

## APPENDIX I.

## BILL No. XXI OF 1932.

(A Bill to amend and consolidate the law relating to the constitution of Village Panchayats.)

## REPORT OF THE SELECT COMMITTEE.

We, the members\* of the Select Committee appointed to consider Bill No. XXI of 1932 (A Bill to amend and consolidate the law relating to the constitution of Village Panchayats), have the honour to report as under :—

We have carefully considered the Bill and have made considerable changes therein. The reasons for the principal changes are noted against the clauses in which they occur.

## CHAPTER I.

*Clause 3.*—We have added four new definitions which have been necessitated by the changes which we have made in the subsequent portions of the Bill.

Although the word “holder” was used in the original Bill, there was no definition to indicate what precisely was meant by that term. We have, therefore, added a definition to indicate what we propose should be meant by that expression.

The word “village” has been used throughout the Bill in a technical sense, namely, as meaning an area in respect of which a declaration has been made under section 4 and for which a panchayat has been established under section 5. Such an area may conceivably comprise one or more revenue villages, and we have, therefore, found it necessary to define a “revenue village” to distinguish it from a village as used in the technical sense.

## CHAPTER II.

*Clause 4.*—We think that before the Commissioner declares any local area to be a village, he should make such enquiry as may be prescribed by Government in this behalf. We have modified the clause accordingly.

We have carefully considered the question of applying the provisions of this Bill to inamdari and talukdari villages and have taken into consideration the representations which have been made on behalf of talukdars and inamdars. We see no sufficient justification for excluding inamdari and talukdari villages entirely and as a class from the

\**Note.*—The signatures of Dewan Bahadur D. R. Patil, Mr. P. R. Chikodi, Khan Bahadur Allahbaksh, Thakor of Kerwada, Khan Bahadur M. A. Khuro, Dr. M. K. Dixit and Mr. G. S. Gangoli will be notified when received.

[Appendix 1—*contd.*]

operation of this Bill, but we realise that circumstances may exist in special cases in which it may be inexpedient to establish panchayats in such villages. In addition, therefore, to the enquiry which has already been prescribed for all the villages, we further suggest that before the Commissioner makes a declaration in respect of any local area, if the holder, if any, of such area objects to the making of any such declaration, the Commissioner should refer the matter to Government, and it should thereupon rest with the Government to decide whether such a notification declaring the area to be a village should or should not be issued.

*Clause 6 (1) (a).*—We consider that the number of members of the panchayat should be fixed by the Collector in consultation with the District Local Board and that such number should be not less than five and not more than eleven. We have increased the maximum from seven to eleven, so as to enable representatives of all interests and classes to be elected to the panchayat. We have further provided that when among the members so elected there is not a member of any particular class of persons residing in the village, which, in the opinion of the Collector, should be represented on the panchayat, the Collector should have authority to nominate a member from such class, provided such member is fit and willing to be so nominated, and that the members so nominated together with the members elected should not exceed fifteen in number.

*Clause 6 (1) (b).*—As there are no revenue patels in Sind, we have provided that the term "officiating patel" should include, in the case of Sind, a village officer appointed under section 3 of the Sind Village Officers Act, 1881.

*Clause 6 (3).*—The change made in this sub-clause is consequential on the change made in sub-clause (1).

*Clause 7 (2).*—We think that all persons who own in the village land assessed to a cess under section 93 of the Bombay Local Boards Act should also be entitled to vote at the election of the panchayat, whether they ordinarily reside in the village or not. We have modified this sub-clause accordingly.

*Clause 8.*—We are of opinion that the disqualifications mentioned in this clause should apply both to elected and nominated members. We have inserted the word "nominated" accordingly.

In addition to the disqualifications provided in the original Bill we have added three more disqualifications which we consider should be imposed on the members of the panchayat. Disqualification (*h*) is similar to the one existing in the Central Provinces Village Panchayats Act. Disqualifications (*i*) and (*j*) are on the lines of those existing in other Local Authority Acts.

*Clause 11 (2).*—We consider that the power of extending the term of a village panchayat should remain with the Collector and not with the district local board. We see no reason why the power to notify his

[Appendix I contd.]

order should be restricted in any particular manner, and we, therefore, propose that he should have full discretion as to the manner in which he should notify such extension.

*Clause 12.*—We see no reason why the term of nominated members should be different from that of elected members. We, therefore, propose that the term of office of a member nominated under sub-clause (3) shall be co-extensive with the term of office of an elected member. We think it unnecessary to retain sub-clause (5) of this clause.

*Clause 13.*—We think that the resignation of an elected or nominated member should be effective from the date of its receipt by the sarpanch. We have modified this clause accordingly.

*Clause 17 (1).*—We are of opinion that the procedure suggested in the draft Bill for the election of the sarpanch was unnecessarily complicated. We see no reason why the president of the district local board himself should not preside at a meeting when he can conveniently do so and why at that very meeting the sarpanch should not be elected at once. We do not think it necessary that the meeting should first elect a chairman of the meeting and then proceed to elect the sarpanch. We have modified this clause accordingly.

*Clause 17 (2).*—We think 15 days is too short a period for the election of the sarpanch, and we have, therefore, increased the period from 15 to 30 days.

*Clause 21.*—We think that the power of district local board to remove from office any elected member or a sarpanch or a deputy sarpanch should be subject to the previous sanction of the Collector. We are however of opinion that the power to remove the secretary of a panchayat should vest in the panchayat itself, but should be subject to the previous sanction of the president of the district local board and that such removal should be effected after due notice and enquiry. We have altered this clause accordingly.

*Clause 22 (2).*—We think that the question whether a vacancy has or has not occurred under this sub-clause should be referred to the Collector for decision and that his decision should be final. We have modified the clause accordingly.

*Clause 23.*—We have provided that the Collector should be given notice of any vacancy that may arise due to disablement, death, resignation, etc., of a sarpanch or a deputy sarpanch or an elected or nominated member. Unless such a provision is made the Collector may not come to know of such vacancy.

### CHAPTER III.

*Clause 26.*—We think that a distinction should be drawn between the expenditure from the village fund on works within the village and on works outside the village; and that if the expenditure is to be incurred

[Appendix 1—*contd.*]

outside the village, the previous sanction of the district local board should be obtained before any such work is carried out. This has necessitated the insertion of a new sub-clause (3).

Sub-clause (1) refers to the obligatory duties of the panchayat, and we suggest that the construction and maintenance of bunds should also be one of the obligatory duties of panchayats. We are of opinion that the maintenance of forest lands vesting in or under the control of the panchayats and the provision and maintenance of burning and burial grounds should also form part of the obligatory duties of panchayats.

Sub-clause (2) deals with the discretionary duties of panchayats, and we suggest that the carrying out of any work calculated to promote the educational, social or economic well-being of the inhabitants of the village might well form part of their discretionary duties. We have, therefore, amended this clause to give effect to this recommendation.

*Clause 28 (1) (iii).*—We think that the distribution of irrigation water, subject to such conditions as Government may impose, might well be one of the duties that may be assigned to village panchayats. We are also of opinion that before a panchayat is called upon to undertake any duties under this sub-clause, the previous consent of the panchayat should be obtained in this behalf. We have, therefore, modified this clause accordingly.

## CHAPTER IV.

*Clause 29.*—The amendment to this clause is consequential on the amendment made in clause 30.

*Clause 30 (1).*—We have omitted the words “the district” so as to enable even taluka local boards to vest property in the panchayat, and we have further provided that if any property vests in a panchayat by reason of transfer of such property by a local board no lease, sale or other transfer of the property should be valid without the previous consent of such local board.

*Clause 32.*—We have amended this clause to provide that the village fund shall be kept in such custody as may be prescribed by Government under rules made in this behalf.

## CHAPTER V.

*Clause 33.*—We do not think it necessary that the appointment of a secretary by a village panchayat should be subject to the approval of the whole of the district local board. We think it will suffice if the approval of the standing committee of such local board is obtained.

*Clause 36.*—We are of opinion that the period of two months may not in all cases be sufficient for the sanction of the budget submitted by a village panchayat. We have, therefore, increased the period to three months.

[Appendix 1 contd.]

## CHAPTER VI.

We have very carefully considered the question of investing village panchayats with judicial powers. We are of opinion that the proposal to invest a panchayat with judicial powers is a step in the right direction, but we think it very desirable to proceed cautiously in the proposed experiment of entrusting an elected body with judicial functions. We recommend, therefore, that the whole body of the village panchayat should not be invested with judicial powers but that it should be left to the Collector to nominate some of the elected members of the panchayat, along with others who are not such members but who are specially fitted by reason of their experience or standing in the village, to form a Village Bench and that such Village Bench should be invested with judicial powers. We think that a village bench so constituted should be a small body of either five or seven members as the Collector may decide. Out of these five or seven members, three or five, as the case may be, should be members of the panchayat, and if there is a holder of any such village he should be a member of the village bench. We consider that this latter provision should go a long way in allaying the apprehensions of the holders of Inamdari and Talukdari Villages. The remaining members should, we think, be nominated by the Collector from among persons not being members of the panchayat whom he considers fit. We propose that the chairman of the Village Bench should be appointed by the Collector from among the members of the bench. We have made necessary changes in clauses 37 to 86 to give effect to this opinion of ours.

