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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 15 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. 1 of 1872.

A Bill to amend Act XIII. of 1856.

WHEREAS it is expedient to amend the law relating to the Bombay City Police Superannuation Fund, and to provide for the granting of pensions to members of the Bombay City Police Force in cases not provided for by Act XIII. of 1856; It is hereby enacted as follows :—

I. Sections XVII., XVIII., and XIX. of Act XIII. of 1856 of the Legislative Council of India are hereby repealed so far as the same relate to the Police Force of the Town of Bombay, and except as to any pension, gratuity or allowance which shall heretofore have been sanctioned or granted under the aforesaid sections.

II. For Section XVII. of the said Act the following Section shall be substituted :—

There shall be deducted from the pay of every member of the Bombay City Police Force of a class not entitled to the benefit of the Uncovenanted Service Pension Rules a sum according to such rate as the Local Government shall direct, not being a greater rate than one anna in the rupee, which sum so deducted and also the money accruing from stoppages from members of the said Police Force during absence from sickness or other cause, and fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons, or for assaults upon Police officers, and all moneys arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, shall from time to time be invested in such manner and in such securities as

the Local Government may, in writing, direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a fund to be called "The Bombay City Police Superannuation Fund," and shall be applied from time to time to payment of such superannuation or retiring allowances or gratuities as may be ordered by the Local Government at any time to any of the aforesaid members of the Police Force, as hereinafter provided.

III. For Section XVIII. of the said Act, the following Section shall be substituted:—

It shall be lawful for the Local Government to sanction that any member of the said Police Force as aforesaid may be superannuated and receive thereupon out of the said Superannuation Fund a monthly pension, subject to the following conditions; that is to say:—

Superannuation pensions to members of the Police Force.

First.—If the period during which the individual shall have actually served in the said Police Force, after attaining the age of 22 years, be more than 15 years but less than 20 years, he may, on production of a certificate under the hand of the Police Surgeon, that he is physically unfit for further efficient service in the Police, and that such unfitness is not the result of intemperance, be granted a pension the amount of which shall not exceed one-third of his monthly salary or authorized official allowances, calculated on an average of the five years next preceding the date of his application for pension.

Second.—If the period of his actual service in the said Force, after attaining the age of 22 years, be over 20 years and under 25 years, the applicant may, on production of such a certificate as aforesaid, be granted a pension not exceeding in amount one-half of his salary or authorized allowances calculated in the manner above-stated.

Third.—If the period of his actual service in the said Force, after attaining the age of 22 years, be upwards of 25 years the applicant may be granted a pension not exceeding one-half of his salary or authorized allowances, calculated as above stated,

without the production of such medical certificate.

IV. For Section XIX. of the said Act the following Section shall be substituted:—

If any member of the said Police Force shall at any time become disqualified for further Police Service by any wound or injury received in such service, he may be granted from the said Fund a pension of such amount not exceeding one-half of his average pay and allowances during the five previous years of his service, or such gratuity as the Local Government may think fit.

Allowances to Police Officers disqualified by injury, &c., in execution of duty.

V. If the death of any member of the said Police Force shall, at any time, be occasioned by any wound or injury received by him in the execution of his duty, it shall be competent to the Local Government to sanction payment from the said Superannuation Fund to the widow, child or children, parent or parents, of the deceased, of such gratuity or allowance as to the Local Government may seem fit. The word "parent" shall include father and mother, and grandfather and grandmother, and the word "child" shall include son and daughter, and grand-son and grand-daughter, and step-son and step-daughter.

Gratuity to heirs of Police Officers killed in the execution of their duty.

VI. It shall be lawful for the Local Government to order that any member of the aforesaid Police Force of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, who may be discharged from the Force upon a reduction of the Force, or from any cause not arising from his own misconduct and not provided for by Act XIII. of 1856, or any other Law, and who would not otherwise be entitled to a pension, shall receive out of the Police Superannuation Fund, from and after the date of his discharge as aforesaid, a monthly pension to be fixed by the Local Government, at a rate in proportion to the length of service in the Police Force of the person so discharged: Provided that the amount of the pension thus granted shall not exceed one-fourth of his monthly salary or authorized official allowances, calculated on an average of his pay and allowances during the five years immediately prior to his discharge.

Provision for payment of pension in special cases.

VII. Nothing hereinbefore contained shall be construed to entitle any member of the said Police Force absolutely to any pension or gratuity, or to prevent him from being dismissed without any pension or gratuity whatever, or to entitle him to any refund of any deduction made from his pay while he shall have been a member of the said Force, or absolutely to entitle any child, widow, or parent of any deceased member of the said Police Force to any such gratuity or allowance as hereinbefore provided.

Police Officers not to be entitled absolutely to pension or refund of subscription, &c., nor their heirs to gratuity, &c.

VIII. It shall be lawful for the Local Government to grant pensions or allowances under Sections III. and VI. of this Act to any members of the said Police Force who may have been discharged from the said Force during the year preceding the passing of this Act, in consequence of reductions in the said Force, or otherwise as hereinbefore provided.

Pensions to members discharged during the year preceding the passing of the Act.

IX. This Act shall be construed and read as part of Act XIII. of 1856.

Act to be read as part of Act XIII. of 1856.

STATEMENT OF OBJECTS AND REASONS.

