

AUNDH STATE CONSTITUTION ACT 1 OF 1939.

WHEREAS Shrimant the Rajasaheb of Aundh has been graciously pleased to declare, in his proclamation of 1st November 1938, his intention to grant full self government to his subjects,

IT IS HEREBY ENACTED AS FOLLOWS :-

ASC.1

1. (a) The Act may be cited as the Aundh State Constitution Act I of 1939.
- (b) It shall come into force on such date as may be specified by Shrimant Rajasaheb.

ASC.2

2. Subject to the principles of non-violence and public morality, this constitution guarantees to every citizen of Aundh, freedom of person, freedom of speech, liberty of the press, freedom of assembly and discussion, freedom of worship, freedom from all political disabilities arising from birth, sex, caste, religion or colour or material standing, complete equality, in the eyes of the law, cheap and speedy justice, universal free compulsory basic education, universal and equal suffrage for all literate adults, universal and equal right to work at a minimum living wage, all these as defined by the laws of the State which may be passed from time to time.

ASC.3

3. All rights, authority and jurisdiction hereto before belonging to Shree Rajasaheb which appertain or incidental to the Government of Aundh State are exercisable by him in such manner as may be provided by or under this Act or as may be directed by the Legislature in matters for which no provision is made hereunder.

ASC.4

4. Every village and town in the State shall elect a Panchayat consisting of five regular and two reserve members elected for 3 years.

Provided that two or more villages in the State may, with the sanction of the Government, form a common Panchayat for all or for certain specified purposes.

ASC.5

5. (a) The election of the members of the Panchayat, shall be by a majority of votes of all literate adults in the village.

(b) The President of a Panchayat shall be elected by the Panchayat unanimously; but in case such unanimity is not obtainable the President shall be elected from amongst the members of the Panchayat by all the voters of the village by a simple majority.

(c) It shall be the duty of the Panchayat, within the limits of the funds at its disposal and subject to the control of the Taluka Council and the Government to attend to all matters relating to the education, welfare and prosperity of the village, especially justice, water supply, sanitation, construction and maintenance of roads, drains, bunds and bridges, maintenance of public buildings grazing lands, etc. lighting of the village, control of fairs, bazars etc., basic education in cooperation with the Government, unemployment relief scheme through spinning etc., maintenance of building,

stock and protection and improvement of cattle and any other activity which are likely to promote the health, safety, education, comfort, convenience or the social and economic well-being of the villagers.

ASC.6

6. As soon after the commencement of this Act as may be expedient, the Government shall divide all the villages in the State into five distinct groups, each of which shall be called a Taluka for the purposes of this Act.

ASC.7

7. The Presidents of all village and town Panchayats situated within a Taluka shall together constitute the Taluka Council and will elect the President of the Taluka Council.

ASC.8

8. The Taluka Council will receive the part of the State Revenue to be distributed among the constituent Panchayats and will allot it to the Panchayats according to their needs, will scrutinize the yearly budgets prepared by the Panchayats, will apply for special grants from the Government for the Panchayats and will submit to the Government quarterly reports for the work of the Panchayat in the Taluka.

ASC.9

9. (a) There shall be a State Legislature consisting of Shrimant Rajasaheb and the Legislative Assembly.

(b) The Legislative Assembly shall be the supreme authority in the State and will pass such laws and rules as are necessary for the good Government of the State. It will exercise supreme control over the revenue of the State.

ASC.10

10. (a) Subject to the provision of Sec. 27 (b) of the Legislative Assembly shall consist of 15 members and the Presidents of the Taluka councils will be ex officio members of the Legislative Assembly.

(b) Each Taluka Council shall besides its President, elect every three years two members to the Legislative Assembly of whom one may not necessarily be a member of the Taluka Council.

(c) No person who is not an adult literate citizen of Aundh State shall be eligible for election to the Legislative Assembly.

ASC.11

11. The Legislative Assembly shall be a permanent body not subject to dissolution, but as near as may be one third of the members thereof shall retire every year in accordance with the sections 4 and 11 of this Act.

ASC.12

12. The Legislative Assembly will meet at least twice a year and not more than seven months shall elapse between its two sessions.

ASC.13

13. The Speaker and the Dy. Speaker of the Legislative Assembly will be [elected by the members at their first sitting; and they shall hold office until they cease to be the members of the Legislative Assembly or accept any office under the Government or cease to enjoy the confidence of the Legislative Assembly or vacate their office for any other reason.

ASC.14

14. All questions in the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or the person acting as such, who shall not vote in the first instance but shall have and exercise a casting vote in case of equality of votes.

ASC.15

15. (a) All bills shall be passed by a majority of members of the Legislative Assembly present and voting and shall become law only on receiving the assent of Shrimant Rajasaheb.

(b) If Shrimant Rajasahab, in his discretion, withholds his assent to a bill which has been duly passed by the Legislative Assembly, he shall return it to the Legislative Assembly together with a message requesting that the Legislative Assembly will reconsider the Bill in the light of his recommendations, and when a bill is so returned, the Legislative Assembly shall consider it accordingly.

(c) If the Legislative Assembly accepts the recommendations, the bill shall forthwith become law; but if it rejects the recommendations of Shrimant Rajasaheb, he shall have the right to postpone his assent to the bill till the next session of the Legislative Assembly. He can so postpone the said bill for not more than three times. If the said bill, in its original form, is passed by a simple majority of the members present on all the three times, it is sent for reconsideration, it shall forthwith become law.

