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APPENDIX 1.

BILL No. II OF 1930.

A Bill further to amend the Court-fees (Bombay Amendment) Act, 1926.

(As published in the "Bombay Government Gazette" of the
16th January 1930).

Bom. WHEREAS it is expedient further to amend the Court-fees (Bombay
III of Amendment) Act, 1926, in manner hereinafter appearing; and whereas
1926. 5 & 6 the previous sanction of the Governor required by section 80C of the
Geo. V. Government of India Act has been obtained for the passing of this Act;
C. 61. It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Court-fees (Bombay Amendment) Act, 1930.

2. *Commencement.*—This Act shall come into force on the 1st day of April 1930.

Bom. 3. *Amendment of section 1 of Bom. III of 1926.*—In sub-section (3) of
III of section 1 of the Court-fees (Bombay Amendment) Act, 1926, for the
1926. word "four" the word "five" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Court-fees (Bombay Amendment) Act, 1926, was passed to enhance the Court-fees in certain cases for the purpose of increasing the revenue of Government. It was to remain in operation for four years from the 1st April 1926, and if at the end of that period the financial position still made it necessary, its life was to be extended. A similar Act was passed in March 1922 and remained in force for two years ending 31st March 1924. The result of the last four years' experience has proved the necessity of the retention of the revised scale of Court-fees which is enacted in the measure of 1926; and it is, therefore proposed to continue the Act.

(Signed) G. B. PRADHAN.

11th January 1930.

APPENDIX 2.

BILL No. III OF 1930.

A Bill further to amend the Indian Stamp (Bombay Amendment) Act, 1922.

As published in the "Bombay Government Gazette"
of the 23rd January 1930).

Bom. WHEREAS it is expedient further to amend the Indian Stamp
of (Bombay Amendment) Act, 1922, in manner hereinafter appearing; and
2. whereas the previous sanction of the Governor General required by

[Appendix 2—contd.]

section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6
Geo. V
c. 61.

1. *Short title.*—This Act may be called the Indian Stamp (Bombay Amendment) Act, 1930.

2. *Commencement.*—This Act shall come into force on the 1st day of April 1930.

3. *Amendment of section 1 of Bom. II of 1922.*—In clause (iii) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, for the word "eight" the word "nine" shall be substituted.

Bom.
II of
1922.

STATEMENT OF OBJECTS AND REASONS.

The Indian Stamp (Bombay Amendment) Act, 1922, was passed to enhance the Stamp Fees in certain cases for the purpose of increasing the revenue of Government. It was to remain in operation for four years in the first instance from the 1st April 1922, and if at the end of that period the financial position still made it necessary, its life was to be extended. Bills making the Act permanent were introduced in the session of the Bombay Legislative Council which met in February 1926, in February 1927, in February 1928 and in February 1929, but each time the Legislative Council agreed to an extension of the Act by one year only. The result of eight years' experience has proved the necessity of the retention of the revised scale of Stamp Fees which is enacted in the measure; and it is therefore proposed to continue the Act. This will bring the Act into line with similar Acts in Madras, Bengal and the Punjab, for the time being.

(Signed) G. B. PRADHAN.

11th January 1930.

APPENDIX 3.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 1. The Honourable Sir GHULAM HUSSAIN
HIDAYATALLAH.

Additional grant for the Factory and Boiler Departments.

In the current year's budget under the head "37-Miscellaneous Departments—Reserved" lump deductions aggregating in all Rs. 24,000 and Rs. 38,000 were made in the various grants of the Factory and Steam Boiler Departments on account of probable savings and with a view to bring the estimates within the rationed allotment. The Collector of Bombay has pointed out that it is not possible to meet the lump deductions during the current year to the extent estimated.

[Appendix 3—contd.]

He has accordingly asked for an additional allotment of Rs. 17,300 for the Steam Boiler Department and of Rs. 13,200 for the Factory Department. To meet this additional expenditure, Rs. 5,000 are available from savings elsewhere under the same grant and it is proposed to sanction the remaining amount of Rs. 25,500 against earmarked savings under the head "35-Industries." The sanction of the Legislative Council is requested to a supplementary grant of Rs. 25,500 under the head "37-Miscellaneous Departments—Reserved." A corresponding amount will be allowed to lapse from the grant of Rs. 1,47,000 provided under "35-Industries."

Demand voted and now increased.

"37-Miscellaneous Departments—Reserved."

Rs. 3,65,627 × Rs. 25,500.

Finance Department :

23rd January 1930.

APPENDIX 4.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 2. The Honourable Mr. W. F. HUDSON.

Advances for Flood Relief in Sind.

To meet the situation created by the recent floods in Sind it was found necessary to make large advances to agriculturists under the Agriculturists' Loans Act for the purchase of seed, cattle, etc. A supplementary grant of Rs. 20 lakhs was accordingly sanctioned by the Legislative Council at the October 1929 session. The Commissioner in Sind subsequently reported that a further sum of Rs. 13,56,500 would be required for advances for the ensuing kharif crops as shown below :—

District.	Amount required in	
	Current financial year. Rs.	Next financial year. Rs.
Hyderabad	5,00,000	1,00,000
Thar Parkar	1,00,000	3,02,000
Nawabshah	10,000	1,65,500
Sukkur	4,000	61,000
Larkana	25,000
Karachi	11,000	50,000
Upper Sind Frontier	14,000	14,000
	6,39,000	7,17,500

Government have sanctioned an additional allotment of Rs. 6,39,000 for the current year in anticipation of the sanction of the Legislative Council. As regards the amount required for next year, the requisite provision has been made in the estimates of that year. To cover this additional allotment savings to the extent of Rs. 2,77,000 are available

[Appendix 4—contd.]

in the total grant voted by the Legislative Council this year under "Loans and Advances by Provincial Governments." The approval of the Legislative Council is now requested to an additional grant of Rs. 3,62,000.

Demand voted and now increased.

Loans and Advances by Provincial Governments.
Rs. 52,51,000 plus Rs. 3,62,000.

FINANCE DEPARTMENT :

Bombay Castle, 27th January 1930.

APPENDIX 5.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 3. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

Formation of two Construction Sub-divisions in the Fuleli Canals Division.

The project for improvements to the Fuleli Canal system, which is estimated to cost of Rs. 49,98,043 (including direct and indirect charges), has been approved by Government and a supplementary grant of Rs. 7,42,000 under the head "55-Construction of Irrigation Works" for expenditure on works during the current financial year was sanctioned by the Legislative Council at the last July-August Session. A project of this magnitude, involving an expenditure of nearly Rs. 50 lakhs, cannot be carried out efficiently and economically by the regular Sub-divisions in the Fuleli Canals Division in addition to their ordinary work. The works have to be carried out very rapidly and to secure speed and economy very close supervision is needed. In order therefore to ensure the success of this important scheme and its completion before the Barrage Canals begin to operate, it is absolutely necessary that two special construction Sub-divisions be created for its execution. As the commencement of work on the project during the current working season was a matter of the greatest urgency, the formation of these Sub-divisions was sanctioned by Government on 12th October 1929. For the present it is expected that they will be required for a period of two years. Their headquarters have been fixed at mile 70/3 of the Fuleli Canal and at Triple Sluice respectively.

2. The following additional establishment, which is the minimum requirement for the efficient execution of the works, has also been sanctioned :—

- (i) 2 Supervisors at Rs. 136 per mensem each.
- (ii) 6 Overseers at Rs. 80 per mensem each.
- (iii) 2 Clerks at Rs. 40 per mensem each.
- (iv) 2 Peons at Rs. 16 per mensem each.
- (v) 12 Khalasis at Rs. 16 per mensem each.
- (vi) 2 Post Runners at Rs. 16 per mensem each.

[Appendix 5—cont'd.]

3. The extra cost on account of the creation of the Sub-divisions during the current financial year is estimated at Rs. 11,200* which is being met out of the Voted reserve with Government for establishment in Part III-A of the current year's budget under the head "41-Civil Works—Provincial." The extra cost at Rs. 50,000†. As the expenditure incurred is on a new service and as the funds have been made available by savings within the same grant, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.											
<table border="0"> <tr><td>*Establishment ..</td><td style="text-align: right;">Rs. 4,896</td></tr> <tr><td>Travelling allowance ..</td><td style="text-align: right;">4,500</td></tr> <tr><td>Contingencies ..</td><td style="text-align: right;">1,800</td></tr> <tr><td></td><td style="text-align: right; border-top: 1px solid black;">11,196</td></tr> <tr><td>or say ..</td><td style="text-align: right;">11,200</td></tr> </table>	*Establishment ..	Rs. 4,896	Travelling allowance ..	4,500	Contingencies ..	1,800		11,196	or say ..	11,200	
*Establishment ..	Rs. 4,896										
Travelling allowance ..	4,500										
Contingencies ..	1,800										
	11,196										
or say ..	11,200										
for two years is estimated											
<table border="0"> <tr><td>†Establishment ..</td><td style="text-align: right;">Rs. 26,112</td></tr> <tr><td>Travelling allowance ..</td><td style="text-align: right;">16,608</td></tr> <tr><td>Contingencies ..</td><td style="text-align: right;">7,273</td></tr> <tr><td></td><td style="text-align: right; border-top: 1px solid black;">49,993</td></tr> <tr><td>or say ..</td><td style="text-align: right;">50,000</td></tr> </table>	†Establishment ..	Rs. 26,112	Travelling allowance ..	16,608	Contingencies ..	7,273		49,993	or say ..	50,000	
†Establishment ..	Rs. 26,112										
Travelling allowance ..	16,608										
Contingencies ..	7,273										
	49,993										
or say ..	50,000										

Demand voted and now increased

"41-Civil Works—Provincial—Partly Reserved and partly Transferred."

Rs. 1,43,20,020 + Rs. 10.

FINANCE DEPARTMENT :

31st January 1930.

APPENDIX 6.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 4. The Honourable Dewan Bahadur HARILAL D. DESAI.

Erecting test tables, etc., in the Government Electrical Laboratory on Murzban Road, Bombay, and extra amount for establishment

In November 1928 Government issued orders regarding the remuneration payable to examiners appointed for conducting examinations in Bombay for the licensing of electrical wiremen and contractors, which had been up to then, as a temporary measure and for reasons given below, held at the Victoria Jubilee Technical Institute. In accordance with those orders the remuneration of the examiners was fixed at Rs. 25 per day. The Principal, Victoria Jubilee Technical Institute, then informed the Electrical Engineer to Government that he was unable any longer to arrange for these examinations to be held at the Institute as the examiners (Members of the Institute staff) had expressed their unwillingness to conduct the examinations at the rate of remuneration fixed by Government (*viz.*, Rs. 25) and demanded Rs. 75 per day as allowed in the University examinations and the examinations under the Bombay Boilers Act. There was therefore no alternative but to make independent arrangements for conducting these examinations, for which certain equipment and tools were necessary. An estimate amounting to Rs. 1,848

[Appendix 6—*contd.*]

for providing test tables with necessary stools, work boards, gas burners and other accessories was accordingly submitted by the Electrical Engineer and approved by Government.

2. Bombay is far the largest centre for these examinations and at each of the two examinations that are held yearly there are as many as 30 to 40 men in the first class and 130 to 150 men in the second class to be examined and tested in practical work. The written examination (1st class) has to be held at a central place and is usually held in the Town Hall. Even if it had been possible, it would have been very inconvenient for the men and for the Electrical Engineer and his staff to conduct the rest of the examination (practical tests) at the Victoria Jubilee Technical Institute. In the beginning these examinations had to be put into operation hurriedly when the rules were promulgated by Government, and as a purely temporary expedient the practical tests were held at the Victoria Jubilee Technical Institute by arrangement with the Principal, who kindly gave this permission chiefly because most of the examiners then nominated belonged to the staff of the Institute. When these examiners dropped out on account of their demand for increased fees not being granted, the only excuse for holding these examinations at the Victoria Jubilee Technical Institute disappeared. Tables and implements could not be borrowed from the Victoria Jubilee Technical Institute each time as it would have meant great inconvenience to the Institute and to the Electrical Engineer's staff and considerable cost in transport to and fro. The number of examinees is steadily increasing and it was necessary to make permanent arrangements which would be convenient and efficient. The only way to do this was to erect the test tables in the Government Electrical Laboratory on Murzban Road. This arrangement is highly advantageous in that the Electrical Engineer can carry out the examinations more cheaply than was done at the Victoria Jubilee Technical Institute, as in the latter case materials for wiring tests, etc., had to be purchased, whereas in the Electrical Engineer's laboratory the materials used are borrowed from surplus scrap materials which are eventually sold. This saving amounts to Rs. 100 or more per annum.

3. Expenditure of Rs. 1,672 has been incurred against the estimate amounting to Rs. 1,848 mentioned in paragraph 1 above, which has been classified under the head "37-Miscellaneous Departments."

4. A provision of Rs. 4,000 has been made for establishment required in connection with the grant of certificates of competency to electrical contractors and wiremen under the head "37-Miscellaneous Departments (Transferred)." In order to arrive at the round figure of Rs. 4,000 a deduction of Rs. 412 was made for rounding; but the reduced amount is found to be insufficient and an extra amount of Rs. 300 is required to supplement the grant of Rs. 4,000 to meet actual requirements.

5. The expenditure referred to in paragraphs 3 and 4 above amounts to Rs. 1,972 (Rs. 1,672 *plus* Rs. 300) and is considered absolutely necessary and fully justified, especially in view of the fact that these examinations are a source of considerable revenue to Government.

[Appendix 6—*contd.*]

6. As no savings are available under the head "37-Miscellaneous Departments," the sanction of the Legislative Council is requested to a supplementary grant.

Demand voted and now increased

37-Miscellaneous Departments—Transferred.
Rs. 17,000 plus Rs. 1,972.

FINANCE DEPARTMENT :

Bombay Castle, 31st January 1930.

APPENDIX 7.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 5. The Honourable Dewan Bahadur HARILAL D. DESAI.

Tractor drawn road grading machinery.

With the advent of the Lloyd Barrage and Canals the need for better means for communication and speedy transport in Sind has become a matter of pressing urgency. The use of tractor drawn road graders has been proved to be both an engineering and a financial success in the Punjab and elsewhere. The soil on which graders are working in the Punjab is similar to that in very large areas in Sind and certain demonstrations recently given in Sind have shown that these machines give good results there also. It is considered most desirable that one or more outfits be purchased and operated departmentally in order to do experimental work, train the establishment in the use of these machines and ascertain working costs as a check on contractors and for future estimating purposes. It is therefore proposed to make a start at once in this direction in Sind, where the possibilities of the successful and economical use of tractor-drawn graders for earth road making and maintenance are most promising. By means of tractor and grader outfits earth roads can, it is anticipated, be constructed at an approximate cost of Rs. 500 per mile and maintained at a cost of about Rs. 90 to 100 per mile per annum.

