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CORRECTION SLIP

BOMBAY LEGISLATIVE COUNCIL DEBATES.

Vol. XXXI of the Bombay Legislative Council Debates, at 37, for the word "wani" appearing in the statement of names, "Punwani."

o Hb 65

[*Price—Pies 6 or 1d.*]

APPENDIX 1.

BILL No. III OF 1931.

(A Bill further to amend the Bombay Irrigation Act, 1879.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. III of 1931 (A Bill further to amend the Bombay Irrigation Act, 1879) have the honour to report as follows:—

We have carefully considered the Bill and have made considerable alterations therein. The reasons for the principal alterations are noted against the clauses as re-drafted. We have amended the original plan of the Bill to suit the convenience from a drafting point of view. The consequential changes which have been necessitated by the insertion of new provisions have been suggested to be made in the Act itself, and the new provisions themselves, which are only applicable to lands irrigable by the Lloyd Barrage Canals, have been suggested to be incorporated in a special part (Part XI) at the end of the Act as it stands at present.

Clause 2.—This corresponds to clause 3 of the original Bill, and the only alteration made therein is due to the re-numbering of the proposed new sections in a separate part by themselves at the end of the Act.

Clause 3.—This corresponds to clause 5 of the original Bill.

Clause 4.—This clause provides for the introduction of a new part (Part XI) in the original Act.

Proposed new section 90.—This section incorporates the principle which was accepted in the Council that these provisions should apply in the first instance to lands irrigable by the Lloyd Barrage Canals only. We have omitted the words “in Sind” after “the Lloyd Barrage Canals,” because we understand that some of the lands irrigated by the Lloyd Barrage Canals do not fall strictly within the territorial limits of the province of Sind. We have also provided that before this part is extended by a notification to lands irrigable by other canals in Sind, such notification should, in the first instance, be laid on the table of the Council and should be approved by it on a motion made by Government to that effect.

Proposed new section 91.—Sub-section (1) corresponds to section 20A which was proposed to be inserted by clause 2 of the original Bill. In re-drafting this clause we have provided that the Canal-officer who exercises powers under this section should not be inferior in rank to an executive engineer. We have omitted the words “for the settlement of any dispute concerning a water-course,” because we think that the provision “for the more efficient distribution of water” is sufficiently comprehensive for all purposes.

**Note.*—The signatures of Mr. V. N. Patil, Khan Bahadur M. A. Khuhro, Syed Miran Mahomed Shah, Khan Bahadur Allahbakhsh Umar and Sir Shah Nawaz Khan Bhutto, Kt., will be notified when received.

[Appendix 1—*contd.*]

In sub-section (2) we have laid down what procedure is to be adopted after objections have been called for under sub-section (1). We think that a period of thirty days is sufficient for the purpose of lodging any objections with the Canal-officer. We have also provided for an amicable settlement of any objections as between the Canal-officer and the holder of land. We think that if no such settlement is arrived at, the matter should be referred to the Collector whose decision, we consider, should be final and conclusive subject to such orders as may be passed by the Commissioner in revision.

Sub-section (3).—This sub-section bars the jurisdiction of civil courts in the matter of entertainment of any suit or application in regard to the proposed alignment or construction of a water-course. We are of opinion that speedy disposal of objections is essential in cases of this kind and a recourse to the civil courts, if allowed, is bound to hold up the construction of water-courses and the efficient distribution of water throughout a canal system.

Sub-section (4).—We realise that a landholder should not be called upon to pay twice for the alignment and construction of a water-course. We have therefore provided that any further alterations in the alignment or construction of a water-course which has been newly constructed should be carried out at the expense of Government.

Proposed new section 92: Sub-section (1).—This corresponds to sub-section (1) of the new section 20B, which was proposed to be inserted in clause 2 of the original Bill.

Sub-section (2).—This sub-section is intended to provide for the contingency which may arise if the holder of land exercises the option given under sub-section (1) of constructing the new water-course himself and then fails to construct it either to the satisfaction of the Canal-officer or within the period specified. We think that in such a case the Canal-officer should have power to construct or re-construct the same in whole or in part.

Sub-section (3).—This sub-section incorporates the provision that was made in sub-section (2) of the new section 20B which was proposed in clause 2 of the original Bill, the only difference being that the sub-section as re-drafted by us provides for the handing over of the possession of the water-course, after it has been constructed, without waiting for the payment in full of the cost of constructing the water-course. This is necessary, because, as will be pointed out later, we have made a provision for the cost being recovered in instalments which may extend over a period of twenty years.

Sub-section (4).—Part (a) of this sub-section lays down how the cost of constructing water-courses is to be apportioned among the holders of the land concerned. We think it equitable that the whole canal system of a particular canal should be taken as the unit and that the cost should be distributed on an acreage basis. We realise that it is not altogether fair that lands which have a water-supply at the present time should be called upon to pay for the cost of constructing new water-courses in the same proportion as lands which have never had a water-supply so far are called upon to pay. We have therefore provided that

[Appendix 1—*contd.*]

occupied lands which have not been cultivated during the last twenty years should pay three times and Government lands should pay twice the rates chargeable to occupied lands which have been cultivated during the last twenty years. We have made our meaning clear by adding an illustration to show how this is to be effected.

Part (b) of this sub-section is intended to provide for the contingency that may arise if a part of the new water-course is constructed by the holders of the land at their own expense and the remaining portion is constructed by the Canal-officer in virtue of the power given to him under sub-section (2) of this section. We think it is but fair that credit should be given to the holders of land for the cost they have incurred in constructing a part of the water-course and that in arriving at the cost per acre of constructing the water-courses the area of the land which would have been irrigated by the water-courses partially constructed by the holders of the land should be excluded from the calculations and that the rate per acre should be levied only on those lands which would not have been so irrigated. We have made our meaning clear by adding an illustration to show how this provision would actually work.

Part (c) of this sub-section provides for the cost of the water-courses being recovered, at the option of the holders of the land, in not more than twenty annual instalments, and we think it right that the rate of interest levied when the option is so exercised, should not exceed the rate which Government have to pay on their own borrowings on the date on which the sum due from the holders of the land becomes payable.

Part (d) provides for the recovery of the amounts payable by the holders of land under the provisions of section 57 of the Act.

Sub-section (5).—This sub-section corresponds to sub-section (3) of section 20B which was proposed to be inserted by clause 2 of the original Bill.

Explanation.—In re-drafting the explanation in the original Bill we have provided that the cost of the preliminary survey operations should not include more than two-thirds of the cost of the main rectangulation and sub-rectangulation. We think that both these operations are essential for the purpose of laying down the water-courses scientifically and that the major portion of the cost should therefore be recovered from the holders of the lands which would benefit directly from these scientifically constructed water-courses.

Sub-section 6.—This sub-section takes the place of section 35A which was proposed to be inserted by clause 6 of the original Bill. In view of the fact that all lands in the Barrage area will receive water and the fact that a provision has been made in sub-section (4) of this section for the more equitable apportionment of the cost of constructing water-courses, we do not contemplate that any questions for the payment of compensation would arise. We have therefore in re-drafting this part of the Bill made a provision for a petition being presented to the Collector by any person who considers himself to be aggrieved by the order of

[Appendix 1—contd.]

the Canal-officer as regards the apportionment of the cost of construction of a water-course. Just as the Collector's order as regards compensation under the abovementioned section 35A was proposed to be made final by the mention of that section in section 36 of the Act [clause 7 (a) of the original bill], so we have proposed that the Collector's decision at regards the apportionment of costs should be final and conclusive subjects to revision by the Commissioner.

Proposed new section 93.—This section takes the place of clause 4 in the original Bill. We have, however, added an additional proviso that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who is entitled to a supply, if such stoppage was due to any action of the Canal-officer in changing or transferring the sources of water-supply under the provisions of section 91 during the period between the 1st of June 1926 and the coming into operation of this Act. This provision is essential to cover the cases of water-courses the construction of which has already been undertaken, the case of water-courses to be constructed in future being covered by the amendment of section 28 proposed in clause 3 of this Bill.

Clause 7 of the original Bill.—We have deleted this clause as it is no longer necessary. (a) The finality given to the Collector's order under sub-section (6) of the proposed new section 92 makes the amendment of section 36, proposed here, unnecessary. (b) As the provision for compensation has been done away with, the amendment proposed here is also unnecessary. (c) It follows therefore that the marginal note need not be amended.

Clause 8 of the original Bill.—As the provision for compensation made in section 35A, which was proposed to be inserted by clause 6 of the Bill, has been deleted, the amendment of section 38 proposed in clause 8 of the original Bill becomes redundant.

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 in Sindhi in the *Sind Official Gazette*.

(Signed)	G. B. PRADHAN,
(")	W. F. HUDSON,
(")	R. R. KALE,
(")	P. G. SOLANKI,
(")	S. N. ANGADI,
(")	V. N. JOG,
(")	B. S. KAMAT
	(subject to a minute of dissent),
(")	G. V. PRADHAN,
(")	ABDUL LATIF HAJI HAJRAT KHAN,
(")	A. N. SURVE
	(subject to a minute* of dissent).

