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## APPENDIX 1.

## BILL No. VI OF 1930.

(A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency-town of Bombay.)

## REPORT OF THE SELECT COMMITTEE.

We, the members\* of the Select Committee appointed to consider Bill No. VI of 1930 (A Bill further to amend the Coroner's Act, 1871, in its application to the Presidency-town of Bombay) have the honour to report as follows :—

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

*Clause 2.*—We have omitted the heading as it already appears in the existing Act.

*New Section 8.*—We have deleted the words “subject to the provisions of section 9” as they are in our opinion unnecessary.

The other changes are merely verbal.

*New Section 10.*—Inasmuch as, in respect of the cases contemplated in this clause, there will be an inquest under sub-section 1 (d) of the new section 9, we are of opinion that the Superintendent of prison or the police officer, as the case may be, should await the orders of the Coroner before he orders the body of the deceased person to be disposed of. We have modified sub-clause (1) accordingly. This modification has made the retention of sub-clause (3) unnecessary. We have accordingly deleted it.

*New Section 18.*—We think that the chemical examination, if one is ordered by the Coroner, should not always be confined to the contents of the stomach and intestines. Valuable information is also likely to be obtained in certain cases by the analysis of other organs or parts of the body or of their contents. We have, therefore, amended the section as to leave the Coroner free to direct such analysis as he deems fit.

*Clause 3 : New Section 21A : sub-clause (1).*—We are of opinion that the inquest before a Coroner if it is to be stayed at all, should be stayed as soon as the Coroner is informed that criminal proceedings have been instituted before any magistrate and not necessarily before a Presidency

\*Note.—The signatures of Dr. M. D. Gilder and Mr. H. V. Pataskar will be notified when received.

The signature of Mr. F. W. Allison, I.C.S., could not be obtained owing to his proceeding on leave out of India.

[Appendix 1—contd.]

Magistrate. Cases may conceivably occur, when the criminal proceedings may be instituted in a magistrate's Court beyond the Presidency-town of Bombay, while the inquest is going on in Bombay. We have accordingly deleted the word "Presidency" in sub-clauses (1) and (5).

We are, further, of opinion that, it should be left to the discretion of the Coroner, whether in any particular case, the inquest should be so adjourned. We have accordingly substituted the word "may" for the word "shall". The deletion of the following words is consequential.

*Sub-clause (4).*—The changes made in this sub-clause require the Coroner to supply to the Commissioner of Police such information required for the purpose of registration of death as may be in his possession.

*Clause 5 : Second Schedule.*—The changes made in item No. 8 provide for an inquest, held, for instance, in cases contemplated in sub-clause (e) of the new section 9 where the death is not necessarily sudden. Item No. 8 is now made general to provide for inquests on all deaths sudden or otherwise.

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

(Signed) J. E. B. HOTSON.

( „ ) G. F. S. COLLINS.

( „ ) A. C. OWEN.

( „ ) HOSENALLY M. RAHIMTOOLA.

( „ ) P. G. SOLANKI.

( „ ) R. G. PRADHAN.

( „ ) FRANK OLIVEIRA.

( „ ) B. G. PAHALAJANI (*subject to a minute of dissent*).

( „ ) A. N. SURVE.

(*Minute of dissent by Mr. B. G. Pahalajani, M.L.C.*)

The admissibility of a statement by a person suspected of having committed an offence, as indicated in section 19 (2), is extremely doubtful; it is a dangerous provision to make such a statement admissible against him in any subsequent stage. So also provision of recording material portions of statements only as provided in section 20 (1).

Proposed amendments are attached.

(Signed) B. G. PAHALAJANI.

[Appendix 1—contd.]

(Amendments proposed.)

(1) For section 20 (1), line 230, substitute—

The Coroner shall take down in writing the evidence of each witness in the manner provided for in section 356 of the Code of Criminal Procedure, 1908.

(2) After section 20 (1) add—

“Such evidence shall not be used at any subsequent enquiry, trial or other proceeding, for the purpose of contradiction or corroboration.”

(3) Section 19 (2)—Omit from line 212 words after—

“after duly warning him Magistrate” in line 219 :

and add as (3)—

Such statement shall not be used as evidence against the person making it in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1908.

**BILL No. VI OF 1930.**

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

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Coroners Act, 1871, in its application to the Presidency-town of Bombay, in manner hereinafter appearing : And Whereas the previous sanction of the Governor General required by section 80A (3) 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 Coroners (Bombay Amendment) Act, 1930.

2. *Substitution of new sections for sections 8 to 20 of Act IV of 1871.*—For sections 8 to 20 of the Coroners Act, 1871, hereinafter called the 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 enquiry under sub-section (1) the Coroner shall, as soon as practicable, after receipt of the information proceed

[Appendix 1—*contd.*]

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 inquiry is concluded ~~if the Coroner is satisfied as to the cause of death and the cause of death is ascertained~~ and if a *post-mortem* examination is in the ~~his~~ 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

(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 and await his orders before the body is disposed of.



[Appendix 1—contd.]

(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.

(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

[Appendix 1—*contd.*]

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 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.

(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.

(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 a witness. The Coroner may also direct an analysis of *any of the organs or parts of the body or of their contents 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.

XLV  
of  
1860.

III of  
1900.

[Appendix 1—*contd.*]

(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 inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of  
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 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 inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of  
1898.

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

(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 questions 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:—

Cf. 16  
and 17  
Geo. V,  
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, ~~may in the absence of reasons to the contrary,~~

[Appendix 1—*contd.*]

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 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 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 any particulars necessary for the registration of the death ~~so far as they~~ which may 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.*—For section 31 of the said Act the following shall be substituted, namely :—

31. *List of Jurors. Fine on juror neglecting to attend.*—(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

[Appendix 1—contd.]

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 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.  
a 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 infanticide .. strangling to death a newly-born child by its 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.

[Appendix 1—concl'd.]

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|--|---|
| 4. Cases of accident                                   | .. falling out of a boat into any river, whereby he was drowned.<br>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 caused by machinery.                 | while working in a mill or a workshop being caught in moving machinery.   |
| 7. Cases of death arising out of the use of a vehicle. | the wheel of a motor car or a heavy cart which was negligently driven by C D passing over his chest and causing death.                                    |
| 8. Cases of sudden death from any other cause.         | disease of the heart.<br>apoplexy.<br>sunstroke or any other disease.   |

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)."*

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## APPENDIX 2.

### 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.)*

#### REPORT OF THE SELECT COMMITTEE.

We, the undersigned members\* of the Select Committee appointed to consider 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 Presidency, except the City of Bombay), 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.

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\*Messrs. L. M. Deshpande and W. S. Mukadam were appointed members of the Select Committee, but ceased to be members of the Legislative Council before the meeting of the Select Committee was held.

The signatures of Sir Shah Nawaz Khan Bhutto, Rao Bahadur S. T. Kambli, Sardar S. B. Thorat, Mr. A. F. I. K. Pathan, Rao Sahab R. V. Vandekar, Mr. B. G. Pahalajani and Mr. H. V. Pataskar will be notified when received.

[Appendix 2—*contd.*]

*Clause 3.*—We have amended the definition of the word “auditor” to include the Examiner of Local Fund Accounts and his assistants and any other person, whether a Government officer or not, who may be empowered by Government to perform the functions of auditor under the Bill.

We have introduced a definition of the term “local authority”. That term as used in the Bill does not mean a local authority constituted under the Bombay Primary Education Act, 1923. The definition has been worded on the lines of the definition of the term in the Bombay General Clauses Act, 1904, and has been made to include the school board constituted under the Bombay Primary Education Act, 1923.

*Clause 4.*—We have redrafted this clause in order to simplify its provisions. In our opinion the clause as it stood in the Bill was obscure and the words “may be deemed to have been repealed by this Act” occurring at the end of this clause could probably be held to apply to any Act or rules which may be passed hereafter.

*Clause 5.*—We have inserted words in this clause to make it clear that the accounts which are to be presented for audit will be presented in a manner and form prescribed by rules under new clause 15.

*Clause 6.*—We have redrafted this clause entirely. The principal changes which we have introduced in this clause are:—

(1) the documents, the perusal or examination of which is necessary for audit, will be required to be produced at the head office of the local authority; (2) the power of the auditor to require the presence of any person will be confined to a salaried servant of the local authority or a person who has business or trade dealings with a local authority; (3) in regard to the President, Chairman or any honorary officer or member of the local authority, if the auditor considers that an explanation is necessary from him, the auditor will specify the point on which such explanation is necessary and will invite such President, Chairman or the officer or member to meet him at the head office of the local authority; (4) in making a requisition or issuing an invitation under this clause the auditor must give reasonable time, not less than three days, within which such requisition or invitation should be complied with; (5) we have made it clear that the auditor shall give to the local authority due notice in writing of the date on which he proposes to commence the audit.

*Clause 7.*—We consider that the President or Chairman or any officer or member of a local authority who is invited to meet the auditor for an explanation should not be liable to the penalty provided for in this clause if he does not attend. In our opinion the penalty should attach only to wilful neglect or refusal to comply with the requisition made under clause 6 (1) (a) or (b).

We also consider that an offence under this clause should be triable by a court not lower in rank to that of a first class magistrate. We have accordingly amended this clause.

[Appendix 2—*contd.*]

We have provided in this clause that, before granting sanction for the institution of proceedings under this clause, the Commissioner should give an opportunity to the person against whom proceedings are to be taken to offer an explanation.

*Clause 8.*—We consider that the power of making a report in respect of the accounts audited and examined should be confined to the Examiner of the Local Fund Accounts and not to any auditor. We have accordingly amended this clause.

*Clause 9.*—On the principle followed in clause 8, we have substituted the words "Examiner of Local Fund Accounts" for the word "auditor".

In sub-clause (b) of this clause we have stated that the deficiency or loss which has to be mentioned in the report should be a deficiency or loss which appears to have been caused by *gross* negligence.

In sub-clause (c) we have made it clear that the report will include the amount which has been *received* but which was not brought into account.

*Clause 10.*—We have redrafted this clause entirely in order to state clearly the various steps which are to be taken on the receipt of the report of the Examiner of Local Fund Accounts made under clause 8.

In sub-clause (1) we have provided that the President or Chairman of the local authority shall either remove or remedy any defects or irregularities which may have been pointed out in the report or give any further explanation to the Examiner in regard to those defects or irregularities.

Sub-clause (2) provides that on the receipt of reply from the President or Chairman the Examiner of Local Fund Accounts may accept the explanation given by the President or Chairman or may direct any further steps to be taken for removing or remedying such defects or irregularities.

Sub-clause (3) provides that the Examiner will send a report to the Commissioner and will also forward a copy of this report to the President or Chairman of the local authority. The proviso to this sub-clause is intended to provide for cases in which the accounts of bodies like the school boards under the Bombay Primary Education Act are required to be sent to such heads of Departments as the Director of Public Instruction who control grants which are made to the local authorities for the purpose of education. In such cases the head of the Department concerned will exercise all the powers of the Commissioner, except this power of ordering a charge or surcharge.

Sub-clause (4) requires a local authority to publish in its administration report the defects or irregularities pointed out by the Examiner together with an explanation given by the President or Chairman. Such publication is to be made in the vernacular of the district in any newspaper circulating therein.



[Appendix 2—*contd.*]

If, however, the President or Chairman of the local authority does not reply or does not give an explanation to the points raised by the Examiner, sub-clause (5) empowers the Commissioner to publish the Examiner's report with his own observations in any newspaper in the district.

Sub-clause (6) makes it clear that it is always open to the Examiner to bring to the notice of the Commissioner any instance of misappropriation or fraud.

*Clause 11.*—In sub-clause (1) in accordance with the change made in clause 9, we have inserted the word "gross" before the word "negligence". We have also substituted the word "may" for the word "shall" in two places where it occurs to make it clear that the power of disallowing any item spent illegally or making an order or charge or surcharge is at the discretion of the Commissioner.

We have also provided that the order of charge or surcharge for the recovery of the sums lost or misappropriated can only be passed in respect of acts committed after 1st April 1930.

*Clause 12.*—In our opinion the procedure against the order of the Commissioner making charge or surcharge should be by way of an application to the court and not by way of appeal. We have accordingly made amendments in sub-clauses (1) and (2) of this clause.

*Clause 15.*—We have deleted this clause as we consider that the powers given to the Commissioner under this Bill should not be exercised by any officer lower in rank to that of a Commissioner.

*Clause 16.*—(New clause 15).—In sub-clause (1) (b) we have omitted the reference to the place at which the audit is to be conducted, as under clause 6 it is specifically provided that it is to be made at the head office of the local authority.

We have also inserted a provision for making rules prescribing the manner in which all matters required to be published by the Bill should be published.

We have amended sub-clause (3) to provide that the rules made under this clause will be placed on the Council Table and it will be open to the Legislative Council to suggest any modification therein for the consideration of the Local Government.

*Clause 17.*—(New clause 16)—Sub-clause (2).—We consider that the provision should be inserted in the Bombay Local Boards Act, 1923, for the audit of the accounts of local boards by providing agency on the same lines as is provided for in the Municipal Acts. We have, therefore, provided that, in spite of the provisions of this Bill, it is always open to a local board to apply to Government for making rules or passing an order by which its accounts will be audited by such agency as may be prescribed by Government under rules or orders made under section 133 of the Bombay Local Boards Act.

We have made several drafting changes in the various provisions of the Bill. We do not think it necessary to refer to them specifically.

[Appendix 2—*contd.*]

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* and in Sindhi in the *Sind Official Gazette*.

(Signed) HARILAL DESAIBHAI DESAI.  
 ( " ) R. B. EW BANK.  
 ( " ) J. GHOSAL.  
 ( " ) R. G. PRADHAN.  
 ( " ) N. E. NAVLE.  
 ( " ) GOVINDBHAI H. DESAI.  
 ( " ) J. C. NIXON.  
 ( " ) BHIMBHAI R. NAIK\* (*subject to a minute of dissent*).  
 ( " ) M. K. DIXIT.\*  
 ( " ) A. M. MANSURI.  
 ( " ) R. R. KALE.  
 ( " ) BHASABHAI RAISINGHJI.

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

Clause 16 (2).—There is no reason why the Local Boards should have a different treatment from the Municipalities and, therefore, section 92 of the Bombay Local Boards Act of 1923 should be amended to read as under:—

(1) "Independently of the audit provided for under the provisions of the Bombay Local Boards Act, 1930, the accounts of Local Boards may be examined and audited at such intervals, in such manner and by such agency as may be prescribed in the rules of the Local Board."

(Signed) BHIMBHAI R. NAIK.

### 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 authorities in the Bombay Presidency except the City of Bombay.*

(As amended by the Select Committee.)

WHEREAS it is expedient to provide for and regulate the audit by ~~Government auditor~~ of the local funds under the management or control of certain local bodies authorities in the Bombay Presidency except the

\*Has since ceased to be a member of the Legislative Council.

[Appendix 2—contd.]

City of Bombay 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:—

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c. 61.

1. *Short title.*—This Act may be called the Bombay Local Fund Audit Act, 1930.

2. *Extent.*—~~This Act~~ extends to the whole of the Bombay Presidency except the City of Bombay.

3. *Definition.*—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;~~

(a) “Auditor” means the Examiner or any other person empowered by Government to perform the functions of an auditor under this Act;

(b) “Examiner” means the Examiner of Local Fund Accounts and includes the Assistant Examiner of Local Fund Accounts.

(c) “Local authority” means a Local authority as defined in clause (26) of section 3 of the Bombay General Clauses Act, 1904, and includes a school board constituted under the Bombay Primary Education Act, 1923.

Bom.  
I of  
1904.  
Bom.  
IV of  
1923.

(e) (d) “Local Fund” means any fund to the control or management of which a local authority is legally entitled and includes the proceeds of 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 for 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.~~

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, notwithstanding anything contained in any enactment by which such local authority is constituted or in any rules made thereunder, be subject to audit in all respects in the manner provided by or under this Act.

[Appendix 2—contd.]

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 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.~~

*The president or chairman as the case may be, of every local authority, whose accounts are declared under section 4 to be subject to audit under this Act, shall present or cause to be presented for audit all accounts of its local fund in the manner and form prescribed by rules under section 15 to the auditor yearly, or at such period or periods as may be required by the Commissioner.*

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 subsection (1), fix a time not less than seven days within which the said requisition shall be complied with.~~

*(1) For the purpose of any audit under this Act, an auditor may—*

*(a) require in writing the production, at the head office of the local authority, of any document, the perusal or examination of which he believes to be necessary for the elucidation of the accounts ;*

*(b) require in writing any salaried servant of the local authority accountable for, or having the custody or control of such documents, or any person having directly or indirectly, by himself or his partner, any share or interest in any contract with or under the local authority, to appear in person before him at the head office of the local authority and answer any question ;*

*(c) in the event of an explanation being required from the president, chairman or other honorary officer or member of a local authority, in writing invite such person to meet him at the head office of the local authority and shall in writing specify the point on which his explanation is required.*

[Appendix 2—contd.]

(2) *The auditor may, in any requisition or invitation made under sub-section (1), fix a reasonable period, not being less than three days, within which the said requisition or invitation shall be complied with.*

(3) *The auditor shall give to the local authority not less than two weeks' notice in writing of the date on which he proposes to commence the audit.*

**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.~~

(1) *Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under clause (a) or clause (b) of sub-section (1) of 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 ;*

*Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.*

(2) *No court inferior to that of a Magistrate of the first class shall try any offence against this Act.*

**8. Audit report to be delivered sent to certain officers and bodies as Government may direct.**—~~Within two months after the completion of the audit, the auditor the Examiner shall prepare a report on the accounts audited and examined and shall deliver send 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 Examiner 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 caused by the gross negligence or misconduct of any person,
- (c) the amount of any sum received 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 (c) above.

**10. Local authority to remedy defects : procedure to be followed after report of the Examiner under section 8.**—~~(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~~

## [Appendix 2—contd.]

~~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.~~

~~(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.~~

~~(1) On receipt of a report under section 8 the president or chairman, as the case may be, shall either remedy any defects or irregularities which may have been pointed out in the report and send to the Examiner, within three months of the receipt of the report, intimation of his having done so, or, shall, within the said period, supply to the Examiner any further explanation in regard to such defects or irregularities as the president or chairman may wish to give.~~

~~(2) On receipt of such intimation or explanation the Examiner may, in respect of all or any of the matters discussed in his report,~~

~~(a) accept the intimation or explanation given by the president or chairman and withdraw the objection, or,~~

~~(b) direct that the matter be re-investigated at the next audit or at any earlier date, or,~~

~~(c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.~~

~~(3) The Examiner shall send a report of his decision to the Commissioner within one month of the date of the receipt by him of the intimation or explanation of the president or chairman referred to in sub-section (1) and shall forward a copy of such report to the president or chairman, as the case may be, of the local authority. If the Examiner holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised and if so, by what method; and if they do not admit of being regularised, whether they can be condoned and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged:~~

~~Provided that in the case of reports on the accounts of school boards and of such local authorities as are specially notified by Government in this behalf the report referred to in this sub-section shall be submitted by the Examiner to such officer, being the head of a department, as Government may direct. Such officer shall take such action as may be necessary regarding any defects or irregularities falling under clause (c) of sub-section (2) which may have been brought to notice in the report. If he is of the opinion that the amounts to which any such defects or irregularities relate should be surcharged or charged he shall forward the report to the Commissioner together with his recommendation in that behalf.~~

[Appendix 2—contd.]

(4) The local authority concerned shall publish in its next administration report, which shall be open to inspection by the public, such portions of the report under section 8 as deal with defects and irregularities falling under clause (c) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Examiner thereon under sub-section (3). Such report of defects and irregularities, explanation and final report shall also be published in the vernacular of the district in any newspaper circulating in the district selected by the local authority within one month of the receipt by it of the copy of the report sent to the Commissioner under sub-section (2).

(5) If the president or chairman of a local authority fails to give the intimation or explanation referred to in sub-section (1) within the period therein mentioned the Commissioner may, at the instance of the Examiner, publish in the vernacular of the district the whole of the Examiner's report under section 8, together with any observations which the Commissioner may make thereon, in any newspaper circulating in the district which the Commissioner may select and the cost of such publication shall be paid by Government.

(6) Nothing in this section or in section 9 shall preclude the Examiner at any time from bringing to the notice of the Commissioner, for such action as the Commissioner may consider necessary, any information which appears to the Examiner to support a presumption of criminal misappropriation or fraud.

11. Commissioner to surcharge or charge illegal payment or loss incurred caused by gross negligence or misconduct.—(1) The Commissioner shall may, after considering the recommendation of the auditor received through Examiner of Local Fund Accounts or of any head of a department under the proviso to sub-section (3) of section 10, as the case may be, and after taking the explanation of the person concerned, or making such further inquiry, as he may consider necessary, disallow every any item which appears to him to be contrary to law and surcharge the same on the person making, or authorising the making of, the illegal payment; and shall may charge against any person responsible therefor the amount of any deficiency or loss incurred caused by the gross negligence or misconduct of that person, or, any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person:

Provided that no order of surcharge or charge shall be made under this Act in respect of any item included, or, which ought to have been included in, but was omitted from, any accounts for any period prior to the 1st April 1930.

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

(3) If the a person to whom a copy of the Commissioner's decision is so furnished sent under sub-section (2) refuses to received it take delivery thereof he shall nevertheless be deemed to have duly received it on the day on which the copy it was so refused by him.

[Appendix 2—contd.]

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~~ *applied* to the Court or to the Government as provided in section 13.

(2) The said sum, if not duly paid, or, if an ~~appeal~~ *application* 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 *in favour of the Collector*.

13. ~~Appeal from~~ *Application against order or surcharge or charge.*—(1) Any person aggrieved by *any order of 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 order~~; 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

(b) in lieu of such application, ~~appeal~~ *apply* 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 for ~~and obtains~~ a stay order.

14. ~~Charges~~ *Expenses in respect of audit requisitions of auditors to be payable out of local fund.*—All expenses incurred by a local authority in complying with any requisition of ~~the an~~ auditor under ~~clause (b) of~~ sub-section (1) 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. 15. *Rules.*—(1) The Government may make rules, *not inconsistent with this Act*, for the purpose of carrying into effect the provisions of this Act.

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

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



[Appendix 2—*contd.*]

~~(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; and~~

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

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

*(c) the manner in which all matters required to be published under this Act shall be published.*

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

17. 16. ~~Repeals and Amendments in Bom. III of 1901, Bom. VI of 1923 and Bom. XVIII of 1925.~~—(1) In the Bombay District Municipal Act, 1901— Bom. III of 1901.

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

*“(1) Independently of the audit prescribed provided for under the provisions of the Bombay Local Fund Audit Act, 1930, 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.

~~(2) Section 92 of the Bombay Local Boards Act, 1923 shall be repealed; and For sub-section (1) of section 92 of the Bombay Local Boards Act, 1923, the following shall be substituted, namely:—~~ Bom. VI of 1923.

*“(1) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the accounts of local boards may be examined and audited at such intervals, in such manner, and by such agency as Government, on the application of the local board or local boards concerned, directs; and*

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

*“(1) Independently of the audit prescribed provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal*

[Appendix 2—contd.]

accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality.”

### NOTIFICATION.

Council Hall, Poona, 29th May 1930.

No. 663.—With reference to the footnote to the Report of the Select Committee on 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) published at pages 116-120 of the *Bombay Government Gazette*, Part V, dated the 15th May 1930, it is notified that Sir Shah Nawaz Khan Bhutto, Rao Saheb R. V. Vandekar and Mr. A. F. I. Pathan have signed the Report of the Select Committee and that Sardar S. B. Thorat has signed the same subject to the minute of dissent shown below :—

(Minute of dissent by Sardar S. B. Thorat, M.L.C.)

In clause (6) (1) (a), add the words “the chief executive officer of the local authority” after the word “require” in line 1 of that sub-clause of clause (6).

J. R. DHURANDHAR,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

### NOTIFICATION.

#### LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 20th June 1930.

No. 766.—With reference to the footnote to the Report of the Select Committee on 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) published at pages 116-121 of the *Bombay Government Gazette*, Part V, dated the 15th May 1930, it is notified that Rao Bahadur S. T. Kambli has signed the Report of the Select Committee subject to the minute of dissent shown below :—

(Minute of dissent by Rao Bahadur S. T. Kambli, M.L.C.)

I am opposed to the principle of creating liability for gross negligence, nor am I in favour of creating pecuniary liability for misconduct.

Neither Act III of 1901 nor Act XVIII of 1925 nor Act VI of 1923 contains any provisions creating such or similar liability. Duties and

[Appendix 2—concl.]

liabilities of members and councillors are laid down in the Acts mentioned above. If a liability of the nature referred to in sub-clause (b) of clause 9 of the Bill is to be created, it must legitimately find a place in the abovementioned Acts. If the abovementioned Acts do not lay down or prescribe any such liability, then I am afraid it would not be a right thing to create such liability in a separate Act and that too by implication as is proposed to be done in this Bill.

