to

[Appendix 13—contd.]

Appendices

the recent high river floods, has caused additional silting in the head reaches. Two cuts were made in the right bank upstream of the Head Regulator, to relieve pressure on this structure, during the recent high river floods. These cuts have to be repaired. The minimum amount required to repair this canal and to bring it into an efficient condition is Rs. 15,000 out of which Rs. 10,000 will be required this year and the balance next year.

3 Repairs to Pegari Canal .. .. 60,000

Owing to the high river, Begari New Feeder banks breached, also additional cuts were made to relieve pressure on the Gouspur loop, and on the Pegari and Choi Head Regulators. To ensure the efficient working of this new head and to prevent breaches, it is essential that these new banks should be strengthened throughout, also the berms heavily groyned, to ensure rapid silting and thus to ensure a water-tight canal. If these measures are not taken, a breach may occur in this canal resulting in heavy silting of the head with consequent danger of shortage of water supply and loss of crops. Hill torrents have flowed across the tail of Edanwah and Sirwah almost continuously from 17th July and this has resulted in the heavy silting of Edan, Sirwahs and the tail of Begari. The Desert canal hill torrents have damaged Nurwah banks from mile 15 to tail, and have also caused Nurwah to silt.

In consequence of the above, an additional sum of Rs. 60,000 is required this year and Rs. 40,000 next year. This is the minimum amount required.

*Western Nara Division*

4 Repairs to Western Nara including Pritchard Canal. 15,000

This amount is required for repairing the damage done to the banks and for raising them above the Regulator in order to keep 4 feet free board.

5 Repairs to Phitta Canal .. .. 1,500

This amount is quite essential for earthwork, required for repairs to the banks of the canal, which have been weakened during the recent heavy rains and for carrying out silt clearance in head reaches.

6 Repairs to Dadu Canals .. .. 1,000

This amount is necessarily required for closing breaches caused by the floods.

**Total, Indus Right Bank Circle 1,87,500**

Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
XIII—IRRIGATION, NAVIGATION EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT—WORKING EXPENSES— <i>contd.</i>		Rs.	
INDUS LEFT BANK CIRCLE			
<i>Fuleli Canals Division</i>			
7	Repairs to Fuleli Canals .. ..	30,100	These amounts are necessarily required for carrying out the following items:—
8	Repairs to Indus Canals .. ..	5,300	(a) Due to heavy rainfall almost all the banks have been greatly cut up and require to be made up to hold their full supply levels. The banks at the tails of Imamwah Janobi and Mulchand have been overtopped by Sarfrazwah floods and require to be properly repaired and breaches in them properly closed. For the same reason, the tail of Mulchand in Dero Mahbat Sub-division has got silted up and a provision of Rs. 2,500 is made to remove this silt.
9	Repairs to Hassanali Canal .. ..	4,300	(b) Owing to the heavy rainfall, mud plaster over the roofs and walls has fallen down and the roofs have leaked everywhere, on account of which all the distemper and varnishing of doors and windows which have been spoiled require to be re-done. (c) Various breaches have occurred due to rainfall and also in the old Fuleli which has no Head Regulator. These require to be properly closed. (d) Inspection paths along all canals have been cut up by the heavy rainfall and a great number of "gharas" have occurred. The paths require to be made up in order to make inspection of works and canals possible. (e) The portions of canals above the bunds and those which had been overtopped by floods have greatly silted up. The silt being due to the extraordinary season requires special allotment for Hassanali.

*Nasrat Canals Division*

10	Repairs to Naulakhi Canal .. ..	12,000
11	Repairs to Dambhro Canal .. ..	5,800
12	Repairs to Dad Canal including Ren Dis tributary.	12,000
13	Repairs to Nasrat Canal .. ..	3,000

These amounts are required for repairing the serious damage caused to buildings and canals in the Nasrat Canals Division which has suffered the heaviest damage on account of floods. Many canals which were overtopped have silted heavily. There were numerous breaches in several of them in addition to many artificial cuts given. In the case of the Nasrat Canal, the entire embankments of the head reach have been washed away. Almost all the buildings and canals require very extensive repairs before they can be restored to their former condition. Full extent of damage cannot be estimated at present as the country is still under water but about Rs. 32,800 will be required in the current year and Rs. 00,000 next year. The current year's demand includes an expenditure of Rs. 15,000 incurred by the L. B. & C. C. Adm. on the Dad, Nasrat and Naulakhi canals in protecting the country from floods.

[Appendix 13—contd.]

*Hyderabad Canals Division*

14	Repairs to Alibahar Kachori Canal ..	3,000
15	Repairs to Great Marak Canal .. ..	5,700
16	Repairs to Sarfraz Canal .. ..	4,000
17	Repairs to Ghara Mahmud .. ..	7,000
18	Repairs to Nasirwah .. ..	3,000
19	Repairs to Kari Shumali .. ..	7,300

Owing to heavy rains and recent floods the country all round was flooded and canal banks were overtopped and submerged. The canals have been heavily silted up due to their having been completely overtopped by river spill and floods. There were several breaches in canals and the banks have been washed away. As soon as the abkalan is over, the breached portions will have to be reopened and closed strongly and the banks will have to be strengthened. The approximate expenditure required to repair the damage will be Rs. 53,700, out of which Rs. 30,000 are necessarily required during the current year. This includes necessary repairs to the Irrigation buildings which have been damaged by rains.

*Northern Jamrao Canal Division*

20	Raising and strengthening left bank of West Branch.	7,000
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The left bank of the West Branch is very weak and has actually breached in several places by the flood water and the waters of Sangrowah of the Hyderabad Canals Division which overtopped the right bank of the West Branch. Hence in order to protect the bank from breaches it has become imperative to raise and strengthen it.

