17

*BILL No. XXIII OF 1937 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.A., at the meeting of the Bombay Legislative Assembly on the 17th September 1937 is published under rule 20 of the Bombay Legislative Assembly Rules : —

BILL No. XXIII OF 1937

A Bill to amend the Bombay Hereditary Offices Act HI of 1874.

Whereas it is expedient further to amend the Bombay Hereditary Offices Act, 1874 (Bom. in of 1874) in manner hereinafter appearing; It is hereby enacted as follows : —

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1937.

2. *Amendment of section 15 of Bom. III of 1874.*—For section 15, clause 1, the following shall be substituted: —

15. *Clause 1.*—When the holder of a watan or any member of a watan family having an interest in the watan applies to the Collector in writing to relieve him in perpetuity of liability to perform services, the Collector shall so relieve him on being satisfied that the application is genuine.

Clause 2.—From the date when he is relieved from liability to serve he shall cease to be the holder of a watan and shall not be entitled to any rights existing from his watan except as is provided for in clause 3 hereof.

Clause 3.—On his agreeing to pay full assessment every holder of a watan who is relieved from the liability to serve under clauses 1 and 2 of this section shall be allowed to retain the land which he was entitled as the holder of the watan and shall be deemed to be an occupant of it within the meaning of section *3*(*16*) of the Bombay Land Revenue Code.

Clause 4.—It shall be lawful for the Collector to apportion the land to the applicant who is relieved from service if it is held jointly by more than one watandar or watan families.

Clause 5.—The land which is allowed to be retained by such applicant who is relieved from service shall cease to be regarded as watan land assigned as remuneration of an officiator.

**Bombay Government Gazette,* Part V, pp. 101-05, dated October 21, 1937.

3. Clause 2 shall be renumbered as clause 6.

4. Clause 3 shall be renumbered as clause 7.

5. In clause 4 after the words "the whole number of joint owners" the words "or one or some of such joint owners" shall be added. Clause 4 shall be renumbered as clause 8.

6. *Amendment of section 16 of Bom. III of 1874.*—In section 16 for the word "originally", the word "primarily" shall be substituted.

7. *Amendment of section 19 of Bom. III of 1874.*—In section 19 the words "and to decide whether the payment shall be made in kind or money" shall be deleted.

8. *Insertion of new sections 19A, 19B, 19C and 19D, after section 19 of Bom. III of 1874.*—After section 19, the following new sections shall be added : —

"19A. *Conversion of a right to a levy in kind into an equivalent money cess, by the Collector.*—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 a money cess, the Collector shall then convert the same into an equivalent money cess.

"19B. *Recovery and payment of money cess by the Collector.*—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. *The Collector to decide on application from watandars how much money cess is due to them for services to Government and how much for services to ryots.*—In case where such a right to a 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. *Option to the watandars to refuse to render any service to the ryots.*—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 service 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."

9. *Amendment of section 21 of Bom. HI of 1874.*—In section 21 for the words "such periods" the words "a period of 10 years" shall be substituted.

10. *Amendment of section 83 of Bom. III of 1874.—For* section 83, the following shall be substituted : —

> "83. Except as is otherwise provided for in section 18, Government shall have power to make rules laying down the duties that are to appertain to any hereditary office. Provided that the rules made under this section shall be laid on the table of the Legislature for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the Legislature. If any rule is modified or rescinded, Government shall accept the modification and republish the rule accordingly or shall rescind the rule."

Statement for Objects and Reasons

Three purposes underly the Bill. First is to permit commutation of the watan at the option of the holder, second to provide better security for the payment of the remuneration of certain classes of watandars and the third purpose is to provide for specification by rules of the duties to be performed by the watandars.

Sections 2-6 are designed to give effect to the first of these purposes. Sections 7-9 are intended to carry out the second purpose and section 10 is to meet the third purpose of the Bill,—

(*i*) Section 2 allows a watandar who wishes to do so to free himself from the liability to serve as a watandar without involving a loss to his right to the land which formed part of his watan. While it allows such a watandar to retain the land it does not involve any loss to Government because Government will be entitled to recover from him full survey assessment.

(*ii*) Sections 3 and 4 are formal.

(*iii*) Section 5 makes it possible for one or some of the joint owners of the watan to apply for being relieved from service.

(*iv*) Section 6 is intended to define more accurately who shall be liable for service to the community by the use of the word "primarily".

(*v*) Section 7 provides that there shall be no discretion left to the Collector in determining whether the collection shall be made in kind or in money.

(*vi*) *Section 8 adds four new sections to the Act.*—Section 19A gives the right to watandars to apply to the Collector to convert payment in kind into payment in money and requires the Collector to convert the same in its money equivalent.

Section 19B places an obligation on the Collector to collect the money cess as part of the land revenue if required to do so by the watandars. Section 19C gives the Collector the power in cases where the remuneration of the watandar is a joint payment for services to Government as

well as to the ryots to decide how much of it is for services to Government and how much is for services to the ryots.

Section 19D gives an option to the watandar to free himself from the liability to serve the ryots subject to his foregoing any claim to that part of the remuneration fixed by the Collector under section 19C as being due for services rendered to the ryots.

(*vii*) Section 9 fixes 10 years as the maximum period for any settlement made by the Collector under section 21 in respect of the profits of the watan.

(*viii*) Section 10 merely requires that the duties to be performed shall be laid down by rules.

(Signed) B. R. AMBEDKAR

H. K. CHAINANI,

Secretary to the Bombay Legislative Assembly.

Poona, 18th October 1937.

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