The expressions in sub-clause (b) of clause 9 are not well chosen; nor are they defined anywhere in the principal Acts or in this Bill. To leave the interpretations of these expressions to the whim or sweet will of the auditors or examiners is to subject honorary and public-spirited public workers to great harassment. I would suggest in the alternative that the following words, viz., "in not promptly carrying out the legal and valid resolutions of the local body concerned" be added after the word "negligence" in sub-clause (b) of clause 9 and that the word "misconduct" be omitted altogether.

To create liability for the first time and to try to apply the provisions creating such liability retrospectively is to show utter disregard of the sound canons of legislation. But strangely enough we find in this Bill that such is the aim and purpose. I would, therefore, suggest that the provision creating pecuniary liability be not brought into force before the 1st of April next following the date when His Excellency gives his assent to this Bill.

16th June 1930.

(Signed) S. T. KAMBLI, M.L.C.

J. R. DHURANDHAR,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

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### APPENDIX 3.

#### BILL No. X OF 1930.

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

#### REPORT OF THE SELECT COMMITTEE.

We, the members\* of the Select Committee appointed to consider Bill No. X of 1930 (A Bill further to amend the Prevention of Prostitution Act, 1923) have the honour to report as follows:—

We have carefully considered the Bill and have very few suggestions to make.

We have inserted the word "owner" in sub-clause (a) of the proposed new section 8B, so as to make it clear that the sub-clause also applies to the case of an owner who himself knowingly permits his premises to be used as a brothel.

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\*Note.—The signatures of Mr. A. G. Bullocke, Rao Bahadur D. R. Patil and Dr. M. D. Gilder will be notified when received.

[Appendix 3—contd.]

We have amended sub-clause (b) of the proposed new section 8B and also sub-clause (2) of the proposed new section 8D by adding the words "or with both" so as to enable the Court, if it so chooses, to inflict in suitable cases the punishment of both imprisonment and fine.

In sub-clause (3) of the proposed new section 8D, there is a reference to the receipt by the landlord or lessor of a notice in writing of the conviction of a tenant, lessee or occupier. But there is no provision for the issue of such a notice. We have therefore amended sub-clause (1) of the proposed new section 8D by providing for the issue of such notices by the Court which convicts the tenant, lessee or occupier.

We recommend that this report, 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* and Sindhi in the *Sind Official Gazette*.

(Signed) J. E. B. HOTSON.  
 ( " ) G. F. S. COLLINS.  
 ( " ) F. W. ALLISON.  
 ( " ) HOOSEINALLY M. RAHIMTOOLA.  
 ( " ) R. R. KALE.  
 ( " ) P. G. SOLANKI.  
 ( " ) G. A. D. WASIF.  
 ( " ) R. T. NARIMAN.  
 ( " ) SYED MUNAWAR.  
 ( " ) M. K. DIXIT.  
 ( " ) R. G. PRADHAN.  
 ( " ) IDA M. DICKINSON.  
 ( " ) S. K. BOLE.

#### BILL No. X OF 1930.

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

(As amended by the Select Committee.)

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. *Short title.*—This Act may be called the Bombay Prevention of Prostitution (Amendment) Act, 1930.

2. *Amendment of section 2 of Bom. XI of 1923.*—In section 2 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the

[Appendix 3—*contd.*]

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. *Amendment of section 3 of Bom. XI of 1923.*—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. *Amendment of section 5 of Bom. XI of 1923.*—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. *New sections 8A to 8D in Bom. XI of 1923. No punishment of whipping under sections 5 to 8 for females. Punishment for letting, or permitting use of, premises as a brothel.*—After section 8 of the said Act, the following sections shall be inserted, namely:—

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

"8B. Any person who—

(a) being the owner, 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

(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, or with both.

"8C. *Punishment for subsequent offence.*—Any person who, having been convicted of an offence punishable under section 8B, is convicted

[Appendix 3—*contd.*]

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. *Determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.*—(1) On conviction of the tenant, lessee or occupier of any offence under section 8B, clause (a), ~~the landlord or lessor shall~~ *the convicting Court shall give notice thereof in writing to the landlord or lessor, who shall then 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 *or with both*.

(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.

(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

[Appendix 3—*contd.*]

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. *Repeal of section 11.*—Section 11 of the said Act shall be repealed.

#### NOTIFICATION.

Council Hall, Poona, 30th May 1930.

No. 667.—With reference to the footnote to the Report of the Select Committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) published at pages 73-74 of the *Bombay Government Gazette*, Part V, dated the 11th April 1930, it is notified that Rao Bahadur D. R. Patil has signed the Report of the Select Committee subject to the minute of dissent shown below :—

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

"In my opinion sub-clause (b) of the proposed new section 8B and also sub-clause (2) of the proposed new section 8D should remain the same as in the original bill. My chief reason for this opinion is that for a new Act like the Bombay Prevention of Prostitution Act, 1923, no option should be given to a magistrate to impose both the punishments of fine and imprisonment if he so chooses. Let us watch the working of this new Act for some time more and then amend the Act in the way as is intended by the Select Committee in the matter of punishment if it is found necessary to do so in the interests of justice."

J. R. DHURANDHAR,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

#### NOTIFICATION.

Council Hall, Poona, 13th June 1930.

No. 722.—With reference to the footnote to the Report of the Select Committee on Bill No. X of 1930 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) published at pages 73-74 of the *Bombay Government Gazette*, Part V, dated the 11th April 1930, it is notified that Mr. A. Greville Bullocke, M.L.C., has signed the Report of the Select Committee subject to the minute of dissent shown below :—

*(Minute of dissent by Mr. A. Greville Bullocke, M.L.C.)*

This Bill, as it emerges from the Select Committee, still retains all its worst features and appears to be of so retrograde a character and its effect so likely to replace the principal streets and places of popular resort in Bombay into the unsatisfactory condition that existed some twenty years ago and from which condition they were rescued at the expense of

[Appendix 3—concl'd.]

much time and trouble, that it is with the greatest reluctance I append my signature to the Report.

That Government should, by their own free will, contemplate turning about three thousand women out of their homes (for this is the approximate number of prostitutes stated to me by Miss Dickinson as practising their profession in this City, although the estimates of other members of Council far exceed this number) without, apparently, attempting, or desiring, to do more than rely on the exceedingly vague statements made by various representatives of the Bombay Vigilant Association as to the need of Rescue Homes where a reasonable proportion of these three thousand women could find shelter if necessary, could, were the matter of a less serious nature, only be described as ludicrous, and, I may add, that in holding this view I find myself to be by no means singular.

June 12th, 1930.

(Signed) A. GREVILLE BULLOCKE.

J. R. DHURANDHAR,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

#### APPENDIX 4.

#### BILL No. XIX OF 1930.

*A Bill further to amend the Opium Act, 1878, in its application to the Presidency of Bombay.*

(As published in the "Bombay Government Gazette" of the 29th May 1930.)

1 of 1878. WHEREAS it is expedient further to amend the Opium Act, 1878, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Opium (Bombay Amendment) Act, 1930.
- 1 of 1878. 2. *Amendment of section 20 of Act I of 1878.*—In section 20 of the Opium Act, 1878, for the words "and Excise not below the rank of Inspector" the words "not below the rank of Inspector and every officer of the department of Excise not below the rank of Assistant Inspector" shall be substituted.

#### STATEMENT OF OBJECTS AND REASONS.

Under section 20 of the Opium Act, 1878, the power to investigate offences under the Act has been restricted to officers of the Excise



[Appendix 4—contd.]

Department not below the rank of Inspector. It has been represented to Government that Excise Assistant Inspectors, especially those posted to duty on railway lines, are considerably handicapped in the performance of their duties for want of this power. As the Act stands at present opium cases detected at railway stations have frequently to be made over for investigation to the Railway Police Sub-Inspector or in his absence to the Police Jamadar. Such a procedure not only entails inconvenience and waste of time, but generally vitiates the trial without any corresponding benefit to the detecting officer, inasmuch as the Excise Assistant Inspector has to do the same amount of work as is done by the investigating officer. Excise Assistant Inspectors are at present posted to independent and extensive charges formerly held by Inspectors, and being equally well-trained can be safely entrusted with the work of investigating and prosecuting opium cases. It is therefore proposed to amend section 20 of the Opium Act, 1878, so as to empower Excise officers not below the rank of Assistant Inspectors to investigate offences under this Act.

(Signed) B. V. JADHAV.

11th April 1930.

#### APPENDIX 5.

#### BILL No. XXI OF 1930.

*A Bill further to amend the Bombay University Act, 1928.*

(As published in the "Bombay Government Gazette" of the  
17th June 1930.)

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, 1930.

2. *Amendment of section 13 of Bom. IV of 1928.*—In Part (A) under the heading "II Ordinary" in sub-section (1) of section 13 of the Bombay University Act, 1928, hereinafter called the said Act,—

(a) in entry (i) the words "one electorate of" shall be deleted;

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

(a) Principals of arts colleges as follows:—

(1) one principal elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined;

(2) three principals elected by the principals of arts colleges in all the groups as hereinafter defined.

[Appendix 5—*contd.*]

(c) After entry (vi) the following provisos shall be inserted, namely:—

“ Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected ; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by the next Council.”

3. *Amendment of section 15 of Bom. IV of 1928.*—After sub-section (2) of section 15 of the said Act, the following sub-section shall be inserted, namely:—

“(3) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.”

4. *Amendment of section 20 of Bom. IV of 1928.*—For clause (d) of sub-section (1) of section 20 of the said Act, the following shall be substituted, namely:—

“(d) seven persons elected by the members of the Academic Council from among themselves as follows:—

(i) one to represent each Faculty by separate elections ; and

(ii) the remaining, if any, to represent the Academic Council generally.”

5. *Amendment of section 21 of Bom. IV of 1928.*—In the proviso to section 21 of the said Act for the brackets and letter (b), the brackets and letter (h) shall be substituted.

6. *Amendment of section 25 of Bom. IV of 1928.*—For clause (iii) in sub-section (1) of section 25 of the said Act, the following shall be substituted, namely:—

“(iii) three members appointed by the Academic Council,

(iv) one University Professor appointed by the Academic Council.”

7. *Amendment of section 45 of Bom. IV of 1928.*—After sub-section (3) of section 45 of the said Act, the following shall be inserted, namely:—

“(4) Nothing contained in sub-sections (1), (2) and (3) shall apply or shall be deemed to have applied in the case of Fellows elected by the Legislative Council of the Governor of Bombay under entry (vii) under the heading II—Ordinary (A) in sub-section (1) of section 13.”

#### STATEMENT OF OBJECTS AND REASONS.

Difficulties have been experienced or are expected in holding elections under the provisions of sections 13 (1) (A) (i), 20 (1) (d) read with 20 (3),

[Appendix 5—*contd.*]

and of 25 (1) (iii) of the Bombay University Act, and in co-ordinating these provisions with the terms of section 48. The University have been consulted on the subject, and the amendments embodied in clauses 2 (a) and (b), 4 and 6 of the Bill have been drafted on the lines recommended by them with a view to removing the difficulties and defining precisely the procedure which it is intended to adopt in future.

The second important purpose of the Bill is to provide that the Fellows representing the Legislative Council on the Senate shall hold office only for the duration of the Council electing them and thereafter up to the date when new elections in their places are held by the Legislative Council, and that Fellows shall hold office only so long as they occupy the office or come under the designation which entitled them to be so elected. This principle has been accepted by the University authorities and ensures that the objects of such special representation are fully secured. As a consequence of this change, it has been deemed proper to exempt the representatives of the Legislative Council from the operation of section 45 of the Act.

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

*Clause 2 (a) and (b).*—Under section 13 (1) II (A) (i) of the Act the election of the Principals of colleges is to be made by one electorate and clause (a) provides that among the eight Principals of arts colleges, there must be at least one Principal representing each of the groups defined in Explanation (1) to section 13. Section 48 provides that every election to any authority of the University under the Act shall be made according to the system of proportional representation by means of the single transferable vote. In order, however, to secure the representation of each group, it is necessary to have a separate election from among the Principals of arts colleges comprised in each group. The remaining members can then be elected from among all the Principals of arts colleges generally by a separate election under the system of voting referred to above. The amendments bring out the original intention of the Legislature more clearly by laying down the procedure definitely and precisely.

*Sub-clause (c).*—The addition of the proviso to entry (vi) is intended to make it clear that the tenure of office of Fellows elected by the Bombay Legislative Council shall be limited to the life-time of the Legislative Council which elected them and they shall continue in office thereafter till their successors are appointed by the new Council so that the Legislative Council may not at any time be without representation on the Senate.

*Clauses 4 and 6.*—The amendments of section 20 (1) (d) and section 25 (1) (iii) are proposed for the reasons explained above under clause 2 and in the case of section 20 because it has been held that the statutes framed under section 20 (3) are inconsistent with the terms of the Act and it is not therefore at present possible to hold a valid election.

[Appendix 5—concl.]

Clause 7.—As the representatives of the Legislative Council will go out of office shortly after every dissolution which must occur every three years and may occur oftener, it appears desirable that they should not be subjected to the rotation method under section 45.

(Signed) RAFI UDDIN AHMAD.

29th May 1930.

## APPENDIX 6.

### BILL No. XXII OF 1930.

*A Bill further to amend the Criminal Tribes Act, 1924, in its application to the Province of Sind.*

(As published in the "Bombay Government Gazette" of the 24th June 1930.)

VI of 1924. 5 & 6, Geo. V, c. 61. WHEREAS it is expedient further to amend the Criminal Tribes Act, 1924, in its application to the Province of Sind in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Criminal Tribes (Sind Amendment) Act, 1930.

2. *Extent.*—This Act extends to the Province of Sind.

VI of 1924. 3. *Amendment of Schedule I to Act VI of 1924.*—In Schedule I to the Criminal Tribes Act, 1924, under the heading "Chapter XVII" the following entry shall be inserted at the beginning, namely:—

"378. Theft in respect of cattle only.

*Explanation.*—For the purpose of this entry 'cattle' includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids."

### STATEMENT OF OBJECTS AND REASONS.

Under section 23 of the Criminal Tribes Act, 1924, read with Schedule I as it now stands, cattle theft is not one of the offences for which enhanced punishment can be imposed on a member of a criminal tribe after previous conviction. The Committee appointed by Government in 1925 to ascertain the causes and suggest remedies for the suppression of the evil of organised cattle thefts prevalent in Sind recommended that although it was not desirable that all kinds of theft should be punished under section 23 of the Act, legislation should be undertaken to include in Schedule I thereof section 378 of the Indian Penal Code limiting the application of that section only to cattle thefts in Sind and

[Appendix 6—*contd.*]

that for this purpose "cattle" should include animals mentioned in section 3 of the Cattle Trespass Act, 1871. The Bill is intended to give effect to this recommendation.

(Signed) J. E. B. HOTSON.

27th April 1930.

## APPENDIX 7.

### BILL No. XXIII OF 1930.

*A Bill further to amend the Aden Civil and Criminal Justice Act, 1864.*

(As published in the "Bombay Government Gazette"  
of the 28th June 1930.)

WHEREAS it is expedient further to amend the Aden Civil and Criminal Justice Act, 1864, in manner hereinafter appearing; And <sup>II of</sup> whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:— <sup>5 & 6</sup> <sup>Geo.V,</sup> <sup>c. 61.</sup>

1. *Short title.*—This Act may be called the Aden Civil and Criminal Justice (Amendment) Act, 193 .

2. *New section 16A in Act II of 1864.*—After section 16 of the Aden Civil and Criminal Justice Act, 1864, the following shall be inserted:— <sup>II of</sup> <sup>1864.</sup>

"16A. *Execution of decrees passed by Courts of the Somaliland Protectorate.*—The Governor of Bombay in Council may, by notification in the *Bombay Government Gazette*, declare that the decrees of any Civil Courts situate in the territories comprised in the Somaliland Protectorate, or any class of such decrees, may be executed by the Court of the Resident as if they had been decrees passed by that Court."

### STATEMENT OF OBJECTS AND REASONS.

His Excellency the Governor of the Somaliland Protectorate has pointed out that the Courts of the Protectorate have experienced great difficulties in executing decrees passed by the Court of the Resident at Aden, and *vice versa*, and has proposed, in view of sections 10 and 23 of the Somaliland Order in Council, 1899, that steps may be taken to enter into reciprocal arrangements for the purpose between the Courts of the Somaliland Protectorate and Aden. So far as British India is concerned, the decrees of the Courts of the Somaliland Protectorate are foreign decrees and in the absence of a provision analogous to section 44 of the Code of Civil Procedure, 1908, they cannot be executed by any British Indian Court. In order to authorize the Aden Courts to execute decrees of the Protectorate Courts, an amendment of the Aden Civil and Criminal Justice Act, 1864, on the lines of section 44

[Appendix 7—*contd.*]

of the Code of Civil Procedure, 1908, is necessary. When this is done, the Government of the Somaliland Protectorate can, by virtue of section 6 (I) of their Reciprocal Enforcement of Judgments Ordinance No. 4 of 1921, issue a proclamation extending the Ordinance with a view to the enforcement of the decrees of the Aden Courts in the Protectorate Courts. The Bill is intended to give effect to this proposal.

(Signed) J. E. B. HOTSON.

17th May 1930.

## APPENDIX 8.

### BILL No. XXVII OF 1929.

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

#### REPORT OF THE SELECT COMMITTEE.

We, the members\* of the Select Committee appointed to consider Bill No. XXVII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

We have carefully considered the bill. Most of the changes effected in the bill are verbal and more or less of a formal nature, necessitated from the point of view of correct drafting.

We do not think it necessary to provide that eight members should be continuously present at a meeting of the schools' committee. We have accordingly modified clause (d) of the new sub-section 5 of section 39.

We have provided for the confirmation of the minutes of the meetings of the schools' committee in clause (g) of the new sub-section 5 of section 39.

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

(Signed)	HARILAL DESAIBHAI DESAI,
( " )	R. B. EWBANK,
( " )	F. W. ALLISON,
( " )	R. R. KALE,
( " )	HOOSENALLY M. RAHIMTOOLA,
( " )	P. G. SOLANKI,
( " )	SYED MUNAWAR,
( " )	J. C. SWAMINARAYAN,
( " )	A. N. SURVE,
( " )	S. K. BOLE ( <i>subject to a minute of dissent</i> ),
( " )	R. S. ASAVLE,
( " )	R. D. BELL.

\* Note.—The signatures of Sir Vasantao A. Dabholkar, Kt., Dr. M. D. Gilder and Mr. N. R. Gunjal will be notified when received.

[Appendix 8—contd.]

(Minute of dissent by Rao Bahadur S. K. Bole, M.L.C.)

I think at least in the case of the depressed classes it is necessary to reserve a seat in the schools' committee for the depressed classes as the corporators belonging to these classes find it impossible to get elected though they are fully qualified to be members of the schools' committee as the elections are generally carried on either on communal lines or party lines.

So also I think there ought to have been a provision in the Bill for preventing corporators directly or indirectly interested in any landed property in which any municipal school or office is situated or in any institution or school which receives any donation or grant-in-aid from the schools' committee or the corporation from being members of the schools' committee.

(Signed) S. K. BOLE.

1st April 1930.

### BILL No. XXVII OF 1929.

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

(As amended by the Select Committee.)

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

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1930.

2. *Amendment of section 39 of Bom. III of 1888.*—In section 39 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act Bom.  
III of  
1888.  
~~renumber (a) after sub-section (1) as (1) (a), and insert the following~~  
as sub-sections (1) (b), (1) (e), and (1) (d) shall be inserted namely:—

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

(1) (e) (IB) In the event of non-acceptance of office by a member person 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 person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

[Appendix 8—contd.]

(1) (d) (1C) 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) (1A) notwithstanding that the members of the said committee or some of them may no longer be councillors."

3. (b) For sub-sections (3), (4) and (5) of section 30 of the said Act the following shall *respectively* be substituted *namely*—

"(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~~ *The retiring chairman shall be eligible for reappointment.*

(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 *only* so long ~~only~~ as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

(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. *The members to retire shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the chairman shall determine.*

(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 retiring member who ceases to be a member of the~~ *schools' committee shall be eligible for reappointment.*

(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 at 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



[Appendix 8—*concl'd.*]

shall be held on such day and at 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 *after confirmation by the committee at such meeting;*

(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 sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person."

## APPENDIX 9.

### BILL No. XXVIII OF 1929.

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

#### REPORT OF THE SELECT COMMITTEE

We, the members\* of the Select Committee appointed to consider Bill No. XXVIII of 1929 (A Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

We have carefully considered the Bill and have considerably amplified it.

\*Note.—The signatures of Dr. M. D. Gilder, Mr. Dawoodkhan Shalebhoy and Sir Vasantrao A. Dabholkar, Kt., will be notified when received.

The signature of Mr. F. W. Allison, I.C.S., could not be obtained owing to his proceeding on leave out of India.

[Appendix 9—*contd.*]

*Clause 2 (i)* provides for the framing of the regulations by the Corporation in the matter of submission, asking and answering of questions.

*Clause 2 (ii)*.—We have excluded questions under the new section 66A from the scope of section 33 (*j*), as it would not be a feasible proposition to specify in the notice every question that is likely to be asked and answered on the day fixed for the meeting.

*Clause 2 (iii)*.—As notice of questions is already required to be given under section 66A, and as questions are under the foregoing sub-clause specially exempted from being specified as a part of the business in the notice calling a meeting, the amendment suggested in this sub-clause is more or less consequential.

*Clause 2 (iv)*.—The amendment made is consequential and provides for the asking and answering of questions, although this is not entered as an item of business in the notice under section 33 (*j*).

*Clause 2 (v)*.—This amendment authorises the asking and answering of questions at an adjourned meeting of the Corporation.

*Clause 2 (vi)*.—We are of opinion that a councillor who is debarred from taking part in a discussion on the grounds mentioned in section 33 (*p*) should, on similar grounds, be debarred from asking questions. The amendment suggested by us gives effect to this.

*Clause 3*.—This clause enacts the substantive provision giving the right of interpellation to a councillor. In this clause we have provided for matters which are usually found in the rules of legislative bodies, leaving other matters to be decided by the Corporation by means of regulations framed in this behalf. The various parts of the clause need no comment.

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

(Signed) HARILAL DESAIBHAI DESAI.  
 ( „ ) R. B. EW BANK.  
 ( „ ) BHIMBHAI R. NAIK.  
 ( „ ) HOOSENALLY M. RAHIMTOOLA.  
 ( „ ) JETHALAL CHIMANLAL SWAMI-  
 NARAYAN.  
 ( „ ) R. S. ASVALE.  
 ( „ ) P. G. SOLANKI.  
 ( „ ) JEHANGIR B. PETIT (*subject to a  
 minute of dissent*).  
 ( „ ) B. G. PAHALAJANI.  
 ( „ ) D. R. PATIL.

[Appendix 9—contd.]

(Minute of Dissent by Mr. J. B. Petit, M.L.C.)

I sign the Report subject to the condition that the power to refuse to answer questions should be vested, *not* in the Commissioner, but in the President for the time being. This object can be attained by the insertion of the words "*the President's*" in place of the word "*his*" in line 2 of sub-clause (4) of section 3.

(Signed) JEHANGIR B. PETIT.

**BILL No. XXVIII OF 1929.**

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

(As amended by the Select Committee.)

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. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1929 . 1930.

2. *Amendment of section 36 of Bom. III of 1888.*—In section 36 of Bom. 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."

3. *Amendment of section 66 of Bom. III of 1888.*—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."

(i) after the words "*business of the Corporation*" the words, figures and letter "*including the submission, asking and answering of questions under section 66A*" shall be inserted;

(ii) in clause (j) after the word "*thereat*" the words, figures and letter "*other than questions under section 66A*" shall be inserted;

(iii) in clause (k) after the words "*business*" where it occurs for the first time the words, figures and letter "*other than any questions under section 66A*" shall be inserted;

(iv) in clause (l) after the word, brackets and letter "*clause (j)*" the words, figures and letter "*and any questions asked under section 66A*" shall be inserted;

(v) in clause (n) after the word "*business*" where it occurs for the first time, the words "*other than the asking and answering of questions*" shall be inserted;

[Appendix 9—concl.]

(vi) in clause (p) after the word “meeting” the words, figures and letter “ or ask any question under section 66A concerning any matter ” shall be inserted.

3. *New Section 66A of Bom. III of 1888.*—After section 66 of the said Act, the following new section shall be inserted, namely:—

“66A. *Right to ask questions.*—(1) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the City:

Provided that—

(a) not less than seven clear days’ notice in writing specifying the questions has been given to the Municipal Secretary;

(b) no question shall be asked

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any tribunal in any part of His Majesty’s possessions; or

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community; or

(v) which contravenes any regulation made by the Corporation in this behalf under section 36.”

(2) The President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the President shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

## APPENDIX 10.

### BILL No. IX OF 1929.

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

(As introduced on the 15th March 1929 and published in the “Bombay Government Gazette” of the 9th April 1929.)