An outfit consisting of a tractor and a grader costs about Rs. 10,000 and it is proposed to place this sum at the disposal of the Chief Engineer in Sind for the purpose of purchasing such an outfit. The requisite funds can be made available out of savings in the current year's grant under the head "41.—Civil Works—Provincial." As, however, the expenditure in question is on a new instrument of service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

Demand voted and now increased.

41-Civil Works—Provincial—Partly Reserved and partly Transferred.
Rs. 1,43,20,020 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 4th February 1930.

APPENDIX 8.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 6. The Honourable Mr. B. V. JADHAV.

Compensation to the contractors for the cancellation of the contract for the storage of grass at Nawapur, Khandbara and Chinchpada

The circumstances in which a contract was made with the Bombay and Mofussil Grass Trading Company for the storage of grass at Nawapur, Khandbara and Chinchpada have been fully set out in the statement of demand for a grant of Rs. 50,000 which was sanctioned by the Legislative Council in February 1927. As stated therein, the account books of the Company were examined by a firm of accountants and auditors with a view to ascertaining the profits made by it. On the basis of the auditors' report, Government offered to the Company a sum of Rs. 76,406 in full satisfaction of its claim. The Company declined to accept it and questioned the figures of the valuation made by the auditors. Eventually it was agreed by both parties that the matter should be referred to a committee of arbitration consisting of three prominent business men, as provided by the agreement entered into with the company. The points for the decision of the arbitrators were the amount to be assessed as the potential profits which would have accrued to the Company during the unexpired period of the contract, the Company's claims for compensation for plant and machinery and interest on potential profits. The arbitrators recently declared their award. Under the terms of the award the Company has been awarded, over and above the sum of Rs. 50,000 already paid, an amount of Rs. 66,832-8-0, with further interest on Rs. 56,151-8-0 at six per cent. per annum from 18th January 1930 till the day of payment. Each party is also required to pay to each of the arbitrators a sum of Rs. 300 as costs of reference. The share of Government on this account is Rs. 900.

In addition, a fee of Rs. 750 was fixed for the firm of accountants who presented the case for Government before the Committee of arbitration. The amount payable by Government thus came to Rs. 68,482-8-0 plus further interest on Rs. 56,151-8-0 referred to above (Rs. 184-9-9) or Rs. 68,667-1-9 in all. In order to avoid the accumulation of interest charges Government have authorised payment to be made in anticipation of the sanction of the Legislative Council. There is a provision of Rs. 26,406 in the current year's budget under 8, Forest on this account which is to be met from the excess balance of the Famine Fund. A part of the expenditure will be met from this amount and the balance of Rs. 42,076-8-0 with further interest on Rs. 56,151-8-0 from 18th January 1930 till the day of payment

[Appendix 8—contd.]

(i.e., Rs. 184-9-9) will also be met from the excess balance of the Famine Fund.

Demand voted and now increased.

8, Forest

Rs. 39,06,000 plus Rs. 42,261-1-9.

FINANCE DEPARTMENT :

Bombay Castle, 4th February 1930.

APPENDIX 9.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 7. The Honourable Mr. G. B. PRADHAN.

Adjustment of the cost of non-postal stamps in stock in the Central Stamp Depôts at Bombay and Karachi on the date of the introduction of Reforms and of those supplied to those depôts during the years 1921-22 and 1922-23.

In March 1929 the Legislative Council sanctioned a supplementary grant of Rs. 4,50,341 under the head "51-A, Miscellaneous Adjustments between the Central and Provincial Governments" on account of the cost of non-postal stamps in stock in the Central Depôts at Bombay and Karachi on the date of the introduction of Reforms and of those supplied to those Depôts during the years 1921-22 and 1922-23. In November 1929 the Government of India intimated that, after certain adjustments to be made on account of the direct recoveries made by them from the other Governments and Administrations on behalf of the Bombay and Karachi Depôts, the net amount to be debited to the Government of Bombay was Rs. 3,99,749, and the Controller of Civil Accounts therefore raised a debit of that amount against this Government in the final accounts for 1928-29. It has now been ascertained that the net sum which should have been debited against this Government is Rs. 4,02,760. The accounts of 1928-29 being no longer open, the excess debit of Rs. 3,011 cannot be raised against the supplementary grant of Rs. 4,50,341, sanctioned in 1928-29, the saving in which has lapsed. A supplementary grant of Rs. 3,011 is therefore required to meet the excess debit which will be adjusted in the accounts for 1929-30. An equal amount has been earmarked as a saving in the Reserve with Government under "47-Miscellaneous—Reserved."

Demand voted and now increased.

"51-A, Miscellaneous Adjustments between the Central and Provincial Governments."

Nil plus Rs. 3,011.

FINANCE DEPARTMENT :

Bombay Castle, 4th February 1930.

APPENDIX 10.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 8. The Honourable Mr. W. F. HUDSON.

Expenditure on Flood Relief in Sind.

At the July-August 1929 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 the people rendered destitute or homeless in Sind by the floods which resulted from the heavy rains of July. In October the Council sanctioned a further grant of Rs. 4 lakhs on account of the further rains and floods of August. In times of famine or scarcity, grants sanctioned by Government for direct relief are distributed by the district officers. In this case however the precedent of 1927 in Gujarat was followed, and a non-official agency working in conjunction with the district officials, was set up, i.e., the Executive Committee of the Sind Flood Relief Fund, which undertook to distribute the relief in the various districts. The money sanctioned by Government for gratuitous relief was accordingly handed over to this Committee to be merged with all the other contributions. The money has thus not been utilised in accordance with the procedure laid down in the Famine Relief Code, but is being spent as a grant-in-aid to a private body. As famine expenditure on gratuitous relief in the form of grants-in-aid to private agencies is held to be of the nature of a new service, Government consider it desirable to bring to the notice of the Legislative Council this formal change in the manner of the utilization of the grants. The sanction of the Legislative Council is therefore requested to a token grant of Rs. 10.

Demand voted and now increased.

43-A Famine Relief.

Rs. 6,00,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 4th February 1930.

APPENDIX 11.

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

TRANSFERRED 9. The Honourable Mr. B. V. JADHAV.

Additional grant under "Excise Compensations" and "Investments in Government Commercial Undertakings."

The grant under 6, Excise sanctioned by the Legislative Council for the current year is estimated to fall short of the actual requirements.

[Appendix 11—contd.]

by Rs. 48,000. This is due mainly to the anticipated expenditure for payment of:—

(i) surplus hemp drugs compensation amounting to Rs. 25,815 to the Sangli, Jawhar and Savanur States for the three years ending 31st March 1928 ;

(ii) excise compensation amounting to Rs. 2,684 to the estate of Barmuada in the Mahi Kantha Agency ; and

(iii) Rs. 20,000 (in round figures) for the plant at the Dabhoda, Vadgaon and Chandod warehouses and the buildings of the Chandod Warehouse.

In regard to (i) provision was made in the budget of 1928-29, but it lapsed as the bills were not received in time. No provision was made in the current year's budget for (ii). As regards (iii) the payment, for which also no provision was made in the current year's budget, is inevitable, as on the expiry of the contract with the Dabhoda Distillery contractors the plant at the three warehouses had to be taken over by Government, this being the most suitable and economical arrangement. Payment has also to be made for the warehouse buildings at Chandod, as this liability was undertaken by Government when the contract with the Dabhoda Distillery contractors was renewed in 1926. The sanction of the Legislative Council is accordingly requested to an additional grant of Rs. 48,000 under "6, Excise."

Demand voted and now increased.

6, Excise.

Rs. 47,34,900 plus Rs. 48,000.

FINANCE DEPARTMENT :

Bombay Castle, 5th February 1930.

APPENDIX 12.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 11. The Honourable Dewan Bahadur HARILAL D. DESAI.

Purchase of sera and vaccine, Civil Veterinary Department, Bombay Presidency.

A provision of Rs. 25,000 and that of Rs. 1,500 have been made in the current year's budget for the purchase and carriage of sera and vaccine for the Civil Veterinary Department in the Presidency proper. Owing to widespread outbreaks of rinderpest, hæmorrhagic septicæmia and black quarter this year, large quantities of sera and vaccine had to be used and the expenditure to the end of December 1929 amounted to Rs. 53,800

[Appendix 12—*contd.*]

while a further expenditure of Rs. 10,000 for the purchase of sera and Rs. 200 for the carriage of sera is considered necessary during the remaining part of the year. As additional grants amounting to Rs. 37,500 were urgently required, they were sanctioned by Government from time to time. Government have also sanctioned the entertainment of six temporary additional veterinary assistant surgeons at Rs. 60 per mensem each on outbreak duty from 15th November 1929 to 31st March 1930, the expenditure during the current year amounting to Rs. 1,260. A part of the extra cost, *viz.*, Rs. 12,760, will be met from savings anticipated under other heads within the grant, and as regards the remainder an equivalent amount will be earmarked in the reserve provided under "47-Miscellaneous—Transferred." Sanction is therefore requested to a supplementary grant of Rs. 26,000.

Demand voted and now increased.

"34-Agriculture."—Rs. 29,10,566 *plus* Rs. 26,000.

FINANCE DEPARTMENT :

Bombay Castle, 5th February 1930.

APPENDIX 13.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 12. The Honourable Mr. G. B. PRADHAN.

60-B.—Payment of commuted value of pensions.

The latest revised estimate for the current year under the head "60-B" is Rs. 9,14,000 (voted) against the grant of Rs. 6,59,000 voted by the Legislative Council, *i.e.*, an excess of Rs. 2,55,000. This excess is due to larger anticipated expenditure on account of the commuted value of pensions to be paid to the Governments of other provinces in respect of pensioners of this Government who have moved to those provinces during this year. It is also due to the anticipated smaller recoveries to be made by this Government from other Governments on account of the commuted value of the pensions of pensioners belonging to other provinces now residing in this Presidency. The Legislative Council is requested to sanction an additional grant of Rs. 2,55,000.

Demand voted and now increased.

60-B.—Payment of commuted value of pensions.

Rs. 6,59,000 *plus* Rs. 2,55,000.

FINANCE DEPARTMENT :

Bombay Castle, 11th February 1930.

APPENDIX 14.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY
GRANT.

TRANSFERRED 10. The Honourable MOULVI RAFI UDDIN AHMAD.

*Pay and allowances of Primary School Teachers appointed by
Local Authorities after 30th June 1923.*

As explained in the Educational Department Press Note dated the 5th August 1929 (copy attached) Government have laid down the maximum scales of pay of primary school teachers engaged since 1923 which they were prepared, in their present financial position, to admit for purposes of grant and in the light of which local authorities may adopt, with the previous approval of Government, permanent scales of pay for primary school teachers serving under them. Each local authority has to submit its own proposals in the light of these orders for the sanction of Government under section 27 (3) (d) of the Bombay Primary Education Act. The total cost during the current year, on the assumption that all the local authorities would adopt these maximum scales of pay for their primary school teachers, is estimated at approximately Rs. 1,50,000 and the ultimate annual cost is estimated to amount to Rs. 4 lakhs. Out of the estimated cost of Rs. 1,50,000 in the current year an amount of Rs. 1,47,000 is to be met from the sum earmarked from the provision of Rs. 15 lakhs made in the current year's budget for the introduction of the scheme formulated by the Compulsory Primary Education Committee under "31-C—Education—Primary" and the remaining amount is to be met from savings in the current year's grants under the head "31-Education—Transferred." As the expenditure incurred is on a new service and as the funds have been made available by re-appropriation within the grant under the head "31-Education—Transferred" the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.**"31-Education—Transferred."*

Rs. 1,95,30,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 5th February 1930.

PRESS NOTE.

EDUCATIONAL DEPARTMENT.

No. P-197.

Bombay Castle, 5th August 1929.

Government have recently issued final orders on the question of the fixation of pay of primary school teachers who have been engaged since 1923 on a temporary basis and have been granted provisional rates of pay. They have laid down the following maximum scales of pay which

[Appendix 14—*contd.*]

they are prepared, in their present financial position, to admit for purposes of grant and in the light of which local authorities may adopt, with the previous approval of Government, permanent scales of pay for primary school teachers serving under them:—

(a) *District Local Board areas including non-local authority municipalities in the Presidency Proper.*

	Rs.
Unqualified teachers	15
Temporary qualified teachers	15
Permanent qualified but untrained teachers	20—1/3—25—1/2—30
1st year trained teachers	25—1/2—35—1—40
2nd year trained teachers	30—1/2—35—1—50
3rd year trained teachers	35—1—60

(b) *District Local Board areas including non-local authority municipalities in Sind.*

	Rs.
Unqualified teachers	20
Temporary qualified teachers	20
Permanent qualified but untrained teachers	25—1/3—30—1/2—35
1st year trained teachers	30—1/2—40—1—45
2nd year trained teachers	35—1/2—40—1—55
3rd year trained teachers	40—1—65

(c) *Local authority municipal areas in the Presidency including Sind.*

The existing Government scales prescribed for permanent primary school teachers.

Note.—Head Masters' and 1st Assistants' allowances as sanctioned for permanent teachers will be payable in addition to the scales of pay mentioned in (a), (b) and (c) above.

In places where local allowances have been approved by Government in addition to the usual sanctioned scales for permanent Government teachers transferred to the service of the local authorities, local allowances will also be payable to those brought on to the new scales.

The new scales which local authorities may adopt with the previous approval of Government in the light of this decision will apply to all primary school teachers engaged since 30th June 1923, whether acting in a vacancy on the previously approved establishment transferred to the local authorities and included in the datum line grant, or those holding new posts. They will not apply to those who were appointed to act in permanent vacancies before the 30th June 1923 and have continued to act subsequently. These latter may be confirmed in the posts in which they were then acting and allowed the rates of pay fixed by Government for permanent teachers appointed before the 30th June 1923.

[Appendix 14—concl'd.]

The new scales will take effect from the 1st September 1929, *i.e.*, on the pay due on the 1st October 1929, or such subsequent date as the local authorities may choose in each case. The teachers will be given credit for past service on a temporary basis and brought on to the new scales at the point at which they would have arrived if the whole of their past temporary service had been permanent.

Government have also directed that local authorities which propose to adopt the scales mentioned in paragraph 1 above should inform Government at once of their intention to do so through the Director of Public Instruction, while those which propose to adopt different scales should submit them for the approval of Government through the Director in due course.

These orders apply also to primary school teachers employed by Government on a temporary basis after June 30, 1923, and on provisional scales of pay in districts in which the local authorities have not yet assumed control under the provisions of the Bombay Primary Education Act, 1923.

Government have made it clear that they will not in future sanction under section 12 of the Bombay Primary Education Act any scheme of compulsion in which the proposed scales of pay are in excess of the above scales.