In order to diminish the expense to the Bombay Municipality of the maintenance of the Bombay City Police Force, it has been found necessary to effect material reductions in the strength and cost of that Force. The staff of European officers employed in the Force was considered to be larger than was absolutely needed, and a diminution in their number has therefore been directed by His Excellency the Governor in Council, with the sanction of the Government of India.

Under the provisions of Act XIII. of 1856 certain of the officers to be discharged would not be entitled to any pensions or gratuities, and others would receive pensions inadequate to their services, and of a lower amount than officers of equal service and similar rank in the Calcutta City Police would be granted on discharge from that Force. The present Bill is introduced to provide for these exceptional cases, and to assimilate the Rules regarding pensions and gratuities to members of the Bombay City Police Force to those which regulate the pensions and gratuities payable to members of the Calcutta City Police Force.

(Signed) H. P. ST. G. TUCKER.

Bombay, 22nd January 1872.

By order of His Excellency the Right Honourable the Governor,

J. NUGENT,

Under-Secretary to Government.

Bombay Castle, 22nd January 1872.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 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 1872.

A Bill to secure the payment to Government of certain additional sums of money by the Corporation of the Justices of the Peace for the City of Bombay.

WHEREAS the Government of India has agreed to advance the Corporation of the Justices of the Peace for the City of Bombay a sum of Fifteen Lakhs of Rupees, in addition to the sum of fifteen lakhs of Rupees whereof payment is secured by Act III. of 1870 of the Governor of Bombay in Council; and whereas it is necessary to make certain provisions for the repayment of the same, out of the Municipal Fund of the City of Bombay, in preference to, and with priority over, all incumbrances and claims upon and to such Municipal Fund other than those created under the provisions of this Act and of the said Act III. of 1870; It is enacted as follows:—

I. The whole of such Loan of Fifteen Lakhs of Rupees shall be repaid with interest at the rate of five per cent. per annum within twenty years from the 1st March 1872.

II. To secure the repayment of such loan with interest as aforesaid, the Municipal Commissioner, on behalf of the Justices of the Peace for the City of Bombay, on the first day of every month after the passing of this Act, until the whole of such loan be liquidated, shall pay into Her Majesty's Treasury or into the account of Her Majesty's Treasury in any Bank which may now or hereafter be appointed to conduct the business of Her Majesty's Treasury of Bombay, the sum of Rupees Nine thousand eight hundred and forty out of the Municipal Fund, and notice of such payment having been made shall be forthwith published by the Municipal Commissioner in two English daily newspapers and one Vernacular daily newspaper published in Bombay, and in the *Bombay Government Gazette*.

III. If the Municipal Commissioner shall neglect to make any of the payments specified in this Act

Course to be pursued in case of non-payment.

at the times mentioned, the Controller of Municipal Accounts, or officer acting in that appointment, shall within forty-eight hours report the fact to the Chief Secretary to Government, or other officer acting in that capacity, who shall have power to direct any Government Officer, not being an Officer holding a Municipal appointment under Bombay Act II. of 1865, to detain in his hands, to the extent of any payment or payments then in arrear, any moneys due to or accruing for the benefit of the Corporation of the Justices of the Peace for the City of Bombay which he may then or thereafter have in his custody or control, and such Officer shall be bound to detain the moneys as directed, and to pay the same into Her Majesty's Treasury or into any Bank as aforesaid, to the credit of the Secretary of State for India in Council, in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act and of the said Act III. of 1870.

IV. The Municipal Commissioner shall, in the month of January in each year, publish in the *Bombay Government Gazette*, an account showing the Balances due by the Corporation of the Justices of the Peace for the City of Bombay on the 31st December preceding, on the several accounts in this Act and in the said Act III. of 1870 specified.

V. Nothing in this Act shall affect the rights or remedies which the Government of India have or shall have independently of this Act for the recovery of the moneys advanced or to be advanced under this Act or any part thereof.

VI. The borrowing powers conferred on the said Justices by Sections 253, 254, 255, 256, 257, and 258 of Act II. of 1865 of

Repeal. Loan to be borrowed under Loan Act XXIV. of 1871.

the Governor of Bombay in Council, and by Sections 26 and 27 of Act IV. of 1867 of the Governor of Bombay in Council, are hereby repealed save as to any mortgages of rates and taxes already effected by the said Justices under the said bor-

rowing powers; and it is hereby enacted that any moneys which may hereafter be borrowed by the said Justices shall be borrowed under, and subject to, the provisions and conditions of "The Local Public Works Loan Act, 1871."

STATEMENT OF OBJECTS AND REASONS.

In consequence of the embarrassed condition of the Municipal finances, and to enable the Municipality to meet immediate and pressing liabilities, an application for a loan of 15 lakhs to the Municipality was made to the Government of India. That Government consented to advance the loan on the conditions that it should be paid off within 20 years with interest at the rate of 5 per cent. per annum; that the borrowing powers conferred on the Corporation of the Justices of the Peace for the City of Bombay by Bombay Acts II. of 1865 and IV. of 1867 should be cancelled by legal enactment; that any moneys hereafter to be borrowed by the Justices should be borrowed under the provisions and subject to the conditions of Act XXIV. of 1871; and that to secure the repayment of the loan an Act similar to Bombay Act III. of 1870 should be passed by the Local Legislative Council. To effect these purposes this Bill is now introduced.

(Signed) E. W. RAVENSCROFT.

22nd January 1872.

By order of His Excellency the Right Honourable the Governor,

JOHN NUGENT,

Acting Under-Secretary to Government.

Bombay Castle, 22nd January 1872.