Bom.  
III of  
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. *Short title.*—This Act may be called the City of Bombay Municipal Amendment) Act, 192

[Appendix 10—*contd.*]

2. *Amendment of section 11 (2).*—In section 11 (2) of the City of Bombay Municipal Act, 1888, for the words “of which the monthly rental was not less than rupees ten,” at the end of paragraph 1, the words “for not less than six months,” shall be substituted. Bom.  
III of  
1888.

3. *New section. Fees payable to Councillors.*—After section 35 there shall be a section 35A as hereunder :—

“35A. (1) Every Councillor shall be entitled to receive a fee of five rupees for attending each meeting of the Corporation at which a quorum is present ; Provided that no more than one fee shall be paid to a Councillor for his attendance at a meeting or meetings of the Corporation Committee or Committees held on the same day of the Corporation meeting.

(2) *Fees payable to members of Corporation Committees.*—Every Councillor who attends one or more meetings of Corporation Committees on a day on which the Corporation does not meet shall also be entitled to a fee of five rupees for his attendance on that day.”

#### STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to extend to all tenants in the City the full rights of citizenship. Bombay Municipality being the premier municipality in India, it will highly redound to its credit if this progressive step is taken to widen the franchise to embrace all tenants in the first instance with a view to make adult suffrage universal in time to come. The last two elections with Rs. 10 franchise have proved that there is an increasing awakening among the voters as witnessed by the increase each time in the number of the persons turning up at the polling booths to exercise their right of franchise. Should the franchise be widened, it is reasonably hoped, the same spirit of civic responsibility will be continued to be shown, and in addition to it, the increase in number of voters consequent upon the proposed change will tend automatically to create an awakening of civic interest on an appreciably wider scale in that the candidates will have to appeal to the masses directly by carrying on educative propaganda through public meetings, insistence on particular reforms, systematic programme of work, definite promises regarding policy, etc., instead of indirectly approaching the voters through agents and without committing themselves to any well defined policy or programme of work as a considerable number of candidates do at present. The proposed amendment is a logical sequence to the amendment regarding franchise carried out in 1925, i.e., the admission of tenants to the right of franchise.

The proposed addition of clauses regarding the payment to the members of the Corporation for attending meetings of the Corporation as well as those of the different Committees aims at enabling members to devote their time to the civic affairs wholeheartedly. Especially such members as hail from the poorer classes would be free from pecuniary anxieties, should this provision be made. Unless the poorer classes are represented by men from among themselves, their interests are not likely

[Appendix 10—concl'd.]

to be truly and satisfactorily safeguarded. Such payment is also calculated to secure regular attendance at the meetings. That no member should get more than Rs. 5 per day for attending more than one meeting, and that the expenditure in this behalf should be limited, have been also secured in this proposal.

(Signed) SYED MUNAWAR.

## APPENDIX 11.

### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 1. The Honourable Sir ERNEST HOTSON.

#### *Entertainment of temporary additional clerical staff in the Office of the Commissioner of Police, Bombay.*

Towards the end of March 1930, before proceeding on leave, Sir Patrick Kelly, Commissioner of Police, Bombay, submitted a representation to Government regarding the inadequacy of the clerical staff of his office and made proposals for increasing it as soon as possible. The existing strength was sanctioned in the year 1919, and during the last 10 years it has had to cope with a very large increase of work, the chief reasons for which are the following :—

- (1) Increase in cases under local Acts from 55,000 in 1919 to 86,000 in 1928.
- (2) Increase of work due to the passing of the Bombay Prevention of Prostitution Act and the Bombay Children Act.
- (3) Increase in Sessions cases from 66 in 1919 to 150 in 1929.
- (4) The system of licensing hawkers introduced by the Bombay Municipality.
- (5) The increase in the number of buildings and residential quarters of Police Officers and men.
- (6) The increase in the work connected with recruitment, appointments, maintenance of service books and sheets, promotions, accounts, pay and pension, supplies and services of the whole police force of the Bombay City which has increased from 3,721 officers and men in 1919 to 4,174 in 1930, and
- (7) The increase in Miscellaneous work occasioned by items such as applications from Insurance Companies for details of accidents, the appointment of the Commissioner of Police as the Agent in India of the Union Government of South Africa for dealing with repatriates under the Assisted Emigration Scheme and the introduction of the Jail Advisory Committee.

[Appendix 11—contd.]

2. The extra average annual cost of the Commissioner of Police's proposals amounted to Rs. 17,587. Government are convinced of the urgency of the need, and propose to consider the possibility of placing the proposals as a whole before the Legislative Council as a new Item for the year 1931-1932. As however it is imperative to give some immediate relief to the staff Government have accorded their sanction, in anticipation of the sanction of the Legislative Council, to the partial introduction of the proposals with effect from the 22nd April 1930, till the end of the current financial year to the following extent :—

- (1) The entertainment of 4 clerks on the scale of Rs. 60—4—100—3—160, one for each of the four branches in the Commissioner of Police's office.
- (2) The abolition of 4 posts of Head Constable Writers in the offices of the Divisional Superintendents of Police in Bombay City and the entertainment of 4 clerks in their places on the scale of Rs. 60—4—100—3—160.

The extra cost during the current financial year amounts to Rs. 2,410 and it is proposed to meet it by reappropriation from savings within the grant under "26, Police". 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. 1,69,09,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 9th June 1930.

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## APPENDIX 12.

### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 2. The Honourable Diwan Bahadur HARILAL D. DESAI.

*Scarcity works in the Bijapur District.*

In February 1930 the Collector of Bijapur after reviewing the agricultural situation of the district submitted his proposals for the starting of scarcity works during the year 1930-31 on account of failure of crops in certain parts of the district. He reported that the rainfall of June 1929 was beneficial to the sowing of kharif crops in some parts of the district, but the kharif crops almost withered on account of insufficient rainfall in July and August. The rainfall of September was beneficial to the sowing of rabi crops, but the drought in November and December throughout the district, except in a few parts, retarded the growth of standing crops to a certain extent. This was particularly so in almost

[Appendix 12—*contd.*]

the whole of Sindgi Taluka and parts of Bagewadi, Muddebihal and Bijapur Talukas, where the situation was getting rather acute. The Collector therefore considered it necessary to start relief works in those talukas and proposed that the following works should be taken up and allotments indicated against each sanctioned as soon as possible:—

	Rs.
(1) Collecting metal on road-side for Huvin-Hippargi-Talikot Road, II Section, miles 7 to 18 (estimated cost Rs. 16,845) .. .. .	8,000
(2) Constructing a causeway over the Don Nalla near Talikot (estimated cost Rs. 43,339) .. .. .	10,000
(3) Improving miles 20-26 of Bijapur-Sindgi Road (estimated cost Rs. 35,850) .. .. .	35,800

Works Nos. (1) and (2) were intended to provide labour for the needy people of Bagewadi and Muddebihal Talukas, while work No. (3) was to provide labour for those of Bijapur and Sindgi Talukas. The Commissioner, Southern Division, agreed with the Collector. Out of the three works the first two were started during the scarcity period of 1927-28 and closed by the end of October 1927 when the scarcity conditions ceased to exist. Expenditure incurred during that period was Rs. 8,065 and Rs. 596 respectively. The Accountant General who was consulted as to the correct classification of expenditure reported that it should be treated as an ordinary Public Works expenditure, as it was not directly for the employment of famine stricken people. Government approved of the Collector's proposals, and, as the matter was urgent, they issued orders to start the three works and allotted funds to the extent of Rs. 28,000 as shown below out of the reserve with Government in the Finance Department under the head "41, Civil Works—Provincial," as no more funds could be made available at the time:—

	Rs.
Work No. (1) .. .. .	8,000
Work No. (2) .. .. .	10,000
Work No. (3) .. .. .	10,000
	28,000

The question of sanctioning additional funds for works Nos. (2) and (3) will be considered later, if necessary. As the expenditure on work No. (3) is on a new service and as funds have been made available within the grant under the head "41, Civil Works—Provincial," the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41, Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 23rd June 1930.



## APPENDIX 13.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 3. The Honourable Dewan Bahadur HARILAL D. DESAI.

*Taloda-Shahada Road, Sections I and II.*

In July 1929 the Commissioner, Central Division, urged upon Government the necessity of provincialising Taloda-Shahada-Shirpur Road which vested in the District Local Board, West Khandesh. He stated that the whole road was admittedly of a provincial character, as it would, when completed, give through communication between West and East Khandesh on the north side of the Tapti from Taloda to Raver. It was not therefore equitable that the cost of constructing the road should be thrown on the District Local Board which was concerned only with roads of local importance. Government after carefully considering the matter agreed with the Commissioner and in January 1930 issued orders provincialising the road. Government also ordered that the provincialisation should take effect from the 1st April 1930.

The whole road is divided into two parts :—

(1) Taloda-Shahada Road, Sections I and II (Section I from Taloda to Prakasha and Section II from Prakasha to Shahada).

(2) Shahada-Shirpur Road, Sections I-III.

No. (1) which is  $19\frac{3}{4}$  miles in length and of which  $10\frac{1}{2}$  miles have been completed and opened for traffic was being constructed at the expense of the District Local Board by the Public Works Department. Sections I and II are estimated to cost Rs. 1,84,187 and Rs. 1,22,842 respectively and expenditure of Rs. 85,039 and Rs. 55,869 was incurred thereon to end of 1928-29 out of District Local Board funds. No. (2) which is about 27 miles in length has not yet been started.

After the orders regarding provincialisation were issued, the Superintending Engineer, Central Circle, asked for a provision of Rs. 20,000 (Rs. 10,000 for each section) for the year 1930-31 for Taloda-Shahada Road. It was then too late to provide that amount in the Budget, and moreover Government took the view that, since previous expenditure on the road was met out of District Local Board funds, it could not be regarded as a regular work in progress. The Superintending Engineer was accordingly asked to include the work in his list of new major works for 1931-32. In April 1930 the Superintending Engineer however represented that, since the work was in progress for several years past, sudden stoppage for one complete year would be detrimental to its future progress and would involve Government in considerable loss on certain items of the work which were partially finished. He also reported that the Executive Engineer, West Khandesh Division, on inspection of the work found it absolutely necessary to continue progress on certain items with a view to safeguard the interests of Government

[Appendix 13—contd.]

and that expenditure was being incurred on them. To meet these liabilities and to proceed with unavoidable items the Superintending Engineer asked for an allotment of Rs. 9,000 and at the same time suggested a reappropriation to that extent out of the provision for another road work. The matter being urgent, Government sanctioned the reappropriation. As the expenditure in question is on a new service and as the funds have been made available by reappropriation within the grant under the head 41, Civil Works—Provincial, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41, Civil Works—Provincial—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 23rd June 1930.

#### APPENDIX 14.

#### STATEMENT OF DEMANDS FOR SUPPLEMENTARY GRANTS TO COVER THE EXCESSES SHOWN IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1928-29 AND IN THE REPORT OF THE ACCOUNTANT GENERAL THEREON.

##### ITEM 4. The Honourable Mr. G. B. PRADHAN.

In his report on the Appropriation Accounts of the Government of Bombay for the year 1928-29 the Accountant General, Bombay, has pointed out excess expenditure in the final accounts under the following heads which requires the sanction of the Legislative Council :—

	Amount of excess.
	Rs.
(1) 5, Land Revenue—Reserved .. ..	5,025
(2) 7, Stamps—Reserved .. ..	55,733
(3) 22, General Administration—Transferred .. ..	848
(4) 27, Ports and Pilotage—Reserved .. ..	296
(5) 32, Medical—Transferred .. ..	47,225
(6) 45, Superannuation Allowances and Pensions —Reserved .. ..	1,57,981
(7) 55, Construction of Irrigation Works —Reserved .. ..	1,37,152
(8) 60-B, Payment of Commuted Value of Pensions —Reserved .. ..	19,456

[Appendix 14—*contd.*]

The excesses are briefly mentioned below :—

(1) 5, Land Revenue—*Reserved.*

The original grant under “5, Land Revenue” for the year 1928-29 as sanctioned by the Legislative Council in 1928 was Rs. 53,27,000. Additional allotments of Rs. 58,000 (Rs. 50,000 for purchase of talukdari lands plus Rs. 8,000 for kadbi storage operations) were subsequently found necessary and the sanction of the Legislative Council was accordingly obtained thereto. In spite of these additional allotments there was an excess of Rs. 5,025 over the voted grant for 1928-29 as shown below :—

		Rs.
Voted grant	..	53,85,000
Actual expenditure	..	53,90,025
		5,025
Excess	..	5,025

The excess under the grant for “5, Land Revenue” was caused by heavy payments of refunds of land revenue in the month of March 1929. The provision for this item (i.e., refunds) is based on past actuals and as the estimate thus framed was found insufficient, the total grant under the major head “5, Land Revenue” was exceeded by Rs. 5,025. The Legislative Council is now requested to sanction the extra expenditure of Rs. 5,025.

(2) 7, Stamps—*Reserved.*

The total grant (including the provision for refunds) voted by the Legislative Council for 1928-29 under “7, Stamps” was Rs. 6,01,000. The actual expenditure against that grant was Rs. 6,56,733 causing an excess of Rs. 55,733. This excess was mainly a result of heavier payments on account of refunds of the value of non-judicial and judicial stamps to the Punjab Government. The circumstances in which this refund was given to the Punjab Government are as follows :—

The Government of the Punjab was debited in 1927-28 with an amount of Rs. 1,27,172 on account of stamps supplied to them by the Karachi Stamp Depot in previous years. The Punjab Government, however, refused to accept this debit until a more detailed explanation in support of the charges was furnished to them. The Accountant General, Bombay, at the instance of the Accountant General, Punjab, requested this Government to write back the debit in the accounts of 1928-29 subject to the condition that it should be adjusted when the Punjab Government finally accepted it. But as the write back pertained to the receipts of the previous year, a debit had to be given to the minor head “Refunds”. As these transactions were adjusted after the close of the year 1928-29 earlier action could not be taken to present a supplementary demand. The Legislative Council is now requested to sanction the excess of Rs. 55,733.

[Appendix 14—contd.]

(3) 22, *General Administration—Transferred.*

A provision of Rs. 14,000 was made in the budget estimate of 1928-29 for travelling and hill journey allowances of the Honourable Ministers. The expenditure under this head, however, amounted to Rs. 14,848 in the accounts of 1928-29. As the actual excess over the sanctioned grant was not known during the year, the sanction of the Legislative Council could not be obtained in that financial year. The Legislative Council is now requested to sanction the extra expenditure of Rs. 848.

(4) 27, *Ports and Pilotage—Reserved.*

There was an excess of Rs. 296 during 1928-29 in the original voted grant of Rs. 21,000 under the head "27, Ports and Pilotage (Provincial)". The excess in the grant represents the 7 per cent. share of the net cost of the Central Government's Marine Survey Department in this Presidency which is borne by the Bombay Government. There was really an excess of Rs. 314 in the amount of Rs. 4,000 provided on account of the Local Government's contribution. The actual expenditure of Rs. 4,314 has been arrived at as explained below :—

	Rs.	a.	p.
Total expenditure on the Marine Survey Department adjusted to the Central Head of Account to the end of March 1929, Preliminary Account .. .. .	1,21,466	15	6
Total expenditure adjusted in March 1929, Final Account .. .. .	3,109	11	0
	<hr/>		
	1,24,576	10	6
Total Receipts to the end of March 1929, Preliminary Account .. .. .	62,943	12	3
	<hr/>		
Net expenditure .	61,632	14	3
Seven per cent. of the above adjusted separately in the March 1929 Final and Supplementary Account .. .. .	4,314	5	0

The excess of Rs. 314 was, however, counterbalanced by savings under another sub-head, leaving an actual excess of Rs. 296. The latter remained uncovered at the end of the year 1928-29. The Legislative Council is now requested to sanction the excess of Rs. 296.

(5) 32, *Medical—Transferred.*

The grant voted for expenditure during 1928-29 under "32, Medical—Transferred" was Rs. 48,95,600, while the actual expenditure under the head during that period was Rs. 49,42,825 and the vote of the Council is required to regularise the excess expenditure of Rs. 47,225 in accordance with rule 31 of the Bombay Legislative Council Rules.

[Appendix 14—*contd.*]

The excess was due mainly to a shortage in the sanctioned strength of I.M.S. Officers and to the fact that more of them went on leave than was anticipated, thus necessitating the employment of larger number of B.M.S. Officers than provided for in the budget. Thus there was a saving in the non-voted provision and excess expenditure over the voted provision.

In his letter of 10th February 1929 the Surgeon General had pointed out the probability of an excess and asked for a supplementary grant, but as the revised estimate for the year, based as usual on the actual expenditure for the first 9 months and probable expenditure for the last 3 months of that year, indicated savings, Government considered that they would not be justified in presenting a demand for a supplementary grant on the data before them.

The estimate of the expenditure during the last 3 months of the year was, however, exceeded owing to—

- (a) enhanced municipal water charges levied on the Bombay Institutions,
- (b) adjustments on account of medicines and instruments,
- (c) adjustments under the grant of "value of and freight on European Stores" under Grant Medical College, Bombay, being received in the last quarter.

The total excess of Rs. 47,225 over the voted grant under the major head was the result. As stated above these could not be foreseen in March 1929.

In these circumstances the Legislative Council is requested to sanction the excess of Rs. 47,225.

(6) 45, *Superannuation Allowances and Pensions—Reserved.*

An excess of Rs. 1,57,981 occurred under this head over the total grant of Rs. 52,95,300. This excess was chiefly due to higher expenditure under the minor head "Superannuation and Retired Allowances" (Rs. 1,01,000) and to less recoveries under "Deduct—On account of Commercial Departments' pensions" (Rs. 53,000). The excess under the grant for "Superannuation allowances and pensions" was caused mainly by larger pension claims. It is always difficult to forecast requirements under this head with any close degree of accuracy. An excess was foreseen and a supplementary grant of Rs. 2,42,300 to meet it was obtained in March 1929. This however proved insufficient. There was also a smaller recovery than anticipated by about Rs. 50,000 on account of the pensionary liabilities of officers of Commercial Departments of Government as the recoveries on account of non-votable officers were taken to the corresponding non-voted recovery head of account instead of to the voted head owing to changes in classification of accounts.

[Appendix 14—contd.]

## (7) 55, Construction of Irrigation Works—Reserved.

There was an excess of Rs. 1,37,152 on the voted grant for 1928-29 under the head "55, Construction of Irrigation Works not charged to revenue" as shown below :—

			Rs.
Voted grant	..	..	2,44,30,000
Actual expenditure	..	..	2,45,67,152
		Excess	1,37,152

The excess was wholly due to excess expenditure on the Lloyd Barrage and Canals Construction Project as shown below :—

	Final grant.	Expenditure.	Excess (+) or Saving (-)
	Rs.	Rs.	Rs.
Lloyd Barrage and Canals Construction Project.	2,31,11,000	2,32,84,964	+1,73,964
Other Irrigation Works ..	13,19,000	12,82,188	-36,812
	2,44,30,000	2,45,67,152	+1,37,152

2. The excess on the Lloyd Barrage and Canals Construction Project was due to excess expenditure under "Suspense" partly counterbalanced by savings under other minor heads as shown below :—

Minor head of account.	Final grant.	Expenditure.	Excess (+) or Saving (-) on the grant.
	Rs.	Rs.	Rs.
Works .. .. .	1,90,30,000	1,89,42,901	-87,099
Establishment .. .. .	27,92,000	27,31,578	-60,422
Pensionary charges .. .. .	4,80,000	3,82,421	-97,579
Tools and Plant .. .. .	1,76,000	1,57,582	-18,418
Suspense .. .. .	6,33,000	11,91,986	+5,58,986
<i>Deduct—</i> Receipts and Recoveries on capital Account.	....	-1,21,503	-1,21,503
<i>Deduct—</i> English cost of Stores and Establishment..	-11,80,300	-11,57,537	+22,763
Expenditure in England .. .. .	11,80,300	11,56,351	-23,949
Loss or gain by exchange .. .. .	....	1,185	+1,185
	2,31,11,000	2,32,84,964	+1,73,964

[Appendix 14—contd.]

The reasons for the savings and excess under the minor heads are explained below.

3. *Savings of Rs. 87,099 under "Works."*—The expenditure in the Quarries Division was first booked under the minor head "Works." It is really, however, of the nature of "Suspense," namely, quarrying and manufacturing of stones. In order to know the cost of operations and the rate of outturn, it was decided, with the advice of the Audit Officer, Lloyd Barrage and Canals Construction, to book the expenditure under "Suspense." The previous years' accumulated outstanding balance was also written back accordingly, with the result that there occurred a saving under "Works" and an excess under "Suspense." The real saving under "Works" due to this reason was much more (viz. Rs. 2,35,500) but it was reduced by the increased expenditure on works.

4. *Saving of Rs. 60,422 under "Establishment."*—The saving was due partly to actual saving in travelling allowance of the establishment and partly to some posts on the temporary establishment having been kept vacant and filled only when it became essentially necessary to do so.

5. *Saving of Rs. 97,579 under Pensionary charges.*—Pensionary charges are adjusted in accounts at the rate of 14 per cent. of the cost of establishment. The saving was due to the reasons explained below:—

(a) There was less expenditure on establishment than anticipated.

(b) Provision for Pensionary charges was made in the budget wholly under "Voted"; whereas in accounts these charges were distributed between "Voted" and "Non-voted." The practice in vogue up to 1927-28 was to distribute these charges in accounts wholly under "Voted." It is only since 1928-29 that they are being distributed between "Voted" and "Non-voted."

6. *Saving of Rs. 18,418 under "Tools and Plant."*—This small saving was due partly to postponement of some items of purchase and partly to favourable rates obtained owing to competition.

7. *Excess of Rs. 5,58,986 under "Suspense."*—Out of this excess Rs. 2,35,500 were due to the expenditure in the Quarries Division previously booked under the head "Works" having been transferred to "Suspense" as explained in paragraph 3 above. The balance of the excess, viz. Rs. 3,23,486, was due to the reasons explained below:—

(a) Issues from "stock" proved less than anticipated.

(b) The Draglines Division received a large number of bills from the Indian Stores Department in March 1929. The charges were to be accounted for finally in other divisions. As, however, final allocation could not be ascertained before the end of March, the amounts had to be put temporarily under "Suspense."

8. The net excess of Rs. 1,73,964 on the voted grant for the Lloyd Barrage and Canals Construction Project is partly covered by the saving of Rs. 36,812 on the grant for "Other Irrigation Works" in Sind and Deccan under the head "55." The net excess on the total voted grant

[Appendix 14—concl'd.]

is therefore Rs. 1,37,152 and the sanction of the Legislative Council is requested thereto.

(8) *60-B, Payment of Commuted Value of Pensions—Reserved.*

The actuals of 1928-29 show an excess of Rs. 19,456 over the net voted grant of Rs. 9,50,000 under the head "60-B, Payment of Commuted Value of Pensions." A net provision of Rs. 4,79,000 was made in the budget estimate of 1928-29. As however an excess of expenditure was expected under this head, a supplementary demand for Rs. 4,71,000 was presented by Government and sanctioned by the Legislative Council in March 1929. The net total grant, however, proved inadequate. The excess of Rs. 46,998 under the minor head "Payment of commuted value of pensions" is mainly due to larger payments on account of the capitalised value of pensions paid to other Governments in respect of pensionary liabilities of this Government. This was partly counter-balanced by larger recoveries under (i) *Deduct*—Capital portion of equated payments out of revenue (Rs. 7,513) and (ii) *Deduct*—Recoveries of commuted value of pensions from other Governments transferred to this head from the receipt head "XXXIII, Receipts in aid of Superannuation (Rs. 20,029)." The larger recoveries under (i) are due to higher expenditure on the commuted value of pensions in 1927-28 than was anticipated at the time of framing the estimate for 1928-29 and under (ii) on account of larger receipts than were anticipated as the capitalised value of pensions transferred from other Governments for payment in Bombay. The net excess is thus Rs. 19,456. It is difficult to foresee with accuracy any excess under this head owing to adjustments between various Governments which are made late in the year. The Legislative Council is now requested to sanction the excess of Rs. 19,456.

FINANCE DEPARTMENT :

23rd June 1930.

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APPENDIX 15.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 5. The Honourable Mr. B. V. JADHAV.

*Construction of a second tube well at Sakrand.*

In October 1929, the Legislative Council sanctioned a supplementary grant of Rs. 15,556 for the construction of a second tube well at Sakrand. An undertaking was given by Government in the course of the debate in the Council on the grant that the estimate for the well would be



[Appendix 15—*contd.*]

scrutinised again with a view to its reduction, if possible. A scrutiny of the estimates, independent of that made by the Superintending Engineer, Public Health, was carried out by the Public Works Department. It was found that the estimates were reliable and no appreciable reduction in the provision for the work was possible. Government accordingly authorised the construction of the well but owing to the time taken up in the re-examination of the estimates, the work was taken in hand in January 1930 and could not be finished before the close of the year 1929-30. Of the grant of Rs. 15,556 sanctioned by the Legislative Council, only Rs. 9,555 was spent before 31st March 1930. With a view to the early completion of the work, Government authorised the Director of Agriculture to incur the balance of the expenditure (viz. Rs. 6,001) in the current year, in anticipation of the approval of the Legislative Council. Sanction of the Legislative Council is now requested to a supplementary grant of Rs. 6,001 under the head "34, Agriculture—Transferred" to meet this expenditure. A corresponding amount will be allowed to lapse from the Reserve of Rs. 1,00,000 for agricultural development in Sind under the head 47, Miscellaneous—Transferred.