In the case of teachers employed in schools in which primary education is imparted on a voluntary basis Government will have no objection to the local authorities prescribing, with their previous approval higher scales of pay, on the distinct understanding that the Government grant in respect of the pay of such teachers will be limited to the amount that would be due on the scales of pay and allowances mentioned in paragraph 1 above.

The new orders of Government supersede all previous orders on the subject issued by them.

The average extra cost to Government of the introduction of the revised scales of pay mentioned in paragraph 1 above is estimated at about Rs. 4 lakhs per annum.

APPENDIX 15.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 13. The Honourable Dewan Bahadur HARILAL D. DESAI.

Additions to and alterations in the old District Court buildings at Poona to be occupied by the Criminal Investigation Department and Finger Print Offices.

The accommodation in the buildings where the Criminal Investigation Department and Finger Print Offices in Poona are at present

[Appendix 15—*contd.*]

located is inadequate for their requirements. Further, the location of the Finger Print Bureau in the Central Offices at Poona altogether apart from the Criminal Investigation Department Office precludes that close co-operation which is essential for good intelligence work. Therefore, at the request of the Deputy Inspector General of Police, Criminal Investigation Department, Government have allotted the old District Court Buildings at Poona for the accommodation of the Criminal Investigation Department and Finger Print Offices. It is reported that the old District Court buildings cannot be occupied by these offices unless special repairs and certain additions and alterations are carried out at a cost of Rs. 17,081 (*i.e.*, Rs. 9,990 for original works *plus* Rs. 7,091 for special repairs). The removal of the Finger Print Bureau from the Central Offices will make room there for certain Public Works Department establishment which is not at present accommodated in Government buildings, while the vacation of the present Criminal Investigation Department offices will provide rooms for other police offices which are not at present accommodated in Government buildings. In this way the rent paid for the offices not housed in Government buildings will be saved.

2. In view of the urgency of this work and the considerations set forth above, Government have approved the work and have allotted funds from savings available under the head "41-Civil Works".

As the expenditure in question relates to a new service although funds have been made available by reappropriation within the same grant, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

41-Civil Works—Partly Reserved and partly Transferred.

Rs. 1,43,20,020 *plus* Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 13th February 1930.

APPENDIX 16.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 14. The Honourable Mr. J. E. B. HOTSON.

Excess expenditure under "25-Jails and Convict Settlements."

(i) The riots in Bombay last year resulted in the admission of a great number of under-trial prisoners for whom the accommodation in the House of Correction and the Arthur Road Prison was insufficient. Three of the Worli chawls were therefore converted into a temporary prison

[Appendix 16—contd.]

and a regular jail establishment appointed. The jail was in existence from the 5th May to the 9th October 1929, during which period 912 prisoners were admitted. Total expenditure amounted to nearly Rs. 25,000 under "Pay of Officers," "Pay of Establishment," "Allowances and Honoraria" and "Contingencies" under the major head 25-Jails and Convict Settlements." A part of this expenditure to the extent of Rs. 18,500 is being met from savings anticipated in the provisions under the same major head, leaving a balance of about Rs. 7,000.

(ii) In February 1929 Government issued orders making it obligatory on Government Officers in this Presidency, except at Aden, to purchase their requirements of certain classes of articles from the Jail Department. Indents for jail-made articles have consequently increased and a larger provision for raw materials for the manufacture of these articles is naturally required. This expenditure, however, will be set off by increased departmental receipts from sales and will also lead to all round economy since the consuming Departments will in many cases obtain their supplies at lower rates than formerly.

It is anticipated, from the progress of expenditure, that the several allotments for the purchase of raw materials included in the grant of Rs. 1,85,000 made in the current year's budget under "Jail Manufactures" under the major head "25-Jails and Convict Settlements" will be insufficient and that an additional grant of Rs. 68,000 will be required for raw materials. A part of the money required for this purpose, to the extent of Rs. 49,000, is being provided from savings anticipated in the provisions under other minor heads under the same major head, leaving a balance of Rs. 19,000.

(iii) The Legislative Council is therefore requested to sanction a total supplementary grant of Rs. 26,000.

Demand voted and now increased

25-Jails and Convict Settlements—Reserved.

Rs. 23,37,000 plus Rs. 26,000.

FINANCE DEPARTMENT :

Bombay Castle, 13th February 1930.

APPENDIX 17.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 15. The Honourable Mr. J. E. B. Hotson.

Excess expenditure under "Administration of Justice."

The latest revised estimate under the head "24, Administration of Justice" is Rs. 65,68,000 (voted), against the estimate of Rs. 62,92,000 voted by the Legislative Council, showing an excess of Rs. 2,76,000.

[Appendix 17—*contd.*]

The excess is under the minor heads "High Court," "Law Officers," "Presidency Magistrates' Courts" "Civil and Sessions Courts," "Criminal Courts" and "Pleadership Examination Charges"—

"*High Court.*"—The increase of Rs. 89,000 is mainly due to—

(i) The creation of a temporary appointment, for two years in the first instance from 15th April 1929, of a Court Receiver and Liquidator and his staff. This Officer is a Government servant and replaces the Official Receiver who was not a Government servant and was remunerated by fees. The expenditure will be more than met by the commission and fees charged to the estates, which will now be credited to Government.

(ii) The creation with effect from 15th April 1929 of a new appointment of Assistant Taxing Master. This was part of the scheme for remodelling the office of the Commissioner for taking accounts and Taxing Master, which was, from 15th April 1929, split up into two offices, *viz.*, the office of the Commissioner for taking accounts and the office of the Taxing Master. As the work in the Taxation Office was too heavy for one Taxing Master a post of Assistant Taxing Master was created. The fees in both offices have been raised and will more than counterbalance the extra expenditure.

(iii) The entertainment of establishment for a temporary Eleventh High Court Judge. This post continued for about seven months during 1929-30 for the trial of a heavy gang and dacoity case and for the disposal of an unusually large number of sessions cases particularly those arising out of the riots in Bombay last year.

(iv) Increased expenditure on High Court contingencies, such as transmission of records, furniture for an extra court room, contingencies for the Court Receiver and Liquidator, etc.

"*Law Officers.*"—The increase of Rs. 70,000 under this minor head is chiefly due to abnormally heavy expenditure incurred for fees to pleaders in criminal cases in the mofussil. The cost of the prosecutions arising out of the Surat riots has been very heavy; and in addition there has been an extraordinary number of long and important prosecutions in other districts.

"*Presidency Magistrates' Courts.*"—The increase of Rs. 6,000 is due to the creation of two temporary appointments, one for two months and one for ten months, of Presidency Magistrates, with necessary staff, for the Magisterial proceedings in the gang and dacoity case referred to in sub-paragraph (iii) and for the trial of Bombay riot cases.

"*Civil and Sessions Courts.*"—The increase of Rs. 91,000 is due to increased expenditure under the head "Pay of Officers" owing to the appointment of a larger number of non-I.C.S. officers, whose pay is voted, to officiate as District and Sessions Judges, in place of I.C.S. officers whose pay is non-voted. This increase is set off by a decrease under the non-voted head.

[Appendix 17—*contd.*]

“*Criminal Courts.*”—The increase of Rs. 41,000 is due to—

(i) the creation of temporary appointments of special magistrates at Surat, Jalgaon, Ahmednagar, Nasik, Larkana and Nawabshah for riot and other criminal cases, and

(ii) heavy expenditure on contingencies, such as

(a) those occasioned by the temporary appointments referred to above, and

(b) diet and road money to witnesses resulting from an increase in the number of criminal cases in some districts and a large number of witnesses in heavy cases in other districts.

“*Pleadership Examination Charges.*”—The increase of Rs. 3,000 is due to the inclusion under this minor head of the provision for the Articled Clerks’ Examination and for the Advocates’ Examination, which was formerly included under the head “High Court.”

These increases have been partially counterbalanced by decreases aggregating to Rs. 24,000 under other minor heads, such as “Coroner’s Courts,” “Judicial Commissioners” and “Courts of Small Causes.”

In addition to the excesses mentioned above, it is estimated that excess expenditure to the extent of Rs. 25,000 will be incurred on account of larger payments for refunds under “XVII-Administration of Justice” which fall under the same demand head. These refunds are mostly under the category of refunds of fines falling due on the reversal of convictions on appeal.

The Legislative Council is therefore requested to sanction a supplementary grant of Rs. 3,01,000 to cover the excess over the total voted grant.

Demand voted and now increased.

24, Administration of Justice..

Rs. 63,67,000 plus Rs. 3,01,000.

FINANCE DEPARTMENT :

Bombay Castle, 19th February 1930.

APPENDIX 18.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 16. The Honourable MOULVI RAFIUDDIN AHMAD.

Additional grant under “32-Medical.”

The latest revised estimate, under the head “32-Medical” (Voted) for the current year is Rs. 49,78,000 (including Rs. 11,000 for “refunds”) against the grant of Rs. 49,57,000 (including Rs. 9,000 for “refunds”)

[Appendix 18—contd.]

sanctioned by the Legislative Council, showing an excess of Rs. 21,000. This is due mainly to :—

(1) the payment during the current year of a grant of Rs. 26,043 to the Nowrosjee Wadia Maternity Hospital, Parel. According to the Trust Deed concerning this Hospital the building cost was to be met partly from the donation of Mr. N.N. Wadia, and the Government and the Corporation had agreed to pay in equal shares the balance up to a maximum amount of Rs. 5 lakhs each. In January 1929 the accounts were finally made up and a debit of Rs. 26,043 against Government was raised by the Board of Management of the Hospital. This being a legal liability had to be met and the grant was accordingly paid ;

(2) the payment of a non-recurring grant of Rs. 5,800 to the Parvati-bai Leper Asylum, Surat. This is a private asylum and it has been reported to Government that it is in a bad financial position and that, if Government help is not given, the institution may have to be closed. This would be very unfortunate, as the asylum serves a very useful purpose. The Commissioner, Northern Division, and the Surgeon General have both recommended the payment of the grant and Government accordingly propose to sanction it.

The total of the above two items amounts to Rs. 31,843. A part of this expenditure will be met from the savings in the medical budget. The net excess over the voted grant under the major head " 32, Medical " will amount to Rs. 21,000. The sanction of the Legislative Council is accordingly requested to an additional grant of Rs. 21,000 under " 32-Medical. "

Demand voted and now increased.

32-Medical—Transferred.

Rs. 49,57,000 plus Rs. 21,000.

FINANCE DEPARTMENT.

Bombay Castle, 20th February 1930.

APPENDIX 19.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 17. The Honourable Mr. J. E. B. HOTSON.

Payment of rent to the Bombay Improvement Trust in respect of the Police Accommodation Scheme at Naigaum.

In 1923 the Government of Bombay made a representation to the Bombay Improvement Trust under section 38 of the City of Bombay Improvement Act, IV of 1898, requesting them to construct on the Improvement Trust site No. 67 at Naigaum accommodation for the armed police and other ranks of the Bombay City Police Force who

[Appendix 19—*contd.*]

had hitherto been housed in lines at the Head Police Office and Palton Road, and also for the officers of the Armed Police and certain other sections of the City Police, together with a police station, other subsidiary buildings and a parade and play ground. The police officers and men for whom the accommodation was required were :—

- 2 Superintendents,
- 2 Inspectors,
- 1 Deputy Inspector,
- 6 Sub-Inspectors,
- 9 Jemadars,
- 76 Head Constables,
- 604 Constables.

2. The construction of the buildings has been completed and the buildings were occupied on the 18th October 1928. Under section 54 (3) of the City of Bombay Improvement Trust Transfer Act, XVI of 1925, Government have to pay annually to the Improvement Trust for a period of 60 years from the date of completion of the buildings rent representing the interest and sinking fund charges on the amount spent by the Improvement Trust. After 60 years the buildings together with the site become the property of Government.

3. The rent for the first year ending 17th October 1929 was due in the current financial year, but no provision was made for it in the current year's budget, because at the time of framing the budget it was not expected that the rent statements would be submitted to Government before the end of the year.

4. The Improvement Trust have, however, at the desire of Government who wish to meet their commitments during the current financial year, expedited the preparation of the rent statements, and sent them in recently. Their calculations show that the rent payable according to the agreement is Rs. 1,60,124 per annum. The charge has been met by reappropriation from savings within the grant under "26, Police" in anticipation of the sanction of the Legislative Council. As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased
Rs. 1,68,23,702 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 21st February 1930.

APPENDIX 20.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY
GRANT.

RESERVED 18. The Honourable Mr. G. B. PRADHAN

45, Superannuation allowances and pensions.

The latest revised estimate of expenditure during the current year under this head, after allowing for refunds, amounts to Rs. 56,27,000

[Appendix 20—*contd.*]

against the grant of Rs. 54,36,000. That is to say, there is an excess of Rs. 1,91,000. It is partly under the minor head "Superannuation and retired allowances" due to retirement of more officers than was anticipated and partly to a reduction in the provision for voted recoveries which are shown as a deduction from charges under the minor head "Deduct—Commercial Departments' pensions." The reduction in the voted recoveries is due to the fact that in the budget estimate of 1929-30 the recoveries on account of officers working in the Irrigation Department whose salaries were non-voted were shown as voted whereas in the revised estimate they have been treated as non-voted. The Legislative Council is therefore requested to sanction an additional grant of Rs. 1,91,000.

Demand voted and now increased

45, Superannuation allowances and pensions.

Rs. 54,36,000 *plus* Rs. 1,91,000.

FINANCE DEPARTMENT :

Bombay Castle, 22nd February 1930.

APPENDIX 21.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

TRANSFERRED 19. The Honourable Dewan Bahadur HARILAL D. DESAI.

Fixing of water meters for the Poona Cantonment water supply.

In December 1929 the Superintending Engineer, Public Health, reported that recent investigations carried out by the Executive Engineer, Poona Water Works Division, revealed the fact that in view of the increased pressure at which water is now supplied in the bazar area, the supply of water at tap rates was uneconomical and that observations during 3 months showed that a metered rate of eight annas per 1,000 gallons would bring in a revenue of Rs. 6,550 per month as against the present revenue of Rs. 1,950 per mensem, *i.e.*, about Rs. 4,600 more per month. He suggested that the only satisfactory remedy was to meter the whole supply at the earliest possible date and pointed out that the amount of about Rs. 35,000 required to purchase about 1,000 meters would be probably recovered within one year if the present rate of consumption of water in the bazar area continued. As Government are losing money daily on this account it was considered essential that immediate action should be taken and the purchase of the meters was therefore sanctioned in anticipation of the approval of the Legislative Council and funds have been provided from savings available under "33-Public Health—F-Works" in the current year's budget.

[Appendix 21—*contd.*]

As the expenditure in question relates to a new service although funds have been made available by reappropriation within the same grant, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

33, Public Health—Transferred

Rs. 31,29,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 24th February 1930.

APPENDIX 22.

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.

**Note.*—The signatures of the Hon'ble Sir Ghulam Hussain 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 22—*contd.*]

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.