* Will be published when received.

[Appendix I—contd.]

(Minute of dissent by Mr. B. S. Kamat, M.L.C.)

(1) In the notes to the clauses, in clause 92, sub-section 5, Explanation, delete the sentence after the word "sub-rectangulation" and in order to bring the language of the note in conformity with the language of the sub-clause substitute the following :—

"We are advised that both these operations are essential for the purpose of laying down the water-courses scientifically; while the holders of the land would be directly benefited by such rectangulation Government also would benefit indirectly therefrom. We have therefore provided that the cost of the preliminary survey operations shall not include more than two-thirds of the cost of the main rectangulation and sub-rectangulation."

(2) I would omit the illustration to sub-clause 4 (b), clause 92, of the Bill as amended. I consider this redundant. It unnecessarily overloads the sub-clause, which appears to be sufficiently clear.

2nd July 1931.

(Signed) B. S. KAMAT.

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

Standing Order VIII, 6 (f)—Council Manual, page 234, provides for hearing "representatives of special interests affected by the measure" and in view of the grave issues involved in the bill and the interests of the public affected by its provisions, I consider that it was necessary to have followed this procedure, especially because all the relevant material which would have considerably helped the forming of a right judgment was not forthcoming.

Again, the omission to make use of the procedure laid down in Standing Order VIII, 6 (3)—Council Manual, page 234, was in my opinion a grave defect which has considerably affected the value of the report.

Moreover, the attitude of Government with reference to this bill is of a double character. It is called upon to be fair and equitable in its capacity as "Administrators" and at the same time it has to look to and to take care of its own interests as "holders of land". That these functions are mutually conflicting and do not permit of reconciliation is made apparent by the proposed section 92 (f) (a) which subjects Government lands to *twice* and occupied land not cultivated before 1911 to *three* times the assessment for the calculation of costs. As Government will be selling these lands to purchasers in due course of time, it is unfair that these lands should be lightly burdened as compared with other uncultivated lands, which are held by inhabitants of Sind or of this Presidency, especially because there is no guarantee that the purchasers from Government may not be inhabitants of other Presidencies or even foreigners. If this contingency occurs then a stranger will be receiving preferential treatment, as against the inhabitants of Sind or of this Presidency who may be holding lands which were not cultivated

[Appendix 1—*contd.*]

before 1911, in the matter of burden of assessment of costs. This is hardly fair or even just if we consider that the stranger has not contributed a single pie to the Government revenue, whereas the holders of land have been contributing to the revenues which keep the Government functioning and enable it to undertake and to carry out schemes of the nature of Sukkur Barrage.

Similarly calculation of costs on "acreage basis" irrespective of costs incurred in particular areas [section 92 (4) (a)], ousting of jurisdiction of civil courts [section 91 (3)] and retrospective effect (section 93, first proviso) illustrate the extent to which principles of legislation are disregarded at the behest of the spectre of the financial prospects of the scheme. In an "Emergency Bill" provisions of this nature may be permissible but in the present bill their presence is objectionable on two grounds, viz. (1) that the duration of the bill is not limited in time, and (2) that its operation may be extended to future undertakings.

The concession involved in the remission of one-third cost of survey for purposes of rectangulation and sub-rectangulation, is more apparent than real, inasmuch as it saddles the holders of land as a matter of fact with two-thirds of the cost for the supposed benefit which in actual practice they never receive. These operations—scientific as they are called—result in giving a barely sufficient supply of water to holders of land who formerly received enough or more. It is alleged that they are benefited when as a matter of fact they are receiving a reduced supply; the portion thus saved is supplied by Government to new landholders in return for which it receives payments.

In this manner the holder of land is subjected to a double loss involved in reduced supply of water and the burden of two-thirds part of the costs. It is therefore hard to accept the proposition that the holders of land would be benefited—directly or indirectly is no matter of concern—when it is apparent that the benefit is one-sided only and accrues solely to Government. But apart from the merits of the question, the fact is that the idea of rectangulation was borrowed from the Punjab some three years ago and has been in operation since then in the Barrage area. It, therefore, follows that the charges for these items were not included in the estimates by Government when they were framed or placed before the Council for discussion. Therefore, it would hardly be fair to ask the landholders to bear the costs at all, but even to ask them to bear two-thirds of the costs is, in my humble opinion, perfectly unjust on merits and unwarranted by reason of omission to include this item of costs in the estimate which was placed before the Council. I, therefore, submit that the whole cost of these operations should be borne by Government alone.

I am of opinion that the provisions for ousting the jurisdiction of civil courts made in section 91 (3) and also in section 92 (6) are in excess of the powers of the Select Committee. As a matter of fact, these provisions constitute altogether a new matter which was not in the original bill when it was discussed in the Council. It will be a question

[Appendix 1—*contd.*]

for decision whether the Select Committee was within its powers in incorporating these provisions which constitute a grave and serious invasion of the rights of a fundamental character enjoyed by the subjects of all civilised and well ordered Governments.

For these reasons, I beg to differ from my honourable colleagues on the following points, viz. :—

- (1) Discriminatory assessment of costs as between Government lands and lands occupied but not cultivated before 1911;
- (2) Division of costs of rectangulation and sub-rectangulation survey between landholders and Government;
- (3) Calculation of costs on acreage basis;
- (4) Ousting of jurisdiction of civil courts; and
- (5) Extension of application to other areas in Sind which may be improved and remodelled in future.

On these points I beg to submit my proposals as stated below :—

- (1) Holders of lands occupied but not cultivated before 1911 should be assessed at twice and Government at three times for purposes of costs of construction.
- (2) Costs of rectangulation and sub-rectangulation should be borne entirely by Government.
- (3) Some more reasonable and workable unit should be adopted in lieu of the unit of canal system proposed by the Select Committee.
- (4) Jurisdiction of civil courts should not be excluded—not at least in cases of other canals to which the Act may be extended in future.
- (5) Clause empowering extension of the new chapter to other areas should be dropped.

(Joint minute of dissent by Khan Bahadur M. A. Khukro, M.L.C., and Syed Miran Mahomed Shah, M.L.C.)

We regret that we cannot agree with the contents of the report of the Select Committee, which is more or less written without our co-operation and consent, as representatives of the Province of Sind, which is going to be affected a great deal by the operation of the proposed amendments in the Irrigation Bill.

It would have been in our opinion really a very desirable step on the part of the Committee to have decided to visit at least some important centres like Hyderabad, Sukkur and Larkana, in order to see things for themselves and record evidences of the representatives of the Zamindary Associations who speak for the agriculturists affected.

If this could not be done, at least the representations and the protests of Sind public ought to have been translated and circulated among the members of the Select Committee prior to its deliberations.

[Appendix 1—*contd.*]

In new clause 92, sub-clause (f) (a), we do not feel that the decision of the Select Committee is based on any sound reasoning or any just and fair consideration in apportioning the cost of the construction of Karias with respect to the three kinds of lands existing in Sind. Justice demands that the discrimination should have been based on fairer and more liberal considerations, because lands that are cultivated at present do not benefit to any considerable extent by the change of irrigational system and therefore the proportion of cost assigned to them is far more in proportion to what they will gain, consequently we hold that the proportion of their payment should be reduced further. It would have been in fact proper to exclude this class altogether from payment in view of the infinitely small and negligible advantage that may be derived by them. Furthermore the discrimination made between the private waste lands and Government waste lands is held by us to be wholly unsound and unjustified, when a private landholder whose land is uncultivated is imposed the burden of paying in ratio of 1 to 3, there is no justification whatsoever that the Government should escape that rate and pay at the ratio of 1 to 2. We therefore propose that the share to be borne by Government waste lands should also be raised to the same standard as that of the private holdings, as both lands will benefit alike.

We also fundamentally disagree with the explanation to sub-clause (5) as it is worded, involving the principle of debiting two-thirds of the cost of main rectangulation and sub-rectangulation to the landholders. We disagree with this decision of the Committee on this consideration that the main rectangulation and sub-rectangulation was and has been undertaken by Government without obtaining the consent of the private landholders, who strongly maintain that by this rectangulation survey they in no way benefit, but it is the State alone that benefits. There are only two obvious advantages of this survey, viz., the proper and equitable distribution of water whereby only those lands benefit which do not get adequate water at present; and they by getting adequate water supply would be liable to pay land assessment, which is evidently a gain to the State. Secondly it facilitates the assessing of land revenue on each Khatedar, which also is the sole concern of the State. The Zamindars have got used to the present survey and they have no cause to complain. It is no use trying to say that they are paying more land assessment at present by not cultivating their entire survey numbers: they being too big and unwieldy. They know their interests better and therefore it is for them to come forward if they so desire to have their lands surveyed by the rectangulation survey and in that case those people who think that they will benefit by this survey are at liberty to bear whole or two-thirds of the cost, as the Government settles with them.