*Demand voted and now increased.*

Rs. 27,69,000 + Rs. 6,001.

FINANCE DEPARTMENT :

Bombay Castle, 26th June 1930.

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#### APPENDIX 16.

#### STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

RESERVED 6. The Honourable Mr. J. GHOSAL.

*Board of examiners for granting certificates of competency to Electrical contractors and wiremen.*

The examination for the grant of certificates to Electrical contractors and wiremen was first introduced in 1925-26 and the grant therefor was obtained from the Legislative Council in October 1925 under the head "37—Miscellaneous Departments (Transferred)". And in the current year's budget estimate the provision therefor has been entered under the same head. The Accountant General, Bombay, has recently pointed out that the examination appears to come within the administration of the subject 'Electricity', which is a reserved subject, under item No. 26 (c) in Part II of schedule I to Devolution Rules. Government have accepted this view. And the sanction of the Legislative

## [Appendix 16—contd.]

Council is, therefore, requested to a supplementary grant of Rs. 5,200 under the head "37—Miscellaneous Departments—Reserved" as under:—

	Rs.	Rs.
(1) Pay of Establishment—		
Temporary establishment (1 clerk) .. ..	.. ..	1,200
(2) Allowances—		
Fees for setting and valuing papers .. ..	1,100	
House-rent and other allowances .. ..	600	
	—	1,700
(3) Contingencies—		
Service Postage .. ..	300	
Office expenses and Miscellaneous .. ..	875	
Fees for setting and valuing papers .. ..	600	
	—	1,775
Rounding .. ..		+325
		5,000
Refund .. ..		200
		5,200

The same amount provided for the above items under 'E-4' under the head "37-Miscellaneous Departments—(Transferred)" will be allowed to lapse.

*Demand voted and now increased.*

Rs. 3,84,000 plus Rs. 5,200 = Rs. 3,89,200.

## FINANCE DEPARTMENT :

Bombay Castle, 28th June 1930. . .

## APPENDIX 17.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 7. The Honourable Mr. B. V. JADHAV.

*Discontinuance of the application of the Police Travelling Allowance Rules to the Excise menials in the Presidency proper.*

As a result of the recommendations of the Retrenchment Committee the Excise menials in the Presidency proper who used to get daily allowance and mileage under the ordinary rules were subjected to the Police Travelling Allowance Rules with effect from 10th March 1926 for a period of one year and the Commissioner of Excise was asked to report the effects, financial or otherwise of the application of these new rules. The new rules differ in the main from the old rules in that they do not provide for the grant of (1) daily allowance for periods of absence from headquarters which are of less than 24 hours duration and

## [Appendix 17—contd.]

(2) mileage for journeys exceeding 20 miles in any one day within jurisdiction. The report submitted by the Commissioner at the end of the first year of experiment showed a saving of Rs. 14,000 but the restrictions in regard to daily allowance and mileage had an adverse effect on detection work. In spite of this adverse report the new rules were given a further trial up to 31st March 1929. After the expiry of this period the result showed a further saving of Rs. 8,000 per annum but the protest submitted by the Commissioner against the continuance of the application of the new rules was stronger than in the previous year. In view however of the present financial stringency the rules have continued to be applied up-to-date. It has now been represented to Government that apart from the growing discontent among the Excise menials the application of the Police Travelling Allowance Rules is detrimental to the interests of the Excise Department and Government revenues. Experience has proved that the Police Travelling Allowance Rules are quite unsuited to the Excise Department on account of the extensive area of jurisdiction and the greater amount of touring. The menials have on heart in their work and shirk going long distances to detect crime for simple reason that they are not adequately compensated for expenses incurred on their journeys. The net result of the experiment has been a decided loss of efficiency on the part of the detecting staff and a probable but not calculable considerable reduction in the Government revenues from excise. In view of the emphatic opinions of three successive Commissioners on the loss of efficiency in the excise force and consequent reduction in revenue Government consider it is desirable to accept the Commissioner's proposal for reversion to the old rules of Travelling Allowance as a temporary measure in the Presidency proper till the end of March 1932. If during this period it is found that illicit distillation is checked to the improvement of the revenue the application of the old rules will be adhered to; otherwise the position will be further considered. It is expected that the discontinuance of the Police Travelling Allowance Rules will involve an extra expenditure of about Rs. 13,000 during the current year which can be met by re-appropriation from the total savings anticipated under the head "6, Excise—District Executive Establishment." As the Legislative Council was already apprised of the acceptance of the recommendations of the Retrenchment Committee in respect to the application of the Police Travelling Allowance Rules to Excise menials its sanction is requested to a token grant of Rs. 10.

*Demand voted and now increased.*

6, Excise—Transferred.

Rs. 45,64,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 1st July 1930.

## APPENDIX 18.

## STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

TRANSFERRED 8. The Honourable MOULVI RAFIUDDIN AHMAD.

*Appointment of a Deputy Director at the Sir J. J. School of Art, Bombay.*

Government has had for some time under consideration the question of the appointment of a Deputy Director at the Sir J. J. School of Art, Bombay. Since the creation of the School of Art as a separate Department in April 1929, it has been considered necessary to appoint some officer at the School who will assist the Director of the School of Art in the discharge of his technical and administrative duties. With this object in view, the post of the Personal Assistant to the Director, Sir J. J. School of Art, was created up to the end of April 1930. The post of the Personal Assistant has now ceased to exist. The total number of pupils at the School of Art is approximately 600. Government consider that there should be some officer capable of taking charge of the School when the Director goes on leave or is temporarily absent from his duties and to assist him in his onerous teaching duties. They have therefore decided to create the post of a Deputy Director at the Sir J. J. School of Art, Bombay, from 1st December 1930 or from some subsequent date.

The post of the Deputy Director will be advertised both in England and in India simultaneously. It has been decided that the scale of pay of the post should be that prescribed for the Bombay Educational Service, Class I, with power to engage a candidate on advance increments above the minimum, taking into account his age and qualifications. The selected candidate will also be entitled to the benefit of Compensatory Local Allowance, Passage and Overseas pay admissible under the rules. The total expenditure involved during the current year on account of the Deputy Director's post is estimated at Rs. 4,500 (in round figures) made up as follows:—

		Rs.	a.	p.
Pay .. .. .	.. Rs. 640 per mensem × 3 =	1,920	0	0
Compensatory Local Allowance .. .. .	.. Rs. 150 per mensem × 3 =	450	0	0
Overseas Pay (if due) .. .. .	.. £25 per mensem × 3 =	1,000	0	0
Passage (if due) .. .. .	.. .. .	1,093	5	4
		<hr/>		
		4,463	5	4

If a suitable candidate is obtained on less than Rs. 640 per mensem, the full provision will not be utilised. No provision has been made in the current year's budget on account of the pay and allowances

[Appendix 18—*contd.*]

the Deputy Director. The extra cost involved will be met from the sayings in the current year's grant under "31-Education—Transferred". 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. 1,96,25,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 2nd July 1930.

## APPENDIX 19.

### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 9. The Honourable Dewan Bahadur HARILAL D. DESAI.

*Appointment of a Special Officer to draft Model Rules and Bye-laws under the Bombay City Municipalities Act, 1925 (Bom. XVIII of 1925).*

The Bombay Municipal Boroughs Act came into force on 8th June 1926. Sections 58 and 61 of the Act have conferred on the Municipal Boroughs powers to frame Rules and Bye-laws in respect of several important questions of detail. Until such rules and bye-laws are framed the rules and bye-laws made under the Bombay District Municipal Act continue in force by virtue of proviso (b) to section 5 (1) of the Act, provided that they are not inconsistent with the provisions of Municipal Boroughs Act.

The rules under the Bombay District Municipal Act were framed by most Municipalities on the Model Rules and Bye-laws prepared by Mr. J. P. Orr, I.C.S., about 25 years ago. Conditions have changed since then. Each Municipality has according to its needs and circumstances carried out from time to time changes in their Rules.

Particularly in the case of the Municipal Boroughs the old rules and bye-laws under the District Municipal Act are inadequate and unsuitable. The new Act has enlarged their powers and responsibilities, but since the passing of the Act, no Municipal Borough has completely overhauled its rules and bye-laws. They have been content with occasional amendments to meet needs as they arose.

The Municipal Boroughs, however, are alive to the urgent need of a revised new set of rules and bye-laws to suit the provisions of the new Act. The preparation of such rules involves many difficult questions

[Appendix 19—*contd.*]

and they look to Government for help and guidance and have pressed Government to provide them with a set of Model Rules and Bye-laws.

Government agree with the Municipalities that Model Rules and Bye-laws are a vital and immediate necessity. They therefore propose to appoint Mr. N. D. Mehta as a Special Officer to draft Model Rules and Bye-laws under the Municipal Boroughs Act. Mr. Mehta is peculiarly fitted for such work by his wide learning and experience. He was Chief Officer at Bandra and at Ahmedabad for several years, and at both these places he had occasion to draft Rules and Bye-laws. It was due to his capacity that he was appointed Deputy Commissioner by the Bombay Corporation. It is proposed to grant him an honorarium of Rs. 5,000 together with travelling allowance as a first grade Government servant subject to a maximum of Rs. 400 in all, and Rs. 400 to cover the cost of a typist clerk. It is hoped that the work would be finished within six or eight months.

The charge is debitable to the head "22-General Administration-C-Secretariat and Head Quarters—Establishments—Civil Secretariat—General, etc., Departments." As this expenditure of Rs. 5,800 relates to a new service, the sanction of the Legislative Council is requested to a token demand of Rs. 10. It is hoped that the charge may ultimately be met from anticipated savings in the grant for the major head concerned.

*Demand voted and now increased.*

22—General Administration—Reserved.

Rs. 1,02,24,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 3rd July 1930.

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APPENDIX 20.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 10. The Honourable Dewan Bahadur HARILAL D. DESAI.

*Additions and alterations to the Excise Buildings behind the Times of India Offices, Bombay.*

Owing to the construction of new premises for the Auxiliary Force, Bombay, the Military authorities wanted to dispose of their old premises situated behind the Times of India Offices on land leased by the Government of Bombay. This Government took over the premises at a valuation of Rs. 9,730. These premises were allotted to the Excise Department for the accommodation of the Bori Bunder Excise Preventive Station, as the site was most suitable for the purpose, being near the Victoria Terminus Station. Certain additions and alterations were,

[Appendix 20—*contd.*]

however, necessary in order to make these premises suitable for the Excise Station and they were as follows:—

- (i) Quarters for the Superintendent and the Inspector.
- (ii) Excise Station.
- (iii) Peons' quarters.
- (iv) Drainage.
- (v) Compound wall, gates and road.
- (vi) Electric installation.

In January 1930 Government approved of these works estimated to cost Rs. 28,420 as shown below :—

	Rs.
(i) Additions and alterations to the Excise Buildings.	22,831
(ii) Electric installation in the Excise Buildings ..	5,589
	28,420

As much inconvenience was felt for want of lights, Government also ordered that item No. (ii) should be treated as a separate minor work and financed out of the discretionary grant of the Commissioner of Excise under the head 41, Civil Works—Provincial for the year 1929-30. Item (i) was ordered to be included in the list of new major works to be provided for in the Budget of 1931-32, as it was too late at that time to include the work in the Budget of 1930-31.

The Accountant General, Bombay, took exception to the orders regarding item (ii) on the ground that, as the work of electric installation formed a part of the central idea, viz., to render the buildings suitable for use as an Excise Station, it could not be treated separately from the other. After fully considering the matter, Government agreed with the Accountant General. By that time the financial year 1929-30 had closed and item (ii) could not be taken up in that year. As the work of electric installation is of imperative necessity, it is proposed to sanction a sum of Rs. 5,589 therefor out of the current year's reserve with Government in the Finance Department under the head 41, Civil Works—Provincial. After this item is carried out, the whole work estimated to cost Rs. 28,420 will be a work in progress and the question of sanctioning funds for item (i) will be considered later in the year, if savings become available; otherwise it will be included in the Budget of 1931-32. As the expenditure of Rs. 5,589 to be incurred during the current year relates to a new service although the funds will be made available by reappropriation within the grant under the same head, 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. 1,31,16,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 3rd July 1930.

## APPENDIX 21.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY  
GRANT.

RESERVED 11. The Honourable Sir GHULAM HUSSAIN HIDAYAT-ALLAH, Kt.

*Formation of a new Division known as the Research Division on the  
Lloyd Barrage and Canals Construction Scheme.*

It is proposed to constitute a new Division known as the Research Division on the Lloyd Barrage and Canals Construction Scheme with effect from the 1st October 1930. The precise problems intended to be investigated by the proposed Division are enumerated below:—

(a) Water-logging investigation consisting of:—

(i) Statistical investigation of records of irrigation, rainfall and sub-soil water level variations and collection of data from all Irrigation Divisions necessary for this investigation, and

(ii) investigation into sub-soil formation and conditions with a view to ascertaining whether water-logging is likely to occur more rapidly in some areas under future conditions and if so the devising of means to counteract it.

(b) *The investigation into the problem of silt.*—This will consist in the taking of discharges and silt samples at various points on the Eastern Nara System and is intended to disclose whether any and if so what physical and chemical changes occur in the silt carried in suspension in the various parts of the system, from the Nara River itself down to the water-courses actually delivering water to the land. The investigation will give invaluable data for testing and further investigating Kennedy's silt theorem and Lacey's new Formula for the design of canals, as also information in regard to the silt itself, e.g., its composition, manurial value, etc.

(c) *Hydraulic Experimental Works.*—This would only be carried out, for the present, on a small scale to investigate problems concerned with and of immediate interest to the Barrage from the point of view of design of works. Bigger design work, involving protracted experimental work, would be carried out in Poona by the Superintending Engineer, Irrigation Development and Research Circle.

2. The following establishment is the minimum required for the efficient execution of the investigations referred to above:—

- (1) Executive Engineer and his office establishment.
- (2) One Assistant Engineer and staff for Experimental and Statistical Works.
- (3) One Assistant Engineer or Supervisor for Silt Observation.
- (4) One Assistant Engineer for Sub-Soil Survey.



[Appendix 21—contd.]

The details of the staff referred to in each of the above items are as follows :—

Serial No.	Class of Establishment.	Cost.
<i>(1) Executive Engineer and his Staff.</i>		Rs.
1	One Executive Engineer at Rs. 1,346 per mensem for 6 months.	6,730
2	One Accountant at Rs. 194 per mensem for 5 months ..	970
3	One Head Clerk at Rs. 155 per mensem for 5 months ..	775
4	One Accounts Clerk at Rs. 115 per mensem for 5 months ..	575
5	One Accounts Clerk at Rs. 87 per mensem for 5 months ..	435
6	Three Clerks at Rs. 70 per mensem each for 5 months ..	1,050
7	Two Correspondence Clerks at Rs. 87 per mensem each for 5 months.	870
8	One Draftsman at Rs. 135 per mensem for 5 months ..	675
9	One Assistant Draftsman at Rs. 80 per mensem for 5 months.	400
10	Two Tracers at Rs. 50 each per mensem for 5 months ..	500
11	One Naik at Rs. 22 per mensem for 5 months ..	110
12	One Tindal at Rs. 22 per mensem for 5 months ..	110
13	Two Peons at Rs. 20 per mensem each for 5 months ..	200
14	Three Peon Khalasis at Rs. 20 per mensem each for 5 months.	300
15	One Chowkidar at Rs. 20 per mensem for 5 months ..	100
Total ..		13,800
<i>(2) Assistant Engineer and Staff for Experimental and Statistical Work.</i>		
1	One Assistant Engineer at Rs. 480 per mensem for 5 months.	2,400
2	One Supervisor at Rs. 290 per mensem for 5 months ..	1,450
3	One Statistical Assistant at Rs. 300 per mensem for 5 months.	1,500
4	Three Statistical Assistants at Rs. 150 per mensem each for 5 months.	2,250
5	One Overseer at Rs. 135 per mensem for 5 months ..	675
6	One Typist at Rs. 50 per mensem for 5 months ..	250
7	One Tracer at Rs. 60 per mensem for 5 months ..	300
8	Two Peon Khalasis at Rs. 20 per mensem each for 5 months.	200
Total ..		9,025
<i>(3) Assistant Engineer or Temporary Supervisor and Staff for Silt Observations.</i>		
1	Temporary Supervisor at Rs. 290 per mensem for 5 months.	1,450
2	Four Overseers at Rs. 135 per mensem each for 5 months ..	2,700
3	One Sub-Divisional Clerk at Rs. 60 per mensem for 5 months.	300
4	One Sub-Divisional Clerk at Rs. 50 per mensem for 5 months.	250
5	Three Peons and Peon Khalasis at Rs. 20 each for 5 months ..	300
6	One Post Runner at Rs. 20 per mensem for 5 months ..	100
7	Fifteen Khalasis at Rs. 20 per mensem each for 5 months ;	1,500
Total ..		6,600

## [Appendix 21—contd.]

Serial No.	Class of Establishment.	Cost.	
(4) Assistant Engineer and Staff for Sub-Soil Survey.		Rs.	
1	One Assistant Engineer at Rs. 484 per mensem for 5 months.	2,420	
2	Two Supervisors at Rs. 290 per mensem each for 5 months..	2,900	
3	Four Overseers at Rs. 135 per mensem each for 5 months ..	2,700	
4	Four Clerks at Rs. 50 each for 5 months ..	1,000	
5	One Assistant Draftaman at Rs. 60 per mensem for 5 months.	300	
6	Three Tracers at Rs. 50 per mensem each for 5 months ..	750	
7	One Peon at Rs. 20 per mensem for 5 months ..	100	
8	Nine Khalasis at Rs. 24 per mensem each for 5 months ..	1,080	
9	One Post Runner at Rs. 20 per mensem for 5 months ..	100	
Total ..		11,350	
(1) Establishment Contingencies.			
1	Executive Engineer's Office, at 5 per cent. ..	700	
2	Assistant Engineer, Experimental and Statistical Works, at 1 per cent. ..	100	
3	Assistant Engineer, Silt Observation, at 5 per cent. ..	350	
4	Assistant Engineer, Sub-Soil Survey, at 5 per cent. ..	600	
Total ..		1,750	
(2) Tools and Plant, Office Furniture and Scientific Instruments.			
1	Executive Engineer's Office ..	} (T. & P., etc.) 500	
2	Assistant Engineer for Experiments and Statistical Works ..		
3	Assistant Engineer for Silt Observation ..		5,000
4	Assistant Engineer, Sub-Soil Survey ..		1,000
Total ..		6,500	
<p><i>Note.</i>—Furniture and Scientific Instruments are not provided for as they will be taken over from Central Designs Division.</p>			
(3) Travelling Allowance.			
1	Executive Engineer Rs. 200 per mensem for 5 months ..	1,000	
2	Assistant Engineer and Staff on Experimental and Statistical Work ..	200	
3	(a) Assistant Engineer on Silt Observation at Rs. 100 per mensem for 5 months.	500	
	(b) Four Overseers at Rs. 30 per mensem each for 5 months.	600	
4	One Assistant Engineer on Sub-Soil Survey at Rs. 150 per mensem for 5 months ..	750	
	Two Supervisors at Rs. 75 per mensem each for 5 months ..	750	
	Four Overseers at Rs. 30 per mensem each for 5 months ..	600	
Total ..		4,400	

[Appendix 21—concl'd.]

Serial No.	Class of Establishment.	Cost.
	<i>Abstract of Cost of Establishment for the Research Division for 5 months</i>	Rs.
1	Executive Engineer and his Establishment ..	13,800
2	Assistant Engineer for Experimental and Statistical Work and his Establishment.	9,025
3	Assistant Engineer or Temporary Supervisor for Silt Observation and his Staff.	6,600
4	Assistant Engineer and his Staff for Sub-Soil Survey ..	11,350
	Total ..	40,775
	Establishment Contingencies ..	1,750
	Tools and Plant, Office Furniture and Scientific Instruments.	6,500
	Travelling Allowance ..	4,400
	Total ..	12,650
	Grand Total ..	53,425
	<i>Abstract.</i>	
		Rs.
Non-voted ..	.. 14,800 (already provided in the Budget).	
Voted ..	.. 38,625 (now required).	

The extra cost on account of the creation of the Division during the current financial year is estimated at Rs. 38,625 which is proposed to be met out of the sanctioned budget provision for I-Works under the head "55". 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.

*Demand voted and now increased.*

55-Construction of Irrigation, Navigation, Embankment  
and Drainage Works (L. B. and C. C.)

Rs. 3,12,47,000 + Rs. 10.

FINANCE DEPARTMENT :

4th July 1930.

## APPENDIX 22.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 12. The Honourable Dewan Bahadur HARILAL D. DESAI.

*Formation of a temporary sub-division for constructing Revenue and Police Buildings at Dadu for the proposed new District on the Right Bank of the Indus.*

As a result of the construction of the Lloyd Barrage, very large areas in the districts of Larkana, Nawabshah, Hyderabad and Thar Parkar will become available for cultivation and this will throw a very heavy additional burden upon every branch of administration. In order to cope with the extra work, it is decided to create in the first instance a new District on the Right Bank of the Indus with effect from the 1st April 1931, with headquarters at Dadu. It is, therefore, essential that several Revenue and Police buildings for this District should be constructed in the current financial year. In order to do this, it is necessary to have a separate buildings construction sub-division as soon as possible. The existing Dadu-Manjhand sub-division is already heavy and it will not be possible for this sub-division to do this work in addition.

2. As the buildings in question are required to be completed during the current financial year it is proposed (1) to open the new sub-division from the date of orders up to the 31st March 1931 in the first instance and (2) to employ the following additional establishment costing approximately Rs. 4,616 in order to ensure the most expeditious completion of the buildings:—

	Cost per mensem.
	Rs.
Conveyance allowance to the Assistant Engineer to be placed in charge of the new Sub-Division ..	50
One Supervisor .. .. .	120
One Overseer .. .. .	80
One Sub-Divisional clerk .. .. .	50
One peon under the Sub-Divisional Officer .. .. .	16
Two Khalasis at Rs. 16 each for the Sub-Divisional Officer .. .. .	32
Two Khalasis at Rs. 16 each for the Subordinates .. .. .	32
One Chowkidar .. .. .	16
	<hr style="width: 100%; border: 0.5px solid black;"/>
	396
	<hr style="width: 100%; border: 0.5px solid black;"/>
Cost for 8 months (from 1st July 1930 to 28th February 1931) .. .. .	3,168
House rent for office at Rs. 20 per mensem for eight months .. .. .	160
Establishment contingencies and stationery (lump sum).	288
	<hr style="width: 100%; border: 0.5px solid black;"/>
Total establishment charges ..	3,616
Cost of extra furniture and other articles of Tools and Plant (lump sum) .. .. .	1,000
	<hr style="width: 100%; border: 0.5px solid black;"/>
Grand Total ..	4,616

[Appendix 22—*contd.*]

3. The additional expenditure detailed above will be met out of the voted portions of the reserves with Government for the "Establishment" and "Tools and Plant" (to the extent of Rs. 3,616 and Rs. 1,000 respectively) under the head "41, Civil Works—Provincial" for the current year. As the expenditure to be incurred is on a new service and as funds are made available within the grant under the head "41, Civil Works—Provincial", the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

"41, Civil Works—Provincial—Partly Reserved and Partly Transferred."

Rs. 1,31,16,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 5th July 1930.

#### APPENDIX 23.

*Statement of demand for supplementary grant.*

RESERVED 13.—The Honourable Sir GHULAM HUSAIN HIDAYATALLAH

*Formation of a new Construction Sub-Division for Kalri and Narichach improvements in the Karachi Canals Division.*

The project for improvements to Kalri and Narichach systems has been administratively approved and technically sanctioned by Government. Provision of Rs. 2,25,000 for "Works" was proposed as a new item of expenditure in the current year's budget under the head "55" and it was approved by the Legislative Council.

Expenditure on works is estimated at Rs. 8,01,399. It is in the interest of Government to open the Canals as soon as possible so that revenue may begin to come in. According to the programme the Narichach system is to be worked during the inundation season of the year 1931 and the Kalri system from the next inundation season. The work, which is to be done within a limited time, is very much. The success of the improvements depends on the close supervision of works at the time of construction. It was not possible for the Sub-Divisional Officer, Tatta Sub-Division, to do the heavy work in addition to the already heavy routine work of that Sub-Division which comprises of 120 miles of canals and 22 miles of river and bund line and 18½ miles of metalled provincial road. In these circumstances creation of a separate construction sub-division was absolutely necessary. And as the matter was of extreme urgency the formation of the Sub-Division has been sanctioned by Government for a period of 26 months with effect from the 16th May 1930. The headquarters of the Sub-Division has been fixed at Tatta.