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

[Appendix 22—contd.]

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.

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.

[Appendix 22—contd.]

(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 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. Bom. VI of 1923. Bom. XVIII of 1925. WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the 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 Bombay 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.

[Appendix 22—contd.]

(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. 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,

[Appendix 22—contd.]

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."

(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) (vi) 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,~~

[Appendix 22—contd.]

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 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. In the Bombay Local Boards Act, 1923,

Bom.
VI of
1923.

Amendment of Bombay VI of 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. (1) In every local board of a local area notified by Pil Government in this behalf there shall be a committee called the grim Pilgrim Committee consisting of three members elected in Con accordance with rules made under section 193 and of three mit Government officers nominated by the Collector, tee.

[Appendix 22—contd.]

~~(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.~~

~~(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 provisos 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 100 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 pilgrims 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~~

[Appendix 22—contd.]

(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 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. In the Bombay City Municipalities Act, 1925,—

Bom.
XVIII

(i) Amendment of Bom. XVIII of 1925.—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

[Appendix 22—contd.]

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.*

(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

[Appendix 22—contd.]

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 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 (1) 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 (1) 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.”

(viii) (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 (1) 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”;

[Appendix 22—contd.]

(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.”~~

“(e) (1) 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.’

(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.”

(x) (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.

(xi) (xii) In sub-section (3) of section 106 for the words “one year” the words “three years” shall be substituted.

[Appendix 22—contd.]

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 29th September 1929.

No. 1345.—With reference to the footnote 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.”

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 6 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 $\frac{2}{3}$ rd 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 $\frac{2}{3}$ rd 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 wantonly interfered with.

[Appendix 22—concl'd.]

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 proposal 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 3rd vote 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.—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.

APPENDIX 23.

BILL No. XXIV OF 1929.

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

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the 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 City Municipalities (Amendment) Act, 1929.

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

Bom.
XVIII
of
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 to make in its discretion an order vetoing the continuance in office of any person holding the appointment of a chief officer, a health officer or an engineer.

provided that no order shall be made under this section unless an inquiry has been made into the matter by such person and in such manner as Government may direct and unless the person affected by the order has been given a reasonable opportunity at the inquiry of explaining the allegations made against him.

(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.

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. XXIV of 1929 (A Bill further to amend the Bombay City Municipalities Act, 1925), have the honour to report as follows:—

We have carefully considered the Bill and have made a few changes therein.

*Note.—The signature of Mr. Syed Miran Muhammad Shah will be notified when received.

[Appendix 23—contd.]

We do not consider that it is necessary for Government to take power to veto the first appointment of any person selected for the post of a chief officer, a health officer or an engineer. We have accordingly deleted sub-clause (a) of clause (1) of the proposed new section 34A.

We are of opinion that before Government pass an order on the recommendation of the municipality vetoing the continuance in office of a chief officer, a health officer or an engineer, an inquiry should be held as directed by Government and the officer concerned should be given a reasonable opportunity of explaining the allegations made against him. We have modified sub-section (1) of the proposed new section 34A accordingly.

The changes made in sub-section (2) are consequential.

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

(Signed) HARILAL DESAIBHAI DESAI.

(„) R. B. EWBANK.

(„) A. M. MANSURI.

(„) R. G. PRADHAN.

(„) N. E. NAVLE.

(„) BHASARHEB RAISINGJI.

(„) V. N. JOG.

(„) L. M. DESHPANDE.

(„) D. D. NANAVATI.

(„) J. H. GARRETT.

(„) JETHALAL CHIMANLAL SWAMI-
NARAYAN (*subject to a minute of
dissent*).

(„) H. B. SHIVDASANI.

(„) M. K. DIXIT.

(„) D. P. DESAI.

(*Minute of dissent by Mr. Jethalal Chimanal Swaminarayan, M.L.C.*)

It is a matter for gratification that the Select Committee has decided to delete sub-clause (a) of clause (1) of the new section 34A proposed to be inserted in the Bombay City Municipalities Act, 1925, and has not put any fetters on the powers of the municipality at the time of appointing its officers. It would have been equally good if the sub-clause (b) had also been deleted. According to the opinion of the Ahmedabad Municipality, the Bill ought to have been wholly dropped by the Select Committee. I am of opinion that the Bill is altogether unnecessary and

[Appendix 23—concl'd.]

will be mischievous in its working. So, the Council will be well advised to reject the Bill at the time of its second reading.

Notwithstanding this, if the Council is determined to pass the Bill as amended by the Select Committee, the majority of the members necessary for making the recommendation to Government, that an officer should be discontinued from service, should be that of more than one-half of the total number of councillors. I trust the Council will insist on the incorporation of this further provision of additional safeguard in the Bill.

(Signed) JETHALAL CHIMANLAL SWAMINARAYAN.

Ahmedabad, 23rd November 1929.

APPENDIX 24.

BILL No. V OF 1930.

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

(As published in the "Bombay Government Gazette" of the 31st January 1930.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor required by section 80-C 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 City of Bombay Municipal (Amendment) Act, 1930.

2. *Amendment of section 111 of Bom. III of 1888.*—In section 111 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, for the words "all fines levied by any magistrate" the words, figures and letter "the balance, after all expenses referred to in sub-section (3) of section 513-A have been defrayed, of all fines levied by any magistrate" shall be substituted.

3. *Amendment of section 118 of Bom. III of 1888.*—In sub-clause (i) of clause (f) in section 118 of the said Act after the word "under" the words, figures and letter "section 513-A and" shall be inserted.

4. *New section 513-A of Bom. III of 1888.*—After section 513 of the said Act, the following section shall be inserted, namely:—

"513-A. *Appointment of Presidency Magistrates.*—(1) Government may with the consent of the Corporation create one or more posts of Presidency Magistrates for the trial of offences against this Act, or against any regulation or bye-law made thereunder, and may appoint any person to such post and may also appoint such

[Appendix 24—*contd.*]

ministerial officers for the court of any such Magistrate as they may think necessary :

Provided that notwithstanding the appointment of one or more Presidency Magistrates under this section it shall be open to the Chief Presidency Magistrate, subject to the rules for the time being in force under section 21 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

V of
1898

(2) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by Government.

(3) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (2), together with all other incidental charges shall be reimbursed to Government by the Corporation and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-section (1), and the balance of the fines, if any, shall be credited to the municipal fund :

Provided that Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to Government annually, on such date as may be fixed by Government in this behalf, such sum based on the average of the total amounts recovered by Government from the Corporation under this section during the three years immediately preceding the date of such direction as may be determined by Government in this behalf."

5. *Amendment of section 518 of Bom. III of 1888.*—In sub-section (1) of section 518 of the said Act for the word and figures "and 438" the word, figures and letter "438 and 513-A" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the appointment, at the cost of the Bombay Municipal Corporation, of a Presidency Magistrate or Magistrates for the trial of municipal cases. It has been represented to Government that the existing number of the Presidency Magistrates is not sufficient, owing to pressure of other work, to enable them to devote the necessary time to the disposal of municipal cases with the result that great delay occurs in the disposal of these cases. The Corporation have agreed that the best way of dealing with the matter is for Government to appoint a Presidency Magistrate, the cost of such additional Presidency Magistrate and his establishment being borne by the Corporation. The Bill, therefore, gives Government the power to create with the consent of the Corporation one or more such posts

[Appendix 24—concl'd.]

and to appoint such Magistrates to them. It is believed that it will lead to more expeditious disposal of municipal cases, if they are distributed among all the Presidency Magistrates instead of being made triable only by the additional Magistrates appointed in virtue of this arrangement and the Bill has been framed accordingly. The cost on account of their salaries, pensions and allowances and of those of their establishments and all incidental expenses will be recovered from the fines levied in municipal cases, and the balance, if any, will be credited to the municipal fund under section 111 of the Act. The Bill is based on section 531 of the Calcutta Municipal Act, 1923.

(Signed) HARILAL DESAIBHAI DESAI.

24th January 1930.

APPENDIX 25.

BILL No. I OF 1930.

A Bill further to amend the Bombay Civil Courts Act, 1869, and to amend the Sind Courts Act, 1926.

XIV of
1869.
Bom.
VII of
1926.

(As published in the "Bombay Government Gazette"
of the 2nd January 1930.)

WHEREAS it is expedient further to amend the Bombay Civil Courts Act, 1869, and to amend the Sind Courts Act, 1926, in manner herein-
after appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Civil Courts and the Sind Courts (Amendment) Act, 1930.

2. *Amendment of section 23 of Act XIV of 1869.*—In section 23 of the Bombay Civil Courts Act, 1869, hereinafter called the said Act,

(1) in paragraph 3 after the words "Subordinate Court" the following shall be added, namely:—

"and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts";

(2) to paragraph 4 the following shall be added, namely:—

"He may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the High Court in this behalf."

3. *Amendment of section 24 of Act XIV of 1869.*—To section 24 of the said Act the following proviso shall be added, namely:—

"Provided that the Governor in Council may increase the limit of five thousand rupees to seven thousand and five hundred rupees in the case of any Subordinate Judge of the second class, of not less than ten years' standing and specially recommended in this behalf by the High Court. A Subordinate Judge so empowered shall

[Appendix 25—*contd.*]

continue to exercise this power so long and as often as he may fill the office of a Subordinate Judge of the second class without reference to the District in which he may be employed, unless the powers are withdrawn by Government."

4. *Amendment of section 25 of Act XIV of 1869.*—In section 25 of the said Act—

(1) in paragraph 1 the words "wherein the subject-matter exceeds five thousand rupees in amount or value" shall be omitted, and

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

"and wherein the subject-matter exceeds the pecuniary jurisdiction of the Subordinate Judge of the second class as defined by section 24"

5. *Amendment of section 28 of Act XIV of 1869.*—In section 28 of the said Act, for the words "two hundred" the words "three hundred" shall be substituted.

6. *Amendment of Bom. VII of 1926.*—The following amendments shall be made in the Sind Courts Act, 1926, and they shall come into operation from the date on which that Act shall come into operation under sub-section (2) of section 2 thereof, namely:—

(1) To sub-section (3) of section 30 the following shall be added, namely:—

"A subordinate judge so deputed may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the Chief Court in this behalf."

(2) To sub-section (2) of section 31 the following proviso shall be added, namely:—

"Provided that the Governor in Council may invest any subordinate judge of the second class of not less than ten years' standing and specially recommended in this behalf by the Chief Court with power to exercise jurisdiction over all such suits and proceedings wherein the subject-matter does not exceed seven thousand and five hundred rupees in amount or value. A subordinate judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a subordinate judge of the second class without reference to the district in which he may be employed, unless the powers are withdrawn by Government."

(3) In sub-section (1) of section 32—

(i) the words "wherein the subject-matter exceeds five thousand rupees in amount or value" shall be omitted; and

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

"And wherein the subject-matter exceeds the pecuniary jurisdiction of the subordinate judge of the second class as defined by section 31."

[Appendix 25—*contd.*]

(4) In section 33, the words "of the first class in his ordinary or special jurisdiction" shall be repealed.

(5) In section 35, for the words "two hundred" the words "three hundred" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

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

Notes on clauses.

Clause 2.—Under section 23, paragraph 3 of the said Act one Subordinate Judge can be in charge of more than one Subordinate Court, and there are many such Courts known as linked Courts in the Presidency. The Subordinate Judge generally holds his Court at the headquarters of each Subordinate Court at prescribed periods. It often happens that the Sub-Judge is away from one Court for two months or even for a longer period. Till the decision of the Bombay High Court in "*Pandu versus Jamnadas*" (26 Bom. L.R., p. 470) it was the practice to pass formal orders such as summonses to issue to defendants, etc., on suits of Court A when the Sub-Judge was at the headquarters of the linked Court B. This practice had to be stopped in view of the said ruling of the High Court, thus causing serious inconvenience, since plaints, etc., had to be left for a long period without any process being issued. The difficulty becomes still more serious when a party requires an urgent order to be passed, or an urgent process to be issued, in matters such as attachment before judgment, a temporary injunction to a defendant or the examination of a witness about to leave the jurisdiction of the Court. Sometimes agriculturist defendants have to move the Court to stop sales conducted by the Collector in execution proceedings on valid grounds, and if no order can be obtained in time from the Judge because of his holding Court at the headquarters of the other linked Court, the property may be sold to the detriment of the agriculturist. These instances illustrate the present difficulty? As the law is interpreted in "*Pandu versus Jamnadas*", it is clear that a Sub-Judge presiding over more than one Court cannot pass orders with reference to the civil business of one Court while holding his Court at the headquarters of the other Court. The same difficulty would arise with respect to the civil business of a Sub-Judge's Court when he is deputed to assist in the Court of another Subordinate Judge under paragraph 4 of section 23 of the Act.

In both cases the difficulty can be met by the issue of a notification under the proviso to paragraph 1 of section 23 ordering the Sub-Judge to hold his Court at a place outside the local limits of his jurisdiction. This procedure, however, which involves a report from the District Judge and a recommendation of the High Court, is cumbersome and gives rise to delay in matters which are necessarily urgent. As a result of practical experience it is considered that the better remedy lies in the amendment

[Appendix 25—*contd.*]

of section 23. The amendments do away with the necessity of a notification and the first amendment empowers a Sub-Judge in charge of linked Courts to dispose of the urgent civil business of one Court while sitting at the headquarters of the other Court; the second amendment empowers a Sub-Judge deputed to assist in the Court of another Sub-Judge to dispose of the urgent business of his own Court while on deputation.

Clauses, 3, 4 and 6 (2), (3) and (4).—Under the existing law Subordinate Judges of the second class have ordinary jurisdiction over suits and proceedings wherein the subject matter does not exceed Rs. 5,000 in amount or value (*vide* section 24 of the Bombay Civil Courts Act, 1869). This limit was fixed sixty years ago when a rupee was worth much more than at present, and should, it appears, now be revised so as to accord with present day value. The increase of the limit of the pecuniary jurisdiction of second class Subordinate Judges will also relieve, to some extent, the Subordinate Judges of the first class who are overworked. It is, therefore, proposed to raise the pecuniary jurisdiction of second class Subordinate Judges up to Rs. 7,500 in certain cases. It is not proposed to raise the limit of pecuniary jurisdiction of all Subordinate Judges of the second class but to take power for the Governor in Council to invest Subordinate Judges of the second class of not less than ten years' standing and specially recommended for the purpose by the High Court or the Chief Court, as the case may be, with increased jurisdiction up to Rs. 7,500. Under clause 6 (4) it is intended to provide that in Sind the pecuniary limit in appeal will be the same for both second class Subordinate Judges specially empowered as aforesaid and the first class Subordinate Judges, an appeal being allowed direct to the Chief Court. The clauses give effect to this proposal.