Besides we wish to make it clear that the bill, as it was originally introduced in the last session, nowhere gives the indication that the cost of rectangulation and sub-rectangulation survey was intended to

[Appendix 1—*contd.*]

be charged to the landowners. We therefore strongly maintain that two-thirds cost of this survey imposed on the agriculturists is not justified, but that it should entirely be borne by the Government.

As decided in the Select Committee, the Civil Court has jurisdiction of hearing appeals in all matters of dispute except alignment and construction of water-courses. But we feel that the present clause 92, sub-clause (6), belies that decision inasmuch as the word Civil Court does not appear anywhere. We would therefore suggest that the word "Civil Court" should be inserted in view of the decision of the Select Committee after the word "Commissioner" in the last line of sub-clause (6).

We also strongly object to the second proviso to clause 93 which intends to deliberately deprive the owners of lands from claiming compensation even if they suffer by losing a crop in the event of a slow and untimely procedure in altering the source of water supply, by a Canal-officer. We therefore suggest that this proviso should entirely be eliminated.

These are the reasons which we feel are of a great consequence and we wish to press them in the next Council session hoping that justice would be done by the Legislative Council as a whole to the landed class of this Province and we cannot therefore be a party to this Report of the Select Committee.

*(Minute of dissent by Sir Shah Nawaz Khan Bhutto, Kt.,
C.I.E., O.B.E., M.L.C.)*

I disagree with the explanation, as it is worded, involving the principle of debiting 2/3rds of the cost of main rectangulation and sub-rectangulation to the land holders. I disagree on this consideration that the main rectangulation and sub-rectangulation was and has been undertaken by Government without obtaining the consent of the private land holders, who strongly maintain that by this rectangulation survey they do not benefit anything, but it is the State alone that benefits. There are only two obvious advantages of this survey, viz., the proper and equitable distribution of water whereby only those lands benefit which do not get adequate water at present and they by getting adequate water supply would be liable to pay land revenue assessment, which is evidently a gain to the State. Secondly it facilitates the assessing of land revenue of each Khatedar, which also is the sole concern of the State. The zamindars are used to the present survey and they have no cause to complain. It is no use trying to say that the agriculturists are paying more land revenue assessment at present by not cultivating their entire survey numbers, they being too big and unwieldy. They know their interests better and therefore it is for them to come forward if they so desire to have their lands surveyed by the rectangulation survey and in that case those people who think that they will benefit by this survey are at liberty to bear the whole or 2/3rds of the cost, as the Government settles with them. But I strongly maintain that the principle of inflicting

[Appendix 1—*contd.*]

2/3rds of the cost of this survey on the agriculturists, will not be fair and that the State should bear it entirely. The agriculturists will never be prepared to undertake this burden of the cost of survey which it was never imagined by any of us would ever be recovered from the land owners. Even the explanation as it was worded, when the Bill was originally introduced in the last session, did not by any chance contain anything whereby it could have been presumed that the cost of rectangulation survey was intended to be recovered from the land owners.

As decided in the Select Committee the Civil Court has jurisdiction of hearing appeals in all matters of dispute except alignment and construction of water-courses. But the present clause 92 sub-clause (6) does not explicitly carry out that decision inasmuch as the words "Civil Court" do not appear anywhere. I would therefore suggest that the words "Civil Court" should be inserted in view of the decision of the Select Committee after the word "Commissioner" in the last line of sub-clause (6).

I also strongly object to the second proviso to clause 93 which intends to deliberately deprive the owners of lands from claiming compensation even if they suffer by losing a crop because of a slow and untimely procedure in altering the source of water supply, by a Canal-officer. I therefore suggest that this proviso should be entirely eliminated.

BILL No. III OF 1931.*A Bill further to amend the Bombay Irrigation Act, 1879.***(As amended by the Select Committee.)**

Bom.
VII of
1879.

5 & 6
Geo. V,
c.61.

WHEREAS it is expedient further to amend the Bombay Irrigation Act, 1879, 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 and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title and commencement.*—This Act may be called the Bombay Irrigation (Amendment) Act, 1931.

Bom.
VII of
1879.

3. *2. Amendment of section 24 of Bom. VII of 1879.*—In section 24 of the *Bombay Irrigation Act*, hereinafter called the said Act, after the word "water-course" the words "and no land occupied by a water-course constructed under section 20B 92" shall be inserted.

5. *3. Amendment of section 28 of Bom. VII of 1879.*—In section 28 of the said Act, at the end of clause (e) for the full stop a semi-colon shall be

[Appendix 1—contd.]

substituted and after the said clause the following clause shall be inserted namely:—

“(f) whenever the source of water-supply of any land dependent on any water-course is ordered to be changed by a Canal-officer under section 20A 91.”

6. New section 35A of Bom. VII of 1870.—After section 35 of the said Act the following section shall be inserted, namely:—

“35A. Compensation on account of change of source of water supply.—(1) Any person aggrieved by an order of a Canal officer under section 20A may present a petition for compensation to the Collector for any loss arising from such order, and the Collector may, after consulting the Canal officer, award to the petitioner reasonable compensation for such loss.

(2) In making an award under sub section (1) the Collector may direct that the amount of compensation shall be paid by the holder or holders of the land which may have benefited by the order made under section 20A :

Provided that no order shall be passed under this section against any person unless he has been heard or has had a reasonable opportunity of being heard in the matter.”

7. Amendment of section 36 of Bom. VII of 1870.—In section 36 of the said Act,—

(a) for the words “ either of the last two preceding sections ” the words and figures “ section 34, 35 or 35A ” shall be substituted;

(b) after the word “ awarded ” the words “ or the person by whom the compensation shall be payable ” shall be inserted ; and

(c) for the marginal note, the following shall be substituted, namely:—

“ Decision as to amount of compensation or the person by whom it shall be payable under section 34, 35 or 35A conclusive.”

8. Amendment of section 38 of Bom. VII of 1870.—In section 38 of the said Act for the word and figures “ and 35 ” the word and figures “ 35 and 35A ” shall be substituted.

4. Insertion of a new Part XI.—After section 89 of the said Act, the following heading and sections shall be inserted, namely:—

“ Part XI.—Special provisions for certain lands irrigable by the Lloyd Barrage Canals.

90. Application of this Part.—This Part shall apply, in the first instance, to lands irrigable by the Lloyd Barrage Canals only. The Governor in Council may, from time to time, by notification in the “ Bombay Government Gazette ” extend this Part to lands irrigable by such other canals in Sind as may, from time to time, be improved or remodelled for the more efficient distribution of water therefrom :

[Appendix 1—contd.]

Provided, however, that no such notification may be published until the scheme in respect of it has been laid on the Council table and approved by the Council on a motion made by Government.

2. ~~New section 20A and 20B of Bom. VII of 1879.—After section 20 of the Bombay Irrigation Act, 1879, hereinafter called the said Act, the following sections shall be inserted, namely:—~~

~~“20A. Power to change source of water supply.—Whenever it appears to any Canal officer that it is expedient to change the source of water supply of any land, either for the more efficient distribution of water or for the settlement of any dispute concerning a water course, he shall serve a notice on the holder or holders of the land, and if he proposes to transfer the source of water supply of the land to any existing water course, on the owner or owners of such water course also, calling upon them to state their objections, if any, to the change, and if no objection is raised, or if any objection is raised and is found by the Canal officer to be insufficient or invalid, the Canal officer may change the source of water supply of the land in such manner as he thinks expedient.”~~

91. Power to change source of water supply.—(1) Whenever it appears to any Canal officer not inferior in rank to an Executive Engineer that it is expedient to change the source of water supply of any land for the more efficient distribution of water, he shall serve a notice on the holder or holders of the land and, if he proposes to transfer the source of water supply of the land to any existing water course, on the owner or owners of such water course also, calling upon them to state in writing their objections, if any, as to the alignment or construction of the proposed water course.

(2) (i) If no objection is raised within thirty days from the date of service of the notice, the Canal officer may change the source of water supply of the land in such manner as he thinks expedient.

(ii) If any objections are received within the said period of thirty days, the Canal officer shall give the holder or holders of land concerned a reasonable opportunity of being heard and may, if the said objections are settled, proceed to change the source of water supply accordingly.

(iii) If no settlement in respect of the said objections be arrived at between the Canal officer and the holder or holders of land concerned, the Canal officer shall forthwith refer the matter to the Collector whose decision, subject to any orders that may be passed in revision by the Commissioner, shall be final and conclusive.

(3) No civil court shall entertain any suit or application as regards the proposed alignment or construction of a water course.

(4) If after the construction of any new water course the Canal officer finds that any further alterations in the alignment or construction of the said water course are necessary, it shall be lawful for him with the previous sanction of the Collector to carry out the necessary alterations at the expense of Government.