Appendices



Serial No.	Name of work.	Amount required in 1929-30.	Explanation of necessity.
	XIII—IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT—WORKING EXPENSES— <i>contd.</i>	Rs.	
	INDUS LEFT BANK CIRCLE— <i>contd.</i>		
	<i>Northern Jamrao Canal Division—contd.</i>		
21	Repairs to Jamrao Canal .. ..	43,000	The banks and inspection paths have been heavily washed away and cut up by rains and groyne work has been destroyed and these require immediate repairs. Further, during the rains on account of the expected heavy floods a very great amount of labour had to be engaged for the patrol of canals, and materials purchased for closing leaks and protecting banks against disastrous breaches have cost much more than in ordinary years; moreover, a number of irrigation bungalows have been seriously damaged and almost all of them require special repairs,
	<i>Southern Jamrao Canal Division</i>		
22	Repairs to Jamrao Canal .. ..	36,500	The necessity for additional funds has arisen due to considerable damage to canal banks, inspection paths, buildings, etc., caused by the abnormally heavy rains of the current year and also due to the extra expenditure incurred in taking precautionary measures against the danger from the heavy floods of the current year.

			<p>The items of works are—</p> <table border="0"> <tr> <td>(1) Repairing banks, inspection paths, closing breaches, etc.</td> <td>Rs. 22,000</td> </tr> <tr> <td>(2) Clearing Escapes</td> <td>2,000</td> </tr> <tr> <td>(3) Repairing Irrigation buildings (Kacha and Paka)</td> <td>6,000</td> </tr> <tr> <td>(4) Precautionary measures taken for preventing damage by the anticipated Indus floods</td> <td>6,500</td> </tr> <tr> <td></td> <td style="border-top: 1px solid black;">36,500</td> </tr> </table>	(1) Repairing banks, inspection paths, closing breaches, etc.	Rs. 22,000	(2) Clearing Escapes	2,000	(3) Repairing Irrigation buildings (Kacha and Paka)	6,000	(4) Precautionary measures taken for preventing damage by the anticipated Indus floods	6,500		36,500
(1) Repairing banks, inspection paths, closing breaches, etc.	Rs. 22,000												
(2) Clearing Escapes	2,000												
(3) Repairing Irrigation buildings (Kacha and Paka)	6,000												
(4) Precautionary measures taken for preventing damage by the anticipated Indus floods	6,500												
	36,500												
	<b>Total, Indus Left Bank Circle</b>	1,89,000											
	<b>Grand Total, " XIII "</b>	3,76,500											
	<b>15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES</b>												
	<b>INDUS RIGHT BANK CIRCLE</b>												
	<i>Western Nara Division</i>												
23	Repairs to Canals north of Kotri	3,000	<p>The amount is required for closing breaches and restoring banks washed away by hill torrents due to heavy rains. Aral Laki Banks are weak and cannot sustain the high level of water with the result that at height of the abkalani the water overflows the banks causing breaches and damage to crops and endangers Schwan Town. It is therefore necessary to raise Aral Laki Banks at an approximate cost of Rs. 2,000 of which Rs. 1,000 are required in the current year.</p>										
24	Repairs to Aral and New Feeder	1,000											
	<b>INDUS LEFT BANK CIRCLE</b>												
	<i>Nasrat Canals Division</i>												
25	Repairs to Mehrab and other canals	13,000	<p>Extensive damage has been done to Mehrab canal by abnormally heavy rains and floods. There are numerous breaches; besides in 3 miles its banks were overtopped. A sum of Rs. 13,000 is therefore absolutely necessary for repairing this damage. This includes expenditure of about Rs. 3,000 already incurred by Barrage Admn. in protecting this area from floods. About Rs. 20,000 more will also be required next year to restore the canal to proper order.</p>										

[Appendix 13—contd.]

Appendices

Serial No.	Name of work.	Amount required in 1929-30.	Explanation of necessity.
	15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES— <i>contd.</i>	Rs.	
	INDUS LEFT BANK CIRCLE— <i>contd.</i> <i>Hyderabad Canals Division</i>		
26	Repairs to Renwah and other canals	3,000	The heavy rains and recent floods have done extreme damage to the canal banks which have been scoured and weakened and in some miles completely disappeared. A sum of Rs. 3,000 is necessary for setting right the damage caused by heavy rains.
	WORKS UNDER THE CONTROL OF THE INDUS RIVER COMMISSION <i>Karachi Canals Division</i>		
27	Repairs to Bunds, Right Bank	12,500	The amounts are required for meeting the extra expenditure incurred on (a) purchase of Abkalani stores such as mats, munj ropes, gunny bags, lanterns, kerosine oil, etc., (b) extra labour engaged for patrolling the river bunds in a length of 151 miles (Bunds left bank—98, Bunds Right Bank—53) day and night and for protecting against strong wave-wash and (c) raising bunds where found necessary in a width of 2 feet to safeguard the bunds from being overtopped at height of the abnormal river flood.
28	Repairs to Bunds, Left Bank <i>Shikarpur Canals Division</i>	28,500	
29	Repairs to bunds	30,000	This amount is required (a) for repairing the serious damage caused by the extremely heavy rains and floods to the bund line throughout the Division, (b) for meeting the cost of zamindari labour collected on the bunds to raise and patrol them during the flood period and (c) for the purchase of lamps and other abkalani materials for use on the bunds for patrolling.