*Clause 40 (iii).*—We consider that it should not be competent to a village bench to entertain any suit by or against any local authority. We have accordingly amended sub-clause (iii) of clause 40.

*Clause 53 (1).*—As the matters dealt with by a Village Bench are not of very serious import, we consider that the period of limitation of one year is quite sufficient under the circumstances. We have, therefore, amended clause 53 (1) in this direction. The first schedule to this Bill has, therefore, become unnecessary, and we have deleted it.

*Clause 53 (2).*—The period of limitation in the case of criminal cases should, we think, be one month and not six months as provided for in the Bill. We have modified this sub-clause accordingly.

*Clause 58 (new).*—This is a new clause which we think it desirable to insert so that there may not be a conflict of jurisdiction in those villages where a village bench is established. Under section 14 of the Bombay Village Police Act a police patel ex-officio exercises certain judicial powers which it will be no longer necessary for him to exercise in case a Village Bench is constituted in the village. We have, therefore, provided that the provisions of section 14 of the said Act shall not apply to any village in which a Village Bench shall have been constituted under this Bill.

[Appendix 1—*contd.*]

## CHAPTER VII.

*Clause 67 (3).*—We can conceive of cases where a person whose attendance involves a disproportionate delay or expense, may be summoned before a Village Bench and we think discretion should be left to the Collector to return the summons to a village bench if, in the opinion of the Collector or any officer empowered under clause 65, the attendance of such person is not necessary for the proper adjudication of the suit or case.

*Clause 68.*—We do not think that a power of attorney should be required in such cases: a written authority should suffice. We have, therefore, substituted the words “written authority” for the words “power of attorney”.

*Clause 69 (1).*—We have made it clear that the enquiry made by a Village Bench for ascertaining the facts of a suit or case should be in accordance with the Act and the rules thereunder. We have, therefore, re-drafted sub-clause (1) accordingly.

*Clause 72 (3).*—Inasmuch as it has been made clear in the proviso to sub-clause (2) that no sentence shall be passed on any accused unless he has appeared, either in person or by a representative and the substance of his statement has been recorded in the prescribed register, we think that the district magistrate should be empowered to compel the attendance of any person on whom a summons has been properly served and who has failed to appear. We have, therefore, substituted the words “shall” for the word “may” in this sub-clause, and have made it clear that the appearance of the accused may either be in person or through his representative.

*Clause 76.*—We think it should be in the discretion of the village bench in suits for money to direct the payment to the decree-holder of any fees which may be prescribed under the rules. We have, therefore, added the necessary words to this clause.

*Clause 77.*—We are of opinion that the Collector may not in all cases be able to decide upon the intricacy or otherwise of a civil suit. We, therefore, consider that if the village bench thinks that a suit before it is of such a nature or of such intricacy or importance that it ought not to be tried by that court, it should be referred to the District Judge, and that if a criminal case of a similar nature is before them it should be referred to the Collector. If the District Judge or the Collector or the officer authorised by him agrees with that opinion he should pass orders directing the plaintiff or the complainant as the case may be to a court competent to take cognizance of such suit or case. If, however, the District Judge or the Collector or the officer authorised by him considers that the suit or case is not of such a nature or of such intricacy or importance that it ought to be tried by a court, he should return the suit or case to the Village Bench which made the reference, for disposal.

[Appendix *contd.*]

### CHAPTER VIII.

*Clause 84 (1).*—We consider that a period of four days is too short to allow for the payment of compensation or fine before coercive measures are taken. We, therefore, propose a period of fifteen days and have modified the proviso accordingly.

*Clause 87.*—For the reasons stated for modifying clause 77, we think that the power under this clause should, in respect of civil matters, be exercised by the District Judge, and that in respect of criminal matters it should be exercised by the Collector.

### CHAPTER IX.

*Clause 88.*—We have carefully considered the question of the compulsory levy of house tax by a village panchayat and we are on the whole of the opinion that the levy of a house tax should be discretionary. We think, however, that it should be incumbent on every panchayat to levy in such manner and at such rates as may be prescribed by Government one or more of the taxes or fees which have been specified in sub-clause (2), as may be necessary for the proper discharge by the panchayat of its duties under the Act. We have, therefore, deleted clauses 87, 88 and part of 89 of the original Bill.

*Clause 90 (3).*—We consider that a period of 30 days and not 15 days should be allowed before the panchayat proceeds to levy the sum due to it by distraint and sale of moveable property of the defaulter.

### CHAPTER X.

*Clause 92 (2).*—We think that the amount paid to a village panchayat under sub-clause (1) (i) of this clause should be deducted from the compulsory contribution made by the district local board to the taluka local board within the jurisdiction of which such panchayat is situated. We, therefore, propose to add a new sub-clause to the effect that when estimating the balances of local fund available for expenditure for a taluka local board under the provisions of section 76 (1) of the Bombay Local Boards Act, 1923, there may be deducted from any such balance any sum assigned under sub-clause (1) (i) by a district local board to a panchayat within the area of such taluka local board.

### CHAPTER XI.

*Clause 94.*—We are of opinion that if the institution of village panchayats is to be a success in this presidency some machinery should be established for encouraging the establishment and fostering the growth of village panchayats and for assisting them in the proper exercise of their powers and performance of their duties under this Act. We, therefore, propose that district local boards should be authorised to delegate to the president, vice-president, chief officer, health officer, or any other officer specially appointed by them, this special duty of looking

[Appendix 1—*contd.*]

after the welfare of the village panchayats. We have suggested in sub-clause (2) that it should be competent to the district local board to accept and utilise in an honorary capacity the services of any person who, in the opinion of such board, is specially fitted to assist in such work. We have further provided that it should be competent to Government to appoint an officer to exercise such powers and perform such duties of the Collector as Government may prescribe, and when so appointed such officer should be able to perform such other duties and exercise such other powers as Government may prescribe for the purpose we have in view.

*Clause 101 (1).*—We think that the power of Government to dissolve or supersede a village panchayat should be exercised in consultation with, and not merely after reference to, the district local board. We have modified this clause accordingly.

*Clause 104 (4) (b).*—The insertion of this new sub-clause is merely consequential on the constitution of a Village Bench as apart from the village panchayat.

*Clause 102.*—We think the powers in this behalf should be exercised by the Commissioner and not by Government. We have substituted the word “Commissioner” for the word “Government” throughout this clause.

*Clause 106 (1).*—We have added several new sub-clauses to clause 106 (1) to enable Government to make rules in respect of matters for which further provision has been made in the Bill as amended by us.

*Clause 106 (2).*—We have provided that the rules made under sub-clause (1) shall be laid on the table of the Legislative Council and shall be liable to be rescinded or modified by a resolution of the Council; but we think that if such modification or rescission is, in the opinion of the Government, likely to defeat or frustrate any of the objects of this Bill, it should be open to them to declare that that modification or rescission shall have no effect, and thereupon the rules should remain in force as if they had not been so modified or rescinded.

*Clause 107 (3) (b).*—We think that a continuing fine of Rs. 2 for a breach of a bye-law might cause very considerable hardship to poor villagers; we have, therefore, reduced the maximum limit of fine from Rs. 2 to Re. 1 per day.

*Clause 108.*—We think that the word “molests” in sub-clause (1) is a word of very wide connotation, and have, therefore, substituted it by the word “assault”. We have also reduced the maximum fine under sub-clause (4) from Rs. 50 to Rs. 25.

*Clause 110.*—As under our proposals the Village Bench would be a body apart from the village panchayat, we think that the same protection should be extended to it as to other officers and servants of the panchayat. We have modified sub-clause (1) accordingly.



[Appendix continued.]

*Clause 111.* We have redrafted this clause so as to make it clear (i) that the powers of Government may be delegated to the Commissioner or any officer appointed under sub-clause (4) of clause 94 ; (ii) that the powers of the district local board may be delegated to any person only in the event of the dissolution or supersession of the district local board ; (iii) that subject to the rules framed by the Government, the District Judge may delegate his powers to the nearest Subordinate Judge ; and (iv) the Collector may delegate (a) his powers under sub-clause (1) of clause 87 to a magistrate of the first class exercising appellate jurisdiction under section 407 of the Criminal Procedure Code and (b) his other powers to any officer not lower in rank than a Deputy Collector.

We recommend that the report of the Select Committee, with the minutes of dissent, if any, and the Bill as amended, should be published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and in Sindhi in the *Sind Official Gazette*.

(Signed) RUSTOM JEHANGIR VAKIL.

( „ ) J. R. DHURANDHAR.

( „ ) G. DAVIS.

( „ ) A. MASTER.

( „ ) B. S. KAMAT.

( „ ) H. B. CLAYTON.

( „ ) N. N. PATIL.

( „ ) J. S. KADRI.

( „ ) R. R. KALE.

( „ ) ABDUL LATIF HAJI HAJRAT KHAN.

( „ ) P. G. SOLANKI.