[Appendix 1—contd.]

~~“20B. Construction of new water courses and liability of land holders for payment of cost thereof.—(1) If in pursuance of the provisions of the last preceding section it shall appear to the Canal-officer that new water courses should be constructed for the irrigation of any land in place of any existing water courses, it shall be lawful for him to construct such water courses as he thinks necessary :~~

~~Provided that if the holder or holders of such land agree to construct such new water courses at his own cost to the satisfaction of the Canal-officer within a specified period, the said officer shall give the holder or holders an option of so constructing the same.~~

~~(2) The cost of constructing any such water course shall, where the water course is constructed by the Canal-officer, be paid by the holder or holders of the land to be irrigated by it to the Canal-officer. The Canal-officer shall, on completion of the water course, give to the holder or holders of land concerned notice thereof and of the sum payable by them on account of the cost of constructing the water course. On such notice being given, such sum shall be due from such holder or holders of land to the Canal-officer. On receipt of payment in full of the cost of constructing the water course the Canal-officer shall make over possession of the water course to the holder or holders of land concerned.~~

~~(3) Every holder of land to whom possession of a water course is given in accordance with the provisions of sub-section (2) shall be an owner of such water-course.~~

~~Explanation.—For the purposes of this section ‘cost of constructing a water course’ shall include the cost of aligning the water course and of such preliminary survey operations as are necessary for such alignment.”~~

~~92. Construction of new water-courses and liability of landholders for payment of cost thereof.—(1) If in pursuance of the provisions of the last preceding section it shall appear to the Canal-officer that new water-courses should be constructed for the irrigation of any land in place of any existing water-courses, it shall be lawful for him to construct such water-courses as he thinks necessary :~~

~~Provided that if the holder or holders of such land agree to construct such new water-courses at his or their own cost to the satisfaction of the Canal-officer within a specified period, the said officer shall give the said holder or holders an option of so constructing the same.~~

~~(2) In the event of the holder or holders of any land failing to construct any water-course either to the satisfaction of the Canal-officer or within the period specified in this behalf, the Canal-officer may construct the same or reconstruct the whole or any part thereof as he thinks necessary.~~

~~(3) The Canal-officer shall, on completion of any such water-course as is referred to in sub-section (1) or (2), give to the holder or holders of land concerned notice thereof, and shall make over possession of the water-course to the said holder or holders.~~

[Appendix 1—contd.]

(4) (a) The cost of constructing all water-courses which have been constructed in whole or in part by the Canal-officer and are fed by the same canal system shall be calculated on an acreage basis and charged on the lands irrigated by them in the following proportions, namely :—

“ Occupied land which has not been cultivated since the 1st day of August 1911 shall be assessed to three times and Government land shall be assessed to twice the rates chargeable to occupied land which has been cultivated since the date aforesaid.

Illustration.—The total cultivable area under a canal-system is 6 lacs of acres. Out of this (1) the area of occupied lands not cultivated since 1st August 1911 is 1 lac of acres, (2) that of Government land is 2 lacs of acres, and (3) that of occupied lands cultivated since 1st August 1911 is 3 lacs of acres. Assuming that all the water-courses for irrigating these lands are constructed by the Canal-officer at a cost of Rs. 10 lacs, the apportionment of the cost of construction will be as follows :—

As the assessment of the cost is to be recovered from these lands in the proportion of 3 : 2 : 1, the rate per acre will be found by distributing the cost of rupees 10 lacs over the total area as if the area of the land in class (1) was 3 lacs of acres, that in class (2) was 1 lac of acres and that in class (3) was 3 lacs of acres, i.e. a total of 10 lacs of acres which gives a general acreage rate of Re. 1. Thus occupied land not cultivated since 1st August 1911 will pay at the rate of Rs. 3 per acre, Government land will pay at the rate of Rs. 2 per acre and occupied land cultivated since 1st August 1911 will pay at the rate of Re. 1 per acre.

(b) Where the holder or holders of any land have, under the option given to them by the proviso to sub-section (1), constructed only a part of the water-course irrigating their land and the remaining part of the water-course is constructed by the Canal-officer as provided in sub-section (2), such holder or holders shall be charged the cost of constructing such remaining part only. Such cost shall be arrived at by first ascertaining the extent of the area which will be irrigated by the portion of the water-course constructed by the Canal-officer and then applying the acreage basis to the said area.

Illustration.—The total cultivable area under a canal-system is 500,000 acres and a zamindar who holds 10,000 acres of cultivable land under the canal-system avails himself of the option given by the proviso to sub-section (1) to construct his own water-courses but actually constructs only a part of such water-courses within the prescribed time. The Canal-officer decides first the extent in acres of the area served by such water-courses as have been constructed by the zamindar to the satisfaction of the Canal-officer and finds that it is 5,000 acres. As the Canal-officer has to complete the remaining portion of the water-courses, the portion constructed by him will be such as to serve the remaining 5,000 acres.

For this the Canal-officer will then proceed to apportion the charges to be borne by the zamindar as follows :—

Total area to be considered for arriving at the charge on an acreage basis
= 500,000 — 5,000 = 495,000 acres.

[Appendix 1—contd.]

Suppose the total cost of the water-courses constructed by him in the canal-system is Rs. 10,00,000. The acreage cost is therefore Rs. $\frac{10,00,000}{4,95,000} = 2.02$ rupees approximately.

Applying this acreage cost to the 5,000 acres of the zamindar for which he has not constructed water-courses, the amount chargeable to him as his share of the cost of construction of water-courses by the Canal-officer will be Rs. $5,000 \times 2.02 = 10,100$ rupees approximately.

(c) The Canal-officer after determining the sum thus payable by each holder of land on account of the cost of constructing the water-course shall give notice thereof to the holder or holders of the land concerned, with an intimation that such sum has become due from the date on which possession of the water-course was made over to him or them and that, if so desired, he or they shall be permitted to pay the sum due by not more than twenty annual instalments together with interest at such rate as may be fixed by Government but not exceeding the rate payable by Government on its own borrowings on the date on which the said sum became payable as aforesaid.

(d) In the event of any default in payment by the said holder or holders, the sum payable shall be recoverable under section 57.

(5) Every holder of land to whom possession of a water-course is given in accordance with the provisions of sub-section (3) shall be an owner of such water-course.

Explanation.—For the purposes of this section “the cost of constructing a water-course” shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation.

(6) Any person aggrieved by an order of a Canal-officer under sub-section (4) as to the apportionment of the cost of construction of a water-course may present a petition to the Collector requesting him to revise that order, and the Collector after such inquiry as he thinks necessary and after giving the persons concerned a reasonable opportunity of being heard may pass such orders as he thinks fit. The orders passed by the Collector shall, subject to revision by the Commissioner, be final and conclusive.

4. ~~Retrospective operation of sections 2 and 3.~~—The provisions contained in section 2 [except the proviso to sub-section (1) of section 20B] and section 3 shall be deemed to have come into operation and to have had effect from 1st June 1926:

Provided that anything done by the Canal officer under the said provisions between the 1st June 1926 and the date of the coming into operation of this Act shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed.

93. *Retrospective operation of sections 91 and 92.*—The provisions of sections 91 and 92 [except the proviso to sub-section (1) of section 92] shall be deemed to have come into operation and to have had effect from the 1st June 1926:

[Appendix 1—conclld.]

Provided that anything done by the Canal-officer under the said provisions between the 1st June 1926 and the date of the coming into operation of this Act shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed.

Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who was entitled to such supply if such stoppage was due to any action of the Canal-officer in changing or transferring the source of water-supply under the provisions of section 91 during the period aforesaid."

APPENDIX 2.

BILL No. XV OF 1931.

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

(As published in the "Bombay Government Gazette" of the
30th May 1931.)

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

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1931.

2. *Amendment of section 9 of Bom. VI of 1923.*—In sub-section (2) of section 9 of the Bombay Local Boards Act, 1923, hereinafter called the said Act,—

(a) In clause (d), for the full-stop occurring at the end a semicolon shall be substituted, and the word "or" shall be added at the end; and

(b) After clause (d) the following clause shall be inserted namely:—

"(e) being a police patil, who is an *ex-officio* keeper of village cattle-pounds under the control of the local board."

3. *Amendment of section 75 of Bom. VI of 1923.*—In clause (d) of section 75 of the said Act for the words "the district local board" the words "a municipality" shall be substituted.

4. *Repeal of sub-section (3) of section 92 of Bom. VI of 1923.*—Sub-section (3) of section 92 of the said Act shall be repealed.

[Appendix 2—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.—It has been held that under section 9 (1) (e) of the Bombay Local Boards Act, 1923, police patels who are *ex-officio* keepers of village cattle-pounds and who receive remuneration for such work from local boards are disqualified from being members of local boards. In order to become qualified to be members of local boards they have, therefore, to resign from their services as pound keepers, and the Board stands to lose the services of these officers. Many police patels can do much to advance local institutions in rural areas and it is desirable in the interests of local boards that they should not be debarred from participating in their administration. The object of this clause is to make police patels eligible to be members of local boards.