*Begari Canals Division.*

20 Repairs to Kashmir Bund .. .. 31,500

This amount is required (i) for meeting the expenditure incurred during the abkalan on raising the bunds and keeping intensive patrol during the high floods and (ii) for repairing the damage caused which consists of the following items:—

- (a) Sand-coring 1 furlong of the Tori Loop.
- (b) Providing berm in the Tori Loop.
- (c) Repairing breach in Tori Loop and providing strong berms.
- (d) Raising trenching bund of Haibat Loop.
- (e) Closing cut in 1904 Loop.
- (f) Fixing one of the old engines at mile 15/4 of Haibat Loop.

The amount required in the current year includes an expenditure of Rs. 1,500 incurred by the L. B. and C. C. Administration on this bund. A sum of Rs. 22,000 will be required next year for completing these repairs.

*Extensions and Improvements.*31 Constructing a bund line from taki 70 of new cut Begari to mile  $\frac{1}{4}$  of 1896 Loop with side slopes 3 to 1 both sides. 15,000

It is urgently necessary to take up the construction of this bund line this year and complete it before the next inundation for the reasons explained below.

The pocket formed by the old Begari Right and the new Begari Left Bank is a source of danger to the new head and requires to be eliminated by the construction of the proposed cross bund line. If this bund line is not constructed, the Begari banks, which are not designed to act as river bunds, will breach or overtop where exposed directly to the river, especially at the apex of the pocket owing to the heading up effect in the pocket. The breaching of these banks will be dangerous in three ways, viz. :—

- (a) Water will cross the Begari and enter the Gouspur Loop compartment, at a rapid rate, with consequent considerable danger to the Gouspur Loop which protects the Sind Dhoro, an old course of the river. Should the Gouspur Loop breach, water will flow through the Sind Dhoro down to the Manohar Lake doing enormous damage on its way to important towns and villages, the main North-Western Railway and cultivation in the most fertile area in Sind.
- (b) Flood water will cross the Begari and will cause Begari Head to silt to the extent of a lakh of rupees approximately.

[Appendix 13—contd.]

Appendices

Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
<p>16—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES—<i>contd.</i></p> <p>WORKS UNDER THE CONTROL OF THE INDUS RIVER COMMISSION—<i>contd.</i></p>			
<p><i>Special repairs</i></p>			<p>(c) The silting of Begari Head will result in deficient water supply to the Begari and Choi Canals during the important month of September with consequent danger of loss of kharif crops and large reduction in rabi crops. Over a crore of rupees worth of crops is dependent on the Begari Canal system. The plans and estimate, the letter amounting to Rs. 40,231, have been sanctioned by the Indus River Commission. A sum of Rs. 15,000 will be spent in the current year and the balance in the next year.</p>
32	<p>Providing 3 new crude oil engines for wetting the loops and bunds in the Begari Canals Division.</p> <p><i>Ghar Canals Division</i></p> <p><i>Special repairs</i></p>	8,000	<p>New engines are required to replace the existing ones which are old, inefficient and very expensive to run. In view of the change in the set of the Indus, which has brought the main current right up against the river bank opposite these bunds, they have to stand considerable pressure and are affected suddenly by the changes in the river levels. It is therefore necessary to provide the new engines. Rs. 8,000 will be required in the current year and Rs. 10,000 in the next year.</p>
33	<p>Providing sand trenches in front slopes in dangerous and kalar affected places.</p>	15,000	<p>In order to assure the safety of the bunds in future, it is essential to provide sand trenches in front slopes in dangerous and kalar affected places which gave trouble during the floods.</p>
34	<p>Repairs to Ghar Bunds .. ..</p>	13,500	<p>This amount is required for the following items :— (a) Zamindari and Barrage labour employed on bunds during floods for raising and patrolling bunds.</p>

	<i>Western Nara Division</i>	
35	Repairs to Nara Bunds .. ..	68,000
	<i>Fuleli Canals Division</i>	
36	Repairs to Bunds .. ..	87,500

- (b) Opening out and refilling leaks.
- (c) Flattening steep slopes of bund in dangerous places and portions affected by wave-wash.
- (d) Abkalani materials purchased.

This amount is required on account of the following items —

- (a) Expenditure incurred on protection of 101 miles of Nara bunds in this Division on raising their tops at low places, specially in Dhambro and Pritchard sub-divisions where free-board was hardly 1 to 2 ft. in height, and keeping efficient patrol, and materials prepared for protection against leaks and breaches.
- (b) Special repairs to buildings.
- (c) Closing Talati breach.
- (d) Providing sand-coring in Dhamrao Sub-division in miles 28,29 and 39.
- (e) Providing sand-coring in Pritchard Sub-Division in miles 42 and 43.

A sum of Rs. 26,000 will be required next year for completing these repairs.

	Rs.
This amount is required on account of the following:—	
(a) Amount spent on raising bunds in the whole length in order to meet situation which was expected to be created by floods ..	12,500
(b) Stores purchased for the safety and protection of bunds ..	26,500
(c) Extra labour engaged for patrolling bunds ..	4,000
(d) Extra labour engaged for stopping action of waves and other emergencies ..	6,000
(e) Earthwork for repairing damage caused by rains and floods ..	12,500
(f) Resetting stone pitching which has fallen down due to great scour ..	16,000
(g) Repairing service road ..	2,200
(h) Repairs to juck muhari ..	2,000
(j) Repairing cross and longitudinal fences ..	2,700
(k) Miscellaneous ..	1,500
(l) Repairs to buildings ..	100
(m) Expenditure incurred by the Lloyd Barrage and Canals Construction Administration on behalf of the Executive Engineer, Fuleli Canals Division ..	1,500
<b>Total ..</b>	<b>87,500</b>

[Appendix 13—contd.]