( „ ) BHIMBHAI R. NAIK.

(subject to a minute of dissent).

(Minute of dissent by Sardar Rao Bahadur Bhimmbhai R. Naik, M.L.C.).

*Clause 37.*—The Village Panchayat Bill as first drafted and introduced in the Legislative Council for its first reading contained provisions to invest the panchayats with petty civil and criminal powers and in that form it passed through the first reading. The powers sought to be given to the village panchayats, in my opinion, are calculated to make the Act attractive and popular and to induce the people to accept the village panchayat in the rural area on a larger scale.

The Select Committee, however, have made a radical change and recommended to establish a separate machinery for exercising civil and criminal powers, consisting of some members from the panchayat and some from outside but they are to be all nominated by the Collector including the Chairman of the Bench. One principal argument advanced against giving these powers only to the members of the

[Appendix 1—contd.]

panchayats was that to invest an elected body with civil and criminal powers is a novel procedure and likely to result in injustice and favouritism, but under the recommendation of the Select Committee, the members of the panchayat will still be in the majority and therefore the argument that it is not desirable to invest an elected body with such power does not stand. I agree with the idea that, in the present rural life of the country, investiture of power should be made with caution but there is sufficient safeguard provided in the Bill, viz., that only those panchayats which are fit should be invested with higher than ordinary powers. I am not inclined to believe that a sub-committee of 4 or 5 members appointed from among the members of the panchayat without importing outsiders will not be able to discharge their duties impartially and honestly and am of opinion that the addition of a few outsiders will afford an effective safeguard. Further, there is also a provision made for appeal in the Bill to set right injustice, if any, and a further provision for dissolution of the panchayat, if necessary.

Even if the proposed Bench be considered a little more efficient by the importation of two outsiders, the very creation of a separate body, wholly nominated by the Collector including the Chairman, is, to my mind, totally against the avowed principle of fostering and developing the village panchayat and furthering local self-government. Although the functions of the two bodies, the panchayat and the bench, are to be distinct and independent of each other, there is no doubt that conflict and rivalry are bound to arise between the two bodies in a village and, I am afraid, the object of the Bill is likely to be frustrated. I am, therefore, of opinion that the panchayat should elect 3 to 7 members from among themselves as the case may be to form a judicial sub-committee with power to co-opt not more than 2 members from outside, the term of the sub-committee being one year only. Rather than creating a separate judicial body, I would not mind if any additional safeguard be provided such as authorizing the Collector to withdraw the judicial powers given to the panchayat.

(Signed) BHIMEHAI R. NAIK.

7th January 1933.

### BILL No. XXI OF 1932.

*A Bill to amend and consolidate the law relating to the constitution of Village Panchayats.*

(As amended by the Select Committee.)

WHEREAS it is expedient to amend and consolidate the law relating to the constitution of village panchayats, with a view to ~~increase~~ *fostering their growth and of increasing* their utility in the further development of local self-government in rural areas and in the administration of civil and criminal justice; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act and of the Governor required under section 80C

[Appendix 1—*contd.*]

of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

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## CHAPTER I.

### PRELIMINARY.

1. *Short title.*—This Act may be called the Bombay Village Panchayats Act, 1933.

2. *Extent.*—It extends to the whole of the Presidency of Bombay, except the City of Bombay.

3. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(1) “by-laws” means by-laws made by the district local board under section 107 ;

(2) “case” means, with reference to any judicial proceeding, a criminal proceeding in respect of any offence triable by a panchayat ;

(3) “Chairman” means the chairman of a Village bench, appointed under sub-section (3) of section 37 ;

(4) (3) “district local board”, used with reference to any local area, means a district local board established under the Bombay Local Boards Act, 1923, for the district in which such local area is situated ;

(5) “holder” means a holder of an alienated revenue village and includes a Khot, a talukdar, a sharakatdar and in Sindh a jagirdar or a zamindar ;

Bom.  
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1923.

(6) (4) “offence” means any act or omission made punishable by any law for the time being in force ;

(7) (5) “panchayat” means a panchayat established under this Act ;

(8) (6) “prescribed” means prescribed by rules ; ~~or by-laws made under this Act ;~~

(9) “revenue village” means any local area which is recognised as a village in the revenue accounts ;

(10) (7) “rules” means rules made by Government under section 106 ;

(11) (8) “sarpanch” means a sarpanch elected under section 14 ;

(12) (9) “school-board” means a school-board constituted under section 3 of the Bombay Primary Education Act, 1923 ;

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1923.

(13) (10) “suit” means a civil suit triable by a panchayat under this Act ;

(14) (11) “tax” means a tax, cess, rate, or other impost leviable under this Act ;

(15) (12) the expression “the term of a panchayat” means the period for which the elected members thereof shall hold office under section 11 ;

(16) (13) “village” means any local area declared to be a village under section 4 ;

(17) “Village Bench” means a bench constituted under sub-section (1) of section 37 for the purpose of the trial of suits and cases.

[Appendix 1—contd.]

## CHAPTER II.

### ESTABLISHMENT AND CONSTITUTION OF PANCHAYATS.

#### 4. Declaration of village.—On a written application made—

- (i) by the district local board with previous notice to the Collector,
- (ii) by the Collector with previous notice to the district local board,

or

(iii) by not less than twenty adult residents of any local area, the Commissioner may, after making such inquiry as may be prescribed, by notification in the *Bombay Government Gazette*, declare the local area in respect of which the application has been made to be a village, or that such local area is included in or excluded from the village :

*Provided that if there be a holder of any revenue village in any such area and if any such holder objects to a declaration being made including any such revenue village in any such area, the Commissioner shall not make a declaration with respect to such revenue village, but shall refer the objection of such holder to Government and thereupon Government after taking the objection into consideration shall, by notification in the Bombay Government Gazette, declare that such revenue village shall or shall not be included in the village.*

~~Provided that in the case of an application made under clause (iii), the Commissioner may make the aforesaid declaration after consulting the Collector and the district local board.~~

5. *Establishment of panchayats.*—In every village declared to be such under section 4, there shall be a panchayat.

6. *Constitution of panchayats.*—(1) A panchayat shall consist of the following members, namely :—

- (a) such elected members, not being less than five or more than seven eleven in number, as the Collector after consultation with the district local board may determine :

*Provided that when among such elected members there is not a member of any class of persons residing in the village, which in the opinion of the Collector, by reason of its numbers or for any other reason, should in the public interest be represented on the panchayat, the Collector shall nominate a member of such class qualified and willing to be so nominated a member of the panchayat.*

*Provided further that the members elected under this clause and the members nominated by the Collector under the first proviso to this clause shall not exceed fifteen in number.*

- (b) an officiating patel in the following order of preference :—

- (i) the senior officiating revenue patel if there be more than one officiating revenue patel in the village, or

- (ii) the officiating revenue patel, if there be not more than one officiating revenue patel in the village, or

- (iii) the officiating patel, if there be no separate officiating revenue patel in the village ;

and

[Appendix *contd.*]

For the purposes of clause (b), an officiating patel includes a village officer appointed under section 3 of the Sindh Village Officers Act, 1881.

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1881.

(c) The holder of any revenue village and when there are more than one revenue villages in the village as defined under the Act the holder of any such revenue village and when there are more than one holder of any such revenue village, the principal among such holders, nominated by the Collector.

~~For the purposes of clause (e), a holder means a holder of a village to whom the rights of Government to payment of rent or land revenue are wholly or partially transferred.~~

~~(e) the holder, or if there be more than one such holder, the Principal holder nominated by the Collector. If any such holder is unable or unwilling to serve, the Collector shall nominate a representative of such holder as whom the Collector may approve.~~

(2) The decision of the Collector as to who is the senior officiating revenue patel or the principal holder or the representative of the holder shall be final.

(3) Where a district local board the Collector in consultation with the district local board determines that the number of elected members of a panchayat shall exceed five, failure to elect more than five such members shall not affect the constitution of a panchayat.

7. Election.—(1) The election of elected members to a panchayat shall be held on such date as the Collector may appoint in this behalf.

(2) All adult persons who ordinarily reside in the village and all adult persons who own in the village a house assessed to house tax or land assessed to cess under section 93 of the Bombay Local Boards Act, 1923.

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1923.

~~(2) All adult persons who ordinarily reside in or who own or occupy a house which is assessed to house tax in the village shall be entitled to vote at the election.~~

Such election shall be conducted in the prescribed manner prescribed by rules.

(3) The Collector shall, after such enquiry as he considers necessary, decide in any case of dispute or doubt, who is qualified to vote at such election.

8. Disqualifications.—No person may be elected or nominated a member of a panchayat, or continue as such, who—

(a) is a female, or

(b) is under 21 years of age, or

(c) does not ordinarily reside in the village, or

(d) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to furnish security for good behaviour under the Code of Criminal Procedure, 1898, such sentence or order not having been subsequently reversed or remitted, so long as such sentence has not expired or so long as such order is in force, unless he shall have by an order which Government is hereby empowered to make, been relieved from the disqualification arising on account of such sentence or order, or

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1898.