Clause 3.—Under section 2-A of the Bombay Ferries Act, 1868, Government can vest a public ferry notified under section 2 of the Act in any local body or jointly in local bodies exercising authority over the area or areas in which the ferry is situate. A public ferry can, therefore, be vested in a municipality or in a district local board but under section 75 (d) of the Bombay Local Boards Act, 1923, the proceeds of all such ferries (which are not vested in a district local board) form part of the local fund. The result of this would either be that the proceeds of public ferries vested in a municipality can be claimed by the district local board or that the discretion given by section 2-A of the Bombay Ferries Act to vest a public ferry in any local body or bodies so as to entitle that body to take the proceeds thereof is curtailed. This was apparently not intended and the proposed amendment, therefore, seeks to remove the discrepancy between the provisions of the two Acts.

Clause 4.—In view of section 10 (4) of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), sub-section (3) of section 92 of the Bombay Local Boards Act, 1923, is no longer necessary. It is, therefore, proposed to repeal it.

20th May 1931.

(Signed) RUSTOM JEHANGIR VAKIL.

APPENDIX 3.

BILL No. XVI OF 1931.

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

(As published in the "Bombay Government Gazette" of the
2nd July 1931.)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom.
IV of
1890.

[Appendix 3—contd.]

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 193 .

Bom. IV of 1890. 2. *Amendment of section 42 of Bom. IV of 1890.*—In section 42 of the Bombay District Police Act, 1890,

(1) in sub-section (1)

(a) the words “, or in his absence and subject to his order the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof,” shall be deleted ;

(b) for the word “such” where it occurs for the second time, the word “any” shall be substituted ; and

(2) after sub-section (1) the following sub-section shall be inserted, namely :—

“(1A) In the absence of the Magistrate of the district a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf having jurisdiction in any town or village and present therein or in the neighbourhood thereof may similarly issue a prohibitory order of the nature referred to in sub-section (1) which shall have operation in such town or village and the vicinity thereof.”

STATEMENT OF OBJECTS AND REASONS.

Section 42 (1) of the Bombay District Police Act, 1890, has been interpreted by the High Court of Bombay in *Emperor v. Dattatraya Laxman Sarpotdar* (XIV Bom. L.R. page 158) to mean that it is necessary for the Magistrate of the District or a Magistrate of the first class, issuing an order under that section, to be present in the town or village, to which the order applies or in the neighbourhood thereof at the time when he issues the order. Circumstances however often arise, which make it impracticable for the District Magistrate to be present in person in or near the several towns and villages to which it may be necessary to apply a prohibitory order under section 42. The amendment is intended to dispense with the condition of being present in the case of the District Magistrate, when he issues the order. The condition will remain in the case of a Magistrate of the first class. A Magistrate of the second class specially empowered in this behalf may also issue such prohibitory orders.

24th June 1931.

(Signed) G. A. THOMAS.

APPENDIX 4.

BILL No. XVII OF 1931.

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

(As published in the "Bombay Government Gazette" of the
9th July 1931.)

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

1. *Short title.*—This Act may be called the City of Bombay Improvement Trust Transfer (Amendment) Act, 1931 .

2. *New section 55A of Bom. XVI of 1925.*—After section 55 of the Bom. City of Bombay Improvement Trust Transfer Act, 1925, hereinafter ^{XVI of} 1925. called the said Act, the following shall be inserted, namely :—

"55A. *Power to grant loans for building purposes.*—(1) Subject to the provisions of this Act and of the bye-laws made thereunder the Committee may, on behalf of the Board, advance loans to persons desiring to erect buildings on land vested in or belonging to the Board.

(2) Any person desiring to erect a building on land vested in or belonging to the Board may make an application to the Committee in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected; and the Committee may, after making such enquiry as they think necessary, and subject to the conditions mentioned in sub-section (3) and in the bye-laws made under section 113, advance such loan.

(3) Every such loan shall be subject to the following among other conditions :—

(1) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes;

(2) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case;

(3) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building;

(4) that the amount of the loan shall not exceed 65 per cent. of the cost of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(5) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) in favour of the Board containing such covenants and conditions as may be prescribed in the bye-laws."

[Appendix 4—contd.]

3. *Amendment of section 68 of Bom. XVI of 1925.*—In section 68 of the said Act, after the figures “1898” the following words shall be inserted, namely :—

“or for the purpose of advancing loans under section 55A”.

4. *Amendment of section 88 of Bom. XVI of 1925.*—To section 88 of the said Act the following clause shall be added, namely :—

“(5) advancing loans in accordance with the provisions of section 55A.”

5. *Amendment of section 91 of Bom. XVI of 1925.*—In clause (1) of section 91 of the said Act for the words “other than” the words “including loans advanced under section 55A but not” shall be substituted.

6. *Amendment of section 113 of Bom. XVI of 1925.*—In section 113 of the said Act—

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

“(d) the conditions on which loans shall be advanced under section 55A ;

“(e) the manner in which accounts of loans advanced under section 55A, and of the interest charged thereon, and of the instalments received towards repayment thereof, shall be kept.”

(2) clause (d) shall be re-lettered (f).

STATEMENT OF OBJECTS AND REASONS.

It has been represented to Government by the Board of Trustees for the Improvement of the City of Bombay that a number of plots belonging to the Board, especially those in the north of the island, are lying idle on account of the continued trade depression and of the consequent depressed state of the land market in the City of Bombay. Applications are from time to time received by the Board, especially from their staff, for the grant of loans of money to enable the applicants to construct buildings on the Board's lands but, as there is no provision in the Act empowering the Board, to advance loans for building purposes no such loans can be granted, with the consequence that the plots cannot be disposed of. It has, therefore, been urged that legislation should be undertaken to give the Board power to advance money on prescribed conditions to individuals who take up land on the Board's estates for the erection of small buildings to be used mainly for residential purposes. A Bill on this subject (Bill No. XXV of 1929) was introduced in the Bombay Legislative Council by Mr. Hussenally M. Rahimtoola in the year 1929 but it was rejected by the Council on an assurance being given that Government would shortly introduce a Bill on the subject. The Municipal Corporation for the City of Bombay who will ultimately have to bear the financial responsibility for the operations of the Improvement Trust was consulted by Government and has agreed to the proposed amendment of the law. It is, therefore, proposed to amend the City of Bombay Improvement Trust Transfer Act, 1925, with a view to enable

[Appendix 4—concl.]

the Board to give advances to private individuals subject to the conditions laid down in the Act and in the bye-laws to be framed by the Committee under section 113, in the same way that Government have granted building loans to purchasers of their plots in the suburbs of Bombay.

4th July 1931.

(Signed) RUSTOM JEHANGIR VAKIL.

APPENDIX 5.

BILL No. XVIII OF 1931.

A Bill further to amend the Bombay Hereditary Offices Act.

(As published in the "Bombay Government Gazette" of the 10th July 1931.)

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

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1931 .

2. *Amendment of section 64 of Bom. III of 1874.*—In sub-section (1) ^{Bom.} of section 64 of the Bombay Hereditary Offices Act, after clause (e) the ^{III of} 1874. following clause shall be inserted, namely:—

“(f) To permit the watandar whose duty it is to officiate, to appoint a deputy for performing the duties of his office.”

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of Government that watandars holding several watans, such as patil, kulkarni, talwar, mahar, etc., have been allowed to perform the services appertaining to inferior village hereditary offices through deputies. Though the practice is said to be of long standing there is no provision in Part X of the Bombay Hereditary Offices Act, similar to that in sections 24 and 42, which allows performance of service in the case of inferior watans by deputies. At the same time it is not desirable to deprive the present watandars of their inferior watans merely because they are unable to serve in person. It is, therefore, proposed to remove this defect by amending section 64 of the Act so as to provide for performance of service by deputies in those cases in which such a course is not considered by the Collector to be inadvisable.

1st July 1931.

(Signed) W. F. HUDSON.

APPENDIX 6.

BILL No. XIX OF 1931.

A Bill further to amend the Bombay Entertainments Duty Act, 1923.

(As published in the "Bombay Government Gazette" of the
10th July 1931.)

Bom. WHEREAS it is expedient further to amend the Bombay Entertainments
I of Duty Act, 1923, in manner hereinafter appearing; and whereas the
1923. previous sanction of the Governor required by section 80C of the Govern-
5 & 6 ment of India Act has been obtained for the passing of this Act; It is
Geo. V, hereby enacted as follows :—
c. 61.

1. *Short title.*—This Act may be called the Bombay Entertainments
Duty (Amendment) Act, 193 .