Appendices

Serial No.	Name of work	Amount required in 1929-30	Explanation of necessity
	<p>15—OTHER REVENUE EXPENDITURE FINANCED FROM ORDINARY REVENUES—concl'd.</p> <p>WORKS UNDER THE CONTROL OF THE INDUS RIVER COMMISSION—concl'd.</p> <p>Nasrat Canals Division</p>		
37	Repairs to Bunds .. .. .	32,000	<p>The amount is required on account of the following :—</p> <p>(a) Repairing the damage caused by rains and floods.</p> <p>(b) Amount spent on raising bunds in order to meet the situation which was expected to be created by the floods.</p> <p>(c) Replacing the earth removed from the slopes for raising tops of banks.</p> <p>(d) Extra abkalani establishment on account of the abnormal situation.</p> <p>The sum of Rs. 32,000 required in the current year includes an expenditure of Rs. 12,000 incurred by the Lloyd Barrage Canals Construction Administration on behalf of the Executive Engineer, Nasrat Canals Division. A sum of Rs. 10,000 will be required next year for completing the repairs.</p>
	Total " 15 " .. .. .	3,61,500	
	Grand Total, " XIII " and " 15 " .. .. .	7,38,000	

APPENDIX 14.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 3. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

*Grant to meet the Expenditure on account of the Court of Inquiry under the Trade Disputes Act.*

Government appointed a Court of Inquiry under the Trade Disputes Act, 1929, to investigate the trade dispute existing between certain mills and their workmen in Bombay City. The Court sat for about two months in Bombay from the 6th July 1929 and has submitted a report of its findings to Government. The cost on account of such Courts or Committees is now debited to the Departmental head of account, *viz.*, in this case "37—Miscellaneous Departments—Reserved". No provision has been made in the current year's budget under this head on account of this expenditure. The total expenditure on account of the Court has come to Rs. 21,536-13-0. Out of this, an amount of Rs. 10,200-10-0 represents the non-voted expenditure on account of the pay and travelling allowance of the Chairman. The balance of Rs. 11,336-3-0 represents the voted expenditure on account of the Court as shown below :—

	Rs.	a.	p.
Pay of one member of the Court .. .. .	6,859	6	0
Travelling Allowance .. .. .	726	4	0
Pay of Secretary .. .. .	1,322	13	0
Pay of Establishment .. .. .	2,033	6	0
Contingencies .. .. .	394	6	0
Total .. .. .	11,336	3	0

The sanction of the Legislative Council is requested to a supplementary grant of Rs. 11,337 under the head "37—Miscellaneous Departments—Reserved" to meet the voted expenditure. A corresponding amount will be allowed to lapse from the Reserve of Rs. 3,50,000 at the disposal of the Finance Department under "47—Miscellaneous—Reserved".

*Demand voted and now increased.*

37—Miscellaneous Departments—Reserved  
Rs. 3,48,000\* + Rs. 11,337.

FINANCE DEPARTMENT :

Bombay Castle, 1st October 1929.

\*Note.—This figure should have been Rs. 3,54,290 as a supplementary demand of Rs. 6,290 was sanctioned by the Legislative Council for the Rent Controller's Department at Karachi in its July-August Session of 1929. Therefore, the whole demand voted at the time of making the present demand of Rs. 11,337 at the September-October Session of 1929 was as follows :—

Rs. 3,48,000 (Demand originally voted).  
+ Rs. 6,290 (Supplementary demand granted at July-August Session) = Rs. 3,54,290.



## APPENDIX 15.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY  
GRANT.

TRANSFERRED 4. The Hon'ble Dewan Bahadur Harilal D. DESAI.

*Construction of a new Bungalow at Yeravda in place of Bungalow  
No. 2, Lothian Road, Poona.*

As the Sirdar Dastur Hoshang Boys' High School is in urgent need of additional accommodation the School Authorities have approached Government to sell them the Civil Surgeon's Bungalow No. 2, Lothian Road, Poona, which adjoins the premises of the School and have offered the sum of Rs. 50,000 for the property. In view of the bungalow being in the vicinity of the School, several Civil Surgeons have complained of the noisy locality. The question whether the bungalow should be sold has been investigated. The present day value as determined by the Consulting Surveyor to Government is Rs. 37,000 and the School Authorities have offered Rs. 50,000 for it. It would certainly be a very satisfactory transaction if the offer of the Board of the Sirdar Dastur Boys' High School is accepted. It is a very good price for the property. Rs. 50,000 would build an excellent bungalow at Yeravda, and Government in selling the bungalow would get rid of a building over 40 years old and in need of fairly expensive repairs, which further will certainly be costly in maintenance in future. As the bungalow, if sold, will have to be replaced by a new one in view of the keen demand for housing accommodation for Government Officers at Poona, the Superintending Engineer, Central Circle, was asked to prepare plans and estimates for a new bungalow to replace the one proposed to be sold. That Officer has accordingly submitted the plans and estimate for constructing a new bungalow at Yeravda amounting to Rs. 48,000 exclusive of Rs. 1,750 (cost of land), thus bringing the total estimated cost to Rs. 49,750, which is within Rs. 50,000, the amount to be received from the School Authorities.

As the work is of a very urgent nature it is proposed to approve the plans and estimate and to allot a sum of Rs. 20,000 for the present from the reserve with Government for repairs under the head 41—Civil Works—Provincial. It is hoped that it will be possible to provide the balance of Rs. 28,000 (Rs. 48,000 exclusive of Rs. 1,750 representing cost of land—Rs. 20,000) later in the year from savings. As the expenditure in question is on a new service and as the funds will be made available by reappropriation within the grant under the head 41—Civil Works—Provincial, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41—Civil Works—partly reserved and partly transferred  
Rs. 1,43,20,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 1st October 1929.