ASC.16

16. The executive authority of the State shall be exercised, on behalf of the State Legislature by the Government which shall consist of a Prime Minister and not more than two Ministers who shall all be nominated by Shrimant Rajasaheb from amongst the members of the Legislative Assembly. The Government shall on all matters be responsible to the Legislative Assembly and shall on all matters be responsible to the Legislative Assembly and shall vacate its office on a vote of non-confidence by the Legislative Assembly.

ASC.17

17. The Government shall in each financial year lay before the Legislative Assembly the yearly estimate of receipts and expenditure which shall provide for : –

(a) One half of the revenue of the State for the work of the Government including the Privy Purse, and political pensions.

(b) One half of the revenue for the Panchayats to be distributed amongst the Taluka Councils, proportionately to the revenues of the respective Talukas.

ASC.18

18. The amount of expenditure specified in clause (a) of Section 17 shall be votable by the Legislative Assembly but not the amount specified in clause (b)

ASC.19

19. (a) Shrimant Rajasaheb shall authenticate by his signature all grants made and voted upon by the Legislative Assembly; and no expenditure from the revenues of the State shall be deemed lawful, unless duly authenticated by the signature of Shrimant Rajasaheb.

(b) All grants made to the Taluka Councils shall be entirely at their disposal but shall never the less be subject to the scrutiny of the Government and the Legislative Assembly.

(c) Section 15 shall be applicable to point 19 (a) also.

ASC.20

20. The Justice in the State shall be cheap & speedy. Elementary criminal and civil justice shall be administered by the Panchayats within limits as defined from time to time by the High Court. All other cases and appeals from the Panchayats will be dealt with by the High Court. Panchayat Justice will be free of all charge. Legal advice and defence will be provided by the State free of charge, subject to the rules issued by the High Court.

ASC.21

21. (a) Shrimant Rajasaheb shall appoint a High Court Judge (Sarnyayadhisha) who shall be the head of the judiciary in the State, and who shall exercise revisional jurisdiction in respect of all decrees, orders, findings etc. of all village panchayats and who shall also try such civil and criminal cases other than those triable by Panchayats as defined by the High Court.

(b) The High Court Judge shall hold office during good behavior within the limit of his tenure as fixed at the time of his appointment.

ASC.22

22. As soon after the commencement of this Act as expedient, the Government shall provide for universal free, compulsory and as far as possible, self supporting basic education; and higher education will be provided by the State only to the extent necessary to prepare candidates for wider opportunities of service of the people of Aundh. In addition the State will provide for the liquidation of adult illiteracy By creating facilities for every adult male and female in the State to prepare themselves to pass their literacy test enabling them to be voters within one year from the date of this Act.

ASC.23

23. There shall be a Chief Auditor of the State who shall be appointed by Shrimant Rajasaheb and shall not be removable from office except for reasons as laid down by rules framed for the purpose by the Government.

ASC.24

24. SHRIMANT RAJASAHAB IS THE FIRST SERVANT AND THE BEARER OF CONSCIENCE OF THE PEOPLE OF AUNDH and in addition to the powers hereinbefore specified shall also exercise the following special power :-

- (a) The relations with the paramount Power and other States shall be under the personal control of Shrimant Rajasaheb.
- (b) Shrimant Rajasaheb can call an extraordinary session of the Legislative Assembly whenever he considers it necessary.
- (c) Shrimant Rajasaheb may in consultation with Government promulgate such regulations as are necessary for the maintenance of peace and order of the State but they shall not continue to be in force after the conclusion of the session of the Legislative Assembly immediately following their promulgation, unless they are ratified by the Legislative Assembly.
- (d) Shrimant Rajasaheb may at any time suspend the Government for manifest mal-administration and call session of the Legislative Assembly within not more than one month from the date of suspension.
- (e) Shrimant Rajasaheb may, on the recommendation of the Government cancel the election of a member of the Panchayat or the Legislative Assembly provided the action is taken within one month from date of election.

ASC.25

25. (a) All acts and contracts made by Government in exercise of its executive authority shall be expressed to be made by Shrimant Rajasaheb and shall be executed on behalf of Shrimant Rajasaheb.

(b) All contracts entered into by Shrimant Rajasaheb in his capacity of Ruler, before the commencement of this Act, shall have effect as if they were made on behalf of the Government of Aundh State.

ASC.26

26. (a) The Government will frame rules implementing and elucidating this Constitution, especially with regard to Panchayats, Taluka Councils, transactions of business by Government, Judiciary, audit, education, unemployment relief and for the purpose of safeguarding the interests of civil servants and for all matters not provided for in the Constitution.

(b) Such rules and amendment thereto will be passed by the Legislative Assembly which will also frame rules for its own working.

ASC.27

27. In order to ensure the proper working of the Constitution, the following powers are restrained by the Shrimant Rajasaheb as a temporary measure.

(a) The first Government nominated by Shrimant Rajasaheb will not be subject to a vote of non-confidence during the first two years of this Constitution.

(b) Shrimant Rajasaheb may, during the first five years after the commencement of this Act, nominate up to five members to the Legislative Assembly, the term of each member so nominated being not more than one year.

(c) The Privy Purse of Shrimant Rajasaheb shall be fixed at Rs. 36,000 per year during the first five years of the Constitution and Political Pensions shall not be included in this amount.

ASC.28

28. (a) In case of dispute about the interpretation of any of the provisions of this Act, or rules framed thereunder, Government or any person aggrieved may, by a petition, refer the dispute to the High Court which shall give its judgment within two months from the date of reference

(b) The judgment of the High Court shall be final and binding on all parties to the dispute.

This bill will be introduced in the next session of the Legislative Assembly commencing 21st January 1939.