[Appendix 1—*contd.*]

(e) has been adjudged by a competent court to be of unsound mind, or

(f) has been adjudicated an insolvent and has not obtained his discharge, or

(g) has been removed from office under section 21 and five years have not elapsed from the date of such removal, unless he shall have, by an order which the district local board after the expiry of one year from the date of such removal is hereby empowered to make, been relieved from the disqualification arising on account of such removal from office,

(h) has been debarred from practising as a legal practitioner by order of any competent authority,

(i) holds any salaried office or place of profit in the gift or disposal of the panchayat, while holding such office or place,

(j) has directly or indirectly any share or interest in any contract with, by or on behalf of the panchayat while owning such share or interest :

Provided that in cases (h), (i) and (j) the disqualification may be removed by an order of the Commissioner in this behalf.

*Explanation.*—A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company or a co-operative society registered under the Co-operative Societies Act, 1912, or the Bombay Co-operative Societies Act, 1925, be held to be interested in any contract entered into between the company or co-operative society and the panchayat.

9. Collector to declare election invalid.—(1) If the Collector, after such enquiry as he considers necessary, is satisfied that any member has been elected in contravention of the provisions of section 8, or that any corrupt practice or irregularity has been committed in connection with such election, and that such illegality, corrupt practice or irregularity has materially affected the result of the election, the Collector may declare the election of such member to be invalid, and such declaration shall be final.

(2) A person shall be deemed to have committed a corrupt practice—

(a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or

(b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

*Explanation 1.*—A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation 2.*—“ A promise of individual profit ”—

(i) does not include a promise to vote for or against any particular measure which may come before a panchayat for consideration, but

(ii) subject thereto includes a promise for the benefit of the person himself or any person in whom he is interested.

[Appendix 1—contd.]

**10. Fresh election, if election invalid.**—If the Collector declares the election of any member invalid under section 9, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

**11. Term of office of elected members.**—(1) The elected members of a panchayat shall, save as otherwise provided in this Act, hold office for a term of three years.

(2) The district local board Collector may, by order in writing, with for reasons recorded therein, extend the said term to for a period not exceeding one year. Any such order shall be notified in such vernacular paper manner if any, circulating in the village as the district local board Collector may approve.

**12. Commencement of term of office.**—(1) The term of office of the elected or nominated members shall be deemed to commence on the date of the first meeting after the election or nomination of such members, as the case may be.

(2) The term of office of the outgoing members shall be deemed to extend to and expire with the day before such meeting.

(3) The term of office of an *ex-officio* member of a panchayat shall continue so long as he holds office in virtue of which he is such a member.

(4) The term of office of a member nominated under clause (c) of subsection (1) of section 6 shall be determined by rules coextensive with the term of office of an elected member.

(5) An outgoing member may, if qualified, be re-elected or re-nominated.

**13. Resignation of members.**—Any elected or nominated member may resign his office by giving notice in writing to that effect to the sarpanch and such resignation shall take effect from the date of its acceptance receipt by the sarpanch.

**14. Election of sarpanch and deputy sarpanch.**—(1) Every panchayat shall be presided over by a sarpanch who shall be elected by the members from among their own number. The panchayat shall also elect one of its members to be deputy sarpanch.

(2) A sarpanch and members holding office in a panchayat established under the Bombay Village Panchayat Act, 1920, and continued under section 115 shall be deemed to have been elected under this section and shall continue to hold their respective offices until a new panchayat is constituted under the provisions of this Act.

**15. Term of office of sarpanch and deputy sarpanch.**—Save as otherwise provided in this Act, a sarpanch or deputy sarpanch shall hold office for a period of one year, but shall be eligible for re-election :

Provided that the term of office of such sarpanch or deputy sarpanch shall be deemed to extend to and expire with the day previous to that on which their successors respectively are elected or on the date on which the term of the panchayat expires, whichever is earlier :

Provided further that if the term of the panchayat is due to expire within six months after the expiry of the term of office of sarpanch or

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[Appendix 1—*contd.*]

deputy sarpanch, the sarpanch or deputy sarpanch, as the case may be, shall continue to hold office until the date on which the term of the panchayat expires.

16. *Sarpanch to carry on current duties until his successor is appointed.*—After the expiry of his term of office, the sarpanch shall continue to carry on the current administrative duties of his office until such time as a new sarpanch shall have been elected and shall have taken over charge of his duties.

17. *Election of sarpanch on establishment of panchayat, etc.*—(1) On the establishment of a panchayat for the first time under this Act, or on its reconstitution or establishment under section 101 or 102, a meeting shall be called by the president of the district local board who shall *himself preside* or appoint a person who is not a member of the panchayat to preside over the meeting ~~until the panchayat elects its own chairman for that meeting.~~ The President, District Local Board, or the person so appointed shall then preside at such meeting but shall have no right to vote and the meeting shall then proceed to elect the sarpanch. In the case of an equality of votes the result of the election of the ~~chairman~~ sarpanch shall be decided by lot to be drawn by the ~~president~~ person presiding at the meeting in such manner as he may determine. ~~The chairman so elected shall then preside at such meeting.~~

(2) On the expiry of the term of a panchayat, or on the expiry of the period of one year for which a sarpanch ordinarily holds office as provided in section 14, the sarpanch shall convene a meeting of the panchayat for the election of a new sarpanch. He shall preside at such meeting, but shall not vote thereat unless he is a member of the panchayat at that time. In the case of an equality of votes, the result of the election shall be decided by lot to be drawn by the presiding sarpanch in such manner as he may determine :

Provided that when no meeting for the election of a sarpanch has been called by the retiring sarpanch within ~~fifteen~~ thirty days from the date of expiry of either of the aforesaid periods, the president of the district local board shall proceed to convene a meeting of the panchayat in the manner described in sub-section (1) and a new sarpanch shall be elected accordingly.

18. *Resignation by sarpanch or deputy sarpanch.*—The deputy sarpanch may resign his office by giving notice in writing to the sarpanch.

The sarpanch may resign his office by giving notice in writing to the president of the district local board.

Such resignations shall take effect from the date of ~~its~~ their acceptance.

19. *Time and place of sitting of panchayat and procedure at meetings.*—The time and place of sitting and the procedure at a meeting of the panchayat shall be in accordance with by-laws.

20. *Executive of panchayat.*—The executive power for the purpose of carrying out the provisions of this Act and the resolutions passed by a panchayat vests in the sarpanch who shall be directly responsible for



[Appendix 1 contd.]

the due fulfilment of the duties imposed upon the panchayat by or under this Act. In the absence of the sarpanch, the powers and duties of the sarpanch shall, save as *may be otherwise prescribed in this Act by by-laws*, be exercised and performed by the deputy sarpanch.

21. *Removal from office.*—The district local board may, after giving due notice to the panchayat and after such enquiry as it thinks fit, remove from office *with the previous sanction of the Collector* any elected member, or any sarpanch or deputy sarpanch who, in its opinion, is unfit to be a member or sarpanch or deputy sarpanch, as the case may be, or is persistently remiss in the discharge of his duties. A sarpanch or deputy sarpanch so removed may, at the discretion of the district local board, *and subject to the like sanction* also be removed from the panchayat unless he is an *ex-officio* member of the panchayat. ~~The district local board may also~~ *panchayat may, with the previous sanction of the President, District Local Board, and after due notice and inquiry* remove the secretary of a panchayat ~~in a like manner and from office~~ for similar reasons.

22. *Leave of absence.*—(1) Any elected or nominated member of a panchayat who, during his term of office,—

(a) is absent for more than four consecutive months from the village unless leave not exceeding six months, so to absent himself, ~~which shall~~ has been granted by the president of the district local board; or

(b) absents himself for six consecutive months from the meetings of the panchayat without the leave of the said president, shall cease to be a member and his office shall become vacant.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the ~~president of the district local board~~ Collector whose decision shall be final.

23. *Filling up of vacancies.*—(1) Any vacancy of which notice shall have been given to the Collector in the prescribed manner due to the disablement, death, resignation, disqualification, absence without leave or removal of a sarpanch or a deputy sarpanch, or an elected or nominated member, shall be filled, ~~as soon as convenient~~ by the election of a sarpanch or deputy sarpanch or the election or nomination of a member, who shall hold office so long only as the sarpanch, deputy sarpanch or member, in whose place he has been elected or nominated would have held office if the vacancy had not occurred.

(2) The meeting for the election of a sarpanch under sub-section (1) shall be convened by the president of the district local board in the manner described in sub-section (1) of section 17.

24. *Vacancy not to affect proceedings of panchayat.*—During any vacancy in the panchayat, the continuing members may act as if no vacancy ~~has had~~ occurred.

25. *Temporary provision pending establishment of panchayats under this Act.*—Notwithstanding anything contained in this Act, the village fund shall, until such date as Government may notify in the *Bombay*

[Appendix 1—contd.]

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*Government Gazette*, be administered, so far as may be, under the provisions of this Act by the panchayats constituted *under the Bombay Village Panchayats Act, 1920*, immediately prior to the coming into operation of this Act, which panchayats shall be deemed to have been established under this Act.