[Appendix 23—*contd.*]

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

- 1 Temporary Supervisor at Rs. 120 per mensem for 9 months.
- 2 Temporary Overseers at Rs. 80 per mensem each for 9 months.
- 2 Temporary Overseers at Rs. 80 per mensem each for 6 months.
- 2 Clerks at Rs. 40 per mensem each for 9 months.
- 1 Peon at Rs. 16 per mensem for 9 months.
- 6 Khalasis at Rs. 16 per mensem each for 9 months.
- 2 Khalasis at Rs. 16 per mensem each for 6 months.
- 1 Post Runner at Rs. 16 per mensem for 9 months.

3. The extra cost on account of the creation of the Sub-Division during the current financial year is estimated at Rs. 12,394\* which is being met partly out of the provision of Rs. 10,000 made for additional temporary Engineers and Subordinates in Part III-A of the current year's budget under the head "41, Civil Works—Provincial" and partly out of the anticipated voted savings on the current year's grant for establishment of the Eastern Nara Division, which has recently been abolished, in the same budget. The total extra expenditure during the whole period is estimated at Rs. 38,000. 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.

	Rs.	
*Establishment ..	5,544	
Travelling allowance ..	5,500	
Contingencies ..	1,350	
	—————	
Total ..	12,394	

*Demand voted and now increased.*

"41, Civil Works—Provincial—Partly Reserved and Partly Transferred."

Rs. 1,31,16,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 8th July 1930.

#### APPENDIX 24.

#### BILL No. XXI OF 1930.

(A Bill further to amend the Bombay University Act, 1928.)

#### REPORT OF THE SELECT COMMITTEE.

We, the undersigned Members of the Select Committee appointed to consider Bill No. XXI of 1930 (A Bill further to amend the Bombay University Act, 1928), have the honour to report as follows :—

We have carefully considered the Bill and the amendments proposed to its various clauses. We consider that with the few changes which we

[Appendix 24—*contd.*]

have made the Bill will suffice to remove immediate difficulties in connection with University elections.

In sub-clause (b) of clause 2 we have made it clear that, although one principal is to be elected by separate elections to represent the principals of Arts Colleges in each of the five groups mentioned in section 13 of the Act, all the principals of Arts Colleges are to take part in each of such elections.

As in the case of elections by some constituencies entitled to send representatives to the various bodies of the University, the Act provides for the election of one representative only, we are of opinion that the system of a single transferable vote prescribed in section 48 is unsuitable for such elections. We have, therefore, amended section 48 by providing that the section does not apply to elections in which one representative only is to be elected.

We recommend that this report, together with the minutes of dissent, if any, and the Bill as amended should be published in the *Bombay Government Gazette* in English only. In our opinion it is not necessary to translate or publish it in any of the vernaculars, as it affects the Bombay University.

- (Signed) RAFIUDDIN AHMAD.  
 ( „ ) GHULAM HUSSAIN HIDAYATALLAH.  
 ( „ ) HARILAL DESAIBHAI DESAI  
 (subject to a minute of dissent).  
 ( „ ) D. D. NANAVATI (subject to a minute of dissent).  
 ( „ ) R. H. BECKETT.  
 ( „ ) H. P. CHAHEWALA.  
 ( „ ) R. B. EWBANK.  
 ( „ ) GOVINDBHAI H. DESAI  
 (subject to a minute of dissent).  
 ( „ ) NOOR MAHOMED.  
 ( „ ) S. T. KAMBLI.  
 ( „ ) R. G. PRADHAN.  
 ( „ ) R. R. KALE (subject to a minute of dissent).  
 ( „ ) P. G. SOLANKI.

*Note.*—The signatures of Dr. B. R. Ambedkar, Mr. J. B. Petit, Mr. Hoosainbhoy A. Lalljee and Khan Bahadur M. S. Khuhro will be notified when received.

[Appendix 24—contd.]

(Minute of dissent by the Honourable Dewan Bahadur Harilal Desai, B.A., LL.B., M.L.C.)

I regret I cannot agree to the new clause 8 added by the Select Committee to amend section 48 of the University Act IV of 1928.

2. It was assumed in the discussion that when a single seat was to be filled up by election the system of proportional representation by means of the single transferable vote cannot apply and was useless. That assumption is however not correct.

3. It is true that the system works best when more seats than one are to be filled. But even when there are three or more candidates for a single seat the system of proportional representation by means of the single transferable vote can come into play and bring out a result different from that of an election by the usual method. The system of the single transferable vote was deliberately introduced in the Act; and it is not proper that the system should be suddenly changed by the Council without consulting the University or even giving it any notice of the proposed change.

13th July 1930.

(Signed) HARILAL DESAIBHAI DESAI.

(Minute of dissent by Mr. D. D. Nanavati, I.C.S., M.L.C.)

I wish to make it clear that the words introduced into section 48 of the Act by new clause 8 of the Bill make a departure of principle by doing away with the system of proportional representation by the single transferable vote in the case where only one member is to be elected. The assumption that the amendment is one of form only is not correct except in the specific case where there are only two candidates for the one seat. I feel bound to make this note as I think that I did not make the position quite clear in the Select Committee meeting, and it is possible that some members may have been misled by this.

13th July 1930.

(Signed) D. D. NANAVATI.

(Minute of dissent by Rao Bahadur Govindbhai H. Desai, M.L.C.)

I do not agree with the proposed amendment to section 48. It is based on the assumption that in elections in which one representative only is to be elected there will not be more than two candidates. But it is quite possible that there may be more than two candidates in some of the one seat groups mentioned in section 13 of the Act. In such cases there must be election by the system of a single transferable vote prescribed in section 48.

Poona, 13th July 1930.

(Signed) GOVINDBHAI H. DESAI.

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

I sign the report with a slight alteration in the amended slip, viz., dropping the word " Arts " which I think has come to be inserted through mistake or misapprehension in the slip.

14th July 1930.

(Signed) R. R. KALE.



[Appendix 24—contd.]

**BILL No. XXI OF 1930.**

*A Bill further to amend the Bombay University Act, 1928.*

**As amended by the Select Committee.**

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, 193 .

2. *Amendment of section 13 of Bom. IV of 1928.*—In Part (A) under the heading “II-Ordinary” in sub-section (1) of section 13 of the Bombay University Act, 1928, hereinafter called the said Act:—

(a) in entry (i) the words “one electorate of” shall be deleted;

(b) for entry (i) (a), the following shall be substituted, namely;

(a) Principals of arts colleges as follows:—

(1) one principal elected by separate elections by the Principals of arts colleges in all the groups as hereinafter defined, to represent the principals of arts colleges in each such group as hereinafter defined . . . . . 5

(2) three principals elected by the principals of arts colleges in all the groups as hereinafter defined . . . . . 3

(c) After entry (vii) the following provisos shall be inserted, namely:—

“Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by the next Council.

3. *Amendment of section 15 of Bom. IV of 1928.*—After sub-section (2) of section 15 of the said Act, the following sub-section shall be inserted, namely:—

“(3) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.”

4. *Amendment of section 20 of Bom. IV of 1928.*—For clause (d) of sub-section (1) of section 20 of the said Act, the following shall be substituted namely:—

“(d) seven persons elected by the members of the Academic Council from among themselves as follows:—

(i) one to represent each Faculty by separate elections; and

(ii) the remaining, if any, to represent the Academic Council generally.”

[Appendix 24—concl.]

5. *Amendment of section 21 of Bom. IV of 1928.*—In the proviso to section 21 of the said Act for the brackets and letter (b), the brackets and letter (h) shall be substituted.

6. *Amendment of section 25 of Bom. IV of 1928.*—For clause (iii) in sub-section (1) of section 25 of the said Act, the following shall be substituted, namely :—

“(iii) three members appointed by the Academic Council,  
 (iv) one University Professor appointed by the Academic Council.”

7. *Amendment of section 45 of Bom. IV of 1928.*—After sub-section (3) of section 45 of the said Act, the following shall be inserted, namely :—

“(4) Nothing contained in sub-sections (1), (2) and (3) shall apply or shall be deemed to have applied in the case of Fellows elected by the Legislative Council of the Governor of Bombay under entry (vii) under the heading II-Ordinary (A) in sub-section (1) of section 13.”

8. *Amendment of section 48 of Bom. IV of 1928.*—In section 48 of the said Act at the beginning the words “Except when only one member is to be elected” shall be inserted.

#### APPENDIX 25.

#### BILL No. XXVII OF 1930.

*A Bill further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.*

II of 1899. Whereas it is expedient further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay, 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 5 & 6 Geo. V Act and the previous sanction of the Governor required by section 80C c. 61. of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

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

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

(2) It shall remain in operation for the duration of the Indian Stamp (Bombay Amendment) Act, 1922.

Bom. II of 1922.

3. *Amendment of article 62 of Schedule I to Act II of 1899.*—In sub-clause (i) of clause (c) of article 62 in Schedule I to the Indian Stamp Act, 1899, for the word “five” in column 1 the word “ten” shall be substituted.

#### STATEMENT OF OBJECTS AND REASONS.

Under sub-clause (ii) of clause (c) of article 62 of Schedule I to the Indian Stamp Act, 1899, before it was amended by Bombay Act II of 1922, the maximum duty leviable on a transfer of any interest secured

[Appendix 25—contd.]

by a bond, mortgage or policy of insurance not provided for in sub-clause (i) was five rupees and, therefore, the limit provided in sub-clause (i) of the said article was also five rupees. Sub-clause (ii) was amended in its application to this Presidency by Bombay Act II of 1922, by section 4 whereof the maximum duty leviable on such transfer was raised to ten rupees; but the corresponding change in sub-clause (i) was not made. The result is that in cases where the duty on a bond, mortgage-deed or policy of insurance itself is between Rs. 5 and 10 the duty claimed on the transfer relating to the same is Rs. 10. The Bill is intended to remove this anomaly.

1st July 1930.

(Signed) G. B. PRADHAN.

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APPENDIX 26.

**BILL No. XXX OF 1930.**

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

(As published in the "Bombay Government Gazette" of the  
8th July 1930.)

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. *Short title.*—This Act may be called the City of Bombay Municipal Bom. (Amendment) Act, 1930. III of 1888.

2. *Amendment of section 39 of Bom. III of 1888.*—In section 39 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act,—

(a) after sub-section (I) the following sub-section shall be inserted namely:—

“(1-A) The schools’ committee shall be appointed by the corporation at their first meeting in the month of April after each general election.

(1-B) A person shall not be eligible for appointment as a member of the schools’ committee if he is directly or indirectly interested in any immovable property on or in which any municipal school or office is located, or, in any institution or school which receives a donation or grant-in-aid from the schools’ committee or the corporation.

*Explanation.*—A person shall be deemed to be ‘interested’ within the meaning of this sub-section if he derives or has been promised, directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not.

[Appendix 26—*contd.*]

(1-C) If any person having been appointed to be a member of the schools' committee becomes subject to the disqualification mentioned in sub-section (1-B), he shall be disabled from continuing to be a member of the schools' committee and his seat shall become vacant.

(1-D) In the event of non-acceptance of office by a person 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 person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(1-E) If any question or dispute arises whether a vacancy has occurred under this section the orders of the corporation shall be final for the purpose of deciding such question or dispute.

(1-F) 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-A), notwithstanding that the members of the said committee or some of them may no longer be councillors."

(b) For sub-sections (3), (4) and (5) the following shall respectively be substituted, namely:—

"(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) The retiring chairman shall be eligible for reappointment.

(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 only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

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

For the purpose of this sub-section the first day of April 1930 shall be deemed to be the date of their appointment in the case of such members of the schools' committee as may be holding office

[Appendix 26—*contd.*]

on the date of commencement of the City of Bombay Municipal (Amendment) Act, 1930.

(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 retiring member of the schools' committee shall be eligible for re-appointment.

(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 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 at 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 at 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 ;

(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 after confirmation by the committee at such meeting ;

(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,

[Appendix 26—concl'd.]

by himself or by his partner any share or interest such as is described in clauses (g) to (l) both inclusive, of sub-section (2) 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 had 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 the 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 desirable. The Corporation therefore represented to Government that section 39 of the City of Bombay Municipal Act, 1888, relating to the appointment of the schools' committee should be amended so as to bring it into line with the provisions of sections 43 to 49 of the Act relating to the Standing Committee. The Corporation also have desired that provision should be made in section 39 of the Act, prohibiting councillors, who are interested in any immoveable property on or in which any municipal school or office is situated or in any institution or school which receive a donation or grant-in-aid from the schools' committee or the Corporation from being members of the schools' committee. The amendments of section 39 of the Act proposed in this Bill are intended to give effect to these proposals of the Corporation.

(Signed) HARILAL DESAIBHAI DESAI.

#### APPENDIX 27.

#### BILL No. XXIV OF 1930.

*A Bill further to amend the Bombay University Act, 1928.*

Bom. IV of 1928. WHEREAS it is expedient further to amend the Bombay University Act, 1928, 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:—

5 & 6 Geo. V c. 61.

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

Bom. IV of 1928.

2. *Insertion of a new section after section 4 of Bom. IV of 1928.*—After section 4 of the Bombay University Act, 1928, hereinafter called the said Act, the following section shall be inserted, namely:—

"4A. *Territorial limits of the University.*—The territorial limits within which the powers conferred upon the University by this Act

[Appendix 27—*contd.*]

shall be exercised shall comprise the whole of the Bombay Presidency (excluding Aden) and such Indian States and other territories as may, from time to time, be notified in this behalf by the Local Government in the *Bombay Government Gazette*."

3. *Amendment of section 13 of Bom. IV of 1928.*—In explanation (1) in part (A) under the heading "II Ordinary" in sub-section (1) of section 13 of the said Act after the words "Indian States" the words "and other territories within the territorial limits of the University" shall be inserted.

4. *Amendment of the Schedule to Bom. IV of 1928.*—In the fourth column of the Schedule to the said Act, for the entries relating to the Indian Universities Act, 1904, the following shall be substituted, namely:—

"The whole Act".

#### STATEMENT OF OBJECTS AND REASONS.

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

*Clause 2.*—In accordance with a notification issued by the Government of India under section 27 of the Indian Universities Act, 1904, the territorial limits within which the Bombay University could exercise the powers conferred upon it by or under the Act of 1857 or the Indian Universities Act of 1904 were defined as the Province of Bombay and Sind (including any State in India, which on the 20th August 1904, was in political relations with the Bombay Government, and the foreign possessions included within the boundaries of the said Province) and the Baroda State. In October 1924, the whole of Kathiawar, Cutch and Palanpur Agency (now called Banas Kantha Agency) were transferred to the Government of India. When the Act of 1857 (XXII of 1857) was repealed, the provisions of the Indian Universities Act ceased to have any application to the Bombay University constituted under Bombay Act IV of 1928. The Act of 1928 does not contain any provision for defining the territorial limits of the Bombay University, corresponding to that found in section 27 of the Indian Universities Act. It is therefore considered necessary to amend that Act with a view to make provision for defining the limits of the territorial jurisdiction of the Bombay University. The Bombay University on being consulted in the matter have desired that the University should be given jurisdiction over the territories which were within its territorial limits under the old Act of 1904 and that those territories should be specified. Government agree with this view. It is therefore proposed to insert a new section 4A defining the territorial limits of the University.

*Clause 3.*—The amendment of section 13 proposed in this clause is consequential on the insertion of new section 4A.

*Clause 4.*—The amendments made in the Indian Universities Act, 1904, by the Schedule to this Act have given rise to an inference that the Act of 1904 still applies to the Bombay University for certain purposes.

[Appendix 27—concl'd.]

This is not the case. In order, therefore, to remove any possible confusion arising from the existing entries relating to the Act of 1904 in the Schedule, it is proposed to repeal the whole of the Act of 1904.

19th June 1930.

(Signed) RAFIUDDIN AHMAD.

## APPENDIX 28.

### BILL No. XXV OF 1930.

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

Bom. III of 1901. 5 & 6 Geo.V, c. 61. WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A (3) 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 District Municipal (Amendment) Act, 1930.

2. *Amendment of section 17 of Bom. III of 1901.*—(i) Section 17 of the Bombay District Municipal Act, 1901, hereinafter called the said Act shall be renumbered section 17 (1) and to the said section so renumbered, the following proviso shall be added, namely:—

Cf. proviso to s. 25 (1) of Bom. XVIII of 1925. “Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned.”

(ii) After sub-section (1) of the said section so renumbered, the following sub-section shall be inserted, namely:—

Cf. s. 25 (2) of Bom. XVIII of 1925. “(2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and

(b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.”

3. *Amendment of section 23 of Bom. III of 1901.*—In section 23 of the said Act—

Cf. *ibid* s. 19 (2). (a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7A) *President and vice-president to continue to carry on certain duties until their successors take over charge.*—On the expiry of the term of office of a municipality the president and vice-president shall continue to carry on the current administrative duties of their offices until such time as a new president and vice-president shall have



[Appendix 28—*contd.*]

been appointed or elected and shall have taken over charge of their duties :

Provided that in the case of a new municipality constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring municipality. The president of the retiring municipality shall preside at such meeting and the new municipality 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 municipality in such manner as he may determine. The meeting shall then proceed to elect the new president."

(b) Sub-section (9) shall be repealed ; and

(c) for sub-section (10), the following shall be substituted, namely :—

"(10) When the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under clause (c) of sub-section (2), or under sub-section (8), within fifteen days from the commencement of the term or the occurrence of the vacancy the Collector may exercise the powers of the president for the purpose of calling such meeting."

4. *Amendment of section 40 of Bom. III of 1901.*—In sub-section (2) of section 40 of the said Act, after the word "case" the words figures and brackets "of every lease or sale of land under sub-section (1) of section 90 and" shall be inserted.

5. *Amendment of section 45 of Bom. III of 1901. Councillors, etc., cf. to be deemed public servants.*—For section 45 of the said Act the following shall be substituted, namely :—

"45. (1) Every municipal commissioner, councillor, officer, or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee for the levy of any municipal tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word 'Government' in the definition of 'legal remuneration' in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipality."

6. *Amendment of section 90 of Bom. III of 1901.*—In sub-section (1) of section 90 of the said Act for the words "to sell" the words "to lease or sell" shall be substituted.

7. *Amendment of section 91A of Bom. III of 1901.*—For sub-section (3) of section 91A of the said Act, the following shall be substituted, namely :—

"(3) (a) Except under the provisions of section 113, no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the municipality under section 96.

[Appendix 28—*contd.*]

(b) Where the municipality refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.

(c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the municipality to the owner of any land added to a street under clause (b) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under the said clause :

Provided that no such compensation shall be payable in cases to which section 119 applies."

8. *Amendment of section 96 of Bom. III of 1901.*—In section 96 of the said Act—

*Cf.*  
*s. 123*  
*of*  
*Bom.*  
*XVIII*  
*of*  
*1925.*

(a) in sub-section (1)—

(i) before the word "reconstruct" where it occurs in two places the words "construct or" shall be inserted;

(ii) for the words "or add" where they occur for the second time the words "add or reconstruct" shall be substituted; and

(iii) to clause (b) the following shall be added, namely:—

"and the purpose for which the building will be used."

(b) In sub-section (2)—

(i) for the words "The municipality may issue such orders not inconsistent with this Act as they think proper with reference to the work proposed in such notice and" the following words shall be substituted, namely:—

"Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipality";

(ii) for the words "or alter or add to" the words "alter, add to or reconstruct" shall be substituted;

(iii) after the word "ventilation" the words "or to the number of storeys to be erected" shall be inserted; and

(iv) after the word "projected" the words "or the purpose for which the building is to be used" shall be inserted.

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

"(2A) *Permission may be revoked and fresh permission given subject to conditions.*—The municipality may, before any work has been commenced in pursuance of any permission granted by the municipality under sub-section (2), revoke such permission and may give fresh permission in lieu thereof on such conditions, in

[Appendix 28—*contd.*]

accordance with this Act and the rules and bye-laws made thereunder, with reference to the matters, mentioned in the said sub-section, as they think proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction."

(d) In sub-section (4), the proviso shall be repealed.

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

"(4A) *Commencement of work.*—No person who becomes entitled under sub-section (2) or (4), to proceed with any intended work of which notice is required by sub-section (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections."

(f) In sub-section (5)—

(i) for the words "or makes any building or alteration or addition" the words "any construction, alteration, addition or reconstruction" shall be substituted;

(ii) after the word "section" the words "or contrary to the provisions of sub-section (4) or (4A)," shall be inserted;

(iii) after the word "rupees" the following words shall be inserted, namely :—

"and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention;"

(iv) in clause (a) for the words "or addition" the words "addition or reconstruction" shall be substituted;

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

"upon a conviction being obtained under this sub-section by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice."

(g) In the *Explanation* the following shall be added to clause (a), namely :—

"or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not."

9. *Amendment of section 113 of Bom. III of 1901.*—Sub-section (2) of section 113 of the said Act shall be renumbered (2) (a) and the following

[Appendix 28—*contd.*]

shall be inserted as clause (b) of the said sub-section so renumbered, namely :—

“(b) Notwithstanding any proceedings which may be taken under clause (a) of this sub-section, the municipality may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission of the municipality.”

*Cf.* 10. Amendment of section 122 of Bom. III of 1901.—To sub-section  
152 (1) of section 122 of the said Act, the following words shall be added,  
namely :—

Bom. XVIII of 1925. “and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.”

#### STATEMENT OF OBJECTS AND REASONS.

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

##### *Notes on Clauses.*

*Clause 2.*—In view of the proposed amendment of section 23, which will extend the term of office of a president or vice-president till the appointment of his successor, it is necessary also to extend the term of office of the councillors till the date of the commencement of the term of office of their successors. The amendment is based on section 25 of Bombay Act XVIII of 1925.

*Clause 3.*—Under sub-section (7) of section 23 the term of office of a president or a vice-president of a municipality ceases on the expiry of his term of office as councillor and therefore as a rule it lasts for three years. It is now prescribed by proposed sub-section (7A) that on the expiry of the term of office of a municipality the president and vice-president should continue to carry on the current administrative duties of their offices until their successors are appointed. Similarly the proviso to the proposed sub-section (7A) is designed to meet the difficulty that has been experienced in convening a meeting for the election of a new president owing to the office of the president or vice-president remaining vacant after the expiry of the term of office of the outgoing members of the municipality and before the election of a successor.

In view of the provisions contained in new sub-section (7A) and its proviso, sub-section (9) is no longer required and it is therefore proposed to repeal it. Sub-section (10) also requires consequential amendments and has been revised accordingly.

*Clauses 4 and 6.*—Under section 90 (1) a municipality is competent, subject to the provisions of sub-section (2) of section 40, to sell any public street land which is not required for any public street, or for any other purposes of the Act. But there is no provision in the Act empowering municipalities to lease such land when it is not immediately

[Appendix 28—*concl'd.*]

required though it cannot be sold owing to a probability that it may be needed at some future date. The amendments in these clauses therefore provide for leases of such land being granted subject to the previous sanction of the Commissioner.

*Clause 5.*—As certain misconceptions have arisen as to the construction of existing section 45, the amendment has been framed to make it clear that a municipal servant is to be deemed a public servant for all purposes of the Indian Penal Code. The amendment follows section 56 of Bombay Act XVIII of 1925.

*Clause 7.*—The amendment provides that when the owner of land included in the regular line of a public street is refused permission to build thereon, he shall be entitled to compensation on such refusal and that the land in question shall be added to the street. The amendment is made on the lines of section 118 (3) of Bombay Act XVIII of 1925.

*Clause 8.*—The amendments in this clause are proposed with a view to revise section 96 on the lines so far as may be, of section 123 of Bombay Act XVIII of 1925.

*Clause 9.*—It does not appear that a municipality can remove or order the removal of a projection constructed without permission or contrary to the terms of such permission unless such projection is at the same time an obstruction under section 113 (3) or under section 122. The amendment is proposed as it is desirable that the municipality should have this power.

*Clause 10.*—The object of the amendment is to provide for a continuing fine in the case of obstructions and encroachments upon public streets, on the lines of a similar provision contained in sub-section (3) of section 122 of the Act, in respect of encroachments in or upon open spaces which are not private property. A similar provision exists in section 152 (1) of Bombay Act XVIII of 1925.

6th July 1930.

(Signed) HARILAL DESAIBHAI DESAI.

#### APPENDIX 29.

#### BILL No. XXVIII OF 1930.

*A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.*

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay 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; It is hereby enacted as follows:—

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

[Appendix 29—*contd.*]

2. *Amendment of section 69 of Act XVI of 1908.*—After clause (g) XVI of of sub-section (1) of section 69 of the Indian Registration Act, 1908, hereinafter called the said Act, the following clause shall be inserted, namely :—

“(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints.”

3. After Part XI of the said Act, the following shall be inserted, namely :—

“PART XI-A.

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY.

70-A. *Application of this part.*—This part shall apply to the areas only in respect of which a notification is issued by the Local Government under section 70-C.