Clauses 5 and 6 (5).—Under section 28 of the Bombay Civil Courts Act, 1869, and section 35 of the Sind Courts Act, 1926, the Governor in Council may invest any Subordinate Judge of the second class with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such courts up to any amount exceeding two hundred rupees. In paragraph 6 of Chapter 50 (page 557) of their Report, the Civil Justice Committee, having regard to the satisfactory way in which the Small Cause Courts' powers have been exercised, recommended that the 'Acts' conferring these powers should be amended so as to increase the value of the subject-matter of suit to be so tried by Subordinate Judges of the second class to five hundred rupees. The clauses seek to raise the limit for the present to three hundred rupees. A similar amendment has already been made to the Madras Civil Courts Act, 1873.

Clauses 6 (1).—*Vide* notes on clause 2. This amendment is based on clause 2 (2).

(Signed) J. E. B. HOBSON.

8th November 1929.

APPENDIX 26.

BILL No. VI OF 1930.

A Bill further to amend the Coroners Act, 1871, in its application to the Presidency-town of Bombay.

(As published in the "Bombay Government Gazette" of the 4th February 1930.)

WHEREAS it is expedient further to amend the Coroners Act, 1871, IV of its application to the Presidency-town of Bombay, in manner herein- 1871. after appearing: And Whereas the previous sanction of the Governor ^{5 & 6,} General required by section 80A (3) of the Government of India Act ^{Geo V,} has been obtained for the passing of this Act; It is hereby enacted as ^{c. 61.} follows:—

1. *Short title.*—This Act may be called the Coroners (Bombay Amendment) Act, 1930.
2. *Substitution of new sections for sections 8 to 20 of Act IV of 1871.*—IV of For sections 8 to 20 of the Coroners Act, 1871, hereinafter called the 1871. said Act, the following shall be substituted, namely:—

"CHAPTER III.

DUTIES AND POWERS OF CORONER.

8. *Jurisdiction to inquire into death.*—Subject to the provisions of section 9,

(1) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body, without a jury.

(2) For the purpose of an inquiry under sub-section (1) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the Police Officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the enquiry is concluded and the cause of death is ascertained and if a *post-mortem* examination is in the opinion of the Coroner not necessary, the Coroner may authorise the body to be disposed of.

9. *Inquest by jury.*—(1) If it appears to the Coroner, either before or in the course of an inquiry under section 8, that there is reason to suspect:—

(a) that the deceased came by his death by homicide, suicide or infanticide; or

[Appendix 26—*contd.*]

(b) that the death was caused by an accident, or poison or machinery; or

(c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place; or

(d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police; or

(e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction.

(2) Such inquest shall ordinarily be held in the Coroner's Court-house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a Criminal Court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(5) Subject to the provisions of section 14 the Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

10. *Report to Coroner when prisoner or person in police custody dies.*—(1) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner before the body is disposed of.

(2) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(3) Nothing contained in sub-section (1) shall apply to cases in which the death has been caused by cholera or other epidemic disease.

11. *Penalty for disposal of body to prevent an inquest.*—(1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

[Appendix 26—*contd.*]

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased.

12. *Power to order body to be disinterred.*—A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

13. *Summoning jury.*—In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

14. *Opening Court Jurors to be Sworn.*—(1) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

(2) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

14A. *Inquest may be on Sunday or public holiday.*—An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

15. *View of body.*—At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also;

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

16. *Proclamation for witnesses.*—The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

17. *Summoning witnesses.*—(1) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such

[Appendix 26—*contd.*]

circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898.

V of
1898.

XLV
of
1860.

(3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be.

III of
1900.

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the Prisoners Act, 1900.

18. *Post-mortem examinations. Fees to medical witnesses. Report of Chemical Examiner.*—(1) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified Registered Medical Practitioner invited to attend as witness. The Coroner may also direct an analysis of the contents of the stomach and intestines. Every Medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

V of
1898.

(2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent enquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

19. *Evidence to be on oath. Evidence on behalf of accused. Interpreter.*—

(1) All evidence given under this Act shall except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without

[Appendix 26—contd.]

administering him any oath, record his statement after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent enquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

(3) For the purpose of section 26 of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate.

V of
1898.
I of
1872.

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

(5) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such question shall be put the Coroner shall put them accordingly.

20. *Coroner to take down evidence in writing. Witnesses to sign depositions. Coroner to subscribe depositions.*—(1) The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto.

(2) Any witness refusing so to sign shall be deemed to have committed an offence under section 180 of the Indian Penal Code.

XLV
of
1860.

(3) Every such deposition shall be subscribed by the Coroner

3. After section 21 of the said Act, the following section shall be inserted, namely:—

Of 16
and 17,
Geo. 5,
c. 59,
s. 2C.

“21A. *Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate.*—(1) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings have been instituted against some person before a Presidency Magistrate in respect of an offence touching the death of the deceased, he shall, in the absence of reasons to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings and may, if he thinks fit, discharge the jury.

(2) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest:

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to or of which he could have been convicted in the proceedings referred to in sub-section (1), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh

[Appendix 26—*contd.*]

inquest, except that it shall not be obligatory on the Coroner to view the body.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the [Commissioner of Police] with a certificate stating the result of the criminal proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquest.

(5) For the purposes of this section, the expression 'the criminal proceedings' means the proceedings before a Presidency Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof."

4. *Substitution of new section 31 for section 31 of Act IV of 1871. List of Jurors. Fine on juror neglecting to attend.*—For section 31 of the said Act the following shall be substituted, namely:—

"31 (1) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate education, liable to serve as jurors in his Court.

(2) All male persons between the ages of twenty-one and sixty whose names are not in the Common Jury list of the High Court, shall, subject to the exemptions mentioned in section 320 of the Code of Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's Court.

(3) Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror, and upon the non-appearance of such person, and proof that such summons has been served upon him or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit:

Provided that the Coroner may, in his discretion, remit any fine so imposed."

5. *Substitution of a new Schedule for the Second Schedule to Act IV of 1871.*—For the Second Schedule to the said Act the following shall be substituted, namely:—

"SECOND SCHEDULE."

Form of Inquisition.

(See section 24.)

An inquisition taken at _____ on the _____ day
of _____ 19 _____ before E. F, Coroner of _____ (in the case
of A B, deceased) upon the oath of G H, I J, K L and M N, then

[Appendix 26—contd.]

and there duly sworn and charged to enquire when, how and by what means the said A B came to his death.

We, the said jurors, find unanimously that the death of the said A B was caused, on or about the _____ day of _____ 19 _____, by _____

1. Cases of homicide. . . a blow on the head with a stick inflicted on him by C D under such circumstances that the act of C D was justifiable (or accidental) homicide.

stab on the heart with a knife inflicted on him by C D under such circumstances that the act of C D was culpable homicide not amounting to murder.
2. Cases of suicide . . . shooting himself through the head with a pistol. Drowning himself in a tank, river or sea. Opium-arsenic, which he voluntarily administered to himself. Cutting his throat with a razor or any sharp instrument.
3. Cases of infanti- strangling to death a newly-born child by its
cide. mother.

by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly-born child.
4. Cases of accident . falling out of a boat into any river, whereby he was drowned.

a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
5. Cases of poisoning. opium or arsenic which was administered to the said A B by C D with the intention of killing him.
6. Cases of death while working in a mill or a workshop being
caused by mac- caught in moving machinery.
chinery.
7. Cases of death the wheel of a motor car or a heavy cart which
arising out of the was negligently driven by C D passing over his
use of a vehicle. chest and causing death.
8. Cases of sudden disease of the heart.
death from any apoplexy.
other cause. sunstroke.

And so say the jurors upon their oath aforesaid.

Witness our hands. . E F, Coroner of

G H, I J, K L, M N, O P (jurors)."

[Appendix 26—*contd.*]

STATEMENT OF OBJECTS AND REASONS

The Coroner's Act at present in force in Bombay was passed in 1871 and is based almost entirely upon the principles of the law in England as it then existed. The English Law has from time to time been materially altered in several important respects to suit the varying conditions prevailing in that country. No corresponding amendments have so far been made to adapt the provisions of the Coroner's Act, 1871, to the changed conditions of life in the City of Bombay. The Coroner of Bombay from his experience of the working of the Act pointed out to Government a number of defects and suggested various amendments with a view to facilitating the working of the Act. These suggestions of the Coroner were considered by a Committee appointed by Government and were then carefully examined by Government in consultation with the High Court. The amendments finally approved by Government have been embodied in the bill. The amendments are explained in the following notes on clauses :—

(a) *Clause 2 (i), section 8.*—As the law stands at present all inquests must be held with the help of a jury and the empanelling of a jury involves a certain amount of delay before the body can be lawfully disposed of. Such delay is often distressing to the relatives of the deceased and harassing, owing to climatic conditions. The present amendment therefore provides for the Coroner holding a preliminary inquiry into the cause of death without a jury, and if he is satisfied as to the cause of death, he can permit the disposal of the body without summoning a jury. If, on the preliminary inquiry the Coroner is not satisfied as to the cause of death or thinks a *post-mortem* examination desirable, a jury will be empanelled in the usual way.

(ii) *Section 9 (3).*—As there is no provision in the Act for holding one inquest on the bodies of several persons who may have died as the result of one and the same incident, this sub-section makes the necessary provision.

(iii) *Section 9 (4).*—This sub-section delegates to the Coroner such powers as are given to Civil, Criminal and Revenue Courts under sections 476 and 480 of the Criminal Procedure Code, 1898.

(iv) *Section 11 (1).*—This is a new provision directed against persons who dispose of dead bodies without an inquest which the Coroner is bound to hold under section 9.

(v) *Section 14 (2).*—This new provision is inserted to avoid the inconvenience arising from the absence of a juror.

(vi) *Section 17 (2).*—This provision is intended to empower the Coroner to enforce the attendance of witnesses by the issue of a warrant of arrest, if necessary.

(vii) *Section 19 (1), (2) and (3).*—The English law does not recognise any one as an accused person in the Coroner's Court. Section 19 of the

[Appendix 26—concl.]

Act is, therefore, proposed to be modified so as to remove the word "accused" occurring therein. Sub-section (2) provides for cases in which the suspected person may make a statement, if he wishes to do so.

(b) *Clause 3.*—This clause provides for stay of proceedings before a Coroner, in cases where criminal proceedings have been instituted before a Magistrate against some person accused of an offence touching the death of the deceased.

(d) *Clause 4, section 31 (1), (2) and (3).*—Sub-sections (1) and (2) of section 31 provide for the preparation of a list of jurors of the Coroner's Court and prescribe the qualifications of such jurors, while sub-section (3) gives discretionary power to the Coroner to remit fines imposed on jurors for non-attendance. It is similar to the provision in section 318 of the Criminal Procedure Code, 1898.

(Signed) J. E. B. HOTSON.

19th October 1929.

APPENDIX 27.

BILL No. IV OF 1930.

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

(As published in the "Bombay Government Gazette" of the 23rd January 1930.)

WHEREAS it is expedient further to amend the 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 City Municipalities (Amendment) Act, 19

2. *Insertion of new section 58-A in Bom. XVIII of 1925.*—After section 58 of the Bombay City Municipalities Act, 1925, the following section shall be inserted, namely:—

Bom.
XVIII
of
1925.

"58-A. *Discretionary power to make rules.*—A municipality may, at its discretion, make rules, not inconsistent with this Act, determining the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of its officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances:

Provided that no rule or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government."

[Appendix 27—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

Section 46-A of the Bombay District Municipal Act, 1901, enables municipalities to frame rules for the grant of gratuities or compassionate allowances to employees in municipal service who die while in service and whose death has not been caused through the execution of their duty. There is no such provision in the Bombay City Municipalities Act, 1925. The Bill is intended to supply this omission.

(Signed) HARILAL DESAIBHAI DESAI.

17th January 1930.

APPENDIX 28.

BILL No. VII OF 1930.

A Bill further to amend the Bombay Port Trust Act, 1879.

(As published in the "Bombay Government Gazette" of the 12th February 1930.)

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; And Whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act;

Bom.
VI of
1879.
5 & 6.
Geo.V.
c. 61.

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Port Trust (Amendment) Act, 19

2. *Amendment of section 23 of Bom. VI of 1879.*—In the explanation to the proviso to paragraph one of section 23 of the Bombay Port Trust Act, 1879, hereinafter called the said Act, for the words "Port Officer" the words "Deputy Conservator" shall be substituted.

Bom.
VI of
1879.

3. *Amendment of section 24 of Bom. VI of 1879.*—In section 24 of the said Act after the words "Chief Accountant" the words "Deputy Conservator" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

Under the present system of administration, the Port Officer and the Assistant Port Officer, Bombay, have been exercising dual functions, one as Government servants and the other as Port Trust servants in charge of the Trustees' Port Department. The Government of India, however, require the services of both these officers in connection with their scheme of centralization of the Mercantile Marine Administration and therefore propose to withdraw them from the Port Trust with effect from 1st February 1930. The Trustees have in consequence created a new appointment of Deputy Conservator to look after the duties of the Port Department which was in charge of these two officers. As

[Appendix 28—contd.]

the new officer will be the head of a department under the Board, the Bill seeks to make the necessary amendments in sections 23 and 24 of the Bombay Port Trust Act, 1879.

GHULAM HUSAIN HIDAYATALLAH.

8th January 1930.

APPENDIX 29.

BILL No. VIII OF 1930.

A Bill further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay.

(As published in the "Bombay Government Gazette" of the 13th February 1930.)

WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay, in IX of manner hereinafter appearing; It is hereby enacted as follows:— 1887.

1. *Short title.*—This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1930.

2. *Amendment of section 12 of Act IX of 1887.*—In sub-section (3) of section 12 of the Provincial Small Cause Courts Act, 1887, hereinafter IX of called "the said Act" for the word "twenty" the word "fifty" shall 1887. be substituted.

3. *Amendment of the Second Schedule to Act IX of 1887.*—In the Second Schedule to the said Act the following amendments shall be made, namely:—

(1) to clause (4) after the words "such property" the following shall be added, namely:—

"but not including a suit for ejectment where—

(a) The property has been let under a lease made by a written instrument, and

(b) The Court of Small Causes would be competent to take cognizance of a suit for the rent of the property, and

(c) The only substantial issue arising for decision is as to whether the lease has determined by efflux of the time limited thereby or has been determined by a notice in accordance with clause (h) of section 111 of the Transfer of Property Act, 1882. IV of 1882.

(2) in clause (18) for the words "relating to a trust" the words "to enforce a trust" shall be substituted;

(3) to clause (20) after the words "Code of Civil Procedure" the words "in respect of any immoveable property" shall be added;

[Appendix 29—*contd.*]

(4) to clause (21) after the word "attachment" the words "of any immovable property" and after the word "transfer" the words "of any such property" shall, respectively, be added; and

(5) in clause (31) for the words "and a suit for the profits on immovable property belonging to the Plaintiff which have been wrongfully received by the Defendant" the words "but not including a suit for mesne profits" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Civil Justice Committee appointed by the Government of India in 1924-25 made certain recommendations for the extension of the jurisdiction of Small Cause Courts. The Government of India on a careful consideration of these recommendations in detail framed a draft Bill to give effect to such of the recommendations as they had approved. The draft Bill was circulated for opinion to the Local Governments. Ultimately, however, the Government of India decided not to proceed with the proposed legislation.