### CHAPTER III.

#### ADMINISTRATIVE POWERS AND DUTIES.

26. *Administrative powers and duties of panchayats.*—(1) It shall be the duty of a panchayat, so far as the village funds at its disposal will allow subject to the general control of the district local board, allow, to make adequate reasonable provision for within the village in regard to such any of the following matters as the district local board may from time to time direct namely:—

(a) the supply of water for domestic use;

(b) the cleansing of the public roads, drains, bunds, tanks and wells (other than tanks and wells used for irrigation) and other public places or works in the village;

(c) the construction, maintenance and repair of public roads, drains, bunds and bridges;

Provided that, if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of such authority;

(d) sanitation, conservancy, and the prevention and abatement of nuisances;

(e) the preservation and improvement of the public health;

(f) the maintenance and regulation of the use of public buildings, vesting in the panchayat grazing lands, forest lands (including lands assigned under section 28 of the Indian Forest Act, 1927), tanks and wells vesting in or under the control of the panchayat (other than tanks and wells used for irrigation);

(g) the lighting of the village; and

(h) control of fairs, bazaars, slaughterhouses and cart-stands; and

(i) provision and maintenance of burning and burial grounds.

(2) A panchayat may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort or convenience or social or economic well being of the inhabitants of the village and which may be has been approved by the district local board.

(3) A panchayat may, with the previous sanction of the district local board, also make provision for carrying out outside the village any work of the nature specified in sub-sections (1) and (2).

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[Appendix I contd.]

27. *Power of district local board to transfer maintenance of institutions and execution of other works.*—The district local board may, at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in section 26, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work :

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

28. *Other duties.*—(1) The panchayat shall,—

(i) subject to the regulations made by the local authority under the *Bombay Primary Education Act, 1923*, ~~regulations to be made by the school board in this behalf~~, <sup>regulations to be made by *Bom. IV of 1923.*</sup> supervise the village schools and carry out such repairs as may be necessary for the maintenance and upkeep of the same ; and

(ii) subject to by-laws to be made by the district local board in this behalf,—

(a) supervise the labour employed by local boards on works within the village ;

(b) supervise repairs to dharamsalas ;

(c) manage and maintain cattle-pounds ; and

(d) execute such works as are entrusted to it by the district local board ; and

(e) (iii) *subject to such conditions as Government may impose and with the consent of the panchayat concerned*, perform such other administrative duties including the distribution of irrigation water as may be assigned to it by Government by notification in the *Bombay Government Gazette*, after consultation with the district local board.

(2) The regulations to be made by the ~~school board~~ local authority shall be made within six months from the passing of this Act. If no such regulations are made within the said period, Government may make such regulations rules for the purpose.

#### CHAPTER IV.

##### INCORPORATION OF VILLAGE PANCHAYAT ; ITS PROPERTY AND FUND.

29. *Incorporation of village panchayat.*—Every panchayat shall be a body corporate by the name of “ the village panchayat of \_\_\_\_\_,” and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immovable, whether within or without the limits of the village over which it has authority, to lease, sell or otherwise transfer moveable or immovable property which may

[Appendix 1—*contd.*]

become vested in or be acquired by it, and to contract and do all other things necessary for the purposes of this Act :

Provided that no lease of immoveable property (*other than property referred to in sub-section (1) of section 30*) for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Collector.

**30. Property of panchayat.**—(1) It shall be competent to ~~the district~~ a local board from time to time to direct that any property vesting such local board shall vest in a panchayat :

*Provided that no lease, sale or other transfer of any such property shall be valid without the previous sanction of such local board.*

(2) Every work constructed by a panchayat shall vest in such panchayat.

**31. Village fund.**—(1) There shall be in each village a fund, which shall be called the village fund.

(2) The following shall form part of, or be paid into, the village fund, namely :—

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of 1901.

(a) the amount which may be allotted to the village fund by Government under the provisions of section 191 of the Bombay District Municipal Act, 1901 :

(b) the proceeds of any tax or fee imposed under sections 87 88 and 89 ;

(c) all fines and sums ordered to be paid as compensation realised under sections 45 and 46 ;

(d) all other sums ordered by a court to be placed to the credit of the village fund ;

(e) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the village servants ;

(f) sums contributed to the village fund by Government or a district local board ;

(g) all sums received by way of loans from Government or the district local board or by way of gift ;

(h) such other sums as may be assigned to the village fund by any general or special order of Government ;

(i) the income or proceeds of any property vesting in the panchayat under section 30 and

(j) fees levied for the institution of suits and cases under section 58 59.

**32. Application of village fund.**—All property vested in the panchayat under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force shall be applied subject to the provisions and for the purposes of this Act and all such funds and sums shall be kept in such custody as may be prescribed.

[Appendix I contd.]

## CHAPTER V.

## ESTABLISHMENT AND ACCOUNTS.

33. *Appointment of Secretary.*—Every panchayat shall appoint a secretary. Such appointment shall be subject to the approval of the *Standing Committee* of the district local board.

34. *Schedule of servants.*—Subject to the provisions of section 97, a panchayat shall determine and submit for information to the district local board a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the panchayat by or under this Act.

35. *Appointment of servants.*—(1) The sarpanch shall appoint the servants of the panchayat and pay their salaries from the village fund at his disposal. He may also, in cases of emergency, engage such temporary servants as he may deem necessary. The sarpanch may, from time to time, by a written order, fine, suspend or dismiss any servant appointed by him.

(2) An appeal shall lie against an order passed under sub-section (1) to the panchayat.

36. *Budget and accounts.*—(1) A panchayat shall determine annually and shall submit to the district local board, on or before such date and in such form as may be prescribed by Government, a statement of—

(a) the opening balance and estimated income of the panchayat for the following year;

(b) the expenditure proposed on establishment and the discharge of the duties specified in sub-section (1) of section 26;

(c) the expenditure proposed under sub-section (2) of section 26 and sub-section (1) of section 28.

(2) The district local board shall, within ~~two~~ three months from the date of the receipt of such statement, either approve the same or direct that the proposed expenditure on any of the duties specified in sections 26 and 28 shall be increased or decreased:

Provided that the district local board shall not have power to direct that the total proposed expenditure shall exceed the estimated income of the village fund for the following year and the opening balance.

(3) A panchayat shall maintain its accounts in such form as may be prescribed by Government and submit to the district local board annual returns thereof on or before such date and in such form as may be prescribed by Government.

## CHAPTER VI.

*Constitution and Judicial Powers of Panchayats Village Benches.*

37. *Power of Government to empower panchayats constitute Village Benches to try suits and cases.*—(1) Government may, by notification in the "Bombay Government Gazette" from such date as may

[Appendix 1—contd.]

be appointed in this behalf declare that in any village where a panchayat has been established, a Village Bench shall be constituted to exercise in accordance with rules all or any of the judicial powers which may be conferred on a Village Bench under this Act.

(2) Such Village Bench shall consist of five or seven members as may be appointed by the Collector. When the panchayat consists of five members, three members, and when the panchayat consists of seven members, five members, shall be appointed by the Collector in the manner prescribed from among the members of the panchayat. The remaining members shall be appointed by the Collector in the manner prescribed from among persons not being persons in the service of Government or of any local authority who are not members of the panchayat :

Provided that if there be a holder of any revenue village within the limits of the village in which a Village Bench is to be constituted, the Collector shall appoint the holder of such revenue village a member of such Village Bench. When there are more than one such holder in any such village, the Collector shall appoint the principal among such holders the member of the Bench. If any such holder is unable or unwilling to serve on the Bench, the Collector shall nominate a representative of such holder whom the Collector may approve.

The decision of the Collector as to who is the principal holder or a representative of the holder is final.

(3) The chairman of the Village Bench shall be appointed by the Collector from among the members of the Bench.

~~(37) Government may, by notification in the "Bombay Government Gazette," empower, from such date as may be mentioned in this behalf, a panchayat to try such suits as are specified in section 39 and to take cognizance of such offences as are specified in section 41.~~

38. *Saving of pending proceedings.*—Every suit or case of the nature specified in sections 39 or 41, pending in any court and cognizable by a panchayat Village Bench empowered under section 37 and all proceedings arising from and incidental to any such suit or case shall be tried, heard and determined by such court or any other court having jurisdiction to try, hear and determine the same as if this Act had not been passed.

39. *Suits triable by panchayats Village Bench.*—(1) Save as otherwise provided in section 40, the panchayat Village Bench shall have power to try the following suits, namely :—

(a) suits for money due on contracts, not affecting any interest in immoveable property ;

(b) suits for the recovery of moveable property or for the value of such property ;

(c) suits for compensation for wrongfully taking and injuring moveable property ;

where the amount or value of the claim does not exceed twenty-five rupees.

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(2) With the written consent of both the parties, recorded in the presence of the *panchayat Village Bench* suits of the nature described in sub-section (1), but the value of which does not exceed one hundred rupees, shall be triable by such *panchayats Village Bench*.

(3) Government may, by notification in the *Bombay Government Gazette*, direct that any *panchayat Village Bench* may try any suit of the nature described in sub-section (1), up to such value as may be specified in the notification not exceeding one hundred rupees.