Bom. 2. *Amendment of section 2 of Bom. I of 1923.*—For clause (b) of
I of section 2 of the Bombay Entertainments Duty Act, 1923, the following
1923. shall be substituted, namely :—

"(b) ' payment for admission ' includes

(i) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required,

(ii) any payment for seats or other accommodation in a place of entertainment,

(iii) any payment for a programme or synopsis of an entertainment, and

(iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment if any for admission to the entertainment."

STATEMENT OF OBJECTS AND REASONS.

Under section 3 of the Bombay Entertainments Duty Act, 1923, a duty at the rates specified in that section is levied on all payments for admission to an entertainment. The duty is not leviable where the charge for admission to an entertainment does not exceed four annas. It has been noticed that the tax is sometimes evaded by various devices, e.g., by advertising the admission to an entertainment either as nominally free or chargeable at the rate of four annas, but requiring the people taking advantage of the invitation to reserve a seat on payment and also to purchase a programme so that the total payment thus received by the management generally exceeds the amount for which the tax is leviable.

It has also been observed that one common method of charging for an entertainment is by means of the sale of programmes which cost little to

[Appendix 6—*contd.*]

the management but for which they charge just as much as they think they can get the audience to pay. This portion of the receipts escapes the tax at present.

To meet such cases of evasion it is proposed to amend section 2 of the Act on the lines indicated in the Bill.

2nd July 1931.

(Signed) W. F. HUDSON.

APPENDIX 7.

BILL No. XX OF 1931.

A Bill to provide for the regulation and control of transactions in cotton in Bombay

(As published in the "Bombay Government Gazette" of the 14th July 1931.)

WHEREAS it is expedient to provide for the regulation and control of transactions in cotton in Bombay and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; ^{5 & 6} Geo. V, c. 61. It is hereby enacted as follows:—

1. *Short title, commencement and duration.*—(1) This Act may be called the Bombay Cotton Contracts Act, 1931.

(2) It shall come into force on the 1st day of April 1932 and shall remain in operation for three years and thereafter for such period as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.

2. *Repeal and saving clause.*—(1) The Bombay Cotton Contracts Act, 1922, is hereby repealed: Bom.
- XIV of
1922.

Provided that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under any contract entered into under the provisions of the Act so repealed or the validity or invalidity of anything already done thereunder;

(b) contracts entered into before the 1st April 1932 shall remain subject to the provisions of the Act so repealed and of the bye-laws made thereunder.

(2) Contracts entered into on or after the 1st April 1932 shall be subject to the provisions of this Act and of the bye-laws made thereunder.

[Appendix 7—contd.]

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

- (a) "Contract" means a transaction in cotton to be carried out in whole or in part in Bombay, except such as the Governor in Council may, by notification in the *Bombay Government Gazette*, declare to be excluded from the provisions of this Act;
- (b) "Ready contract" means a contract in which immediate delivery is contemplated;
- (c) "Forward contract" means a contract for the delivery of cotton at some future date;
- (d) "Option in cotton" means a contract entered into or to be carried out in whole or in part in Bombay for the purchase or sale of a right to buy, or a right to sell, or a right to buy or sell cotton in future, and includes a *teji*, a *mandi* and a *teji-mandi* in cotton;
- (e) "Bombay" means and includes the City of Bombay and the island of Salsette;
- (f) The "Association" means the East India Cotton Association, Limited;
- (g) The "Board" means the Board of Directors of the Association acting through at least a quorum of their number at a meeting of that Board duly called and constituted;
- (h) "Certified godown" means a godown maintained by the Association for storing cotton certified under the bye-laws of the Association.

4. *Power of Board to make bye-laws.*—(1) The Board may, subject to the sanction of the Governor in Council, make bye-laws for the regulation and control of transactions in cotton:—

- (a) providing for the admission of various classes of members of the Association and the exclusion, suspension, expulsion and re-admission of such members;
- (b) providing a clearing house for the periodical settlement of contracts or differences thereunder and for the passing on of delivery orders and for any purpose in connection with options in cotton, and providing for the regulation and maintenance of such clearing house;
- (c) prescribing the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house;
- (d) fixing, altering or postponing settling days;
- (e) determining and declaring the market rates for cotton of any and every description which rates shall be binding for all purposes upon every one dealing in cotton;

[Appendix 7—contd.]

- (f) prescribing the terms, conditions and incidents of contracts and the forms of such contracts as are in writing ;
- (g) regulating the making, performance and cancellation of contracts, including contracts between a commission agent and his constituent, or between a broker and his constituent, or between a jethawala or muccadam and his constituent, or between a member and a non-member of the Association, and providing for the consequences of insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer, and the responsibility of commission agents, muccadums and brokers not parties to such contracts ;
- (h) prohibiting specified classes or types of dealings in cotton by a member of the Association ;
- (i) providing for settlement of claims and disputes by arbitration and for appeals against awards ;
- (j) providing for the levy and recovery of subscriptions, fees, fines and penalties ;
- (k) providing disciplinary measures against members of the Association, including suspension, expulsion, fines and non-monetary penalties, for breach of any bye-law made by the Board ;
- (l) regulating the course of business between parties to contracts in any capacity ;
- (m) providing for the institution, maintenance and control of certified godowns ; and
- (n) regulating the making, performance and cancellation of options in cotton.

(2) If any person committing a breach of any bye-law of the Board is a company, every director and officer of such company shall also be deemed to have committed such breach unless he proves that the breach was committed without his knowledge and control.

(3) Bye-laws made by the Board under sub-section (1) shall be subject to the condition of previous publication and when sanctioned by the Governor in Council shall be published in the *Bombay Government Gazette*; bye-laws so made and sanctioned may be enforced before publication in the said *Gazette*.

5. *Legality and alteration of Articles of Association.*—The articles of Association relating to the constitution and administrative machinery of the Association shall not, except with the sanction of the Governor in Council, be altered in respect of—

the number or constitution of panels or the representation upon
(a) panels or (b) the Board ;

and it is hereby declared that the legality of the constitution and administrative machinery set out in the said Articles of Association or in the Articles as duly altered from time to time with the sanction of the Governor in Council, where necessary, shall not be called in question.

[Appendix 7—contd.]

6. *Prohibition of forward contracts except by or through the agency of members or associate members of the Association.*—(1) No forward contract shall, after the date on which this Act comes into force, be entered into except by or through the agency of a member of the Association.

(2) Any such contract entered into after the date aforesaid which contravenes the provisions of sub-section (1) shall be void and any person entering into such contract shall upon conviction be liable for each such offence to a fine not exceeding one thousand rupees.

7. *Ready contracts contravening bye-laws to be void.*—Any ready contract (whether either party thereto is a member of the Association or not) which is entered into after the date on which bye-laws made under this Act are sanctioned by the Governor in Council and published in the *Bombay Government Gazette* and which contravenes any bye-law relating to such contracts shall be void.

8. *Power to declare certain contracts to be outside the purview of Act.*—The Governor in Council may, by notification in the *Bombay Government Gazette*, declare that any contracts specified therein which can only be made subject to the rules of any Foreign Exchange shall be excluded from the provisions of this Act.

9. *Officer, etc., not personally responsible.*—No officer or servant of the Association shall be held personally responsible for anything in good faith and not negligently done or omitted by him within the scope of his authority as such officer or servant in relation to anything authorised by this Act or the bye-laws made thereunder.

STATEMENT OF OBJECTS AND REASONS.

Bombay Act XIV of 1922, for the regulation and control of transactions in cotton, has been extended by notification until August 1932. The present bill follows the general lines of that Act, and is intended to incorporate those recommendations of the Committee appointed to examine the working of that Act, which have been accepted by Government.

The report and the orders of Government thereon have been published in the Press.

The principal changes now proposed to be introduced are as follows:—

(1) The taking of authority to frame bye-laws for (a) the regulation of option dealings and (b) the institution and maintenance of "certified godowns".

(2) The restriction of forward business to the agency of a member of the Association and making illegal the passing of other forward contracts.

(3) The amendment of the constitution of the Association in the manner proposed in the minority report of the Committee.

[Appendix 7—concl'd.]

In brief this involves the abolition of the Representative Committees, and the amalgamation of the five panels into three, representing buyers, sellers, and brokers, with representation upon the Board of 4, 4 and 6 members respectively. Two representatives of the Growers of Cotton, to be nominated by the Central Cotton Committee, will be added to the Board.

The life of the Act is restricted to three years, so that any change of public opinion in respect of the constitution of the Association and its functions, may automatically come under review within a reasonable period.

3rd July 1931.

(Signed) G. B. PRADHAN.

APPENDIX 8.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 1. The Honourable Mr. G. A. THOMAS.

Conversion of the Dharwar Juvenile Jail into a Borstal Institution.