## APPENDIX 16.

## STATEMENT OF A DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 6. The Hon'ble Mr. W. F. HUDSON.

*Expenditure on Flood Relief in Sind.*

At the last session the Legislative Council sanctioned a grant of Rs. 2 lakhs under the head 43-A—Famine Relief for gratuitous distribution to meet the immediate needs of people rendered destitute or homeless in Sind by the floods which resulted from the heavy rains between 13th-15th July and 26th-28th of July last.

On August 16th the Shyok dam burst, and it was anticipated that a big flood would come down the river Indus. This flood however was dissipated before it reached Sind, and no serious damage was done by it. Rain however fell again in Sind beginning on August 21st. Unfortunately on this occasion the Upper Sind Frontier District was not spared, and in addition to very heavy rains which fell at Kashmir, the Kandhkot and Thul talukas suffered from the hill torrents in Baluchistan which reached the district and spread themselves over it.

The effect of these three periods of rain was that the whole country was water-logged. Communications both by road, railway, and water were interrupted everywhere, house property and cattle were destroyed, and the kharif crops severely damaged. The situation was made worse by the very heavy rains which fell in the Punjab, Kashmir and North-West Frontier Province with the result that the river Indus poured down a volume of water estimated to be nearly three times any amount hitherto recorded. The torrential rains of August added considerably to the heavy loss caused by previous rains and rendered the situation acute. These rains combined with the serious flood of the river in spite of the special care taken to erect or raise protective bunds caused enormous damage to crops, cattle and buildings and other property and swept away many villages. The districts of Hyderabad, Thar Parkar, Nawabshah and Upper Sind Frontier suffered most.

Government now ask the Legislative Council to sanction an additional sum of Rs. 4 lakhs for gratuitous relief. This sum has been determined by two considerations, (1) the other demands upon the Famine fund, (2) the amounts that are being raised by private charity:—

(1) These include the sum of Rs. 10 lakhs per annum spent on a protective work in Sind, i.e., the Lloyd Barrage and the canals. They also include the expenditure on famine protective works in the Presidency such as minor irrigation works, water supply, storage of fodder, and advances to cultivators, e.g., to the sufferers from the floods in Sind and Gujarat in 1927.

[Appendix 16—contd.]

(2) Up to the present time private subscriptions have yielded approximately Rs. 5 lakhs, i.e., Rs. 2,70,000 from His Excellency the Governor's fund, Rs. 1 lakh from the Sind fund and Rs. 1½ from the People's Famine Trust.

It will thus be realized that the general tax-payer is for the present being asked to contribute more than half the amount provided for the relief of Sind.

*Demand voted and now increased.*

43-A—Famine Relief—Reserved  
Rs. 2,00,000 + Rs. 4,00,000

FINANCE DEPARTMENT :  
Poona, 2nd October 1929.

#### APPENDIX 17.

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

RESERVED 5. The Honourable Mr. W. F. HUDSON.

#### *Advances for Flood Relief in Sind.*

The situation created by the recent rains and floods in Sind has been described in the statement of demand for a supplementary grant of Rs. 4 lakhs for gratuitous relief for that province. After the last session of the Council was over, it was found necessary to make large advances to agriculturists under the Agriculturists' Loans Act for the purchase of seed, cattle, etc., as the crops were seriously damaged and there was a considerable mortality among cattle. Allotments of tagai were accordingly sanctioned to the extent of Rs. 9 lakhs as shown below in anticipation of the sanction of the Legislative Council :—

	Rs.
Nawabshah .. .. .	1,00,000
Hyderabad .. .. .	3,00,000
Thar Parkar .. .. .	5,00,000

A further allotment of Rs. 11 lakhs for such advances is necessary as shown below in view of the wide area affected by the floods :—

	Rs.
Nawabshah .. . . .	1,80,000
Hyderabad .. . . .	75,000
Karachi .. . . .	30,000
Sukkur .. . . .	1,25,000
Larkana .. . . .	1,50,000
Upper Sind Frontier .. . . .	5,00,000
Reserve with the Commissioner in Sind .. . . .	40,000

Total .. 11,00,000

[Appendix 17—*contd.*]

The sanction of the Legislative Council is requested to the allotment of Rs. 20 lakhs for loans and advances.

*Demand voted and now increased*

Loans and Advances by Provincial Government

Rs. 32,51,000 + Rs. 20,00,000

FINANCE DEPARTMENT :

POONA, 2nd OCTOBER 1929.

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APPENDIX 18.

STATEMENT OF A DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 7. 34—AGRICULTURE.

The Honourable Mr. B. V. JADHAV.

*Measures for the Destruction of Locusts.*

At the end of August last hoppers were seen in the Desert Division and part of the Nara Valley Division of the Thar Parkar District. Later on locusts appeared in the Sirohi and Jodhpur States, and it was anticipated that the pest would soon spread itself all over Sind and do considerable damage to crops. It was therefore essential to adopt precautionary measures to deal with it. A grant of Rs. 10,000 was placed at the disposal of the Commissioner in Sind, and subsequently another grant of Rs. 10,000 was made. The Deputy Director of Agriculture at once deputed 20 members of his staff for the special work of locust destruction, and with the co-operation of the Revenue establishments millions of hoppers have already been destroyed by being driven into trenches and burnt by kerosene in bushes. Government further requested the Director of Agriculture to proceed to Sind to investigate the problem on the spot. The Director has now returned and submitted his report. He recommends an intensive campaign to last six weeks to save the rabi crop. At the same time a well-equipped entomologist, Mr. A. K. B. Kazi, has been deputed to Sind to experiment with the effects of various poisons and also poison oil on the insects. For the purpose of this campaign an extra grant of Rs. 40,000 is required.