The object of this Bill is to give effect to such of the amendments included in their Bill by the Government of India as have been accepted by this Government with the concurrence of the High Court; and also to amend section 12 of the Act with a view to raise the jurisdiction of the Registrar of the Small Cause Court from Rs. 20 to Rs. 50.

The following notes on clauses explain the object of each amendment in detail:—

NOTES ON CLAUSES.

Clause 2.—The limit of Rs. 20 for suits triable by a Registrar of a Small Causes Court by section 12 (3) of the Provincial Small Cause Courts Act, 1887, was fixed over forty years ago. The value of the rupee has fallen considerably since then. There has been a great increase of litigation during the past few years, with a corresponding increase of work in all Courts. In the Small Cause Courts, in particular, the increase is very marked and it is necessary to find some way for its speedy disposal. With a view to remove congestion and to relieve the Judges of some of their work, it is, therefore, proposed to raise the jurisdiction of a Registrar of the Small Cause Court from Rs. 20 to Rs. 50. It will be in the discretion of the Local Government as at present to fix the pecuniary limit up to which any particular Registrar should be invested with jurisdiction for the trial of suits triable by a Judge of the Small Cause Court.

Clause 3, sub-clause (1).—The Committee recommended that clause (4) of the Second Schedule to the Act should be amended so as to enable a Judge who can hear a suit for house or other rent to try and decide ejectment suits dealing with the same class of property. As difficult questions not infrequently arise for decision in these suits, it is considered undesirable to allow a Small Cause Court to deal with all questions arising out of them. The recommendation has therefore been accepted with

[Appendix 29—*contd.*]

certain modifications suggested by the High Court, and to the extent shown by the proposed additions to this clause.

Sub-clause (2).—Clause (18) of the Second Schedule excludes a suit relating to a trust including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution. As the words “relating to a trust” are very wide and have given rise to different interpretations by the High Courts, the Committee recommended that the clause should be amended so as to substitute the words “to enforce” for the words “relating to” with a view to avoid ambiguity and to confine the clause to cases where the terms of a trust form the real subject-matter in dispute. Government however agree with the High Court that it is not proper to limit the clause to “express” trusts only and that it is equally desirable to exclude suits relating to implied or resulting trusts. The proposed amendment is intended to effect this object.

Sub-clauses (3) and (4).—Clauses (20) and (21) of the Second Schedule exclude respectively a suit instituted under section 283 or section 332 of the Code of Civil Procedure, 1882 (now rules 63 and 100 of Order XXI to the Code of Civil Procedure, 1908) and a suit to set aside an attachment by a Court or a Revenue-authority or a sale, mortgage, lease or other transfer by a Court of a Revenue-authority or by a guardian. The Committee recommended that the clauses should be amended so as to empower Small Cause Courts to dispose of suits under Order XXI, Rule 63, and for setting aside an attachment when they relate to moveable property. The proposed sub-clauses give effect to that recommendation.

Sub-clause (5).—Clause (31) of the Second Schedule excepts any suit for account [other than that referred to in clauses (29) and (30)] including a suit by a mortgagor, after the mortgage has been satisfied, to recover a suit by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits of immovable property belonging to the Plaintiff which have been wrongfully received by the Defendant. The Committee recommended that the clause should be amended so as not to apply to suits for mesne profits. As observed by them there has been a conflict of decisions of the High Courts as to the interpretation of this clause. The Bombay High Court holds that a suit for mesne profits is a suit for the profits of immovable property belonging to the Plaintiff which have been wrongfully received by the Defendant within the meaning of clause (31), but that it does not come within the said clause if the amount claimed is an ascertained sum so that no account has to be taken. Government agree with the Committee that the law should be clarified, and that, as suits for damages against trespassers are admittedly of a small cause nature, the clarification should take the form of providing that suits for mesne profits shall be within the cognizance of Small Cause Courts.

J. E. B. HOTSON.

11th February 1930.

APPENDIX 30

BILL NO. IX OF 1930

A Bill to provide for and regulate the audit by Government auditors of the local funds under the management or control of certain local bodies in the Bombay Presidency except the City of Bombay.

(As published in the "Bombay Government Gazette"
of the 19th February 1930.)

5 & 6
Geo. V.
c. 61.

WHEREAS it is expedient to provide for and regulate the audit by Government auditors of the local funds under the management or control of certain local bodies in the Bombay Presidency except the City 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 Local Fund-Audit Act, 193

2. *Extent.*—It extends to the whole of the Bombay Presidency except the City of Bombay.

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

(a) "Auditor" means an auditor of the Local Audit Department of the Office of the Accountant General, Bombay, empowered by Government to perform the functions of an auditor under this Act;

(b) "Examiner of Local Fund Accounts" includes any person for the time being performing the duties of the Examiner of Local Fund Accounts;

(c) "Local Fund" means any fund to the control or management of which a local authority is legally entitled and includes any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority.

4. *Liability of local authorities to submit their accounts to audit.*—Notwithstanding anything contained in any enactment by which a local authority is constituted the accounts of any local authority whose accounts are declared by the Government, by a notification in the *Bombay Government Gazette*, to be subject to audit under this Act shall be subject to audit in all respects in the manner provided by or under this Act and any provision in any such enactment or in any rules made thereunder which may be inconsistent with or repugnant to the provisions of this Act or any rule made thereunder shall, to the extent of such inconsistency or repugnance, be deemed to have been repealed by this Act.

5. *Accounts to be submitted for audit at such period or periods as may be required.*—The president or chairman, as the case may be, of every local authority whose accounts are subject to audit under section 4 shall submit for audit yearly or at such period as may be required by the

[Appendix 30—contd.]

Commissioner, all accounts of the local fund under the control or management of that authority to the auditor or auditors empowered by the Government in this behalf.

6. *Power of auditor to require production of documents and attendance of persons concerned, etc.*—(1) For the purpose of any audit, the auditors may

(a) by summons in writing require the production of any document, the perusal or examination of which they believe to be necessary for the elucidation of the accounts ;

(b) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them at any such audit ;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

(2) The auditors may, in any requisition made under sub-section (1), fix a time not less than seven days within which the said requisition shall be complied with.

7. *Penalty for disobeying requisition under section 6.*—Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under section 6 shall be liable on conviction before a Magistrate to a fine which may extend to one hundred rupees :

Provided that no proceedings under this section shall be instituted except on the written sanction of the Commissioner.

8. *Audit report to be delivered to certain officers and bodies as Government may direct.*—Within two months after the completion of the audit, the auditor shall prepare a report on the accounts audited and examined and shall deliver such report through the Examiner of Local Fund Accounts to the local authority concerned and copies thereof to such officers and bodies as the Government may direct.

9. *Audit report what to contain.*—The auditor shall include in his report a statement of—

(a) every payment which appears to him to be contrary to law,

(b) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person,

(c) the amount of any sum which ought to have been but is not brought into account by any person, and

(d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and

(e) above.

10. *Local authority to remedy defects.*—(1) On receipt of a report under section 8 the president or chairman, as the case may be, of the local authority concerned shall forthwith, or where the orders of the local authority are required, immediately after such orders have been obtained, remedy to the satisfaction of the Commissioner any defects or irregularities that may be pointed out by the auditor and report the same to the local authority concerned.

[Appendix 30—*contd.*]

(2) Every such local authority shall publish within three months from their receipt the audit notes with the replies thereto in any local newspaper in the district selected by it and also in its next administration report which shall be available for sale to the public. Copies of the replies shall also be sent to such officers as the Government may direct.

11. *Commissioner to surcharge or charge illegal payment or loss incurred by negligence or misconduct.*—(1) The Commissioner shall, after considering the recommendation of the auditor received through the Examiner of Local Fund Accounts and after taking the explanation of the person concerned or making such further inquiry as he may consider necessary, disallow every item which appears to him to be contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment; and shall charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or any sum which ought to have been but is not brought to account by that person and shall, in every such case, certify the amount due from such person.

(2) The Commissioner shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the Commissioner's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have duly received it on the day on which the copy was so refused.

12. *Recovery of surcharges and charges how made.*—(1) Every sum certified by the Commissioner to be due from any person under sub-section (1) of section 11 shall be paid by such person into the treasury or bank in which the funds of the local authority concerned are lodged, within one month from the receipt by him of the decision of the Commissioner unless within that time such person has appealed to the Court or to the Government as provided in section 13.

(2) The said sum if not duly paid, or, if an appeal has been made to the Court or to the Government against the decision of the Commissioner as provided in sub-section (1) of section 13, such sum as the Court or the Government shall declare to be due shall be recoverable on an application made by the Collector to the Court in the same way as an amount decreed by the Court.

13. *Appeal from order of surcharge or charge.*—(1) Any person aggrieved by disallowance, surcharge or charge made by the Commissioner under sub-section (1) of section 11 may, within one month from the receipt by him of the decision of the Commissioner either—

(a) apply to the District Court to set aside such disallowance, surcharge or charge; and the Court after taking such evidence as it thinks necessary, may confirm, modify or remit such disallowance, surcharge or charge and make such orders as to costs as it thinks proper in the circumstances; or

[Appendix 30—*contd.*]

(b) in lieu of such application, appeal to the Government which shall pass such orders thereon as it thinks fit.

(2) Pending disposal of the appeal or application, as the case may be, all proceedings on the certificate shall be stayed if the person aggrieved makes out a *prima facie* case and obtains a stay order.

14. *Charges in respect of audit to be payable out of local fund.*—All expenses incurred by a local authority in complying with any requisition of the auditor under clause (b) of section 6 shall be payable out of its local fund.

15. *Powers and duties of Commissioner to be exercised by any other officer empowered by Government.*—The powers and duties conferred and imposed upon the Commissioner by or under this Act may be exercised by any officer, not below the rank of a Collector, empowered by the Government by rules made in this behalf.

16. *Rules.*—(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

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

(a) the manner and form in which the accounts of a local authority whose accounts are subject to audit under this Act shall be kept ;

(b) the powers and duties of auditors including the power to require a person who may be responsible for any of the matters referred to in section 9 to appear before them, and the procedure to be followed by them for conducting an audit and the times and places at which such audit may be conducted ;

(c) the powers and duties of the Examiner of Local Fund Accounts ; and

(d) prescribing the officer or officers to be empowered under section 15.

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

17. *Repeals and amendments.*—(1) In the Bombay District Municipal Act, 1901—

(a) for sub-section (1) of section 170 the following shall be substituted, namely :—

“(1) Independently of the audit prescribed under the provisions of the Bombay Local Fund Audit Act, 193 , the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the Municipality.”

(b) in sub-section (3) of section 170

(i) for the comma after the word “upon” a full stop shall be substituted ; and

(ii) the words “or if the auditor is a Government auditor, then such charges as may be prescribed by the Governor in Council” shall be repealed.

[Appendix 30—*contd.*]

Bom. VI of 1923. (2) Section 92 of the Bombay Local Boards Act, 1923, shall be repealed; and

Bom. XVIII of 1925. (3) In the Bombay City Municipalities Act, 1925, for sub-section (1) of section 210 the following shall be substituted, namely:—

“(1) Independently of the audit prescribed under the provisions of the Bombay Local Fund Audit Act, 19 , the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the Municipality.”

STATEMENT OF OBJECTS AND REASONS:

The policy of Government regarding local self-governing institutions hitherto has been to abstain as far as possible from interference in matters which are primarily of domestic concern to local bodies in the hope that they and the electorates which they represent would become gradually more alive to their responsibility for ensuring good administration and watching public expenditure. But the experience of Government has been disappointing. Year by year the auditors bring irregularities to the notice of the local bodies but their number does not tend to decrease and the action taken with regard to them is frequently inadequate. Thus the work of the audit department is to a great extent rendered futile and the officers responsible for seeing that the defects brought to notice in the audit notes are remedied have not sufficient powers to insist on remedial action.

2. In these circumstances Government have been forced to the conclusion that a system of surcharge is absolutely essential if any improvement is to be made in the disposal of audit notes and if the interests of the rate-payers are to be adequately protected. Such a system has been working successfully in Madras and some other provinces in India. The present Bill is chiefly based on the rules in force in the Madras Presidency.

3. The Municipal and Local Boards Acts now in force in the Bombay Presidency already contain provisions requiring the compulsory audit of local fund accounts either by private agency or, if Government so direct, by Government auditors. In order to adapt these provisions to the proposed new system, Government are advised that instead of incorporating the necessary provisions in the different Acts relating to local bodies, it would make for simplicity if a separate Act applicable to all such local bodies were framed for the purpose.

Notes on Clauses.

Clause 2:—The Act is intended to apply only to local bodies in the mofussil and hence the extent clause excludes the City of Bombay from its operation.

Clause 3:—Contains the necessary definitions. As the Act contemplates an audit of local fund accounts to be carried out by Government auditors

[Appendix 30—*contd.*]

only, the auditors under this Act will be selected generally from the staff of the Local Audit Department of the Accountant General's office and the definition of "auditor" provides accordingly.

Clause 4.—It is proposed to apply the Act in the first instance to municipalities and local boards and to consider its extension to minor local bodies such as village panchayats as need may arise. The clause therefore gives power to Government to declare from time to time by notification the local authorities whose accounts shall be subject to audit.

Clause 5.—In order to facilitate the work of Government auditors, it is necessary to provide that some responsible person on behalf of the local authority concerned should be required to submit to the auditor the accounts of that body to be audited at such period as may be found suitable, and this power has been given to the Commissioner or other officer, not below the rank of a Collector empowered by the Government by rules made in this behalf (*vide* clause 15).

Clause 6.—This clause gives power to the auditor to require the production of documents and attendance of the persons concerned in order to enable him to get the necessary information or explanation for the purpose of audit. It also provides for the fixing of a time limit in every such requisition in order that persons refusing or unnecessarily delaying compliance may be dealt with under clause 7.

Clause 7.—In order that any requisition properly made under the preceding clause may not be disregarded, it is necessary to provide a penalty for refusing to comply with it.

Clauses 8 and 9.—Clause 8 provides that copies of the auditor's report shall be furnished to the local authority concerned and to such officers and other bodies as Government may direct; while clause 9 prescribes the particulars necessary to be included in every audit report, with a view to bring out prominently the irregularities in the accounts which will necessitate surcharge or charge.

Clause 10.—This clause requires that the president or chairman of the local authority should, on receipt of the audit report, take early steps to remedy the defects pointed out therein. It also requires the local authority to publish in local newspapers the replies to audit notes and to supply copies thereof to such officers as Government may direct.