The Bombay Borstal Schools Act was passed by this Council in 1929. The Act was brought into operation with effect from the 1st April 1931, and the Dharwar Juvenile Jail was declared to be a Borstal Institution from the same date. The staff of the Juvenile Jail has been transferred to the Borstal School with different designations, the only addition made being the creation of a new post of Agriculturist Instructor on Rs. 75—5/2—100 per mensem. The plans and estimates for the readaptation of the Juvenile Jail building and the construction of new buildings for the Borstal School are under preparation, but owing to financial stringency, it will not be possible to carry out the work for the present. The cost of the Borstal Institution has been directed to be met from the provision made in the Budget for the Juvenile Jail, and the Inspector General of Prisons will point out a source to meet the expenditure on account of the new post in due course. The rules for the management and control of the School have been framed by Government under section 19 of the Act and copies of the rules were placed on the Table of this Council during the February-March Session of this year. A Bombay Presidency Borstal Association has also already been established. As the expenditure for the Borstal School relates to a new service, the sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

Demand as voted and now increased.

25-Jails and Convict Settlements.

Rs. 23,77,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 24th June 1931.

APPENDIX 9.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 2. The Honourable MOULVI RAFIUDDIN AHMAD.

Appointment of Backward Classes Officer.

The Depressed Classes and the Aboriginal Tribes Committee appointed by Government in the year 1928 came to the conclusion that it is essential that the needs of the Backward Classes should be considered as a whole and that there should be some officer definitely charged with the duty of seeing that their progress is continuous and their rights upheld. They have accordingly recommended *inter alia* in their Report that a Backward Classes Officer should be appointed to watch over the interests of these classes. Government desire in the interests of the backward classes to carry out as many of the suggestions in the Report as possible. They have accordingly accepted the above recommendation and decided to appoint Mr. Starte, I.C.S., who was Chairman of the Committee, as Backward Classes Officer in addition to his own duties. His duties will be to act as the adviser to Government on all matters specially or differentially affecting the backward classes, and to investigate and report on any question relating to them that may be referred to him by Government. He will also be charged with the general duty of enquiring into their needs and grievances, and where he considers it necessary, of making suggestions or representations to the departmental officers responsible for taking action. If after discussion with the departmental authorities he is not satisfied with the action taken, he will be empowered to refer the matter to higher authorities or to Government. Mr. Starte has asked for no allowance for himself for carrying out these additional duties.

On the assumption that work starts on 1st September 1931, a sum of Rs. 8,806 made up as under will be required up to the end of the year to cover the initial expenditure pertaining to this appointment :—

	Rs.
1 Clerk for Backward Classes Officer on Rs. 85 in the Rs. 85—5/2—100 grade	510
1 Clerk for Backward Classes Officer on Rs. 40 in the Rs. 30—5/2—80 grade	240
1 Assistant Backward Classes Officer on Rs. 450 in the Rs. 300—50—550—50/2—650 grade	2,700
1 Clerk to Assistant Backward Classes Officer on Rs. 40 in the Rs. 30—5/2—80 grade	240
2 Peons on Rs. 18 each	216
Travelling Allowance for Members of the Backward Class Board	1,200
Travelling Allowance for the Assistant Backward Classes Officer	700
Travelling Allowance for the Clerical and Menial Staff	400
Contingencies	600
Discretionary Grant	2,000
	8,806

[Appendix 9—*contd.*]

After careful examination Government consider that this is the minimum staff required for enabling the Backward Classes Officer to make a start with his new work on a modest scale. The arrangement will be temporary and will be sanctioned in the first instance for a period of five years subject to the vote of the Legislative Council. The average future annual expenditure on account of these proposals will be Rs. 12,720 approximately. The pay of the Assistant Backward Classes Officer has been shown at Rs. 450, but Government may be able to secure a suitable man for this post on a lower pay and in that case in the interests of economy will not utilize the whole grant. They propose to go further into this matter after the vote of the Legislative Council. The expenditure is debitable to "37-Miscellaneous Departments" (Transferred) and as no provision exists in the Budget under this Head for the scheme in question the Legislative Council is requested to sanction a supplementary grant of Rs. 8,810 in round figures. A corresponding amount will be treated as a set off from the provision surrendered during the current year in the form of a 6 per cent. cut as a measure of retrenchment.

Demand voted and now increased.

"37-Miscellaneous—Transferred Departments."

Rs. 14,000 + Rs. 8,810.

FINANCE DEPARTMENT :

Bombay Castle, 10th July 1931.

APPENDIX 10.

RESERVED 3. The Honourable Mr. W. F. HUDSON.

Expenditure under "5, Land Revenue".

After a close scrutiny of the departmental estimates under the head "5, Land Revenue," Government made a demand of Rs. 58,55,000 (excluding refunds of 4 lakhs) under that head for the current year. This amount was however reduced by Rs. 5,00,000 by the Legislative Council during the debate on the demand for this grant. In compliance with the wishes of the Council, Government have endeavoured to carry out the reduction and have again carefully scrutinised the various items of expenditure provided under this head. They have, however, been able

[Appendix 10—contd.]

so far to retrench expenditure to the extent of Rs. 1,09,600 only as shown below :—

	Rs.
(1) Construction and repairs of chavdis ..	40,000
(2) Cost of boundary marks recoverable from land holders	32,000
(3) Tapedars' Training School	2,600
(4) Cost on account of the work done by the Consulting Surveyor to Government in connection with the defence of land acquisition appeals	10,000
(5) Probable savings under the Sub-head "Superintendence" under the Minor head "Land Records" anticipated on the basis of past actuals	25,000
	1,09,600

This retrenchment still leaves a deficit of Rs. 3,90,400.

On the other hand it has become necessary, since the budget was passed, to provide for the following additional charge :—

Rs. 10,572 for temporary establishment in connection with the work of survey classification and assessment of woodland plots in the Thana District.

Woodland plots in the Thana District were given out in 1904 at very low rates of assessment. The objects of the concession were to induce wild tribes to settle down to a steady occupation and to preserve the protected forests in good condition. As the result of experience gained since 1904, Government have decided to distinguish between (1) woodland plots proper and (2) plots which are far from the forest and contain no tree-growth or which have become merged in the general cultivation or which are actually rice land. The former are to continue as woodland plots subject to an increase of 33½ per cent. in their assessment which was last fixed in 1904. The latter are to be disafforested and given out on occupancy price on ordinary tenure. Out of 19,488 plots it is estimated that 6,000 will fall in the second category. These plots require to be measured and classified and assessed according to their classification. The work is estimated to last for 25 months. Government have accorded sanction to the entertainment of the temporary establishment and to the incurring of extra expenditure as detailed below in connection with the work of survey classification and assessment :—

- 1 Mahalkari on Rs. 160 per mensem *plus* local allowance of Rs. 16 per mensem and ordinary travelling allowance admissible under the rules.
- 4 Surveyors on Rs. 65 per mensem each.

[Appendix 10—*contd.*]

- 5 Peons on Rs. 17 per mensem each.
 - 8 Labourers at Re. 1 per day, each.
- Contingencies Rs. 480.

The charge incurred in 1930-31 was met from the grant at the disposal of the Settlement Commissioner and Director of Land Records. A provision for the expenditure required in this case should have been made in the budget estimates for the year 1931-32, but was accidentally omitted.

2. The deficit thus amounts to Rs. 4,00,972 or say Rs. 4,01,000 for which additional funds have to be provided.

3. An idea of the expenditure of the various departments under 5, Land Revenue can be gathered from the following figures of voted expenditure for the past five years :—

Year.	Accounts.
	Rs.
1925-26	49,57,000
1926-27	50,46,000
1927-28	51,66,000
1928-29	49,37,000
1929-30	50,86,000
1930-31 (budget)	50,12,000

The original provision of Rs. 58,55,000 proposed by Government included an amount of Rs. 7,82,000 on account of the following charges which on account of a change in the method of accounts, must now be provided under the head "5, Land Revenue":—

	Rs.
(1) Pot Hissa Measurement operations	5,68,000
(2) City Survey operations	46,054
(3) Cost of Boundary marks	1,68,000
	7,82,054

These charges are recoverable.

Deducting their amount, the net amount required to meet the voted expenditure under this head comes to Rs. 50,73,000. This amount approximates to the actuals of the past five years, and includes the normal increases in the provisions for pay of officers and establishments who are on incremental rates of pay. It will thus be clear that but for the augmentation of the estimates by the inclusion of the fresh charges referred to above, there was no appreciable increase in the ordinary charges under this head.

4. The question of further retrenchment under the head "5, Land Revenue" depends on the curtailment of what has hitherto been regarded as permanent recurring expenditure. A temporary curtailment of this expenditure is not practicable and a permanent reduction involves

[Appendix 10—concl'd.]

drastic changes and radical re-organisation of administrative arrangements. It has not been possible for Government in the time available fully to consider this difficult question and in any event they would prefer, before making final decisions, to await the recommendations which will be made by the Retrenchment Committee as the result of their independent enquiries. The Retrenchment Committee has received suggestions from the Heads of Departments, including the Collectors of districts, for effecting some savings this year but there has not been time for Government to consider these suggestions or to ascertain under what budget heads they will fall. As the consideration of further retrenchment will necessarily take considerable time yet, especially in view of the desirability of awaiting the result of the investigations of the Retrenchment Committee, Government desire to regularise their expenditure by asking the Legislative Council for a supplementary grant.