Swarms of locusts have also recently appeared in parts of the Ahmedabad District and are doing damage to crops. Measures similar to those that are being taken in Sind are being organized, and a grant of Rs. 5,000 is necessary for the purpose. The sanction of the Legislative Council is accordingly requested to a supplementary grant of Rs. 65,000 under the head 34—Agriculture—Transferred. The

[Appendix 18—contd.]

requisite amount will be earmarked from the reserve of Rs. 3,50,000 at the disposal of the Finance Department under 47—Miscellaneous—Transferred.

*Demand voted and now increased*

34—Agriculture—Transferred  
Rs. 23,30,000 + Rs. 65,000

FINANCE DEPARTMENT :

Poona, 3rd October 1929.

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#### APPENDIX 19.

Supplementary Agenda for the third Session of the Bombay Legislative Council which commenced on Monday the 30th September 1929.  
[Vide Standing Order X, 1 (i) (d)]

#### DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

*Resolutions by Mr. H. B. Shivdasani, M.L.C.*

1. "This Council recommends to Government that the land revenue of the talukas of Bardoli and Chorasi be recovered at the old rates in force before the recent revision settlement was introduced in these two talukas till they are given the benefit of the proposed land revenue legislation."

2. "This Council recommends to Government that all the tanks in the Surat District on which there is no himayat assessment be repaired and put in good working order at an early date."

3. "This Council recommends to Government that in future the entire receipts from himayat assessment be utilised for the repair of tanks only."

4. "This Council recommends to Government to appoint either as subordinate judges or in other posts having equally good pay and prospects such servants in the Judicial Department, who, being B.A., LL.B., joined the Judicial Department under the old rules and were given to understand that they would be made subordinate judges in due course."

*Resolutions by Rao Saheb R. V. Vandekar, M.L.C.*

1. "This Council recommends to Government to place on record this Council's high appreciation of the great care, industry, thoroughness and conscientiousness with which Mr. Broomfield and Mr. Maxwell have discharged their duties as special officers appointed to inquire into and report on the complaint of the people of the Bardoli and Chorasi talukas regarding the revision settlement in those talukas."

[Appendix 19—*contd.*]

2. "This Council recommends to Government that all the Bandharas in the Nasik District on which there is water cess be repaired and put in good working order at an early date."

3. "This Council recommends to Government that in future the entire receipts from Second Class Irrigation Water Cess be utilised for the repair of Bandharas only."

4. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of Khoti villages of the Bomay Presidency and to recommend legislation for their removal."

5. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Malegaon riots of 1921 as a matter of grace and to release them forthwith."

6. "This Council recommends to Government that no further country liquor license be granted in future in the Nasik District, and that the policy of reducing the number of foreign and country liquor licenses be gradually adopted."

7. (As No. 10 of Mr. J. C. Swaminarayan in Main Agenda.)

8. (As No. 16 of Mr. Syed Munawar in Main Agenda.)

9. "This Council recommends to Government that an Ayurvedic and Unani College be established at Poona in the Presidency."

10. (As No. 14 of Mr. J. C. Swaminarayan in Main Agenda.)

11. (As No. 16 of Mr. J. C. Swaminarayan in Main Agenda.)

12. (As No. 18 of Mr. J. C. Swaminarayan in Main Agenda.)

13. (As No. 10 of Mr. Syed Munawar in Main Agenda.)

14. (As No. 11 of Mr. Syed Munawar in Main Agenda.)

15. (As No. 21 of Mr. J. C. Swaminarayan in Main Agenda.)

16. (As No. 22 of Mr. J. C. Swaminarayan in Main Agenda.)

17. (As No. 23 of Mr. J. C. Swaminarayan in Main Agenda.)

18. (As No. 13 of Mr. Syed Munawar in Main Agenda.)

19. (As No. 12 of Mr. Syed Munawar in Main Agenda.)

20. (As No. 27 of Mr. J. C. Swaminarayan in Main Agenda.)

21. (As No. 28 of Mr. J. C. Swaminarayan in Main Agenda.)

22. (As No. 30 of Mr. J. C. Swaminarayan in Main Agenda.)

23. (As No. 31 of Mr. J. C. Swaminarayan in Main Agenda.)

24. "This Council recommends to Government that they should not charge any interest on tagavi loans granted to the afflicted cultivators of Sind whose crops were destroyed by heavy rainfall and floods in the last month of August 1929."

25. "This Council recommends to Government to amend the Agriculturists Loans Act in such a manner as to enable Government to advance long date tagavi loans at a very low interest."

[Appendix 19—*contd.*]

26. "This Council recommends to Government that they should immediately spend one crore of rupees from the Famine Insurance Fund for the rehabilitation of the cultivators of those regions of Sind which have been devastated by heavy rainfall and floods in the month of August 1929."

27. (As No. 37 of Mr. J. C. Swaminarayan in Main Agenda.)

28. "This Council recommends to Government to appoint immediately a special agricultural officer of high equipments to accomplish a detailed and scientific survey of the soils of those districts in the Presidency that have been devastated by the recent floods and to order the Revenue Department to free those ruined soils which have been rendered wholly uncultivable from all assessment charges."

29. (As No. 42 of Mr. J. C. Swaminarayan in Main Agenda.)

30. "This Council recommends to Government to grant freely licenses for guns to cultivators in every village in the Presidency for protection against wild animals."

31. (As No. 49 of Mr. J. C. Swaminarayan in Main Agenda.)

32. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders."

33. "This Council recommends to Government to appoint a committee consisting of official and non-official members of this Council to enquire into the condition of cottage industries and other indigenous industries in the Presidency and to suggest measures for the revival and development of the same."