40. *Suits not triable by panchayats Village Bench*.—No suit shall be brought before any *panchayat Village Bench*—

(i) on a balance of partnership account ;

(ii) for a share or part of a share under any intestacy, or for a legacy or part of a legacy under a will ;

(iii) by or against the Secretary of State for India in Council or any local authority or a public officer ~~or~~ servant in his official capacity ;

(iv) by or against a minor or a person of unsound mind ; and

(v) on account of any dispute or matter in respect of which any suit or application would be cognizable by a revenue court.

41. *Offences cognizable by panchayats Village Benches*.—(1) The following offences as well as abetments of and or attempts to commit such offences shall be cognizable by *panchayats Village Benches*. namely :—

(a) Under the Indian Penal Code—

	Section.	<i>XLV of 1860.</i>
Voluntarily causing hurt .. .. .	323	
Assault or use of criminal force otherwise than on grave and sudden provocation .. .. .	352	
Assault or use of criminal force on grave and sudden provocation .. .. .	358	
Theft, where the value of the property stolen does not exceed Rs. 10 .. .. .	379	
Mischief, when the loss or damage caused does not exceed Rs. 10 in value .. .. .	426	
Intentional insult, with intent to provoke a breach of the peace .. .. .	504	

Provided that no offence of theft shall be cognizable by any *panchayat Village Bench*, unless an accused person has been either apprehended or recognised and named.

(b) Under the Cattle Trespass Act, 1871—

	Section.	<i>I of 1871.</i>
Forcibly opposing the seizure of cattle or rescuing the same .. .. .	24	

(c) Breaches of by-laws made punishable under this Act.

(2) Government may, by notification in the *Bombay Government Gazette*, empower any *panchayat Village Bench* to take cognizance of any

[Appendix 1—*contd.*]

*XLV of 1860.* or all of the following offences under the Indian Penal Code, as well as abetments of, or attempts to, commit (any) such offences, namely:—

	Section.
Negligently doing any act known to be likely to spread the infection of any disease dangerous to life ..	269
Fouling the water of a public spring or reservoir ..	277
Causing danger, obstruction or injury to any public way.	283
Theft, where the value of the property stolen does not exceed Rs. 20 .. .. .	379
Mischief, when the loss or damage caused does not exceed Rs. 20 in value .. .. .	426
Criminal trespass .. .. .	447
House trespass .. .. .	448
Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	461
Adultery .. .. .	497
Enticing, or taking away, or detaining with criminal intent a married woman .. .. .	498

*XLV of 1860.* 42. *Certain persons accused of theft not to be tried by panchayat Village Bench.*—No panchayat Village Bench shall take cognizance of any offence of theft punishable under section 379 of the Indian Penal Code, in which the accused—

*XLV of 1860.* (a) has been previously convicted of an offence punishable, under Chapter XII or Chapter XVII of the Indian Penal Code, with imprisonment of either description for a term of three years or upwards ;

(b) has been previously fined for theft by any panchayat ;

*VI of 1924.* (c) is a registered member of a criminal tribe under section 4 of the Criminal Tribes Act, 1924 ; or

*V of 1898.* (d) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898.

43. *Offences by or against public servant not cognizable by panchayat Village Bench.*—No panchayat Village Bench shall take cognizance of any offence specified in section 41 in which either the complainant or the accused is a public servant serving in the district in which the village for which the panchayat is established is situated :

Provided, however, that a panchayat Village Bench shall not be debarred from taking cognizance of an offence for a breach of a by-law, notwithstanding that the complainant in the case is a public servant.

*XLV of 1860.* 44. *Conviction by a panchayat Village Bench not a previous conviction.*—A conviction by a panchayat Village Bench under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code.



[Appendix I contd.]

45. *Maximum penalties.*—(1) The following are the maximum penalties which may be inflicted by a *panchayat Village Bench* for the offences mentioned in section 41 :—

(a) Under the Indian Penal Code—

*XLV of 1860.*

Fine not exceeding Rs. 10 or double the amount of the loss or damage caused up to a limit of Rs. 20 ;

(b) Under section 24 of the Cattle Trespass Act, 1871—

*I of 1871.*

Fine not exceeding Rs. 5 ; and

(c) for a breach of a by-law made punishable under this Act—

Fine not exceeding Rs. 10 or Rs. 2 a day for a continuing breach as provided in sub-section (3) of section 107.

(2) No sentence of imprisonment, whether substantive or in default of fine or of whipping, shall be inflicted by a *panchayat Village Bench*.

46. *Power of Government to empower particular panchayats Village Bench to inflict enhanced penalties.*—Government may empower, by a notification in the *Bombay Government Gazette* a *panchayat Village Bench* to inflict the following maximum penalties :—

(a) Under the sections of the Indian Penal Code mentioned in section 41—

*XLV of 1860.*

Fine not exceeding Rs. 20 or double the amount of the damage or loss caused, whichever is greater.

(b) Under section 24 of the Cattle Trespass Act, 1871—

*I of 1871.*

Fine not exceeding Rs. 10.

47. *Compensation to complainants.*—In inflicting any fine under section 45 or section 46, the *panchayat Village Bench* may direct that the whole or any portion of the fine recovered shall be applied—

(a) towards defraying the expenses properly incurred in the case by the complainant, or

(b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

48. *Compensation to accused for false or frivolous case.*—If a *panchayat Village Bench* is satisfied, after enquiry, that a case brought before it is false, frivolous or vexatious, such *panchayat Village Bench* may order the complainant to pay the accused such compensation, not exceeding Rs. 5, as it thinks fit.

49. *Youthful offenders.*—Instead of passing any sentence, a *panchayat Village Bench* may discharge, after due admonition, a youthful offender who, in the opinion of such *panchayat Village Bench*, is, at the time of conviction of the offence, under the age of sixteen years.

50. *Members interested not to sit on panchayat Village Bench.*—No member of a *panchayat* who is a party to, or interested has any interest in, any suit or case shall sit on the *panchayat Village Bench* while it is trying such suit or case.

Any dispute as to whether a member of a *panchayat* is a party to or interested in a suit or case shall, on a written application of a party to

[Appendix 1—*contd.*]

such suit or case, be referred to the Collector or such officer as he may authorise in this behalf ~~to decide for decision~~. The decision of the Collector or such officer shall be final.

51. *Res judicata and pending suits and cases.*—(1) No ~~panchayat~~ Village Bench shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard and decided by, a court of competent jurisdiction in a previously instituted suit between the same parties or those under whom they claim.

(2) Where an accused person has been tried for any offence, no ~~panchayat~~ Village Bench shall take cognizance of such offence or, on the same facts, of any other offence of which the accused might have been charged or convicted.

52. *Suits to include whole claim.*—Every suit instituted before a ~~panchayat~~ Village Bench shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the ~~panchayat~~ Village Bench.

If a plaintiff omits to sue in respect of or intentionally relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

53. *Limitation for suits and cases.*—(1) No suit shall be entertained by a ~~panchayat~~ Village Bench after the expiration of ~~three years one year~~ from the time when the right to sue first accrued.

~~Provided that the period of limitation for the suits specified in the schedule shall be the period prescribed in the said schedule in respect of such suits.~~

(2) No case shall be cognizable by a ~~panchayat~~ Village Bench after the expiration of ~~six~~ one month from the date on which the offence was committed.

54. *Panchayat Village Bench before which suits to be instituted.*—Every suit under this Act shall be instituted before the ~~panchayat~~ Village Bench of the village in which the defendant or each of the defendants, where there are more than one, resides at the time of the institution of the suit, irrespective of the place where the cause of action arose.

55. *Panchayat Village Bench before which causes to be instituted.*—Every case under this Act shall be instituted before the ~~panchayat~~ Village Bench of the village in which the offence was committed.

56. *Return of complaints.*—Any magistrate upon receiving a complaint of facts constituting an offence cognizable by a ~~panchayat~~ Village Bench shall, unless reason *to the contrary* be shown to the ~~contrary~~ satisfaction of the Magistrate, return the complaint for presentation to the ~~panchayat~~ Village Bench having jurisdiction to try the same.

57. *Bar of jurisdiction of courts in suits and cases.*—Notwithstanding anything contained in any law for the time being in force, no court *subject to the provisions of section 58 56* shall entertain any suit specified in section 39 or take cognizance of any offence specified in section 41, unless and until the *District Judge or the Collector* has passed an order in writing under *section 77 or 86 87*.

[Appendix 1—contd.]

58. *Notwithstanding anything contained in the Bombay Village Police Act, 1867, the provisions of section 14 of the said Act shall not apply to any village in which a Village Bench shall have been constituted under sub-section (1) of section 37.* Bom. VIII of 1867.

## CHAPTER VII.

### PROCEDURE OF PANCHAYATS IN SUITS AND CASES.

59. *Suits and cases: how instituted.*—58 Any person who wishes to institute a suit or case under this Act before a ~~panchayat~~ Village Bench shall make application orally or in writing to the ~~sarpanch~~ Chairman or during his absence from the village to such other member of the ~~Panchayat~~ Village Bench as the ~~sarpanch~~ Chairman may appoint in this behalf and shall at the same time pay the prescribed fees.

