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BILL No. XII OF 1928 TO AMEND THE BOMBAY HEREDITARY OFFICES ACT

The following Bill*, for the introduction of which leave was granted to Dr. B. R. Ambedkar, M.L.C., at the meeting of the Legislative Council of the Governor of Bombay on the 19th March 1928, is published under rule 20 of the Bombay Legislative Council Rules : —

BILL No. XII OF 1928

A Bill further to amend the Bombay Hereditary Offices Act, 1874

(Bom. III of 1874)

WHEREAS it is expedient to amend the Bombay Hereditary Offices Act in a manner hereinafter appearing; And whereas the previous sanction of His Excellency the Governor under section 80C of the Government of India Act has been obtained, it is hereby enacted as follows : —

1. This Act may be called Bombay Hereditary Offices (Amendment) Act, 1928.

2. *Amendment of section 9 of Bom. III of 1874.*—In section 9, clause (1), for the words “whether assigned as remuneration of an officiator or not”, substitute the following : —

“not assigned as remuneration of an Officiator”.

3. *Insertion of new section 9A in Bom. III of 1874.*—After section 9, add the following : —

“9-A. (1) Whenever any watan or part thereof assigned as remuneration of an officiator has or have before the date of the Bombay Hereditary Offices Act, 1874 (Bom. III of 1874), coming into force passed otherwise than by virtue of, or in execution of a decree or order of any British Court, and without the consent of the Collector and transfer of ownership in the revenue records, into the ownership, or beneficial possession of any person, not a watandar of the same watan, the Collector shall declare such alienation to be null and void, and order that such watan or any part thereof, or any profits thereof, shall from the date of such order belong to the watandar previously entitled thereto, and shall recover and pay to such watandar any profits thereof accordingly.

*This is the text of the Bill to amend the Bombay Hereditary Offices Act of 1874 as published in *Bombay Government Gazette*, Part V, dated April 16, 1928. Speech delivered by Dr. Ambedkar while moving this Bill is printed at pages 75-87.

(2) If such part of the watan be land the Collector shall order its transfer to the watandar.”

4. *Amendment of section 15 of Bom. III of 1874.*—Add the following proviso to section 15, clause 1 : —

“Provided that the whole body of representative watandars or a majority of them holding a hereditary office within the meaning of section 63 of the Act having in their possession watan lands shall have the option, if the same be expressed by a written application to the Collector, to be relieved of their obligation to perform such services in perpetuity and shall be entitled to retain possession of the lands held by them if they agree to pay full survey assessment on such lands.”

5. *Amendment of section 19 of Bom. III of 1874.*—Delete the following from section 19, “and to decide whether the payment shall be made in kind or money”.

6. *Insertion of new sections 19A, 19B, 19C and 19D in Bom. III of 1874.*—After section 19, add the following sections : —

19A. When the whole body of representative watandars or a majority of them whose watan property consists of a right to a levy in kind apply to the Collector to convert such right into money cess the Collector shall then convert the same into an equivalent money cess.

19B. When such a right to a levy in kind has been converted into an equivalent money cess the whole body of representative watandars or a majority of them concerned may apply to the Collector to recover the same from those who are liable to pay. The Collector shall then recover the same along with and as part of the land revenue and shall direct that the same be paid from Government treasury to those watandars entitled to the same.

19C. In case where such a right to levy in kind be deemed a joint return for services to both the ryots and the Government the whole body of representative watandars or a majority of them whose right to a levy in kind has been converted into a money cess may apply to the Collector to decide how much of the money cess is due to them for services to Government and how much for services to the ryots. The Collector shall then give such a decision, which decision shall be deemed to be final.

19D. That the whole body of representative watandars or a majority of them who have asked for such a decision as is referred to in section 19C, shall have the option to refuse to render any services to the ryots provided they inform the Collector in writing of their decision in this behalf. In case such option is exercised the watandars exercising such option shall forfeit that portion of the money cess due to them for services to the ryots.

7. *Amendment of section 21 of Bom. III of 1874.*—In section 21 for the words “such periods” substitute the following : —

“a period not exceeding ten years”.

8. *Amendment of section 83 of Bom. III of 1874.*—This section shall be substituted in place of section 83—

83. After the passing of the Act, Government shall make rules, except as is otherwise provided for in section 18. Laying down the duties that are to appertain to any hereditary office :

Provided that the rules so made shall not come into operation until the same are previously published in the *Bombay Government Gazette* for one month previous to the next session of the Bombay Legislative Council and shall be liable to be rescinded or modified by a resolution of the said Council tabled at the next session thereof.

Statement of Objects and Reasons

The objects of this bill are : —

1. To make better provision for the remuneration of the officiating watandars.
2. To allow commutation of watans of inferior hereditary village servants.
3. To provide for the conversion of Baluta into money cess.
4. To allow the holder of inferior watan to free himself from the obligations to serve the ryots.
5. To define the duties of officiating watandars.

(Signed) B. R. AMBEDKAR

G. S. RAJADHYAKSHA,
Acting Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 13th April, 1928

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