34. "This Council recommends to Government to take early steps to establish night schools in the rural areas of the Presidency for the education of adult agriculturists who cannot take advantage of the ordinary schools for children, owing to their age and want of time."

35. "This Council recommends to Government to appoint a special officer to investigate the question of using the waste areas of culturable lands in the Deccan and to make recommendations for giving facilities to agriculturists to take up the lands on favourable terms."

36. (As No. 3 of Mr. Syed Munawar in Main Agenda.)

37. (As No. 6 of Mr. Syed Munawar in Main Agenda.)

38. "This Council recommends to Government to treat as approved expenditure, the amount spent by Local Authorities on medical inspection of school children and to give its share in the expenditure."

39. "This Council recommends to Government to introduce a system of provident fund for Government servants in the subordinate and clerical services, in lieu of the present system of pensions."

40. "This Council recommends to Government that a committee of elected members of this Council with official experts be appointed to make the fullest enquiry and to report on the measures to be adopted for the intensive development of agriculture."

[Appendix 19—*contd.*]

41. "This Council recommends to Government that all portions of reserved and protected forests lying within a mile of any village be given to that village for the grazing of its cattle."

42. "This Council recommends to Government to open experimental farms in Malegaon or Baglan of the Kalvan Taluka of the Nasik District to investigate the problem of irrigated farming on bandharas."

43. "This Council recommends to Government that early steps be taken to reduce the water rate leviable under the provisions of the Bombay Irrigation Act, 1879, to half of the present rates."

44. "This Council recommends to Government that the orders relating to the recruitment of the backward classes to posts of clerks be made applicable to non-clerical posts under the local Government."

45. "This Council recommends to Government that a Committee of officials and non-officials be appointed to consider a scheme for establishing a Bombay Presidency Workmen's Welfare Fund with the co-operation of municipal and other local bodies and the various kinds of employers in the presidency to be spent for the benefit of workmen in organised industries."

46. "This Council recommends to Government to appoint at an early date a committee of officials and non-officials with a non-official majority, to enquire how far the co-operative credit movement has succeeded in improving the economic condition of the agriculturists and to make recommendations for the further development of non-credit co-operative societies."

47. "This Council recommends to Government to take special steps to improve the irrigation resources in the Nasik District and in the neighbouring districts comprised in the famine zone."

48. "This Council recommends to Government that provision be made for advancing the dry farming experiments made in the Manjri farm and to maintain on it qualified experts whose services should be wholly utilized for the experiments."

49. "This Council recommends to Government to take early steps for the amendment of the Primary Education Act of 1923 and the rules made thereunder in accordance with the suggestions made by the members who attended the informal conference called by the Honourable the Minister of Education on the 5th May 1929."

50. "This Council recommends to Government to take early steps to establish an industrial school at Nasik."

51. "This Council recommends to Government that no talati be kept in the same Saja for more than three years."

52. "This Council recommends to Government to open industrial and technical schools in commercial and industrial cities of the presidency."

53. "This Council recommends to Government that the posts of the menial staff in Government offices requiring no educational qualification



[Appendix 19—*contd.*]

be proportionally distributed among the Intermediate, Muhammadan and Backward communities on a population basis."

54. "This Council recommends to Government to approach the Bombay Medical Association with a request to secure the services of some of its members as honorary inspectors of the health of school boys."

55. (As No. 11 of Mr. W. S. Mukadam in Main Agenda.)

56. (As No. 13 of Mr. W. S. Mukadam in Main Agenda.)

57. (As No. 14 of Mr. W. S. Mukadam in Main Agenda.)

58. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to enquire into the economic condition of the agriculturists of the districts in the famine zones and to suggest measures to release them from the tyranny of money-lenders."

59. (As No. 26 of Mr. W. S. Mukadam in Main Agenda.)

60. (As No. 9 of Mr. W. S. Mukadam in Main Agenda.)

61. "This Council recommends to Government to urge upon the Central Government the necessity of making the orders relating to the recruitment of the Backward Classes in the Government service applicable to clerical and non-clerical posts in the Custom, Income-Tax, Accountant General's office and other establishments in the Presidency which are under the Central Government."

62. "This Council recommends to Government that early effect be given to the unanimous recommendations of the non-official members of the Forest Grievances Enquiry Committee."

63. "This Council recommends to Government to establish a Civil Court in the Northern part of the City of Bombay for deciding minor civil suits."

64. "This Council recommends to Government to introduce a simple and cheap system of legal procedure in connection with High Court suits and to do away with the offices of Solicitors."

65. "This Council recommends to Government that they sanction a grant equal to two-thirds of the expenditure incurred on account of rent, establishment and other charges for the maintenance of hostels for boys of the Intermediate, Backward and Depressed classes receiving primary and secondary education whether started by Associations or Institutions for the uplift of the masses."

66. "This Council recommends to Government that Assistant Secretaries in the various Departments of the Secretariat and Chitnises and Head Clerks under the various heads of offices should be transferred from one Department or office to another within a period of three years."

67. "This Council recommends to Government that Assistant Secretaries in the various Departments of the Secretariat and Chitnises and Head Clerks under the various heads of offices should not be allowed to make any remarks regarding work, qualifications or merits against the

## [Appendix 19—contd.]

ministerial employees under them, all such things being personally done by the respective Head Officers or Imperial Officers."

68. "This Council recommends to Government to entrust to the Special Officer deputed to report on Railway Schemes in the Konkan the work of making a survey in the Konkan for proposing a scheme of roads to facilitate through communication there."

69. "This Council recommends to Government that as recommended by the local Self-Government Institute they should give to the Local Boards a grant equal to one anna in every rupee of revenue realised by Government from the respective districts in addition to the grants given for education."