70-B. *Definition.*—For the purposes of this Part ‘Photo-Registrar’ means any person appointed by the Local Government to perform the duties of Photo-Registrar under this Part.

Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing Photo-Registrars.

70-C. *Documents may be photographed in areas notified by Government.*—The Local Government may, by notification in the *Bombay Government Gazette*, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

70-D. *Application of Act to areas notified under section 70-C.*—In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely :—

(1) (a) every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal.

(c) There shall then be prepared and preserved, for such period as may be, from time to time, prescribed under the Destruction of

[Appendix 29—*contd.*]

Records Act, 1917, for Books Nos. I, III and IV at least two <sup>v of</sup> permanent prints of these photographs, and to each such print the <sup>1917.</sup> Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The second set, similarly arranged, shall be preserved in the records of the Registrar, or, if the office of the Registrar be in the same building with the office of the Sub-Registrar in such other suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) (a) In section 19 the words 'and also by a true copy' shall be omitted;

(b) sub-section (4) of section 21, shall be omitted;

(c) the words 'according to the order of its admission' occurring in clause (c) of sub-section (1) of section 52 shall be omitted;

(d) section 53 shall be omitted;

(e) in sub-section (1) of section 60 the words 'and page' shall be omitted;

(f) in sub-section (1) of section 61 the words 'the endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book and' shall be omitted;

(g) in sub-section (1) of section 62,—

(i) for the word 'transcribed' the word 'copied' shall be substituted; and

(ii) for the words and figures 'copy referred to in section 19' the words 'photograph of the original' shall be substituted."

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to make necessary provisions in the Indian Registration Act, 1908, for the copying of documents by means of photography. The system of copying documents presented for registration by photo-copying process was first introduced as an experimental measure in some selected places in the Presidency in the year 1921. As

[Appendix 29—concl'd.]

the results of the experiment have been found satisfactory, it is now proposed to amend the Act in its application to this Presidency so as to adapt it to the photo-copying system.

2. It is not proposed to introduce the new system in the whole of the Presidency at once. The conditions in each district or sub-district will be fully considered by Government before it is decided to extend the system to it and the provisions of Chapter XI-A will apply only to those registration districts or sub-districts in respect of which a notification has been issued by Government under section 70-C, directing that in such district or sub-district copies of documents admitted to registration under the Act shall be made by means of photography instead of by hand. Subject to the modifications contained in the Bill the provisions of the Registration Act will apply to copies made by photography as well as to those made by hand.

25th June 1930.

(Signed) B. V. JADHAV.

#### APPENDIX 30.

#### BILL No. XXVI OF 1930.

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

(As published in the "Bombay Government Gazette"  
of the 7th July 1930.)

Bom. IV of 1902. 5 & 6, Geo.V, c. 61. WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, 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; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Police (Amendment) Act, 1930.

Bom. IV of 1902. 2. *Amendment of section 7 of Bom. IV of 1902.*—In sub-section (1) of section 7 of the City of Bombay Police Act, 1902, hereinafter called the said Act, for the word "Sub-Inspectors" the words "Deputy Inspectors, Sub-Inspectors, Sergeants" shall be substituted.

3. *Amendment of section 22 of Bom. IV of 1902.*—In sub-section (1) of section 22 of the said Act, for the word, letter and brackets "clause (b)" the words, letters and brackets "clauses (b) and (c)" shall be substituted.

4. *Amendment of section 33 of Bom. IV of 1902.*—In section 33 of the said Act—

(a) to clause (f), the following shall be added, namely:—

"or of having committed an offence punishable under clause (c) of section 18."



[Appendix 30—*contd.*]

(b) in clause (i), for the words and figures

“ under sub-clause (iv) or (v) of clause (f) of sub-section (1) of section 22 ” the following words and figures shall be substituted, namely :—

“ under clause (b) of sub-section (1) of section 22 prohibiting the occupation of a street so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under sub-clause (iv) or (v) of clause (f) of the said sub-section.”

5. *Amendment of section 40 of Bom. IV of 1902.*—In sub-sections (1) and (2) of section 40 of the said Act, after the word “ section ” the following words shall be inserted, namely :—

“ or in his absence, any police officer not below the rank of a Sub-Inspector or Sergeant.”

6. *Amendment of section 51 of Bom. IV of 1902.*—In section 51 of the said Act—

(a) in sub-section (1) for the words “ such persons and on such emoluments as he deems fit ” the following words shall be substituted, namely :—

“ police officers of such rank as may be approved by the Governor in Council.”

(b) in sub-section (2), the words “ and shall be liable to punishment, suspension and dismissal, as if he were a Police Officer under this Act ” shall be omitted and for the comma after “ Police ” a full stop shall be substituted.

7. *Amendment of section 113 of Bom. IV of 1902.*—In section 113 of the said Act after the word “ redeemed ” the words “ within two months ” shall be inserted.

8. *Amendment of section 120 of Bom. IV of 1902.*—In section 120 of the said Act, the words “ or heard ” shall be repealed.

#### STATEMENT OF OBJECTS AND REASONS.

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

##### *Notes on Clauses.*

*Clause 2.*—When section 7 of the City of Bombay Police Act, 1902, was enacted there were only two kinds of officers of superior rank, viz., Inspectors and Sub-Inspectors. It is proposed to include in the section Deputy Inspectors and Sergeants, who are of similar status.

*Clause 3.*—The indiscriminate use of streets as halting places for vehicles, especially in the vicinity of places of public amusement and places of public resort, has, with the increase in vehicular traffic, become a great source of danger, obstruction, and inconvenience to the public. Rules regulating the conditions under which vehicles may remain standing in streets and public places can be framed by the Commissioner of Police under clause (c) of sub-section (1) of section 22 of the Act with the previous sanction of the Governor in Council.

[Appendix 30—*contd.*]

But this procedure involves unnecessary correspondence and delay. It is, therefore, proposed to empower the Commissioner of Police to frame rules under this clause without the previous sanction of the Governor in Council as in the case of rules under clause (b).

*Clause 4 (a).*—It is difficult at present for the Commissioner of Police to deal effectively with deserters from the Bombay City Police force, i.e., those who leave the force without permission. An offence under section 18 (c) of the Act is not a cognizable offence. The deserter usually leaves for his native place and even if a summons can be served upon him there, there is little likelihood of his attending the Court in Bombay. He would either advance the plea of illness or ignore the summons and disappear for the time being. If the offence is made cognizable as proposed, the Commissioner of Police can have some of these deserters arrested and brought back to Bombay for trial. This provision will also be a healthy deterrent to intending deserters. It is therefore proposed to arm the Commissioner of Police with the necessary powers by making the offence under section 18 (c) of the Act cognizable.

(b) It has been found that in certain streets in the City of Bombay speculators are in the habit of using the public road for transacting their business. This amounts almost to a permanent nuisance. Traffic is obstructed and inconvenience is caused to persons using the road. The crowd disperses at once on the arrival of the police, but collects again when the police force has left the place. As it has proved impossible in practice to deal with the nuisance so long as a breach of Rule 12 of the rules issued by the Commissioner of Police under section 22 (1) (b) is non-cognizable, the only means of remedying the evil is to treat it as cognizable by including in clause (i) of section 33 a breach of the rules made under section 22 (1) (b) of the Act prohibiting the occupation of a street so as to cause obstruction to traffic.

*Clause 5.*—Whenever there is rioting or disorder simultaneously in different parts of the City of Bombay it is impossible for the officer in charge of a section to be present at every place within his section where it is necessary to disperse an unlawful assembly. This defect in the section came very prominently to notice during the riots in the months of February and May of 1929. It is therefore proposed to amend section 40 of the Act with a view to empower any police officer not lower in rank than that of a Sub-Inspector or Sergeant to disperse an unlawful assembly.

*Clause 6.*—It has been the practice in the past to appoint pensioners from Government service as pound keepers under section 51 of the Act. This arrangement has been found to be unsuitable and in order to ensure the proper management of cattle pounds in future it has been decided to appoint police officers of suitable rank from the regular Bombay City Police force as pound keepers. The proposed amendment is intended to achieve this object.

*Clause 7.*—Section 113 of the Act does not provide any time-limit within which weapons seized under that section should be redeemed by

[Appendix 30—*conold.*]

payment of fine. The result of this is that the Police have to keep these weapons indefinitely which is impracticable. It is therefore proposed to provide a period of two months for this purpose, so as to enable the Police to dispose of the weapons which are not claimed within that period.

*Clause 8.*—The words “or heard” in section 120 of the Act are no longer necessary since the section was amended in 1923. It is therefore proposed to omit them.

29th June 1930.

(Signed) J. E. B. HORSON.

APPENDIX 30-A.

BILL No. XXIX OF 1930.

*A Bill further to amend the Bombay District Police Act, 1890.*

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80-A (3) 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 District Police (Amendment) Act, 1930.

2. *Amendment of section 6 of Bom. IV of 1890.*—Section 6 of the Bombay District Police Act, 1890, hereinafter referred to as the said Act, shall be renumbered as sub-section (1) of the said section and the following shall be inserted thereafter as sub-section (2), namely:—

“(2) Government may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. He may be transferred, suspended or removed from office by Government.”

3. *Amendment of section 25 of Bom. IV of 1890.*—In sub-section (4) of section 25 of the said Act, the words “or where the Commissioner so directs, the tax shall be imposed or the rate shall be assessed by the Collector at his discretion” shall be added to the second sentence.

4. *Amendment of section 26 of Bom. IV of 1890.*—In section 26 of the said Act—

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

“Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, the Government may direct the Collector to impose such tax or assess such rate or to make such recovery”; and

(b) in sub-section (2) for the words “as aforesaid” the words “under any provision of this Act” shall be substituted.

[Appendix 30-A—contd.]

5. *Amendment of section 29 of Bom. IV of 1890.*—In sub-section (3) of section 29 of the said Act,—

(a) for the words “ A District Superintendent shall have ” the words “ The Deputy Inspector General of Police, Criminal Investigation Department, and a District Superintendent shall each have ” shall be substituted ; and

(b) after the word “ obtained ” the following words shall be inserted, namely :—

“ The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any police officer below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector General can be obtained.”

6. *Repeal of section 33 of Bom. IV of 1890.*—Section 33 of the said Act shall be repealed.

7. *Amendment of section 34 of Bom. IV of 1890.*—In section 34 of the said Act,—

(i) in sub-section (1)—

(a) after the word “ permission ” where it occurs for the first time the words “ of the Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training school, Nasik, or ” shall be inserted ;

(b) in clause (a) for the words “ District Superintendent ” the words “ Deputy Inspector General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be ” shall be substituted.

(ii) in sub-section (3) for the words “ District Superintendent ” the words “ Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be ” shall be substituted.

8. *Amendment of section 35 of Bom. IV of 1890.*—In section 35 of the said Act—(a) in sub-section (1) for the words “ District Superintendent ” the words “ Deputy Inspector General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police officer is subordinate ”, shall be substituted.

(b) in sub-section (2)—

(i) after the word “ time ” the words “ the Deputy Inspector General of Police, Criminal Investigation Department, or the

[Appendix 30-A—*contd.*]

Principal of the Central Police Training School, Nasik, or” shall be inserted;

(ii) after the word “Magistrate” where it occurs for the second time, the words “the Deputy Inspector General of Police, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik,” shall be inserted.

9. *Amendment of section 36 of Bom. IV of 1890.*—Clause (a) of sub-section (2) of section 36 of the said Act shall be repealed; and clauses (b) to (e) of the said sub-section shall be re-lettered as clauses (a) to (d) respectively.

10. *Amendment of section 39 of Bom. IV of 1890.*—In section 39 of the said Act,—

(a) to sub-section (1) the following clause shall be added, namely:

“(n) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used”; and

(b) in sub-section (2) for the word, letters and brackets “(h) or (i)” the word, letters and brackets “(h), (i) or (n)” shall be substituted.

11. *Insertion of new section 51B in Bom. IV of 1890.*—After section 51A of the said Act the following shall be inserted, namely:—

“51B. *Powers with regard to offences under Act XI of 1890.*—

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

(a) take the animal to a Magistrate, or

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

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

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

(2) When an animal is brought before a Magistrate under clause (a) of sub-section (1), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the

[Appendix 30-A—*contd.*]

animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

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

(4) When under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act shall, so far as may be, apply.

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

12. *Amendment of section 61 of Bom. IV of 1890.*—In section 61 of the said Act,—

(a) for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto" the following words, figure and brackets shall be substituted, namely:—

"In any local area to which the Commissioner by notification from time to time extends this section or any part thereof,—

(1) whoever contrary thereto—"

(b) in sub-clause (a),—

(i) the words "without lawful excuse" shall be omitted; and

(ii) for the words "except when there is sufficient moonlight to render such light unnecessary" the words "contrary to any rule or order made and published by the Magistrate of the district" shall be substituted;

(c) for sub-clause (g) the following shall be substituted, namely:—

"(g) drives, rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across or upon such footway";

(d) sub-clause (s) shall be deleted; and

(e) the following shall be inserted as clause (2) of the said section, namely:—

"(2) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits, with the object of exciting charity, any

[Appendix 30-A—contd.]

deformity or disease or any offensive sore or wound, in or near to and within sight of any street; shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both."

13. *New section 61B, 61C, 61D and 61E of Bom. IV of 1890.*—After section 61A of the said Act the following sections shall be inserted, namely:—

"61B. *Wilful trespass.*—Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

61C. *False alarm of fire or damage to fire alarm.*—Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

61D. *Being found under suspicious circumstances between sunset and sunrise.*—Whoever is found between sunset and sunrise—

(a) armed with any dangerous instrument with intent to commit an offence, or

(b) having his face covered, or otherwise disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of housebreaking, shall be punished with imprisonment for a term which may extend to three months.

61E. *Possession of property of which no satisfactory account can be given.*—Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees."

[Appendix 30-A—*contd.*]

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 Principal of the Central Police Training School, Nasik, *qua* Principal is not a Police Officer within the meaning of the Bombay District Police Act, 1890. As it is now proposed to empower him under the Act to exercise direct disciplinary control over his subordinates, it is necessary that the appointment of the Principal like other superior Police Officers should be made under the Act. The clause makes the necessary provision accordingly for his appointment, suspension, removal, etc., by Government.

*Clause 3.*—As it may be desirable in certain cases not to lay the burden of collecting the cost of additional police in municipal districts upon the municipality, the amendment allows this duty, at the discretion of the Commissioner, to be performed by the Collector.

*Clause 4.*—The existing proviso to sub-section (1) of section 26 does not provide for the case where the municipality has made default not only in recovery but also in imposing the tax or in assessing the rate.

*Clause 5.*—This provision is necessary to enable the Deputy Inspector General of Police, Criminal Investigation Department, and the Principal, Central Police Training School, Nasik, to exercise disciplinary control over their subordinates.

*Clauses 6 and 9.*—The provisions of section 33 of the Act conflict with the provisions of the Government Servants' Conduct Rules. The section contemplates the sanction of the District Magistrate when a police officer wants to purchase or sell land in the district, while powers have been delegated to the Inspector General of Police by Government, under the Government Servants' Conduct Rules, to sanction such transactions. An Act of the local legislature cannot override rules made by the Secretary of State in Council under section 96-B of the Government of India Act; *vide* sections 80-A (4), 84 (1) last paragraph and 129-A (1) of the Government of India Act. Section 33 has thus become obsolete, and it is proposed to repeal it. The amendment in clause 9 is consequential on the repeal of section 33.

*Clauses 7 and 8.*—Sections 34 and 35 do not provide for police officers who are under the control of the Deputy Inspector General of Police, Criminal Investigation Department, and the Principal of the Central Police Training School, Nasik. As these latter officers are to exercise direct control over police officers subordinate to them, it is necessary to provide that—

(i) such subordinate police officers shall not resign their offices or withdraw themselves from duty without the written permission of the officer to whom they are subordinate ;



[Appendix 30-A—contd.]

(ii) the certificates, arms, etc., of such subordinate police officers shall also be delivered up to some officer empowered by either of the said two officers, as the case may be; and

(iii) that these officers should have the power to issue warrants to search for and seize the articles not delivered up under section 35 (1).

*Clauses 10 and 12.*—Under the Act no power is given to regulate the lighting of vehicles in streets and public places. Under clause (d) of sub-section (1) of section 22 of the City of Bombay Police Act, 1902, the Commissioner of Police is empowered to make rules prescribing the number and the position of lights to be used on vehicles in streets and public places, and it has been represented to Government that it is desirable that the Magistrate of the district should possess such a power. Clauses 10 (a) and 12 (d) make the requisite provision.

Under existing clause (g) of section 61, the wheeling of a bicycle along a pavement or footway is not an offence unless it is proved to cause an obstruction. Complaints of this nature are frequent, and it has been represented to Government that an amendment on the line of section 118 (c) of the City of Bombay Police Act, 1902, is necessary so as to enable the police to deal with this nuisance in important towns. Clause 12 (c) makes the necessary provision.

The existing section 61 (s) imposes a fine of Rs. 50 on any person who begs importunately for alms or exposes or exhibits with the object of exciting charity any deformity or disease or any offensive sore or wound in or near to and within sight of any street. The beggar nuisance in all large towns is one which demands the constant attention of the police. Section 121 of the City of Bombay Police Act, 1902, makes such an offence punishable either with imprisonment or fine and it is considered desirable to amend section 61 (s) on the lines of the provision in the City Police Act. The necessary provision has been made in clause 12 (e).

*Clause 11.*—Although section 51-A of the Bombay District Police Act, 1890, and section 33 (i) of the City of Bombay Police Act, 1902, give power to a police officer to arrest without a warrant any person committing in his presence an offence under section 3, 4, 5 or 6 of the Prevention of Cruelty to Animals Act, 1890, there is no provision in these Acts or in the Code of Criminal Procedure, 1898, which authorizes him to require the animal in respect of which the offence has been committed to be taken to a Magistrate or to a veterinary surgeon. The accused persons when taken to a Magistrate are merely bailed to appear before the Magistrate the next day and to produce the ill-treated animal at that time. This leaves an opportunity to the offender to produce another animal and, it is then difficult to prove that the animal produced subsequently before the Magistrate is not the same as the one in respect of which the offence had been committed. Also a police officer cannot at present compel an animal to be unsaddled or unloaded to see whether the animal is unfit to be employed in any work or labour, by reason of any disease, infirmity, wound, sore or other cause. Difficulty is thus experienced in giving effect to the Prevention of Cruelty to Animals Act, 1890. The clause makes the requisite provision in the matter.

[Appendix 30-A—concl.]

*Clause 13.*—In large towns there is a considerable number of professional criminals; bad characters from other parts of India also visit them, loaf about for a short time, and disappear after committing offences against property. In such cases prosecutions under Chapter VIII of the Code of Criminal Procedure, 1898, are difficult to carry out, and it is seldom possible to obtain identification of property which is attached under suspicious circumstances and is obviously stolen property. In the City of Bombay the hands of the police are considerably strengthened by provisions such as are contained in sections 111, 111-A, 112 and 114 of the City of Bombay Police Act, 1902, and it is considered necessary that the police should possess similar powers in the districts also.

27th June 1930.

(Signed) J. E. B. Horson.

#### APPENDIX 31.

#### BILL No. XXXI OF 1930.

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

(As published in the "Bombay Government Gazette"  
of the 11th July 1930.)

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

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act 193 .

Bom. 2. *Amendment of section 3 of Bom. III of 1888.*—In section 3 of the  
III of City of Bombay Municipal Act, 1888, hereinafter called the said Act, clauses (ee), (ff) and (gg) containing the definitions of "registered trade union", "delegate" and "electoral College" shall be relettered as (ii), (jj) and (kk) respectively.

3. *Amendment of section 26 of Bom. III of 1888.*—After sub-clause (i) of clause (e) of sub-section (2) of section 26 of the said Act, the following shall be inserted, namely:—

"(ii) has not made or caused to be made the deposit referred to in sub-section (1) of section 26A, or"

4. *New section 26A of Bom. III of 1888.*—After section 26 of the said Act, the following shall be inserted, namely:—

"26A. *Deposit by candidates.*—(1) On or before the date appointed for the nomination of candidates for a ward election or for election by co-option each candidate for election or co-option, as the case may be, shall deposit or cause to be deposited with the Commissioner the sum of two hundred and fifty rupees in cash or in Government Promissory

[Appendix 31—*contd.*]

Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if—

(a) the candidate is declared or is deemed to be duly elected, or

(b) the candidate signifies his intention in writing to the Commissioner one day before the day fixed for the poll not to contest the election, or

(c) the nomination of the candidate is declared invalid, or

(d) the candidate dies, in the case of a ward election after the scrutiny of nomination papers and before the commencement of the poll, and, in the case of an election by co-option, before the day fixed for the election by co-option, or

(e) the candidate fails to be elected but secures a first vote in the case of an election by co-option, and, in the case of a ward election valid votes in excess of the number specified in sub-section (4).

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies in the case of a ward election, before the day fixed for the poll, or, in the case of an election by co-option, before the day fixed for the election, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and if, in the case of an election by co-option, he fails to secure any first vote, or, in the case of a ward election, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32 :

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation."

5. *Amendment of section 68 of Bom. III of 1888.*—In sub-section (2) of section 68 of the said Act,

(a) after the entry "Section 311" the entries

"Section 313

Section 313A "

shall be inserted ;

(b) after the entry "Section 375A" the entry "Section 376" shall be inserted ;

(c) after the entry "Section 377" the entry "Section 377A" shall be inserted, and

(d) after the entry "Section 384A" the entry "Section 390" shall be inserted.

[Appendix 31—contd.]

6. *Amendment of sections 74, 75, 85, 328, 347 and 436 of Bom. III of 1888.*—In the heading to Chapter IV, in the marginal notes to sections 74 and 75, and in sub-section (1) and clause (c) of sub-section (2) of section 74, sub-section (1) of section 75, clauses (a) and (b) of sub-section (2) of section 85, entry (a) in sub-section (1) of section 328, clause (aa) of section 347 and in section 436 of the said Act, for the words “ executive engineer ” the words “ city engineer ” shall be substituted.

7. *Amendment of section 74 of Bom. III of 1888.*—(1) In the proviso to clause (c) of sub-section (2) of section 74 of the said Act, after the word “ grant ” the following words shall be inserted, namely :—

“ to the municipal city engineer a personal allowance of rupees two hundred and fifty per mensem, rising by annual increments of rupees fifty per mensem up to rupees five hundred per mensem, in addition to his maximum monthly salary, and ”

(2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from the 1st day of April 1929.

8. *Amendment of section 80A of Bom. III of 1888.*—For the proviso to sub-section (1) of section 80A of the said Act, the following proviso shall be substituted, namely :—

“ Provided that temporary appointments for loan works carrying a monthly salary of rupees five hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee ; the Commissioner shall forthwith report every such appointment when made to the Corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.”

9. *Amendment of sections 83, 114, 121, 124 and 501 of Bom. III of 1888.*—In clauses (a) and (c) of sub-section (2) of section 83 and in sections 114, 121, sub-section (3) of section 124 and section 501 of the said Act, before the word “ approval ” the word “ previous ” shall be inserted.

10. *Amendment of section 111 of Bom. III of 1888.*—In the proviso to section 111 of the said Act, after the word “ servants ” where it occurs for the second time, the words “ and for payment of compassionate allowance to the widows or other relations of deceased municipal officers and servants ” shall be added.

11. *Amendment of section 169 of Bom. III of 1888.*—In section 169 of the said Act—

(a) in clause (b) of sub-section (1), for the words “ with the approval of the Standing Committee ” the words “ in such cases as the Standing Committee shall either generally or specially approve ” shall be substituted ;

(b) in sub-section (2) for the words “ in each case ” the words “ for the cases ” shall be substituted.

[Appendix 31—contd.]

12. *Amendment of section 306 of Bom. III of 1888.*—In sub-section (1) of section 306 of the said Act, after the word “satisfaction” where it occurs for the second time, the following words shall be inserted, namely :—

“and if all land-revenue payable to Government in respect of the land comprised in such street has been paid.”

13. *Amendment of section 313 of Bom. III of 1888.*—In clause (a) of sub-section (1) of section 313 of the said Act, after the word “street” where it occurs for the second time, the words “or in any public place” shall be inserted.

14. *Amendment of section 314 of Bom. III of 1888.*—After clause (b) of section 314 of the said Act, the following shall be inserted, namely :—

“(c) any article whatsoever hawked or exposed for sale in any public place or in any public street in contravention of the provisions of section 313A.”

15. *Amendment of section 328A of Bom. III of 1888.*—In section 328A of the said Act,—

(a) to clause (b) of the first proviso to sub-section (1), the following shall be added, namely :—

“or to the trade or business carried on by the owner of any tram-car, omnibus or other vehicle upon which such advertisement is exhibited,” and

(b) in sub-section (4) for the words “any movable board on wheels” the words “a tram-car, omnibus and any other vehicle and any movable board” shall be substituted.