Clause 11.—Gives the Commissioner or other officer empowered by Government in this behalf the power, after due inquiries, to surcharge or charge against the person or persons responsible the amount of any illegal payment or loss caused by negligence or misconduct. The reasons for the decision are to be stated in writing and a copy thereof is to be sent to the person concerned by registered post. Sub-clause (3) provides that a person refusing to receive it shall nevertheless be deemed to have received it.

[Appendix 30—*conold.*]

Clause 12.—Provides for the recovery of the amount of surcharge or charge due from the person concerned by an application made by the Collector to the District Court as if it were an amount due under a decree of that court.

Clause 13.—This clause provides that any person aggrieved by the order of surcharge or charge may, instead of paying the amount within one month either apply to the District Court or appeal to the Government and may also obtain, pending the appeal or application an order to stay further proceedings for recovery of the amount payable by him.

Clause 14.—This clause authorizes a local authority to pay from its local fund all expenses incurred by it in complying with an auditor's requisition under clause 6 (b).

Clause 15.—The Commissioner is the officer who will generally exercise the powers and perform the duties under clauses 5, 7 (proviso), 8, 10 (I), 11 and 12 but in practice it may be found necessary for the convenience of the local bodies and for the quick disposal of the audit notes to authorize some other officer to deal with cases of school boards and certain minor local bodies who may subsequently be brought within the purview of the Act as observed in the note on clause 4. This clause accordingly reserves power to the Government to appoint such officer or officers by rules and provides that the officer to be so empowered shall not be below the rank of a Collector.

Clause 16.—Gives power to the Government to make rules on certain matters left to rules and generally for carrying out the provisions of the Act.

Clause 17.—As stated above certain Acts relating to local bodies already contain provisions relating to audit of accounts by Government auditors. These provisions will become either redundant or inconsistent in certain respects with the provisions of this Act when passed. They are therefore repealed or amended to the extent indicated in this clause.

(Signed) HARILAL DESAIBHAI DESAI.

30th January 1930.

APPENDIX 31.

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.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned Members of the Select Committee appointed to consider Bill No. XX of 1928 (A Bill further to amend the Bombay

[Appendix 31—contd.]

Hereditary Offices Act, known as Watan Act, being the Bombay Act No. III of 1874), have the honour to report as follows:—

We have carefully considered the bill.

We think that the principle of the bill should be accepted, with certain safeguards. We are of opinion that if a decree of a competent Civil Court is produced within six years of the Collector's order, it should be binding on the Collector if it otherwise satisfies the requirements of the section. We have redrafted clause (2) of the bill accordingly to effect the necessary changes in the original section.

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

(Signed) W. F. HUDSON.
 (") R. G. PRADHAN.
 (") N. E. NAVLE.
 (") J. W. SMYTH.
 (") D. D. NANAVATI.
 (") J. GHOSAL.
 (") S. T. KAMBLI.
 (") D. R. PATIL.
 (") SHAIKH ABDUL AZIZ.

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 amended by the Select Committee.)

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

1. This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1928
2. In proviso (3) to section 36 of the Bombay Hereditary Offices Act, 1874.

- (i) for the words "if at any time any person shall by production of a certificate of heirship, or of a decree or order" the words "if any person shall by production of a decree" shall be substituted.
- (ii) for the words "the Collector may" the words "at any time within six years of such order, the Collector shall" shall be substituted.

APPENDIX 32.

BILL No. XXV OF 1929.

A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

(As introduced on the 8th October 1929 and published in the "Bombay Government Gazette" of the 8th November 1929.)

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

1. *Short title.*—This Act may be called the City of Bombay Improvement Trust Transfer (Amendment) Act of 19

2. *Amendment of section 68 of Bom. XVI of 1925.*—In section 68 of the City of Bombay Improvement Trust Transfer Act, 1925; hereinafter called the said Act, the following words shall be inserted after the words "or the City of Bombay Improvement Act, 1898" :—

"or for the purpose of making advances to lessees of the Trust for erecting buildings on Trust land."

3. *Amendment of section 81 of Bom. XVI of 1925.*—In sub-section (2) of section 81 of the said Act, the following shall be inserted as clause (bb) after clause (b) :—

"(bb) to make advances to lessees of Trust Plots for the purpose of erecting buildings on Trust lands subject to such conditions as may be determined by the Board on the recommendation of the Committee."

4. *Amendment of section 87 of Bom. XVI of 1925.*—In section 87 of the said Act, the following words shall be inserted after the words "Capital Account" where they occur for the first time :—

"Building Advance Account."

5. *Amendment of section 88 of Bom. XVI of 1925.*—In section 88 of the said Act, the following shall be inserted as sub-clause (5) :—

"(5) advancing moneys to lessees of Trust Plots for the purpose of erecting buildings on Trust lands."

6. *Insertion of new sections 90A and 90B in Bom. XVI of 1925.*—After section 90 of the Act, the following sections shall be inserted, namely :—

"90A. *Building Advance Account.*—There shall be credited to the Building Advance Account—

(1) all moneys received on account of loans taken for building advances,

(2) instalments towards the payment of principal.

90B. *Application of moneys credited to Building Advance Account.*—The moneys credited to the Building Advance Account shall be applied as follows :—

(1) The loan moneys, for making advances to lessees for building purposes ;

[Appendix 32—contd.]

(2) The instalments towards the payment of principal, for either making advances to lessees for building purposes or for repayment of the loan moneys."

7. *Amendment of section 91 of Bom. XVI of 1925.* In section 91 of the said Act, after sub-section (1), the following shall be inserted as sub-section (1A):—

"(1A) Interest recovered from the lessees on the advance granted to them for building purposes."

STATEMENT OF OBJECTS AND REASONS.

In view of the continued trade depression and of the consequent depressed state of the land market in the City of Bombay the disposal of the Improvement Trust plots is much hampered and therefore a number of plots are lying idle on the hands of the Trust especially in the north of the Island. Applications are being made to the Trust and specially by their staff to grant them facilities by way of Building Loans. The object of the Bill is to enable the Trust to provide facilities by way of advances to persons of moderate means who desire to take up land for the erection of small buildings mainly for residential purposes. The advances will be made by the Trust in accordance with the Rules to be framed by the Committee and approved by the Board.

The Government of Bombay have accepted and applied this principle of granting Building Loans to the purchasers of their land in the Suburbs of Bombay and specially in the Khar Scheme. This has helped them to sell a large number of plots.

HOOSENALLY M. RAHIMTOOLA.

APPENDIX 33.

BILL No. XXVI OF 1929.

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

(As introduced on the 8th October 1929 and published in the "Bombay Government Gazette" of the 8th November 1929.

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

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

[Appendix 33—contd.]

Bom. XVIII of 1925. 2. *Amendment of section 33 of Bom. XVIII of 1925.*—After section 33 of the Bombay City Municipalities Act, 1925, the following proviso shall be inserted :—

“ Provided that the Chief Officer can be removed from office, reduced or suspended by Government when the Municipality passes a resolution for his removal, reduction or suspension by a majority of the members present at any meeting specially convened for the purpose.”

Bom. XVIII of 1925. 3. *Amendment of section 34 of Bom. XVIII of 1925.*—After clause 5 (b) in section 34 of the Bombay City Municipalities Act add the following clause 5 (c) :—

“ Provided that such Officer can be removed from office, reduced or suspended by Government when the Municipality passes a resolution for his removal, reduction or suspension by a majority of the members present at any meeting specially convened for the purpose.”

STATEMENT OF OBJECTS AND REASONS.

Section 33 of the Bombay City Municipalities Act, 1925, requires that the Chief Officer of a City Municipality can be removed, reduced or suspended only by the votes of at least two-thirds of the whole number of Councillors. As a general rule not more than about two-thirds of the Councillors remain present at the meetings of the Municipality and so in practice it is quite impossible to get the votes of two-thirds of the whole number of Councillors for the removal, reduction or the suspension of the Chief Officer. Moreover however bad the Chief Officer may be he can always manage to have a few members on his side. The administration of several Municipal areas is likely to suffer if the Chief Officer cannot be removed except by the votes of at least two-thirds of the whole number of Councillors. It is therefore proposed to give the Government power to remove, reduce or suspend a Chief Officer, where the Municipality passes a resolution by a majority of the members present at a meeting specially convened for the purpose. This gives a double safeguard to a Chief Officer. There has to be a resolution by a majority and Government have to come to a decision that in the interests of the administration of a Municipal area, it is desirable to remove, reduce or suspend the Chief Officer. The majority of members of a Municipality appoint the Chief Officer, but they cannot remove, reduce or suspend him. The Municipality can remove, reduce or suspend him only by votes of at least two-thirds the whole number of Councillors or Government can remove, reduce or suspend him after the majority of the members present at a meeting specially convened for the purpose have voted for his removal, reduction or suspension. This gives ample protection to a Chief Officer.

The amendment in clause 3 relates to the removal, reduction or suspension of the Health Officer and Engineer and the above remarks about the Chief Officer apply to them *mutatis mutandis*.

APPENDIX 34.

BILL No. XXVII OF 1929.

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

(As introduced on the 8th October 1929 and published in the "Bombay Government Gazette" of the 8th November 1929.)

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

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1929.

2. In section 39 of the City of Bombay Municipal Act, 1888, Bom. hereinafter called "the said Act" renumber sub-section (1) as (1) (a), III of 1888. and insert the following as sub-sections (1) (b), (1) (c), and (1) (d)—

"(1) (b) The corporation shall at their first meeting in the month of April, after general elections appoint the schools' committee.

(1) (c) In the event of non-acceptance of office by a member appointed to be a member of the schools' committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment by the Corporation of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(1) (d) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (1) (b) notwithstanding that the members of the said committee or some of them may no longer be councillors."

3. For sub-sections (3), (4) and (5) of section 39 of the said Act the following shall be substituted—

"(3) (a) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor, to be their chairman until the first meeting of the said committee in the next following official year.

(b) A member of the schools' committee who ceases to be chairman shall be re-eligible.

(c) If any casual vacancy occurs in the office of chairman, the schools' committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number, being a councillor, to fill such vacancy and every chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

[Appendix 34—contd.]

(4) (a) One-half of the councillor members and one-half of the other members of each schools' committee, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the chairman shall determine, shall retire from office at noon on the first day of April next following the date of their appointment.

(b) The remaining members of the schools' committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

(c) The Corporation shall at their ordinary meeting in the month of March appoint fresh members of the schools' committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid.

(d) Any member who ceases to be a member of the schools' committee shall be re-eligible.

(5) The schools committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and to the management of schools under their control subject to the following conditions:—

(a) There shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary;

(b) The first meeting of each schools' committee shall be held on a day and a time to be fixed by the president, and if not held on that day shall be held on some subsequent day to be fixed by the president; and every subsequent meeting of the schools' committee shall be held on such day and such time as the said committee from time to time determine;

(c) The chairman of the schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting;

(d) No business shall be transacted at a meeting of the schools' committee unless at least eight members are present from the beginning to the end of such meeting;

(e) Every meeting of the schools' committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be chairman for the occasion;

(f) Every question shall be decided by a majority of votes of the members of the schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(g) A minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of the next ensuing meeting;

[Appendix 34—*contd.*]

- (h) A member of the schools' committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner any share or interest such as is described in clauses (g) to (l) both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person."

STATEMENT OF OBJECTS AND REASONS

Under the City of Bombay Municipal Act, 1888, the election of the schools' committee as a whole never takes place. Four members retire every year and their places are filled up. When there were twelve members on the committee a member once elected gets a life of three years, whilst now when there are sixteen members his life is of four years, *i.e.*, one year more than the life of the Corporation. In the case of the Standing Committee a new committee is appointed after general elections and half the number of members retire every year. A new Corporation after general elections never gets a chance of appointing its schools' committee. This is not a desirable state of affairs.

The Corporation by their Resolution No. 9387, dated 18th December 1924 have requested Government to amend section 39 of the Municipal Act relating to the schools' committee so as to bring it in line with sections 43 to 49 of the Act relating to the Standing Committee. This bill carries out this object.

HOOSENALLY M. RAHIMTOOLA.

APPENDIX 34 (A)

BILL No. XXVIII OF 1929

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

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

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1929.
2. In section 36 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act after sub-section (K) the following shall be inserted as sub-section (KK):—

“(KK) The Councillors shall have the right to ask questions at the meetings of the Corporation concerning Municipal affairs subject to rules to be framed by the Corporation in that behalf.”

[Appendix 34A—*contd.*]

3. In section 66 of the said Act the following shall be inserted as sub-section (5) :—

“(5) The Commissioner shall give replies to questions asked by Councillors under section 36 (KK) unless he is of opinion that such replies would be prejudicial to the interests of the Corporation or the public.”

STATEMENT OF OBJECTS AND REASONS

Under the City of Bombay Improvement Trust Transfer Act, 1925, the right of asking questions at the meetings of the Board has been granted to Trustees.

The Municipal Corporation of Bombay has approved of the principle of introducing a system of interpellations at the meetings of the Corporation and have requested Government to amend the Act.

The object of the Bill is to make provision in the Act for this purpose and to give to Councillors the same right as they enjoy as Trustees.

HOSENALLY M. RAHIMTOOLA.

APPENDIX 35

BILL No. XXXV OF 1929

A Bill further to amend the Bombay University Act, 1928

(As introduced on the 8th October 1929 and published in the “Bombay Government Gazette” of the 8th November 1929.)

WHEREAS it is expedient further to amend the Bombay University Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay University (Amendment) Act, 19

2. *Amendment of section 13 of Bom. IV of 1928.*—In section 13 (1) IIB after the figure “40” the following shall be inserted: “of whom not less than four shall be persons to represent the labouring classes”.

STATEMENT OF OBJECTS AND REASONS

The necessity of giving representation to Labour interests in the various representative bodies has been admitted. Provision has been made for labour representation in the Legislative Assembly and the Provincial Legislative Council. In the Bombay Legislative Council Electoral rules special provision for the representation of the labouring classes has been made in Rule 3 (b) (B). The City of Bombay Municipa

[Appendix 35—*contd.*]

Act, 1888, has been recently amended and right of election has been given to the labouring classes to elect four Councillors to the Corporation. In Bombay Improvement Trust and Port Trusts representation is given to labour. A Bill to amend the Bombay Port Trust Act with a view to give representation to labour in the Port Trust has been under consideration of the Council.

The need of labour representation on the Senate of the Bombay University is all the greater as the Senate will have to consider and decide several questions in which labour is vitally concerned. In the Universities of Birmingham, Manchester, and other Western Countries, provision has been made for giving instructions on problem affecting labour. Further, in the Bombay University Act IV of 1928, provision has been made to give representation to Millowners' Association and other bodies.