70. "This Council recommends to Government that they be pleased to give a special grant of rupees fifty thousand in addition to the grants the District Local Board, Nasik, is receiving at present, at least during each of the next ten years for the purpose of construction of new roads and improvement of the existing roads."

71. "This Council recommends to Government that a bridge or a high level causeway be built on the Kukadi river near Pimpalvandi village on the Nasik-Poona Road."

72. (As No. 5 of Mr. R. S. Asavale in Main Agenda.)

73. "This Council recommends to Government that questions for which information is being collected by various departments should be answered at the latest in the next session immediately following the session at which the questions are put."

74. "This Council recommends to Government to organize the Public Health Department by the appointment of Health Officers and properly trained staff in every district and major Municipality and to make a beginning in this direction by provincialising the Health Officers already employed by Local Bodies."

*Resolution by Rao Bahadur D. R. Patil, M.L.C.*

1. "This Council recommends to Government to request the Government of India to join to the Bombay Presidency such Marathi-speaking parts of the Berars as are in the neighbourhood of the Bombay Presidency."

*Resolutions by Dr. P. G. Solanki, M.L.C.*

1. "This Council recommends to Government that they should forthwith stop all grants to primary and secondary schools under the control of local bodies who refuse admission to boys and girls of the depressed (untouchable) classes on the plea of custom and religion and deny the children of the depressed (untouchable) classes equal treatment with those of other Hindoo communities."

2. "This Council recommends to Government that a certain number or a fixed percentage of special scholarships be set apart solely for the benefit of the boys and girls of untouchable depressed classes apart from those set apart for the backward classes in the primary, secondary and high schools."

[Appendix 19—*contd.*]

3. "This Council recommends to Government to reserve at least 10 per cent. of the posts of Government services in all the departments of Government for deserving candidates possessing the required minimum qualifications from the depressed untouchable classes, no further appointments to such posts from members of other communities being made until the said percentage of 10 per cent. is reached."

4. "This Council recommends to Government that 50 per cent. of the Posts of menial staff in Government offices requiring no educational qualifications be reserved for the members of the depressed classes, no further appointments to such posts from members of other communities being made until the said proportion of 50 per cent. is reached."

5. "This Council recommends to Government that the term 'depressed classes' should henceforth be strictly restricted to those classes which are treated by Hindoos as untouchables and are not allowed entry into the temples, dharmashalas and common meeting places of the Hindoos."

6. "This Council recommends to Government that all castes other than those treated as untouchables by Hindoos and now merged in the general nomenclature of the 'depressed classes' in the Government Educational Department should henceforth be classified as the backward Hindoos."

7. "This Council recommends to Government to introduce legislation immediately for monthly or six monthly medical inspection of all the male teaching staff in all the Government aided, Municipal and private schools in all the important cities of the Presidency."

8. "This Council recommends to Government to take immediate steps for introducing legislation for the registration and licensing of money-lenders and sowcars such as Marwadis and Pathans on the lines of the Money-lenders Bill recently passed in the Punjab Legislative Council."

9. "This Council recommends to Government to take immediate steps for introducing legislation for the registration, licensing and weekly medical inspection of all prostitutes, public women and singing girls in all the important cities of Bombay Presidency, with a view to retard and check the spread of venereal diseases."

10. "This Council recommends to Government to remove all the brothels, houses of prostitutes, public women and singing girls from the main roads in the City of Bombay along which the tram lines pass, and from the vicinity of municipal and private schools, Hindoo temples, Parsee fire temples, mosques and churches and other places of worship of all other communities and to bring in legislation immediately to put a stop to brothels and prostitution in the city of Bombay."

11. "This Council recommends to Government that all written questions asked by members of the Council during a session should be replied to by the respective departments during the next session of the Council as a rule and not be put off from session to session."

[Appendix 19—concl'd.]

12. "This Council recommends to Government that questions for which information is being collected should be answered at the latest in the next session immediately following the session at which the questions are put and should not be left unanswered finally from session to session till the period of three years of the Council is over."

13. (As No. 1 of Mr. W. S. Mukadam, in main agenda.)

14. (As No. 22 of Mr. J. C. Swaminarayan, in the main agenda.)

*Resolution by Mr. Noor Mahomed, M.L.C.*

1. "This Council recommends to Government that early steps be taken for the preparation of a drainage scheme for flood water in Tando Division."

*Resolution by Mukhi Harkishindas Gurdinomal.*

1. (As No. 1 of Mr. Noor Mahomed in this agenda.)

*Resolution by Mr. Syed Muhammad Kamil Shah, M.L.C.*

1. (As No. 1 of Mr. Noor Mahomed in this agenda.)

*Resolution by Syed Miran Muhammad Shah, M.L.C.*

1. (As No. 1 of Mr. Noor Mahomed in this agenda.)

*Resolution by Mr. J. C. Swaminarayan, M.L.C.*

1. "This Council recommends to Government to appoint a special officer with necessary staff from the existing establishment of the Director of Public Instruction to examine the case of those members of the Educational Service who were not given advance increments for a certain period of their service with the result that they are drawing less pay than their juniors and to set right the injustice under which they are suffering."

*Resolutions by Mr. Shaikh Abdul Aziz, M.L.C.*

1. (As No. 2 of Mr. N. A. Bechar in main agenda.)

2. (As No. 17 of Mr. Syed Munawar in main agenda.)

3. (As No. 20 of Mr. Syed Munawar in main agenda.)

4. "This Council recommends to Government to add a second year training class to the Central Urdu Girls' School, Poona."

5. "This Council recommends to Government to establish at Malegaon a normal Muslim Girls' school for mistresses on the line of the one in Poona."

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 2nd October 1929.

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