16. *Amendment of section 394 of Bom. III of 1888.*—In section 394 of the said Act,

(i) after clause (d) of sub-section (1) the following clause shall be inserted, namely :—

“(e) carry on within the City or use any premises for the trade or operation of a farrier.”

(ii) In sub-section (5) after the word “premises” the words “if any” shall be inserted.

17. *Amendment of section 471 of Bom. III of 1888.*—In the table appended to section 471 of the said Act, in the entry relating to section 328A, sub-section (1), in column 2, for the word “sites” the words “sites, vehicles, etc.,” shall be substituted.

18. *Amendment of section 472 of Bom. III of 1888.*—In the table appended to section 472 of the said Act—

(a) after the entry relating to section 313, sub-section (1), the following entry shall be inserted namely :—

“313A. Prohibition of hawking or exposing for sale Five  
any article in a public place or street without rupees.”  
& licence.

[Appendix 31—contd.]

(b) in the entry relating to section 328A, sub-section (1), in column 2, for the word "sites" the words "sites, vehicles, etc.," shall be substituted.

19. *Amendment of section 490 of Bom. III of 1888.*—In sub-section (3) of section 490 of the said Act, after the word "fit" the words "if perishable forthwith, and if other than perishable" shall be inserted.

20. *Amendment of section 527 of Bom. III of 1888.*—In sub-section (3) of section 527 of the said Act, before the word "sanction" the word "previous" shall be inserted.

21. *Amendment of Schedule H of Bom. III of 1888.*—In Schedule H to the said Act, after the entry relating to "ghi", the following entry shall be inserted:—

" 'Vegetable product' or 'Vanaspati', that is to say,	10 annas
ghi substitutes which are not pure ghi but which	per Bombay
resemble ghi.	maund."

#### STATEMENT OF OBJECTS AND REASONS.

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

*Clause 2.*—The amendment contained in this clause is verbal and is intended to correct the numbering of certain clauses made by Bombay Act IX of 1928.

*Clauses 3 and 4.*—Experience has shown that it is desirable to make a provision in the Act, requiring candidates at ward elections to make a deposit in the same way as candidates for election to the Bombay Legislative Council. The Corporation have represented that it has been found in practice that some candidates at municipal elections put forward their names with no other object than that of benefiting certain other candidates by transferring their votes to them. It is, therefore, proposed to provide that each candidate at a ward election shall, before the prescribed date, deposit with the Municipal Commissioner the sum of Rs. 250 in the manner provided in new section 26A. It is proposed to make a similar provision with respect to candidates for election by co-option also.

*Clause 5.*—The Corporation have represented that the powers of the Municipal Commissioner under sections 313 and 313A, not being delegable under section 68, all the licences issued under these sections have to be issued in his name. In order to enable the officers concerned to exercise the statutory powers, duties and functions of the Municipal Commissioner, it is desirable to include these sections under section 68. It is also considered desirable that the powers of the Commissioner under sections 376, 377A and 390 should be capable of delegation under section 68. The amendments give effect to these recommendations.

*Clauses 6 and 7.*—The Municipal Corporation for the City of Bombay have recommended to Government that legislation should be

## Appendices

[Appendix 31—*contd.*]

undertaken with a view to change the designation of the "Executive Engineer" to that of "City Engineer" and to attach to the post a personal allowance of Rs. 250—50—500 per mensem. The Corporation have also suggested that the provision regarding personal allowance should have retrospective effect from 1st April 1929. The amendments proposed are intended to give effect to these recommendations.

*Clause 8.*—The Corporation have represented that it is desirable that under section 80A of the Act temporary appointments for loan works should be made by the Commissioner with the previous sanction of the Standing Committee. The amendment of the proviso to sub-section (1) of section 80A gives effect to this proposal.

*Clauses 9 and 20.*—The Corporation have desired that the word "previous" should be inserted before the word "approval" occurring in sections 83 (2) (a) and (c), 114, 121, 124 (3) and 501 and before the word "sanction" occurring in section 527 (3) of the Act, so as to make it clear that by the words sanction or approval of the Standing Committee or the Corporation, the previous sanction or approval of those bodies is meant.

*Clause 10.*—The object of this amendment is to give effect to the recommendation of the Corporation that the proviso to section 111 of the Act should be amended so as to enable the "fines fund" to be utilised for payment of compassionate allowance to the widows or other relations of deceased municipal servants.

*Clause 11.*—In accordance with the provisions of section 169, it is usual for the Standing Committee of the Corporation to frame and prescribe annually certain rules for the supply of water by meter measurement, for compounding for the supply of water, for rates to be charged to Government and Port Trust premises, etc. These rules prescribe *inter alia* the classes of properties in respect of which the Municipal Commissioner may compound with the owner by levying a special water-rate instead of a water-tax on value or by meter measurement, and the rate at which he may compound in each class of property. In view of the existing wording of clause (b) of sub-section (1) of section 169, however, the Municipal Commissioner has to approach the Standing Committee for sanction in each individual case in spite of the fact that the Committee has already prescribed the classes of premises for which and the rate at which the water-tax can be compounded. This results in unnecessary correspondence and it is, therefore, proposed to empower the Standing Committee to give general sanction to the Municipal Commissioner to compound the water-tax. At the same time it is proposed to reserve to the Committee the power to give special sanction in special cases. The amendment of sub-section (2) of section 169 is consequential.

*Clause 12.*—Under the existing law, land comprised in a private street declared to be a public street under the provisions of sub-section (1) of section 306 of the Act vests in the Corporation and, unless the owner

[Appendix 31—concl.]

of the land included in the private street has paid all land-revenue due to Government in respect of such land, the land-revenue may be claimed from the Corporation. Such a result could hardly have been intended. The object of the proposed amendment is to avoid any such contingency.

*Clauses 13 and 14.*—Sections 313 and 314 *inter alia* prohibit deposits in streets and empower the Commissioner to remove without notice any articles deposited in public streets in contravention of such prohibition. It has been represented that places like the Chowpatty foreshore are public places but not public streets and that it is very desirable that the provisions of sections 313 and 314 should extend to public places also. The amendments in these clauses are intended to carry out this object.

*Clause 15.*—It is proposed to amend section 328A so as to enable the Corporation to charge licence-fees in respect of advertisements exhibited on certain vehicles, e.g. the tram-cars and buses of the Bombay Electric Supply and Tramways Company, Ltd., except in so far as such advertisements relate to the trade or business conducted by the Company itself. Opportunity has also been taken by an amendment of sub-section (4) of section 328A to make it clear that "structure" includes movable boards whether on wheels or not.

*Clause 16.*—In view of the cruelty suffered by bullocks and horses at the hands of farriers who are not skilled in the art of shoeing, the Corporation have recommended to Government that legislation should be undertaken so as to provide that no person shall carry on the profession of a farrier except under and in conformity with the terms and conditions of a licence to be granted by the Commissioner. The amendment of section 394 is intended to give effect to this recommendation.

*Clauses 17 and 18.*—The amendments made by these clauses are consequential.

*Clause 19.*—In view of the amendment of section 314 in clause 14 of the Bill, the articles removed, if perishable, cannot be kept for one month but should be sold or otherwise disposed of forthwith. A slight amendment of section 490 (3) is therefore necessary to provide accordingly.

*Clause 21.*—The object of this amendment is to give power to the Corporation to levy a town-duty on substitutes of ghi popularly known as "vegetable ghi" or "vegetable product" or "vanaspati" that is, all substitutes which resemble ghi and which are capable of use as substitutes for ghi but are not exclusively derived from milk.

(Signed) HARILAL DESAIBHAI DESAI.

9th July 1930.



## APPENDIX 32.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED No. 14 (Revised). The Honourable Dewan Bahadur HARILAL D. DESAI.

*Temporary jails at Visapur and Yeravda.*

Government in the Home Department issued instructions to the Superintending Engineer, Central Circle, to put the abandoned jail at Visapur immediately into an efficient state of repair and to make adequate arrangements for water supply, conservancy, etc.; also to construct immediately a temporary jail outside the Yeravda Jail to hold 1,500 prisoners. As a special case sanction was accorded to the expenditure being incurred without estimate and allotment of funds on the works up to the amounts mentioned below :—

	Rs.
(1) Special repairs to Visapur Jail .. .. .	10,000
(2) Original works—Visapur Jail .. .. .	50,000
(3) Original works—Temporary Jail at Yeravda .. .. .	1,10,000
Total .. .. .	1,70,000

As the expenditure in question relates to a new service and as the charge will have to be met by re-appropriation from savings later in the year under the head "41, Civil Works—Provincial", the sanction of the Legislative Council is requested to a demand of a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41, Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 + Rs. 10.

FINANCE DEPARTMENT :

11th July 1930.

## APPENDIX 33.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED No. 15. The Honourable Sir ERNEST HOTSON.

*Excess expenditure under "25, Jails and Convict Settlements".*

The Civil Disobedience Movement has necessitated the provision of extra accommodation for a large number of prisoners for whom there was no room in the existing prisons.

In the middle of May 1930 four chawls of the Development Department at Worli were converted into a temporary prison. This prison has proved unsuitable and it has been decided to close it as soon as possible, and in future to use it as a lock-up.

[Appendix 33—contd.]

In the meantime the former extra-mural prison at Visapur has been re-opened as an extra prison and arrangements are being made to extend the Yeravda Central Prison by opening a temporary camp jail adjoining it, which will be in charge of a separate Superintendent.

In addition to the expenditure on account of these temporary prisons considerable additional expenditure, for which provision has not been made in the budget, is being incurred owing to the general rise in the population of other prisons, the consequent increase in the jail staff, and the extra cost of diet on account of the classification of a number of prisoners in Classes A and B under the new rules.

The probable total expenditure up to the end of the current financial year is estimated at Rs. 6,14,697 as explained in the accompanying statement.

The Legislative Council is, in the circumstances, requested to sanction a supplementary grant of Rs. 6,15,000.

*Demand voted and now increased.*

“25, Jails and Convict Settlements—Reserved.”

Rs. 23,01,000\* + Rs. 6,15,000.

FINANCE DEPARTMENT,

COUNCIL HALL:

Poona, 10th July 1930.

*Estimate of emergent expenditure under “25, Jails” on account of Civil Disobedience Movement.*

Serial No.	Description of item.	Expenditure during the current financial year.	
		Rs.	Rs.
1	<i>Worli Temporary Prison</i> (for an average population of 800 prisoners: 2½ months)—		
	Pay of officers .. .. .	1,563	
	Pay of Establishment .. .. .	7,533	
	Allowances .. .. .	1,575	
	Contingencies† .. .. .	49,458	60,129
2	<i>Worli Lock-Up</i> —		
	Contingencies† .. .. .	60,032	60,032
3	<i>Yeravda Temporary Prison</i> (for an average population of 1,500 prisoners)—		
	Pay of establishment .. .. .	14,320	
	Allowances .. .. .	940	
	Contingencies† .. .. .	1,25,732	1,40,992

\* This figure was subsequently corrected to Rs. 23,02,000.

† *Note.*—The head “Contingencies” includes charges on account of diet, clothing, transfer of prisoners, equipment and other miscellaneous expenditure.

[Appendix 33—concl'd.]

Serial No.	Descriptions of item.	Expenditure during the current financial year.	
		Rs.	Rs.
4	<i>Visapur Temporary Prison</i> (for an average population of 1,200 prisoners)—		
	Pay of officers .. .. .	6,400	
	Pay of Establishment .. .. .	26,160	
	Contingencies* .. .. .	1,01,245	
	Allowances .. .. .	4,568	
	Ambulance for taking patients to Ahmednagar Civil Hospital .. .. .	3,400	
			1,41,773
5	<i>Nasik Road Central Prison</i> —		
	Additional Jailor (for 7 months) .. .. .	1,078	
			1,078
6	<i>Ahmedabad Central Prison</i> —		
	Additional Jailor (for 10 months) .. .. .	1,540	
			1,540
7	<i>Yerarda Central Prison</i> —		
	Additional Jailors (for 10 months) .. .. .	2,580	
			2,580
8	<i>Head Office</i> —		
	Pay of establishment (for 8 months) .. .. .	560	
			560
9	<i>Other Jails</i> —		
	Pay of establishment .. .. .	7,560	
	Contingencies* .. .. .	1,98,453	
			2,06,013
	Total .. .. .		6,14,697

\* Note.—The head "Contingencies" include charges on account of diet, clothing, transfer of prisoners, equipment and other miscellaneous expenditure.

APPENDIX 34.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED No. 16. The Honourable Dewan Bahadur HARILAL D. DESAI.

*Road works to be started out of the petrol tax.*

In accordance with the recommendations of the Indian Road Development Committee the Government of India have increased the import and excise duties on motor spirit from 4 to 6 annas per gallon and decided to distribute, after reserving a certain amount, the proceeds of the additional duty among the several Local Governments for road development in the ratio which the consumption of petrol in each province bears to the total consumption in India in the preceding calendar year. The Government of India have also decided that, if any part of the amount apportioned to a province in any financial year remains unexpended at the end of that year, it shall be carried over for expenditure in that province in the following year. A resolution to that

## [Appendix 34—contd.]

effect was moved by the Honourable Sir B. N. Mitra during the February-March session of the Legislative Assembly and adopted by that body on the 4th February 1930. To settle the details a conference of the representatives of the Government of India and of the several Local Governments was held at Simla from the 19th to the 22nd April 1930. The amount to be allotted to Bombay was fixed at Rs. 17,20,000, and a programme of 12 schemes for execution during the current year was handed in at the conference and approved by it. It was made clear that neither the Conference nor the Government of India would concern themselves with the technical or financial details of projects. This means that the Local Government is free to settle its own details, provided they are within the schemes approved by the Conference and the Government of India.

The 12 schemes approved are as follows :—

- (1) Bombay-Poona-Ahmednagar-Aurangabad Road.
- (2) Bombay-Ahmedabad-Rajputana Road.
- (3) Dhulia-Bhusawal-Edlabad-Nagpur Road.
- (4) Bombay-Agra Road.
- (5) Karwar-Bellary Road.
- (6) Bombay-Konkan-Goa Road.
- (7) Bombay-Poona-Sholapur-Hyderabad Road.
- (8) Bombay-Poona-Bangalore Road.
- (9) Karachi-Sukkur-Punjab Road on the west side of the Indus.
- (10) Karachi-Sukkur-Punjab Road on the east side of the Indus.
- (11) Hyderabad-Mirpurkhas-Rajputana Road.
- (12) Sukkur-Shikarpur-Jacobabad-Quetta Road.

The Government of India have now increased the Bombay share of the petrol tax from Rs. 17,20,000 to Rs. 17,50,000. At present it is proposed to allot a sum of Rs. 5,59,900 as shown below for works which have been approved and the detailed plans and estimates for which have been technically sanctioned :—

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Ahmedabad-Rajputana Road.</i>	Rs.	Rs.
Bridge on Dhondala Nalla near Nehroli in the Thana Division .. .. .	11,900	11,900
Constructing Talasari Vapi Section in the Thana Division ..	3,64,871	40,000
Link road from Damanganga to Vapi in the Surat and Broach Division .. .. .	40,766	15,000
Causeway over the Kharera river in the Surat and Broach Division .. .. .	26,245	15,000
Causeway over the Kolak river in the Surat and Broach Division .. .. .	33,443	15,000
Improving miles 4 to 9/6 of Navsari-Matwad Road in the Surat and Broach Division .. .. .	1,15,197	20,000

[Appendix 34—contd.]

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Ahmedabad-Rajputana Road—contd.</i>		
	Ra.	Ra.
Improving Nadiad-Vasna Road in the Kaira and Panch Mahals Division .. .. .	39,699	25,000
Improving Manor-Varoti Road in the Thana Division .. .. .	2,57,666	75,000
Diversion round Pardi on Vapi-Bulsar Road in the Surat and Broach Division .. .. .	34,257	10,000
Embanking Section I of Jambusar-Dehwan Road in the Surat and Broach Division .. .. .	62,445	40,000
Bridges, etc., on 12 nallas on Surat-Sahol Road in the Surat and Broach Division .. .. .	43,554	20,000
<i>Dhulia-Bhusawal-Edlabad-Nagpur Road.</i>		
Constructing link road connecting Warangaon-Edlabad and Edlabad-Chikhli Roads in the East Khandesh Division.. .. .	20,191	18,000
Bridges, etc., between Bhusawal and Warangaon in the East Khandesh Division .. .. .	59,188	50,000
<i>Bombay-Agra Road.</i>		
Cross drainage works in miles 28.3 to 32.5 in the Thana Division .. .. .	43,964	35,000
Bridges, etc., on 13 dips in miles 40 to 58 in the Thana Division .. .. .	49,831	45,000
Bridges on 4 dips in mile No. 39 in the Thana Division .. .. .	15,063	15,000
Diversion round Thana .. .. .	99,438	40,000
Acquiring land on Bombay-Agra Road in the Nasik District .. .. .	1,69,185	40,000
<i>Karwar-Bellary Road.</i>		
Improving miles 75-80 of Hubli-Sangtikop Road in the Dharwar Division .. .. .	41,771	15,000
Improving roads in the Kanara Division (Karwar-Bellary Road) .. .. .	1,44,978	15,000
		5,59,900

It is also proposed to allot funds to the extent of Rs. 4,75,000 for the following works after the formalities regarding plans and estimates have been completed:—

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Konkan-Gos Road.</i>		
	Ra.	Ra.
Masonry drains to 146 nallas in the Ratnagiri Division .. .. .	3,08,848	30,000
Raising road between Dharamtar and Daegaon in the Ratnagiri Division .. .. .	83,079	50,000
Four culverts, 8 abut drains and one small bridge on Sangameshwar-Chiplun Road in the Ratnagiri Division .. .. .	34,400	25,000
Bridge over the Bhamburda river in the Belgaum Division .. .. .	50,000	10,000

[Appendix 34—concl'd.]

Name of road and nature of work to be done.	Estimated cost.	Amount proposed to be sanctioned.
<i>Bombay-Konkan-Goa Road—contd.</i>		
	Rs.	Rs.
Four culverts and 13 slab drains or Armeos on Rajapur-Phonda Road in the Ratnagiri Division .. .. .	30,500	10,000
Bridge over the Gad river near Kankavli on Malwan-Kolhapur Road .. .. .	91,394	25,000
Bridge over the Kasal river on Malwan-Kolhapur Road .. .. .	74,591	10,000
Ten culverts and 5 slab drains on Malwan-Kolhapur Road. .. .. .	98,681	70,000
Bridge at Janavli on Malwan-Kolhapur Road .. .. .	75,000	25,000
<i>Karachi-Hyderabad-Rohri-Punjab Road.</i>		
Kotri-Hyderabad-Hala Road .. .. .	6,72,000	1,00,000
Road from Sakrand to Moro .. .. .	8,00,000	1,00,000
<i>Kotri-Dadu-Shikarpur-Baluchistan Road.</i>		
Shikarpur-Jacobabad-Nasirabad Road .. .. .	4,54,000	20,000
		4,75,000

All the works proposed to be started are urgent and necessary and they form part of the trunk roads which have been approved by the Government of India for being executed during the current year out of the petrol tax. Sanction of the Legislative Council is requested to the proposals made above in order that the works may be undertaken as soon as possible.

*Demand voted and now increased.*

41, Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,31,16,000 plus Rs. 10,34,900.

FINANCE DEPARTMENT :

10th July 1930.

#### APPENDIX 35.

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

TRANSFERRED No. 17. The Honourable MOULVI RAFIUDDIN AHMAD.

*Creation of an additional post in the Bombay Educational Service,  
Class I.*

Owing to the cessation of recruitment to the Indian Educational Service since 1924, and to the delay which has unfortunately occurred in organizing the new provincial Bombay Educational Service, Class I,

[Appendix 35—contd.]

which is intended to take its place, the strength of the superior inspecting and administrative staff of the Educational Department has run down to such an extent that it has nearly reached the point of break down. The staff available for the posts of Educational Inspectors now consists of :

- (1) Mr. S. N. Moos, I.E.S. .. .. Sind.
- (2) Mr. Nurulla Khan (appointed two months ago) .. .. Central Division.
- (3) Mr. Panate ( ) .. .. Bombay Division.
- (4) Mr. K. S. Vakil, I.E.S. .. .. Southern Division.
- (5) Mr. K. D. Gidvani (promoted from Northern Division. B. E. S. & Officiating).

There is no reserve for leave or sickness or to fill posts that become vacant on retirement. Nor is there any provision for training men to succeed to these posts, the importance of which to the efficient working of the educational system as a whole can scarcely be exaggerated. In the new scheme for reorganizing Class I, provision has been proposed for the direct recruitment of one or two young officers of the highest academic and technical qualifications to serve as Assistant Inspectors and to be members of the new Class I service. Owing to the fact that the new scheme as a whole cannot be put forward till the next budget, and that in the meantime it is essential to provide a minimum reserve and to put a young officer under training to meet eventualities, it is considered necessary to ask immediately for the creation of one post in advance of the general scheme. The total expenditure involved during the current year and the average annual expenditure will be as follows :—

	Annual average cost.	Cost during the current year from 1st September 1930 (i.e. for six months).
	Rs.	Rs.
(1) Pay Officer—		
(a) One B.E.S. Class I Officer at Rs. 320—40—1,200 (average Rs. 731).	$731 \times 12 = 8,772$	$320 \times 6 = 1,920$
(b) Pay of Establishment—		
(i) One clerk at Rs. 30—5/2—80 (average Rs. 53½).	$53\frac{1}{2} \times 12 = 642$	$40 \times 6 = 240$
(ii) Two pens at Rs. 16 per mensem each.	$16 \times 2 \times 12 = 384$	$16 \times 2 \times 6 = 192$
		332
(2) Allowances—		
(i) Travelling Allowance .. .. .	1,000	500
(ii) Compensatory allowance (Rs. 45-100)	$73 \times 12 = 876$	$45 \times 6 = 270$
(3) Contingencies .. .. .	200	100
		870
Total ..	11,874	2,222

[Appendix 35—contd.]

The extra cost involved in the current year will be met from savings in the current year's grant under "31, Education—Transferred". 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. 1,96,25,000 + Rs. 10.

FINANCE DEPARTMENT:

Poona, 10th July 1930.

#### APPENDIX 36.

#### STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

RESERVED No. 18. The Honourable Sir ERNEST HOTSON.

*Additional expenditure under "26, Police" on account of the Civil Disobedience Movement.*

The Civil Disobedience Movement has imposed a specially severe strain on the Police. This has necessitated the provision of large additional forces, the grant of special compensatory allowances to officers and men serving in districts where their duties are unusually onerous and they are exposed to severe boycott, and to constables and head constables in Bombay City for similar reasons, the creation of a number of temporary appointments of Deputy Superintendents and Inspectors of Police and extra expenditure on motor transport and other items.

2. The main items for which a grant is now asked are as follows:—

(i) Extra forces of armed police have been or are being recruited as follows:—

(a) May-June (1) 650 men consisting of 50 men recruited in each of 12 districts of the Central and Southern Divisions of the Presidency Proper and in Ahmedabad, (2) 100 men in the Karachi, Hyderabad and Sukkur Districts of Sind.

(b) Since June arrangements have been in progress to recruit 1,450 men in the Presidency Proper including 200 men in Bombay City. The chief part of this additional strength will consist of a force of about 1,000 men, which, composed mainly of military reservists, is being recruited and trained by the Military Authorities in Poona.

(c) Arrangements are in progress, as the result of the recent disturbances in that place, to recruit an additional force of 219 men together with a clerical staff of three clerks for Sholapur



[Appendix 36—*contd.*]

City. It is intended to recover three quarters of the cost from the persons responsible for the disturbances under section 25 of the District Police Act, and one quarter will be a permanent addition to the police force.

For the same reasons the Home Inspector will be replaced by a Deputy Superintendent as a permanent measure.

The amount recovered from the local inhabitants, being approximately Rs. 45,760, will be credited under "XIX-Police (Receipts)".

(ii) Compensatory allowances for specially arduous duties ranging from Rs. 7 per mensem for a constable to Rs. 150 per mensem for a Deputy Superintendent of Police, are being paid in parts of Gujarat, and similar allowances of Rs. 5 per constable and Rs. 7 per head constable and Jamadar in Bombay City.

(iii) Temporary appointments of superior officers as shown in the second of the statements appended.

(iv) The provision of two lorries for Poona and two for Surat for the transport of police and the hire of transport for this purpose in other places.

(v) The provision of temporary extra quarters including the hiring of Development Department Chawls for the additional police in Bombay City.

(vi) The provision of a temporary force of 40 armed police for the temporary lock-up at Worli for a period of 8 months.

3. Except where otherwise shown the expenditure has been calculated from the date of sanction until the end of the financial year, and it amounts to Rs. 14,19,190 the details of which are shown in the two appended statements.

4. As there is no provision in the budget for this expenditure the sanction of the Legislative Council is requested to a supplementary grant of Rs. 14,19,200 (in round figures).

*Demand voted and now increased.*

26, Police—Reserved.

Rs. 1,69,08,000 + Rs. 14,19,200.