When the Bombay University Bill was under discussion in Legislative Council, notice of an amendment was given for making provision in the Act itself for representation to Labour on the Senate of the University. The Honourable Sir Chunilal Mehta, the then Leader of the House, gave an assurance that Labour will be given a representation on the Senate amongst the 40 seats set apart for nominations. His exact words (*vide* Bombay Legislative Council Debates, Vol. XXI, page 316, dated 3rd October 1927) are as follows:—

“If Labour is organized in the way the Millowners' Association or the Chambers of Commerce have been organized, one should not have the slightest objection to have representatives of Labour on the University election. It is no use saying that by having representative of the Millowners we are only trying to create a cleavage between the industrialist and labourer. It is nothing of the kind. It is merely the lack of an organized constituency that prevents Labour from being asked to select its representatives. I may go further and say that there are certain number of seats specifically reserved for nominations and it is in order to correct this difficulty of finding proper constituencies that a large number of seats has been set aside for nomination.”

My honourable friend opposite suggested that if they are to come in by nomination, then raise the number from 40 to 41 or 42. Well, Sir, I cannot understand why out of 40, room cannot be found for one or two to represent labour.”

In spite of this assurance given on behalf of the Government, no representative of labour has been nominated in the nomination of 40 Fellows recently made to the Senate of the University. The present Bill is therefore intended to make a provision for labour representation in the Bombay University Act on lines similar to those to be found in the Bombay Legislative Council Electoral Rules.

S. C. JOSHI, M.L.C.

APPENDIX 36.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 20. The Honourable Mr. G. B. PRADHAN.

Payment of allowance to village servants employed to guard or patrol the Railway line during the G. I. P. Railway strike.

During the strike on the G. I. P. Railway which began on the 4th February 1930, and is still in progress, a large number of village servants have been employed continuously for several days at a time or longer in the districts through which the Railway runs for the purpose of guarding and patrolling the line. Their ordinary conditions of service do not contemplate duty of this nature for any long period nor is the ordinary remuneration which they receive (in most cases about Rs. 10 per annum) sufficient to maintain them during protracted absences from their homes. Government after consulting the district officers have sanctioned the payment of a daily allowance of four annas, with effect from the first day of the strike to all village servants who have been or may be employed on this duty for such days as they have been so employed.

2. It is not possible to state at present the total amount of expenditure involved in the payment of the allowance in question, as it depends on the duration of the strike, but it was originally estimated that it might amount approximately to Rs. 300 for each day of the strike, in which case the total expenditure on this account during the current financial year might be Rs. 16,000 approximately. Since that estimate was framed the number of village servants employed has been reduced in most districts. The total expenditure is therefore likely to be considerably less, unless a renewal of excitement on the line results in greater number being again employed.

3. The Government of Bombay are representing to the Government of India that the payments made on this account should be reimbursed by them to the Local Government, since the village servants have been employed for the maintenance of the safety of the railway line and of essential services, rather than for purely police duties. If the Government of India agree to pay the Government of Bombay, the amount may be realised next year and may be credited under the account rules on the receipt side, and may not therefore be available to meet the expenditure during this year. The Legislative Council is therefore requested to sanction a supplementary grant of Rs. 16,000.

*Demand voted under "22-General Administration"
and now increased.*

Rs. 1,01,56,000 + Rs. 16,000.

FINANCE DEPARTMENT:

Bombay Castle, 14th March 1930.

APPENDIX 37.

BILL No. X OF 1930.

A Bill further to amend the Bombay Prevention of Prostitution Act, 1923.

(As published in the "Bombay Government Gazette" of the 19th February, 1930.)

WHEREAS it is expedient further to amend the Bombay Prevention of Prostitution Act, 1923, 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. This Act may be called the Bombay Prevention of Prostitution (Amendment) Act, 1930.

2. In section 2 of the Bombay Prevention of Prostitution Act, 1923 hereinafter called the said Act, for the definition of "brothel" the following shall be substituted, namely:—

" 'Brothel' means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement which is habitually used by more than one person for the purposes of prostitution."

3. In clauses (a) and (b) of section 3 of the said Act after the word "prostitution" the words "or carnal intercourse" shall be inserted.

4. In section 5 of the said Act,—

(a) in sub-section (1),—

(i) for the words "male person" the words "person not below the age of 16 years" shall be substituted;

(ii) after the word "prostitution" the words "of another person" shall be inserted; and

(iii) for the word "two" where it occurs for the first time the word "three" shall be substituted;

(b) in sub-section (2),—

(i) for the words "a male" the word "any" shall be substituted; and

(ii) after the word "generally" the words "or to be keeping or managing or assisting in the management of a brothel" shall be inserted.

5. After section 8 of the said Act, the following sections shall be inserted, namely:—

" 8A. Nothing in sections 5, 6, 7 or 8 shall render a female liable to be punished with whipping."

" 8B. Any person who—

(a) being the tenant lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

[Appendix 37—*contd.*]

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof, with the knowledge that the same or any part thereof may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel ;

shall be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees.”

“ 8C. Any person who, having been convicted of an offence punishable under section 8B, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may, in addition to such punishment, be required by the Court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, and, in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to any punishment awarded in respect of his offence.”

“ 8D. (1) On conviction of the tenant, lessee or occupier of any offence under section 8B, clause (a), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accruing before the date of such determination.

(2) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (1), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees.

(3) If the landlord or lessor, after he has received notice in writing of such conviction fails to exercise his rights under sub-section (1) and subsequently during the subsistence of the lease or contract, any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

[Appendix 37—*contd.*]

(4) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section, and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract."

6. Section 11 of the said Act shall be repealed.

STATEMENT OF OBJECTS AND REASONS.

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

Notes on Clauses

Clause 2.—The present definition of "brothel" has been found to be defective. According to it a house, room or place could be a "brothel" only if outsiders are permitted by the occupier to use it for the purposes of prostitution. The proposed amendment is intended to remove this defect. A place occupied by a woman who permits no other woman but herself to be there for immoral purposes but who herself is accustomed to receive men for such purposes, will not come within the proposed definition of "brothel".

Clause 3.—Section 3 penalises soliciting. It is proposed to add the words "carnal intercourse" after the word "prostitution" in clauses (a) and (b) to make clearer the intention underlying this section.

Clause 4.—The object of amending section 5 of the Act is twofold:

Firstly, under section 5 as it stands at present only males who are found to live on the earnings of prostitutes can be punished. The Bombay Prostitution Committee had recommended that the keeping of brothels, whether by males or females, should be made illegal. Experience has also shown that although some brothels are really controlled by men, they are nominally kept by women and hence it is found difficult in practice to take any action against those brothel-keepers. The principal aim of the Act which was to discourage, by penalties, panders and all those who make or try to make a living out of the prostitution of others is thus defeated. Also there appears no strong reason why women who live on the earnings of prostitutes should escape punishment. It is therefore proposed to add the words "of another person" after "prostitution" in section 5 (1) and to omit the word "male" so as to make the section applicable to persons of both sexes. Persons below the age of 16 years are excluded from the operation of this provision in accordance with the recommendation of the Prevention of Prostitution Committee, 1929.

[Appendix 37—concl'd.]

Secondly, it is proposed to enhance the punishment to three years so as to make the offence under section 5 cognizable and non-bailable. Under the law as it stands if the police find a pimp or a procurer who is living on the earnings of a prostitute, they can only proceed against him by summons. He is thus left free to terrorise the girls in the house, who may probably be the only witnesses against him thus enabling him to break up all the evidence. It is, therefore, desirable that in such cases the police should have the power to arrest without warrant.

The amendment in clause 4 (b) (ii) of the Bill is proposed in order to make it clear that those who keep or manage or assist in the management of a brothel can be prosecuted under section 5 of the Act.

Clause 5.—The object of new section 8A is to eliminate the possibility of sections 5, 6, 7 and 8 being construed as overriding the provision in section 393 (a) of the Code of Criminal Procedure, 1898, by rendering a female liable to the punishment of whipping.

The object of inserting new sections 8B, 8C and 8D in the Act is to suppress brothels by penalising not only the brothel-keepers but also landlords who allow their premises to be used as brothels. Provision is however made to enable a landlord to determine the tenancy of a tenant who uses his premises as a brothel but at the same time the landlord is made liable for abetment if he fails to take action against his tenant. One of the main recommendations of the Bombay Prostitution Committee of 1921 was that the letting of houses for purposes of prostitution should be made illegal. These new provisions are based on sections 11, 12 and 13 of the Burma Suppression of Brothels Act, 1921.

Clause 6.—As the offences under sections 5 to 8 mentioned in section 11 are all cognisable offences, the police have power to arrest without warrant and to conduct the necessary investigation. Section 11 is therefore no longer necessary and it is proposed to repeal it.

(Signed) J. E. B. HOTSON.

12th February 1930.

APPENDIX 38.

BILL No. XII OF 1930

A Bill to provide for the exercise of jurisdiction under the Indian Divorce Act, 1869, by certain Courts in Sind.

(As published in the "Bombay Government Gazette" of the 5th March 1930.)

IV of 1869. WHEREAS it is expedient to provide for the exercise of jurisdiction under the Indian Divorce Act, 1869, by certain courts in Sind in manner hereinafter mentioned; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the

[Appendix 38—contd.]

Government of India Act has been obtained for the passing of this Act: ^{5 & 6} Geo. V
It is hereby enacted as follows:—

c. 61.

1. *Short title.*—This Act may be called the Sind Courts Divorce (Temporary) Jurisdiction Act, 193

2. *Extent and operation.*—(1) This Act shall apply to the Province of ^{Bom.} ^{VII of} ^{1926.} Sind.

(2) It shall remain in operation until the commencement of the Sind ^{XXX} ^{IV of} ^{1926.} Courts Act, 1926, and the Sind Courts (Supplementary) Act, 1926.

3. *Temporary exercise of jurisdiction under the Indian Divorce Act, 1869, by certain Courts.*—Until the coming into force of the Sind Courts ^{Bom.} ^{VII of} ^{1926.} Act, 1926 and the Sind Courts (Supplementary) Act, 1926, the ^{XXX} ^{IV of} ^{1926.} jurisdiction of the High Court and the District Judge under the Indian ^{IV of} ^{1926.} Divorce Act, 1869, shall, notwithstanding anything contained in that ^{IV of} ^{1869.} Act, be exercised in Sind, in the case of the High Court, by the Court of the Judicial Commissioner of Sind and, in the case of the District Judge, in the district of Karachi, by the Court of the Judicial Commissioner of Sind, and in other districts, by the Judge of a District Court.

STATEMENT OF OBJECTS AND REASONS.

Under the existing law the Judicial Commissioner of Sind alone has jurisdiction in that province to deal with divorce cases under the Indian Divorce Act, 1869 (IV of 1869), while in the Presidency proper this jurisdiction is exercised by any District Judge. It is proposed to extend this jurisdiction to all District Judges in Sind with a view to saving the time and expense involved in instituting all such cases in the Court of the Judicial Commissioner.

The Judicial Commissioner's Court has exercised jurisdiction as a High Court under this Act. There is however some doubt whether it legally has the jurisdiction and it is necessary to place this jurisdiction beyond question.

Amendments to this effect have already been made in the Indian Divorce Act, 1869, by section 46 of the Sind Courts Act, 1926 (Bom. VII of 1926), but on account of financial stringency it has not been possible to bring that Act into operation. The present Bill is intended to give immediate effect to the above intention.

The Bill is intended to provide for the exercise of temporary jurisdiction in divorce matters by the Court of the Judicial Commissioner of Sind and the District Courts in Sind and to remain in operation only until the Sind Courts Act, 1926, and the Sind Courts (Supplementary) Act, 1926, come into force.

(Signed) J. E. B. Horson.

1st March 1930.

APPENDIX 39.

Agenda.

Supplementary Agenda for the first session of the Legislative Council which commenced on Monday, the 17th February 1930.

(*Vide* Standing Order X, I, (1) (d).)

Resolutions by Mr. H. V. Pataskar, M.L.C.

1. "This Council recommends to Government to take immediate steps to effect the separation of judicial and executive functions".
2. "This Council recommends to Government to stop all gambling on the race courses in this presidency".
3. "This Council recommends to Government to abolish grazing fee in the case of villagers living near forest areas".
4. "This Council recommends to Government to improve without delay the causeway over the river Titur at Chalisgaon on the Outram Ghat Road".
5. "This Council recommends to Government to change the existing rules in the matter so as not to permit certain execution proceedings in civil matters being transferred to the collectors".
6. "This Council recommends to Government to appoint no honorary magistrates in mofussil areas and towns".

Resolutions by Syed Miran Muhammad Shah, M.L.C.

1. "This Council recommends to Government to declare in unequivocal terms that in future it will be their policy not to demolish, or damage or acquire under Land Acquisition Act or any other law in force any mosque, temple or any other place of worship".
2. "This Council recommends to Government to take steps to introduce in this Council a Bill, to be called the "Sind Land Revenue Code", incorporating such revised rules as may be suggested by a committee of official and non-official members of this Council with a non-official majority to be appointed for the purpose of (1) examining the Commissioner in Sind's special circulars regarding revenue matters in Sind, (2) reporting on their suitability and propriety, and (3) suggesting revisions, modifications or amendments thereof, and other means to establish revenue policy in Sind on a sound basis".
3. "This Council recommends to Government that the Provincial road from Hyderabad to Hala in Sind be metalled as soon as possible."
4. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money lenders with a view to restrict the exorbitant rates of interest and numerous other fraudulent ways adopted by them in their dealings with the agriculturists in the Presidency."

[Appendix 39—*contd.*]

5. "This Council recommends to Government to appoint an expert official of long experience to inquire into the condition of cottage industries and other indigenous industries in Sind and to suggest measures for their revival and development."

6. "This Council recommends to Government to move the Government of India to construct a branch railway line between Tando Mahomed Khan and Shahbunder."

7. "This Council recommends to Government to appoint at an early date a Committee consisting of official and non-official members of the Council to investigate the condition of female education in Sind, and the causes of its backwardness, and to suggest measures for its development on popular lines."

8. "This Council recommends to Government to take early steps to establish schools in the rural areas of the Presidency for the education of adult agriculturists."

9. "This Council recommends to Government to instruct the Revenue Officer, Lloyd Barrage, Sind, while disposing of the land on concessionary rates, to give priority over all others to those Zamindars who have forfeited their lands within the Barrage Zone in Sind under the Fallow Rules irrespective of the limit of time of forfeiture."

10. "This Council recommends to Government to appoint at an early date a Committee of Official and Non-Official members of this Council and an expert Engineer with experience of road construction, to travel in Sind, report on the condition of roads and other communications in Sind and to suggest measures for their extension, improvement and development."

G. S. RAJADHYAKSHA,

Secretary to the Legislative

Council of the Governor of Bombay.

Bombay, 4th March 1930.

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