60. *Substance of application to be recorded.*—59 The substance of the application shall be recorded without delay in the prescribed register and the signature or thumb-impression of the applicant shall be taken on the register and the register shall be signed by the Chairman or, in his absence, by any member authorised under section 59.

61. *Plaintiff or complainant to attend next sitting of panchayat Village Bench.*—60 Every suit or case instituted in accordance with the provisions of section 49 59 shall be brought before the ~~panchayat~~ Village Bench at its next sitting and the plaintiff or complainant, as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

62. *Summons to be issued to defendant or accused.*—61 The ~~panchayat~~ Village Bench after hearing the application, shall cause a written summons in the prescribed form to be served on the defendant or accused, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the plaintiff or complainant to attend and produce his evidence at such time and place:

Provided that the ~~panchayat~~ Village Bench may, for reasons to be recorded, after hearing the application and examining the plaintiff or complainant, refuse to issue a summons and dismiss the suit or complaint.

63. *Summons by whom served.*—62 Such summons shall ordinarily be caused to be served by the patel or village headman. Where there are two patels in a village, one of whom is a revenue patel and the other a police patel, the summons shall ordinarily be served by the revenue patel if it relates to a suit and by the police patel if it relates to a case;

Provided, however, that a ~~panchayat~~ Village Bench may cause the summons to be served through any other person.

[Appendix 1—*contd.*]

64. 63. *Mode of service of summons.*—The summons shall be in duplicate, signed by the presiding member of the *panchayat Village Bench* and shall, as far as possible, be served personally on the defendant or accused, as the case may be, whose signature or thumb-impression shall be taken in token of service. If the defendant or accused cannot be found and the *panchayat Village Bench* is satisfied that he is evading service or if he refuses to take the summons, the *panchayat Village Bench* may order service to be made on an adult male member of his family residing with him, or by affixing a copy thereof upon some conspicuous part of the house in which he ordinarily resides.

65. 64. *Mode of service outside village.*—If a defendant or accused is, at the time of the issue of the summons, outside the village of the *panchayat*, the summons may be forwarded by the *panchayat Village Bench* to the Collector or to any officer not below the rank of a *mamlatdar*, who may be authorised by the Collector in this behalf, and the Collector or such officer shall cause the summons to be served as if it were a summons from his own court.

66. 65. *Exemption of certain persons from appearance in suits.*—(1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance before a *panchayat Village Bench* in any suit.

V of  
1908.

(2) Persons exempted from personal appearance in any court under section 133 of the Code of Civil Procedure, 1908, shall also be exempt from personal appearance before a *panchayat Village Bench* in any suit.

67. 66. *Issue of summons to witnesses.*—(1) A *panchayat Village Bench* may, if it considers the evidence of, or the production of a document by, any person necessary in a suit or case, issue a summons to such person to compel him to attend or to produce or cause the production of such document, and such person shall be bound to comply with the directions contained in the summons. Such summons shall be in the form and served in the manner as hereinbefore prescribed *provided*.

(2) A *panchayat Village Bench* may refuse to summon a witness or to enforce a summons already issued against a witness where, in its opinion, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances, would be unreasonable.

(3) No *panchayat Village Bench* shall enforce the attendance of any person living outside the village to give evidence, or to produce a document, unless such sum of money is deposited with the *panchayat Village Bench* as appears to the *panchayat Village Bench* to be sufficient to defray his reasonable expenses and if in the opinion of the Collector or officer empowered under section 65, as the case may be, the attendance of any such person is not necessary for the proper adjudication of the suit or case, such Collector or officer shall return the summons to the *Village Bench* with his endorsement accordingly.

[Appendix 1—*contd.*]

(4) No *panchayat Village Bench* shall compel any person to give evidence or to disclose any communication which such person cannot be permitted to give or compelled to disclose under the provisions of the Indian Evidence Act, 1872, or under any other law for the time being in force. I of 1872

67. *Pleaders, etc., excluded from appearance.*—No pleader, *vakil*, or *mukhtyar*, and no advocate or attorney of a High Court, shall be permitted to appear on behalf of any party to any suit or case before a *panchayat Village Bench* or in any inquiry under section 87 :

Provided that any party to any such suit or case may be permitted, on reasonable cause being shown to the satisfaction of the *panchayat Village Bench*, to employ any relation, servant, dependant, or friend who is not and who has not previously been a pleader, *vakil*, or *mukhtyar* or an advocate or attorney of a High Court, to appear either conjointly with or in lieu of such party.

When a relation, servant, dependant, or friend appears in lieu of a party, he shall be furnished by such party with a *power of attorney written authority* defining the extent to which he is empower to act.

68. *Decision of suit or case on facts ascertained.*—(1) It shall be the duty of a *panchayat Village Bench* to ascertain the facts of a suit or case before it by every lawful means in its possession after holding such an inquiry and in such manner as it thinks proper in accordance with the provisions of this Act and the rules.

(2) Nothing in any enactment relating to evidence or procedure shall in any way affect the powers of a *panchayat Village Bench* to hold such inquiry.

(3) After holding such inquiry, a *panchayat Village Bench* may pass such decree or order, with or without costs, *prescribed fees* subject to the provisions of this Act, as may in its opinion seem just and equitable.

69. *Decision of the panchayat Village Bench.*—The decision of the *panchayat Village Bench* shall be in accordance with the opinion of the members of the *panchayat Village Bench* who are present at the sitting or of the majority of such members. If the members are equally divided, the person presiding shall have a second or casting vote.

70. *Adjournment.*—The *panchayat Village Bench* may, from time to time, adjourn the hearing of any suit or case :

Provided that such adjournment is, in its opinion, unavoidable or necessary to a just and equitable decision of the suit or case.

71. *Disposal of suits and cases in absence of party concerned.*—(1) If the plaintiff or complainant fails to appear, after having been informed of the time and place fixed for the hearing, the *panchayat Village Bench* may hear and decide the suit or case in his absence.

(2) The *panchayat Village Bench* may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been

[Appendix I—*contd.*]

served upon him in the manner hereinbefore prescribed, or if he has been informed of the time and place fixed for hearing :

Provided that no sentence shall be passed by a *panchayat Village Bench* on any accused, unless he has appeared, either in person or by a representative, before the *panchayat Village Bench* and the substance of his statement has been recorded in the prescribed register.

(3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the *panchayat Village Bench* may apply to the District Magistrate or to any officer not below the rank of a second class magistrate authorised by the District Magistrate in this behalf, and such District Magistrate or officer may shall compel the accused to appear in person or by his representative before the *panchayat Village Bench* as if he were a court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before the *panchayat Village Bench*, the *panchayat Village Bench* shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

73. 72. *Compromise.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, a *panchayat Village Bench* may decide any suit or case within its jurisdiction in accordance with any settlement, compromise or oath agreed to by the parties.

74. 73. *Death of parties.*—When any party to a suit dies before a decree has been passed, the suit shall abate, but a fresh suit may be brought on the same cause of action, and the period during which the suit was pending shall be excluded in computing the period of limitation prescribed under section 53 for the fresh suit.

75. 74. *Panchayat Village Bench not to revise or alter its decision.*—(1) Except as provided in sub-section (2), a *panchayat Village Bench* shall not have power to cancel, revise or alter any decree or order passed by it.

(2) On application made within one month from the date of the decree or order of a *panchayat Village Bench*, the *panchayat Village Bench* may, for reasons to be recorded in writing, restore any suit which has been dismissed for default, or in which an *ex-parte* decree has been passed against the defendant.

76. 75. *Interest and instalments.*—In suits for money, a *panchayat Village Bench* may, in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six per cent. per annum, from the date of the decree until the date of payment and of any fees which may be prescribed.

When a *panchayat Village Bench* decrees the payment of a sum of money in a suit, it may direct that it be paid by instalments, without interest, or with interest not exceeding the above rate.

[Appendix I—*contd.*]

77. 76. *Reference by panchayat Village Bench to Collector.*—(1) When any panchayat Village Bench is of opinion that any suit or case before it is of such a nature, or of such intricacy or importance that it ought to be tried by a court, it shall stay proceedings and refer the matter suit to the District Judge or the case to the Collector or any officer not below the rank of mamlatdar who may be authorised by the Collector in this behalf, for his orders.

(2) *If the District Judge or Collector or such authorised officer is of the opinion that the suit or case is of such nature, intricacy or importance that it ought not to be tried by the Village Bench, he shall pass orders directing the plaintiff or complainant to the civil or criminal court, as the case may be, competent to take cognizance of such suit or case.*

(3) *If the District Judge or Collector or the authorised officer is of opinion that the suit or case is not of such nature, intricacy or importance that it ought to be tried by a Court, he shall return the suit or case to the Village Bench, which made the reference, for disposal.*

78. 77. *Panchayat's Village Bench's decrees and orders not to be questioned.*—Except as provided in section 86, 87, no decree or order of a panchayat Village Bench shall be called in question in any court on the ground that it was passed without jurisdiction.

