

THE



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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Gujarati and the translation to be published in the "Bombay Government Gazette." The date of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 22 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. III of 1896.

A Bill to amend Act VIII of 1870 (an Act for the prevention of the murder of Female Infants).

Whereas it is expedient to amend as to the Presidency of Bombay, in manner hereinafter appearing, Act VIII of 1870 of the Governor General of India in Council, being an Act for the prevention of the murder of female infants: And whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; it is hereby enacted as follows:

1. After section 7 of Act VIII of 1870 (an Act for the prevention of the murder of female infants) there shall be inserted the following, viz.:—

Addition of two new sections.

"8. It shall be lawful for the Governor in Council by notification to direct that the whole or any part of any moneys, or of any income or accumulated interest accrued or accruing from any moneys, heretofore or hereafter levied or recovered from, or paid by, any inhabitants of the District of Kaira or of the District of Ahmedabad under or for the purposes of this Act, or any rule made in pursuance thereof, shall be placed to the credit respectively of the Local Boards established for the said Districts under the Bombay Local Boards Act, 1884, and from time to time by notification to cancel or vary any such notification.

"9. Notwithstanding anything contained in section 7, this Act shall be deemed to extend, and from the 21st day of December 1870 to have extended, to the Presidency of Bombay."

STATEMENT OF OBJECTS AND REASONS.

In 1870 it was directed, with the sanction of the Governor General of India in Council, that measures for the prevention of female infanticide should be taken under Act VIII of 1870 as regards the Kadva and Lewa Kunbis in the districts of Ahmedabad and Kaira, and in April 1871 rules were made under section 2 of that Act, prescribing the payment of certain fees for the registration of births, deaths and other matters. In 1873 a fund called the Infanticide Fund was formed in each district of the fees collected under these rules.

2. Subsequently, on representations received, the rules were placed in abeyance and, in 1889, other rules were framed. These rules contained no provision as to the manner in which the Funds should be spent.

3. The accumulated fees could be put to no useful purpose contemplated by the Act, and Government were advised that expenditure on any purposes not contemplated in that Act would, in the absence of special legislative authority, be illegal.

4. The Infanticide Funds of the Kaira and Ahmedabad Districts now amount to about Rs. 8,736 and Rs. 62,452 respectively. They have been accumulating at interest for more than 20 years, and there appears to be no practicable scheme for spending them in a useful manner and at the same time in a manner free from all legal objections.

5. It is certainly undesirable that these Funds should continue to lie idle for an indefinite period, and it is the object of the proposed legislation to free Government from the obligation to spend the Funds solely in the way indicated in the Act.

6. The fact that the fees were collected from the Lewa and Kadva Kunbi castes alone cannot be lost sight of. But in view of the practical difficulties connected with any scheme for now apportioning the Funds to the persons or even to the castes from whom the fees were collected, and in view also of the fact that expenditure by the Local Boards of the Kaira and Ahmedabad Districts must necessarily benefit the Lewa and Kadva Kunbis who form so important an element of the agricultural population of those districts, it is considered that the best practicable scheme would be to hand over the Kaira and Ahmedabad Infanticide Funds to the Local Boards of the Kaira and Ahmedabad Districts respectively, and to leave those Boards full discretionary power to spend the Funds on water-supply, sanitation, education, communications and other local improvements.

7. The previous sanction of the Governor General required by section 5 of the Statute 55 and 56 Vict., c. 14, has been obtained for the introduction of this Bill.

Poona, 14th September 1896.

(Signed) H. BIRDWOOD.

By order of His Excellency the Right Honourable the Governor,

S. L. BATCHELOR,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Poona, 16th September 1896.