



Bombay Government Gazette.

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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 5 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 2 of 1885.

A Bill to amend Bombay Act III. of 1874.

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

1. For section 5 of the said Act the following section shall be substituted (namely):—

Amendment of section 5.

“5. Without the sanction of Government it shall not be competent: Prohibition of alienation of watan and watan rights.

“(a) to a watandár, to mortgage, charge, lease or alienate any watan, or any part thereof, or any interest therein to or for the benefit of any female or to or for the benefit of any male person who is not a watandár of the same watan;

“(b) to a representative watandár, to mortgage, charge, lease or alienate any right with which he is invested, as such, under this Act.”

2. After section 5 of the said Act, the following section shall be added (namely):

“5A. Whenever, but for this Act, any Limitation of right of inheritance of females to watan property. interest therein would vest by inheritance in a female other than a widow of the last male owner, or in the husband or a child or other descendant of any such female, the right to such watan, or part thereof, or interest therein shall vest in such person as would be entitled to the same if the said female had never been born.

"No widow shall acquire by inheritance any greater estate in a watan or in any part of a watan than a life-interest therein."

3. In section ten of the said Act the

Amendment of section 10.

words "or may pass" shall be inserted after the words "or have so passed."

4. In section thirty of the said Act the

Amendment of section 30.

word "officiators" shall be substituted for the word "sharers."

5. In section 35 of the said Act the

Amendment of section 35.

words "notice or" shall be inserted after the word "which."

6. For section 38 of the said Act the

Amendment of section 38.

following section shall be substituted (namely):

"38. Representative watandárs shall be

Representative watandárs to serve for life or for fixed periods of five or ten years.

entitled to office for the following periods respectively (namely):

(a) in cases falling under section 28 or section 29, clause 2, or section 30 or section 31, in which two or more representative watandárs are entitled to office contemporaneously, and in cases falling under section 27 or section 29, clause 1, } for life;

(b) in cases falling under section 28 or section 29, clause 2, or section 30 or section 31, in which two or more representative watandárs are entitled to office in successive periods, } ten years for a p a t e l and five years for a kul-karni.

7. For section 45 of the said Act

Amendment of section 45.

the following section shall be substituted (namely):

"45. The Collector shall refuse to

Collector when to refuse service of representative watandár or of deputy nominated by him,

accept the service of any representative watandár or of any person nominated by a representative watandár to be his deputy, if such representative watandár or person:

"(a) has been adjudged by the Collector after a summary inquiry held in accordance with the provisions relating to summary inquiries contained in the Bombay Land Revenue Code, 1879, to be of general bad character;

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"(b) is of unsound mind or an idiot, or is, in the opinion of the Collector, by reason of disease or deformity, physically unfit for office;

"(c) declines to forsake, whilst officiating, some other employment which is in the opinion of the Collector incompatible in the due discharge of the duties of the office."

8. For section 53 of the said Act the

New section substituted for section 53.

following section shall be substituted (namely):

"53. Except as is otherwise provided

Deputy must ordinarily be a member of the same family as the representative watandár whose duty it is to officiate.

in the last preceding section and in section 56, and except as the Governor in Council shall by a general or special order from

time to time otherwise direct, every deputy appointed under this Act shall be a member of the same family to which the representative watandár whose duty it is to officiate, belongs, if there be a member of such family fit and willing to officiate.

"If a representative watandár declines to appoint as his deputy any such person as aforesaid, the appointment shall be made by the Collector."

9. For section sixty of the same Act

New sections substituted for section 60.

the following sections shall be substituted (namely):

"60. When any representative watandár

Government may direct the forfeiture of the entire watan in certain cases; and

or any deputy or substitute appointed by him is convicted by a Criminal Court of any offence described in Chapter VI. or in sections 131, 132, 201, 212, 213, or 216, of the Indian Penal Code, or of the abetment of any such offence, and such conviction is not subsequently reversed or quashed, the Governor in Council may direct the forfeiture of the whole or of any part of the watan.

"60A. When any representative watan-

dár or any deputy or substitute appointed by him is convicted by a Criminal Court of any offence described in sections 133 to

dár or any deputy or substitute appointed by him is convicted by a Criminal Court

136, both inclusive, 148, 152, 161 to 165, both inclusive, 167, 202 to 204, both inclusive, 215, 217, 218, 221, 222, 413 or 466 of the Indian Penal Code or of the abetment of any such offence, or is convicted by any such Court of an offence against any law for the time being in force relating to customs, opium, salt or úbkári, under circumstances which, in the opinion of the Governor in Council, establish that he habitually infringes or abets the infringement of any such law,

and such conviction is not subsequently reversed or quashed;

the Governor in Council may direct the forfeiture of such representative watandár's share in the watan.

“60B. If any watandár of the same of any other watan is convicted dar's share, in certain by a Criminal Court cases. as an accomplice or abettor of a representative watandár or of a deputy or substitute appointed by a representative watandár in the commission of any offence described in the last preceding section, the Governor in Council may

direct the forfeiture of such watandár's share in the watan.

“60C. Every forfeiture directed under Forfeiture under any of the last three three last sections may be either absolute or temporary. shall be either absolute or for such period as the Governor in Council thinks fit.”

10. For section seventy of the said Act New section substituted for section 70. the following section shall be substituted (namely):

“70. All records which have been or may be prepared by any watandár or by any officiator in an hereditary office in pursuance of the duties of the office, or by order of a superior officer or of the present or former Government, are hereby declared to be the property of Government, and the Collector may enforce their production or the production of any State records in the possession of a watandár or of an officiator, in accordance with the provisions of sections twenty-five and twenty-six of the Bombay Land Revenue Code, 1879.”

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STATEMENT OF OBJECTS AND REASONS.

The Bombay Hereditary Offices Act—Bombay Act III. of 1874—has been in force for nearly ten years, and the settlement of village officers' watans under its provisions is now far advanced. The principles of the settlement are well understood and accepted, and no necessity has arisen for any alteration of them, or of the construction of the Act. The amendments comprised in this Bill are partly corrections of verbal errors, and partly new provisions to prevent alienation by representative watandárs of the right to officiate except with the sanction of Government, and the transfer of watan property from the watandár family to another through females marrying out of the family, to facilitate agreements under section 31, to enlarge section 53 in favour of persons of rank who are representative watandárs, to enforce the responsibility of the watandárs for the good conduct of the officiators in certain cases, by vesting in Government a larger permissive power of forfeiture, and to amplify the powers of the Collector under section 70.

(Signed) J. B. PEILE.

Bombay, 19th January 1885.

By order of His Excellency the Right Honourable the Governor in Council,

C. G. W. MACPHERSON,

Under Secretary to Government.

Bombay Castle, 19th January 1885.