FINANCE DEPARTMENT :

Poona, 10th July 1930.

[Appendix 36—contd.]

*Statement showing expenditure in the Police Department on  
account of the present political situation.*

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Rs.	Rs.	
1	Entertainment of 650 temporary additional police in the Central and Southern Divisions and in the Ahmedabad District (104 head constables and 546 constables) (Paragraph 2 (1) (a) of the main statement of demand).			The expenditure is for 10 months.
	Pay of Establishment .. .. .	1,70,040		
	Allowances and Honoraria :			
	Compensatory (Local) allowance at certain places at varying rates ..	8,640		
	Hutting allowance at an average rate of Rs. 4 per mensem .. .. .	26,000		
Contingencies :				
	Clothing, arms and accoutrements ..	18,500		
			2,23,180	
2	Entertainment of 1,250 temporary additional police in the Ahmedabad, Kaira, Broach, Surat, Bombay Suburban and Belgaum districts. (Paragraph 2 (i) (b) of the main statement of demand).			The expenditure is for 9 months.
	Pay of Establishment .. .. .	2,46,600		
	Allowances and Honoraria :			
	Hutting allowance at an average rate of Rs. 4 per mensem .. .. .	45,000		
	Compensatory (Local) allowance at certain places at varying rates ..	13,500		
	Contingencies :			
	Clothing, arms and accoutrements ..	37,500		
Rations for 1,000 men while under training in Poona at Rs. 10 per head .. .. .	10,000			
			3,52,600	
3	Entertainment of 200 temporary additional police in Bombay City (18 head constables and 182 constables.) (Paragraph 2 (i) (b) of the main statement of demand).			The expenditure is for 9 months.
	Pay of Establishment .. .. .	55,296		
	Allowances and Honoraria :			
	House rent allowance (hiring of rooms for 200 constables in the Development Department Chawls) .. .. .	13,600		
Contingencies :				
Clothing, arms and accoutrements ..	6,600			
			75,496	

[Appendix 36—contd.]

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Ra.	Ra.	
4	Entertainment of 100 temporary additional police in Karachi, Hyderabad and Sukkur Districts (12 head constables and 88 constables) (Paragraph 2 (i) (a) of the main statement of demand).			The expenditure is for 9 months.
	Pay of Establishment .. .. .	20,832		
	Allowances and Honoraria :			
	Compensatory (Local) } At different allowance. } rates in			
	Local allowance. } d i f f e r e n t	9,739		
	Hutting allowance. } districts.			
	Contingencies :			
	Clothing charges .. .. .	1,400		
			31,971	
5	Compensatory allowance for police officers and men in certain talukas in the Surat, Kaira, Ahmedabad and Broach Districts and for Jamadars, head constables and constables in Bombay City .. .. .	5,12,760		The expenditure is for 11 months in Gujarat districts and 10 months in Bombay City.
			5,12,760	
6	Entertainment of additional police and clerical staff at Sholapur and conversion of the appointment of Home Inspector into that of a Deputy Superintendent of Police.			
	Pay of Establishment :			
	1 Inspector at Ra. 225 per mensem ..	1,800		
	1 Sub-Inspector at Ra. 125 per mensem.	1,000		
	1 Head constable, I grade, at Ra. 50 per mensem .. .. .	400		
	5 Head constables, II grade, at Ra. 43 per mensem .. .. .	1,720		
	7 Head constables, III grade, at Ra. 36 per mensem .. .. .	2,016		
	12 Head constables, IV grade, at Ra. 28 per mensem .. .. .	2,688		
	192 Constables at Ra. 20 per mensem.	30,720		
	1 Clerk at Ra. 85 per mensem .. .. .	680		
	2 Clerks at Ra. 40 per mensem each.	640		
	Difference between the cost of the Home Inspector and the Deputy Superintendent of Police at Ra. 173 per mensem .. .. .	1,384		
	Allowances and Honoraria :			
	1 Inspector :			
	Compensatory allowance at Ra. 50 per mensem .. .. .	400		
	House rent at Ra. 50 per mensem ..	400		
	Conveyance allowance at Ra. 30 per mensem .. .. .	240		
1 Sub-Inspector :				
House rent allowance at Ra. 15 per mensem .. .. .	120			
Conveyance allowance at Ra. 25 per mensem .. .. .	200			

## [Appendix 36—contd.]

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Rs.	Rs.	
	Allowances and Honoraria—contd.			
	6 Head constables, I and II grade:			
	House rent allowance at Rs. 4 per mensem each .. ..	192		
	Compensatory allowance at Rs. 3 per mensem each .. ..	144		
	19 Head constables, III and IV Grade.			
	House rent allowance at Rs. 3 per mensem .. ..	456		
	Compensatory allowance at Rs. 3 per mensem .. ..	456		
	192 Constables:			
	House rent allowance at Rs. 3 per mensem .. ..	4,608		
	Compensatory allowance at Rs. 2 per mensem .. ..	3,072		
	Contingencies:			
	Clothing allowance to one Inspector and one Sub-Inspector .. ..	57		
	Clothing charges for 25 Head constables and 192 constables at Ra. 30 per annum .. ..	6,510		
	Bhatta to recruits .. ..	2,500		
			62,403	
7	Purchase of two motor buses for the Police force at Poona and employment of five constables as drivers.			The expenditure is for 9 months.
	Pay of Establishment .. ..	2,025		
	Allowances and Honoraria:			
	Compensatory allowance at Rs. 3 per mensem .. ..	135		
	Hutting money at Rs. 3 per mensem .. ..	135		
	Contingencies .. ..	67-8-0		
	Purchase of two motor buses .. ..	5,600		
	Upkeep of motor buses .. ..	2,340		
			10,302-8-0	
8	Purchase of two motor buses for the Police force at Surat and employment of five constables as drivers.			The expenditure is for 9 months.
	Pay of Establishment .. ..	2,025		
	Allowances and Honoraria:			
	Hutting money at Rs. 5 per mensem each .. ..	225		
	Contingencies:			
	Clothing charges .. ..	67-8-0		
	Purchase of two motor buses .. ..	5,600		
	Upkeep of motor buses .. ..	2,340		
			10,257-8-0	
9	Hire of motor buses for the transport of police in other districts .. ..	10,000	10,000	
10	Purchase of arms and ammunition for the police under training at Poona...	62,500	62,500	

[Appendix 36—contd.]

Serial No.	Description of the item.	Expenditure during the current financial year.		Remarks.
		Rs.	Rs.	
11	Entertainment of temporary armed police guard for the Lock-up at Worli (four head constables and 36 constables)			The expenditure is for 8 months.
	Pay of Establishment .. .. .	10,472		
	Allowances and Honoraria:			
	House rent allowance at Rs. 10 per mensem per head constable and Rs. 7 per mensem per constable ..	2,482		
	Contingencies:			
	Clothing charges at Rs. 21 per annum for each Head constable and constable .. .. .	595		
			13,549	
	Total ..		13,65,019	

*Statement showing the approximate extra expenditure on account of temporary appointments of Deputy Superintendents of Police, Inspectors of Police, and Sub-Inspectors of Police necessitated by the present Civil Disobedience Movement.*

Serial No.	Item.	Monthly expenditure.	Extra expenditure during the current financial year.
			Rs.
1	Temporary appointment of Deputy Superintendent of Police, Ahmedabad, from 21st March 1930 .. .. .	340 Pay	3,861
2	Temporary appointment of Deputy Superintendent of Police, Kaira, from 22nd March 1930 .. .. .	340 ..	3,850
3	Temporary appointment of Deputy Superintendent of Police, Surat, from 25th March 1930 .. .. .	340 ..	3,817
4	Temporary appointment of Deputy Superintendent of Police in the Bombay Suburban District from 10th April 1930 ..	340 ..	6,541
		90 Compensatory allowance ..	
		100 Conveyance allowance.	
	House rent for the Deputy Superintendent of Police, Bombay Suburban District, from 1st May 1930 .. .. .	130 House rent allowance.	

## [Appendix 36—contd.]

Serial No.	Item.	Monthly expenditure.	Extra expenditure during the current financial year.
		Rs.	Rs.
5	Compensatory allowance at Rs. 150 per mensem for Deputy Superintendent of Police temporarily doing duty at Sholapur from 15th May 1930 .. .. .	150 Compensatory allowance.	1,427
6	Conveyance allowance at Rs. 50 per mensem for Deputy Superintendent of Police temporarily doing duty at Sholapur from 15th May 1930 .. .. .	50 Conveyance allowance.	476
7	Temporary appointment of Deputy Superintendent of Police, Nasik, from 18th May 1930 .. .. .	340 Pay ..	3,214
8	Temporary appointment of Deputy Superintendent of Police, Surat, from 18th May 1930 .. .. .	340 .. ..	3,214
9	Temporary appointment of Deputy Superintendent of Police, Poona, from 22nd May 1930 .. .. .	340 .. ..	3,170
10	Temporary appointment of Deputy Superintendent of Police, Belgaum, for one month from 26th May 1930 to 25th June 1930 .. .. .	340 .. ..	340
11	Temporary appointment of Deputy Superintendent of Police, Belgaum, from 26th June 1930 .. .. .	340 .. ..	2,777
12	Temporary appointment of an Inspector of Police at Broach from 26th March 1930.	180 .. 25 Compensatory allowance. 18 House rent allowance.	2,489
	Clothing allowance of an Inspector of Police at Broach from 26th March 1930 .. .. .	....	45
13	Temporary appointment of an Inspector of Police at Sholapur from 15th May 1930	180 Pay ..	1,713
14	Temporary appointments of two Sub-Inspectors of Police at Sholapur from 15th May 1930 .. .. .	150 .. ..	1,427
15	Compensatory allowance for four temporary Deputy Superintendents of Police, one at Ahmedabad, one at Kaira and two at Surat at Rs. 150 per mensem each for 10 months.	600 .. ..	6,000
16	Travelling allowance for seven temporary Deputy Superintendents of Police at Rs. 100 per mensem each for 10 months ..	700 .. ..	7,000
17	Clothing allowance for eight temporary Deputy Superintendents of Police at Rs. 45 each .. .. .	....	360
18	Conveyance allowance for one Inspector and two Sub-Inspectors at Sholapur—Rs. 30 for the Inspector plus Rs. 50 for the two Sub-Inspectors at Rs. 25 per mensem each for ten months .. .. .	80 .. ..	800

[Appendix 36—concl'd.]

Serial No.	Item.	Monthly expenditure.	Extra expenditure during the current financial year.
		Rs.	Rs.
19	Clothing allowance for one Inspector at Rs. 45 and two Sub-Inspectors at Rs. 40 each .. .. .	.....	125
20	One Sub-Inspector for the Special Police Battalion for nine months .. .. .	125 Pay 25 Conveyance allowance. 15 House rent allowance.	1,485
	Clothing allowance for the Special Police Battalion for nine months .. .. .	165	
		Total ..	54,171

APPENDIX 37.

*Statement of demand for a supplementary grant.*

RESERVED 19. The Honourable Mr. J. GHOSAL.

*Entertainment of Additional Deputy Collectors and one Special Assistant in the Surat and Kaira districts.*

In order to counteract the effects of inaccurate and misleading information disseminated in the Surat and Kaira districts which was designed to embarrass the authorities and to secure the adherence of village officers and their resignation from service, Government found it necessary to appoint two officers of the rank of Deputy Collectors for pro-Government publicity work in the two districts. The Additional Deputy Collector, Surat, was entertained for two months from 12th April 1930 and he was granted the pay admissible to him as Officiating Deputy Collector, viz., Rs. 350 per mensem; he was given a clerk in the grade of Rs. 30—5/2—80 and a peon on a pay not exceeding Rs. 18 per mensem. The Additional Deputy Collector, Kaira, was entertained for about a month from 27th April 1930; he was a retired officer and was allowed to draw his pension and was granted in addition as pay the difference between his pension and Rs. 650; he was given a clerk in the grade of Rs. 30—5/2—80 and two peons on Rs. 15 per mensem each. Both officers were permitted to hire motor cars at a cost not exceeding 8 annas a mile and they and the clerks and peons were allowed

[Appendix 37—contd.]

travelling allowance under the ordinary rules. The Surat appointment was not renewed after 11th June 1930; but in Kaira a Special Assistant was appointed in place of the Additional Deputy Collector for about a month in the first instance and it is likely that he will be required for another month. His pay is Rs. 396 per mensem and he has been given two clerks in the grade of Rs. 30—5/2—80 and two peons on Rs. 15 per mensem. He has also been permitted to hire a motor car at a rate not exceeding 8 annas a mile. Government desire to apprise the Legislative Council that this expenditure which relates to a new service, and which was not contemplated in the budget, is being incurred and to request its sanction to the grant of a token sum of Rs. 10. In view of the retrenchment in the public expenditure ordered by Government it is hoped that the additional expenditure will be met from savings within the grant under "22, General Administration."

*Demand voted and now increased.*

22, General Administration—Reserved.

Rs. 1,02,24,000 plus Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 11th July 1930.

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#### APPENDIX 38.

*Statement of demand for a supplementary grant.*

RESERVED 20. The Honourable Mr. J. GHOSAL.

*Grant of special pay, as a temporary measure,  
to talatis in Gujarat.*

As a result of the social boycott movement in Gujarat, talatis have been put to additional expense in obtaining their supplies from taluka headquarters, and even in obtaining residential accommodation in villages where there are no chavdis. In several cases they have not been able to stay in their sazas, and have had to return frequently to taluka headquarters thus incurring additional expense on conveyances. Their situation has been rendered particularly difficult in places where patels and inferior village servants have resigned. Government have accordingly found it necessary to give them some compensation for the hardship and the extra expenditure which has been entailed, and they have accordingly authorised the Collectors of Ahmedabad, Broach, Kaira and Surat to grant the talatis working in the areas mentioned below a special pay not exceeding Rs. 10 per mensem in each case on a certificate from the



[Appendix 38—contd.]

Collector concerned that the talati deserves it. In the Kaira District special pay is being given at uniform rates which range from Rs. 3 per mensem to assistant talatis in Thasra Taluka to Rs. 10 to talatis in the more important sazas.

*Talukas to which the concession is applicable.*

Ahmedabad District	.. Dholka, South Daskroi, Dhandhuka and Viramgam talukas and Sanand Mahal.
Broach District	.. Jambusar, Broach, Ankleshwar and Amod talukas, and Suwa saza in Wagra Taluka.
Kaira District	.. All talukas.
Surat District	.. All talukas and Valod Mahal.

The orders which were first limited to a few talukas came into effect from 1st April 1930. From time to time they have had to be extended, effect being given to them either from the same or a subsequent date. The orders are being extended from month to month after examining the situation. Government desire to apprise the Legislative Council that this expenditure which relates to a new service, and which was not contemplated in the budget, is being incurred, and to request its sanction to the grant of a token sum of Rs. 10. In view of the retrenchment in the public expenditure ordered by Government it is hoped that the additional expenditure will be met from savings within the grant under "22, General Administration."

*Demand voted and now increased.*

22, General Administration—Reserved.

Rs. 1,02,24,000 plus Rs. 10.

FINANCE DEPARTMENT :

12th July 1930.

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APPENDIX 39.

*Statement of demand for a supplementary grant.*

TRANSFERRED 21. The Honourable MOULVI RAFIUDDIN AHMAD.

*Creation of a post of Professor of Arabic at the Ismail College,  
Andheri.*

When the staff of the Ismail College was sanctioned at the last budget session, provision was made for one post of Professor of Arabic and Persian

[Appendix 39—*contd.*]

on Rs. 320—40—1,200 *plus* compensatory allowance Rs. 90—200 and one Lecturer in Persian and Arabic on Rs. 250—20—650 (Rs. 150 during 1930-31). The latter post has not yet been filled. The attendance at the college has exceeded the expectations of Government. Seventy-five students have joined in the First Year Arts Class and 20 in the Inter Arts Class. Seventy-one of these students are Muhammadans. The Principal who is also Professor of Arabic and Persian reports that he has to lecture twenty periods per week in addition to his administrative work; and asks urgently for assistance. Government (Transferred Departments) are of opinion that the appointment of a lecturer in Arabic and Persian as originally proposed will not meet the case. In the special circumstances of this college and in view of the fact that no separate post of Professor of Arabic exists in any other Government college, they consider that one Professor cannot adequately teach both Persian and Arabic especially when the B.A. classes commence; and that a college which specialises in Islamic culture cannot teach up to the required standards in the classical Islamic languages unless this post is divided and a separate Professor of Arabic appointed. They propose therefore to create a post of Professor of Arabic on the scale pay sanctioned for the Bombay Educational Service, Class I, *plus* compensatory local allowance in addition to the post of Principal and Professor of Persian. They will be able to secure for this post a gentleman of the highest qualifications, Dr. Daudpota, who not only obtained 1st class honours in both B.A. and M.A. Examinations (in Persian and Arabic) of the Bombay University but also the Chancellor's Medal and the Ph.D. of Cambridge. In 1925 a resolution was passed by the Legislative Council recommending that a chair for Arabic should be established in one of the Government colleges and in the course of the debate an assurance was given to the Legislative Council by the Honourable Minister for Education that Government would do their best to find a post for him as Professor of Arabic on his return from his course of study at Cambridge. The Educational Department propose to abolish the post of Lecturer in Arabic and Persian and to meet the extra expenditure involved within their budget provision. The appointment will be made forthwith as soon as the demand is voted. 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. 1,96,25,000 *plus* Rs. 10.

FINANCE DEPARTMENT :

Poona, 15th July 1930.

## APPENDIX 40.

*Supplementary Agenda for the Second Session, of the Legislative Council which commenced on Monday, the 7th July 1930.*

[*Vide Standing Order X, 1 (1) (d).*]

*Resolution by Rao Bahadur S. K. Bole, M.L.C.*

1. "This Council recommends to Government that the scale of pay of the karkuns and maistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and the privileges given to the permanent staff be extended to them."

*Resolutions by Mr. N. R. Gunjal, M.L.C.*

1. "This Council recommends to Government to request the Governor General of India in Council to abolish the salt tax and the Salt Act immediately."

2. "This Council recommends to Government to take steps for the immediate withdrawal of Ordinances V and VI of 1930 which have been made applicable to certain parts of the Presidency."

3. "This Council recommends to Government to convey to His Majesty's Government and through them to Parliament that in the opinion of this Council the Presidency of Bombay is ripe for full provincial responsible Government, all provincial subjects including law and order being administered by a Cabinet of elected members responsible to the Legislative Council."

*Resolutions by Mr. H. V. Kolhatkar, M.L.C.*

1. "This Council recommends to Government that a non-official committee be appointed to inquire into the excesses alleged to have been committed by Government officials and the military and police authorities at Sholapur, Dharsana and Shiroda."

2. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in several places in the Presidency in connection with the Satyagraha movement and the G. I. P. Railway strike."

3. "This Council recommends to Government that Ordinances V and VI of 1930 which have been made applicable to certain parts of the Presidency be immediately withdrawn therefrom."

4. "This Council recommends to Government to convey to His Majesty's Government and through them to Parliament that in the opinion of this Council the Presidency of Bombay is ripe for full provincial responsible Government, all provincial subjects including law and order being administered by a Cabinet of elected members responsible to the Legislative Council and the electorate."

5. "This Council recommends to Government to give effect to the recommendations of the Broomfield-Maxwell Inquiry Report regarding the revision of assessment in Bardoli and Choras talukas."

## [Appendix 40—contd.]

6. "This Council recommends to Government to appoint committees to inquire into the grievances of the Khatedars of Baglan, Bassein, Palghar and other places where the ryots have grievances regarding revision of assessment."

7. "This Council recommends to Government to appoint a committee of official and non-official members of this Council to suggest remedies to remove the difficulties experienced by the local authorities in the working of the Primary Education Act and the rules thereunder before the rules are revised."

8. "This Council recommends to Government that the fees for the several kinds of forest produce, including grazing fees, which have been recently increased be brought to their original level."

9. "This Council recommends to Government to give publicity to the report of the special retrenchment officer appointed by Government and to give immediate effect to his recommendations."

10. "This Council recommends to Government that a committee of official and non-official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

11. "This Council recommends to Government to reinstitute the classes for the third year trained teachers and to restart the training schools that have been stopped."

12. "This Council recommends to Government that they may be pleased to direct that all purchases for the requirements of every department under the Government of Bombay be made by open tender being called in India in rupees for delivery in India, preference being given to Indian goods."

13. "This Council recommends to Government that the present system of indiscriminate slaughter of cattle be discontinued and that rules be framed controlling such slaughter."

*Resolution by Mr. Hoosenally M. Rahimtoola, M.L.C.*

1. "This Council recommends to Government to appoint a committee to inquire into the laws delays and the costliness of justice in the city of Bombay and to submit proposals for improving the conditions."

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

1. "This Council recommends to Government that the annual grants given to the Parvati and Kala Ram temples of Poona and Nasik respectively be withheld till such time as the ban placed on the depressed classes as regards their entry is removed."

2. "This Council recommends to Government that the scale of pay of the karkuns and maistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and the privileges given to the permanent staff be extended to them."

[Appendix 40—contd.]

*Resolution by Mr. A. N. Surve, M.L.C.*

1. "This Council recommends to Government to give 'A' class treatment to all the prisoners convicted of or charged with offences relating to civil disobedience not involving acts of violence."

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

1. "This Council recommends to His Excellency the Governor in Council to urge on the Government of India to exempt the Mussalmans of the Presidency including Sind from the operation of the Child Marriage Restriction Act, 1929, recently passed in the Assembly and to suspend its operation in the case of other communities also until such time as the Government of Bombay are in a position to compile a list of all children under the age of 14 years if females and under the age of 18 years if males and to make adequate arrangements for the maintenance of authentic records for the registration of births of children within the presidency of Bombay."

2. "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 the Land Acquisition Act or any other law in force any mosque, temple or any other place of worship."

3. "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."

4. "This Council recommends to Government that the Provincial road from Hyderabad to Hala in Sind be metalled as soon as possible."

5. "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."

6. "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."

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

## [Appendix 40—contd.]

8. "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."

9. "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."

10. "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."

11. "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."

*Resolution by Mr. R. G. Pradhan, M.L.C.*

1. "This Council recommends to Government to urge upon the Government of India the desirability of immediately withdrawing Martial Law from Sholapur."

*Resolutions by Sardar Sir Rustom Jehangir Vakil, M.L.C.*

1. "This Council recommends to Government to take immediate steps to relieve the distress caused by the scarcity of drinking water in certain parts of Dhandhuka and Dholka talukas, in Bhal, and in certain tracts of Sanand and Viramgam talukas of the Ahmedabad district."

2. "This Council recommends to Government that the grass grown in agricultural tracts for feeding the cattle only and not as a saleable commodity, should not be taken into account as forming part of the crop, in assessing and determining the annawari."

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

1. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the Hindu and Muslim Devasthan properties (i.e., Wakf properties) and their present use by the managers and to suggest means and measures to make the occupants and possessors use a sufficient portion of the income from such properties for the Devasthans."

*Resolutions by Mr. R. G. Salgar, M.L.C.*

1. "This Council recommends to His Excellency the Governor in Council to recommend to His Excellency the Viceroy that the members

[Appendix 40—concl'd.]

for the Round Table Conference may be selected from the public in India as follows :—

- (a) 7 (seven) members from the Mahomedan community in India.
  - (b) 2 (two) members from the depressed classes in India—one out of each sub-class which is numerically the largest.
  - (c) One from each of the other communities numbering at least 50 lakhs in the whole of India.
  - (d) The rest to make up the number may be taken as leaders.”
2. “ This Council recommends to His Excellency the Governor in Council that the scheme to construct Hingni Tank at Sholapur be immediately taken in hand.”
  3. “ This Council recommends to Government that the scheme of building a bridge on the River Bhima at the village of Dhulkhed-Takalki on Sholapur-Bijapur Road, be immediately taken in hand.”
  4. “ This Council recommends to His Excellency the Governor in Council that house rent at the rate of 20 per cent. of salary be given to Government clerks at Sholapur drawing salary from Rs. 20 to Rs. 100.”
  5. “ This Council recommends to His Excellency the Governor in Council that Bailiffs and Police Constables at Sholapur be given a starting pay of Rs. 30 with an yearly increment of Re. one.”
  6. “ This Council recommends to His Excellency the Governor in Council that Police Sub-Inspectors of the 1st, 2nd and 3rd grade be given a starting pay of Rs. 100 to Rs. 250 with an yearly increment of Rs. 5.”
  7. This Council recommends to His Excellency the Governor in Council that Government take immediate steps to construct canals off the three big rivers—Bhima, Shina and Bhogavati—which pass through Sholapur District.”

*Resolution by Khan Bahadur M. S. Khuro, M.L.C.*

1. “ This Council recommends to Government that till it is possible to sanction the scale of pay according to the Sathe-Paranjpe Scheme, the scale of pay according to the recommendations of the Ahmedabad Scheme be introduced immediately.”

J. R. DHURANDHAR,

Acting Secretary to the Legislative  
Council of the Governor of Bombay.

Poona, 8th July 1930.

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