Demand as voted and now increased.

“5, Land Revenue.”

Rs. 57,46,000 + Rs. 4,01,000.

APPENDIX 11.

BILL No. XXI OF 1931.

A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

(As published in the “Bombay Government Gazette” of the 15th July 1931-)

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

XVIII of 1925. 1. *Short title.*—This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1931.

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

(i) In sub-section (2) of section 11 for the words “this section” the word, figure and brackets “sub-section (1)” shall be substituted;

(ii) In sub-section (1) of sections 12 and 13 and in sub-section (5) of section 22, after the word, letter and brackets “clause (c)” the words, figure and brackets “of sub-section (1)” shall be inserted;

[Appendix 11—*contd.*]

(iii) after clause (e) of sub-section (2) of section 15, the following shall be inserted, namely :—

“(f) fails to pay any arrears of any kind due by him to the municipality within three months after a special notice in this behalf has been served upon him”;

(iv) in section 23,

(a) in the proviso to sub-section (7A), for the words “in the case of a new municipality constituted under this Act” the words “on the constitution of a new municipality after the general election” shall be substituted;

(b) after sub-section (7A), the following sub-section shall be inserted, namely :—

“(7B) On the dissolution of a municipality otherwise than on the expiry of its term of office and after a general election or on the re-establishment of a municipality under section 179 after its supersession or when a municipality is constituted under this Act for the first time, the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) and shall appoint a person to preside at such meeting until the municipality elects 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 person presiding in such manner as he may determine. The meeting shall then proceed to elect the new president.”

(c) In sub-section (10), before the word “when” the following shall be inserted, namely :—

“Except in the cases provided for in sub-section (7B).”

(v) In section 46,

(a) in item (i) before the word “execution” the words “issue and” shall be inserted;

(b) in proviso (b) for the words “Governor General in Council” the words “Governor in Council” shall be substituted;

(vi) in sub-section (4) of section 69, after the word “section” the following shall be inserted, namely :—

“(a) a dwelling-house within the limits of a municipality notified by Government as a hill-station municipality shall, if otherwise unoccupied, be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it; and

(b).”

(vii) In section 85,

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

“(b) every warrant issued under sub-section (1) of section 83 or distress made under sub-section (4) of the said section, and”;

and

[Appendix 11—*contd.*]

(b) in clause (c) for the words "the said sub-section" the words and figures "sub-section (4) of section 83" shall be substituted.

(viii) After section 133, the following section shall be inserted, namely:—

"133A. *Regulation of washing of clothes by washermen.*—(1) The municipality may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the municipality, except for such person himself or for the owner or occupier of such place.

(2) *Washing place to be provided by the municipality for washermen.*—The municipality shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it.

(3) The municipality shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified."

(ix) In Schedule C, after the words "For service of notice....." the words "For issue of warrant....." shall be inserted.

3. *Amendment of Bom. XVIII of 1925.*—In the Bombay Municipal Boroughs Act, 1925,

(i) In item (j) of section 58 before the word "execution" the words "issue and" shall be inserted.

(ii) In sub-section (4) of section 86, after the word "section" the following shall be inserted, namely:—

"(a) a dwelling-house within the limits of a municipal borough notified by Government as a hill station municipal borough shall be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it, if otherwise unoccupied; and

(b)"

(iii) In section 108 for the words, figures and brackets "every distress or attachment made under sub-section (4) of section 105" the following words, figures and brackets shall be substituted, namely:—

"every warrant issued under sub-section (1) of section 105 or distress or attachment made under sub-section (4) of the said section."

[Appendix 11—*contd.*]

(iv) After section 165, the following section shall be inserted, namely:—

“165A. *Regulation of washing of clothes by washermen.*—(1) The standing committee may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the standing committee, except for such person himself or for the owner or occupier of such place.

(2) *Washing place to be provided by the standing committee for washermen.*—The standing committee shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it with the approval of the municipality.

(3) The standing committee shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified.”

(v) In Schedule VI, after the words “For service of notice.....” the words “For issue of warrant.....” shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

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

Clause 2 (iii).—It is considered desirable that there should be a provision in the Bombay District Municipal Act, 1901, similar to that in sub-section (e) of section 28 of the Bombay Municipal Boroughs Act, 1925.

Clause 2 (iv).—Section 23 (7A) and (10) of the Bombay District Municipal Act, 1901, provide for the calling of a meeting for the election of the president when a new Municipality is constituted after a general election on the expiry of the term of office of a Municipality and also in the case of a casual vacancy under sub-section (8), but there is no provision in the Act for the calling of such meeting when a Municipality is constituted for the first time or when it is re-established or re-constituted after dissolution or supersession under section 179. The necessary provision has, therefore, been made now by the insertion of new sub-section (7B) in this section.

[Appendix 11—contd.]

Clauses 2 (v), (vii) and (ix), and 3 (i), (iii) and (v).—Section 85 (b) of the Bombay District Municipal Act, 1901, and section 108 of the Bombay Municipal Boroughs Act, 1925, prescribe fees for distress made under sections 83 and 105, respectively of the two Acts mentioned above and, therefore, no fees can legally be recovered for issue of a distress warrant, unless there is an attachment of property in execution of the warrant. The result is that a defaulter who pays up the amount mentioned in the notice of demand only when the bailiff or clerk comes with a warrant evades attachment and also escapes payment of the warrant fee. The object of these amendments is, therefore, to authorise the municipalities to levy separate fees for the issue of warrants in cases of the nature described above.

Clauses 2 (vii) (a) and 3 (i).—The amendments of section 46 (i) of the Bombay District Municipal Act, 1901, and of section 58 (j) of the Bombay Municipal Boroughs Act, 1925, are only consequential.

Clauses 2 (vi) and 3 (ii).—Section 69 of the Bombay District Municipal Act, 1901, and section 86 of the Bombay Municipal Boroughs Act, 1925, provide that buildings which have remained vacant and unproductive of rent shall be entitled to a certain remission of rates in certain circumstances. This provision does not apply to owners of bungalows in hill-stations which have to be kept furnished for seasonal tenants even though they may remain unoccupied for the whole year. It is desirable that such houses or bungalows when not actually occupied should not lose the benefit of the remission simply because they happen to be furnished and are not, therefore, literally vacant. The proposed amendments of sub-section (4) of section 69 of the Bombay District Municipal Act, 1901, and of sub-section (4) of section 86 of the Bombay Municipal Boroughs Act, 1925, are intended to give effect to this object.

Clauses 2 (viii) and 3 (iv).—It has been represented to Government that the washing of clothes by washermen is at present being carried out in all quarters of towns and cities with the result that the practice breeds mosquitoes and that municipalities have no powers to regulate the washing places or to control them in any way except as regards public places, where only washing can be prohibited under section 133 of the Bombay District Municipal Act, 1901, or section 165 of the Bombay Municipal Boroughs Act, 1925. It is, therefore, proposed by these clauses to amend these two Acts by the insertion of provisions on the lines of section 397 of the City of Bombay Municipal Act, 1888. Provision has also been made for the municipality to invite and consider objections before prohibiting the washing of clothes by washermen at places other than those specially provided for the purpose.

12th July 1931.

(Signed) RUSTOM JEHANGIE VAKIL.

APPENDIX 12.

Supplementary Agenda for the Second Session, 1931, of the
Bombay Legislative Council, which commenced on
Monday, the 20th July 1931.

[Vide Standing Order X, 1 (i) (d).]

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Mr. L. R. Gokhale, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council to put the finance of the Presidency on a sound basis by enforcing strict economy in all branches of the services by the reduction of salaries especially in the higher ranks and by the reduction of two Executive Councillors and one Minister."

Resolution by Rao Saheb R. V. Vandekar, M.L.C.

1. "(As No. 1 of Mr. L. R. Gokhale.)"

Resolution by Rao Saheb P. D. Kulkarni, M.L.C.

1. "This Council recommends to Government that the dates fixed for the payment of instalments of the land revenue, payable in respect of lands assessed for purposes of agriculture only, be changed to 1st March for the first instalment and to 2nd April for the second in the case of the villages placed under Class I and to 1st April and 1st May respectively in the case of II Class villages."

Resolution by Mr. N. N. Patil, M.L.C.

1. "(As No. 1 of Mr. L. R. Gokhale.)"

Resolution by Syed Miran Mahomed Shah, M.L.C.

1. "This Council recommends to Government to introduce, without delay, legislation prohibiting execution of Civil Court decrees against agricultural landholders and farmers for the next two years, and prohibiting institution of any new Civil Court proceedings against them for past debts for the next two years."

G. S. RAJADHYAKSHA,

Council Hall, Poona,
23rd July 1931.

Secretary to the Legislative Council
of the Governor of Bombay.

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