79. 78. *Finality of decrees and orders.*—Every decree or order passed by a panchayat Village Bench in any suit or case under this Act shall be final, and, except save as provided in section 86 87, shall not be subject to any appeal, revision or review.

## CHAPTER VIII.

### EXECUTION.

80. 79. *Satisfaction or adjustment of decree to be recorded.*—If, on the application of a decree-holder or judgment-debtor, the panchayat Village Bench, after enquiry, finds that the decree has been satisfied or adjusted, wholly or in part, the panchayat Village Bench shall record the fact in the prescribed register.

81. 80. *Execution through Collector.*—(1) If, after a period of one month from the date of a decree, the decree remains unsatisfied or unadjusted, in whole or in part, the decree-holder may, within one year of the date of the decree, apply to the panchayat Village Bench for execution.

(2) On such application for execution, the panchayat Village Bench shall certify to the Collector that the decree remains unsatisfied or unadjusted, in whole or in part and on receipt of such certification the Collector shall, provided that the panchayat Village Bench shall have

[Appendix 1—*contd.*]

certified to the Collector within one year from the date of the application for execution,—

(a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue ; or

(b) if the decree is for any specific moveable property, cause the decree to be executed as if it were a decree of a civil court, and in so acting may exercise all the powers of a civil court.

82. 81. *Execution of instalment decree through Collector.*—(1) If, after a period of one month from the date fixed for the payment of any instalment of a sum of money decreed by a *panchayat Village Bench* under section 75 76, an instalment or any portion thereof remains unpaid, the decree-holder may, within one year of the date when it fell due, apply for execution to the *panchayat Village Bench*.

(2) On such application for execution, the *panchayat Village Bench* shall certify to the Collector that the instalment or a portion thereof still remains unpaid, and on receipt of such certification the Collector shall, provided the *panchayat Village Bench* shall have certified to the Collector within one year from the date of the application for execution, proceed to recover the amount of the instalment so remaining unpaid as if it were an arrear of land revenue.

83. 82. *Satisfaction of decree or instalment after certificates.*—If, after the issue of the certificate to the Collector under section 80 81 or 81 82, but before the decree has been executed through the Collector, the decree or the instalment is fully satisfied and satisfaction is recorded under section 79 80, the *panchayat Village Bench* shall forthwith certify such satisfaction to the Collector who shall thereupon stay the execution proceedings. All sums of money realised by execution through the Collector shall, after satisfaction of the decree, be refunded to the judgment-debtor.

84. 83. *Fine and compensation when payable.*—(1) Every sum ordered to be paid as compensation and every fine imposed under sections 45, 46, 47 and 48 by a *panchayat Village Bench* shall be payable at once :

Provided that the *panchayat Village Bench* may allow any person ordered by it to pay compensation or fine to pay the same within such time, not exceeding ~~four~~ fifteen days, as it may think proper and on such terms as to security as it shall seem to the *panchayat Village Bench* necessary to impose.

(2) *Mode of recovery.*—If the amount of fine or compensation remains unpaid for ~~four~~ fifteen days from the date of the order, the *panchayat Village Bench* shall recover the same by distraint and sale of the defaulter's moveable property.

(3) If the amount of fine or compensation is not fully recovered, the *panchayat Village Bench* shall certify accordingly to the Collector, and on receipt of such certification the Collector shall, provided the *panchayat* shall have certified to the Collector within a period of one year from the



[Appendix—contd.]

date when the amount became recoverable by the ~~panchayat~~ Village Bench under sub-section (2), proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the ~~panchayat~~ Village Bench.

85. 84. *Fine or compensation, when realised, to be recorded.*—As soon as the amount of fine or compensation referred to in section 83 84 is realised by the ~~panchayat~~ Village Bench, whether directly or through the Collector, the amount so realised shall be entered in the prescribed register, and shall be credited by the ~~panchayat~~ Village Bench to the village fund.

86. 85. *Payment of compensation out of village fund.*—Any money which has been ordered by the panchayat, under section 47 or section 48, to be paid as expenses or compensation, shall be paid by it out of the amount realised under sections 45 and 46 and the payment so made shall be debited to the village fund.

87. 86. *District Judge or Collector may cancel jurisdiction or quash proceedings.*—(1) The District Judge in any suit and the Collector in any case may, at any time, either of his own motion or on the application of an aggrieved party or on a reference made by a ~~panchayat~~ Village Bench under section 76 77 by order in writing, cancel the jurisdiction of a ~~panchayat~~ with respect to any suit or case Village Bench or quash any proceedings of a ~~panchayat~~ Village Bench at any stage, or cancel any decree or order passed by a ~~panchayat~~ Village Bench.

(2) When an order has been passed by a ~~Collector~~ the District Judge under sub-section (1) in respect of any suit, the plaintiff may institute a fresh suit for the same relief in a civil court, and the period from the date of the institution of the suit before the ~~panchayat~~ Village Bench to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(3) Where an order has been passed by the Collector under sub-section (1) in respect of any case, proceedings in respect of the same offence may be instituted in the court of a magistrate having jurisdiction.

## CHAPTER IX.

### TAXATION AND RECOVERY OF CLAIMS.

88. (1) Every panchayat shall levy in such manner and at such rates as may be prescribed, such of the taxes or fees specified in sub-section (2) as may be necessary for the proper discharge by the panchayat of its duties under this Act.

(2) Taxes or fees which are leviable by a panchayat under sub-section (1) are:—

- (i) a tax upon the owners or occupiers of houses and lands within the limits of the village;
- (ii) a pilgrim tax;

[Appendix 1—*contd.*]

(iii) a tax on fairs and festivals ;

(iv) a tax on sales of goods ;

(v) octroi ;

(vi) a tax on marriages, adoptions and feasts ;

(vii) any other tax which may have been approved by the district local board and sanctioned by Government.

87. ~~House tax.~~—~~Every panchayat shall levy a house tax in the village at such rate and in such manner as may be prescribed.~~

88. ~~Pilgrim tax.~~—~~With the approval of the district local board and in accordance with by laws, a panchayat may levy a tax on pilgrims resorting periodically to a shrine or any sacred place within the limits of the village.~~

89. ~~Additional taxation.~~—~~1 With the approval of the district local board and in accordance with by laws, a panchayat may levy—~~

~~(i) any tax upon the owners or occupiers of houses and lands within the limits of the village ;—and~~

~~(ii) an octroi.~~

(3) (2) Any person aggrieved by the assessment, levy or imposition of any such tax or octroi fee may appeal to the district local board. The decision of the district local board in the matter shall be final.

(4) (3) Government may suspend the levy or imposition of any tax or octroi fee referred to in sub-section (1) and may at any time rescind such suspension.

89. 90. *Power of district local board to increase taxation of panchayat.*—(1) If in the opinion of the district local board the regular income of a panchayat falls below what is necessary for the proper discharge of the duties specified in sections 26 and 28, the district local board may ~~each~~ ~~upon~~ require the panchayat to take steps, within six months, to increase its income to such extent as the district local board considers necessary. If the panchayat fails to take adequate steps to increase its income to the required extent, the district local board may require it to *levy or increase the house tax any of the taxes or fees specified in section 88* :

Provided that the district local board shall not compel the panchayat to *levy or increase the house tax any tax or fee* beyond the maximum rate to be prescribed by rules in this behalf.

(2) Any panchayat may appeal to the Commissioner against an order made under sub-section (1) and the Commissioner may stay the execution of such order until he has decided the appeal.

90. 91. *Recovery of taxes and other dues.*—(1) When any tax or fee has become due, a panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid.

[Appendix I—contd.]

(2) If any person fails to pay any tax or any other sum due from him to a panchayat under this Act or the rules or by-laws on or before the specified date of payment, the panchayat, shall cause a writ of demand to be served on the defaulter.

(3) If the sum for which a writ of demand has been served is not paid within ~~15~~ thirty days from the date of such service, the panchayat may levy such sum by distraint and sale of the moveable property of the defaulter.

(4) For every writ of demand issued under sub-section (2) a fee shall be chargeable at such rate as may be prescribed by by-laws.

(5) If a panchayat is unable to recover a tax or other sum due to it as aforesaid, it may furnish to the mamlatdar or mahalkari statement of the arrears due, with a request for the recovery of the same through the village officers, and on receipt of such statement of arrears, the mamlatdar or mahalkari may, provided such statement of arrears shall have been furnished by the panchayat to the mamlatdar or mahalkari within one year from the date specified in the bill presented under sub-section (1), proceed to recover the same as an arrear of land revenue through the village officers. For the recovery of such sums, the village officers, shall be remunerated by the panchayat in such manner as may be prescribed by rules by-laws.

(6) If a panchayat fails to recover any tax, fine or other sum due to it, or neglects to take action under sub-sections (2) and (3) of section 83 84 or (2) and (3) of this section, the district local board may apply to the Collector to recover the same as an arrear of land revenue :

Provided that no such application shall be made to the Collector after the expiry of one year from the date when the amount became certifiable under sub-section (3) of section 83 84 or from the date specified in the bill presented under sub-section (1) of this section, as the case may be.

On receipt of such application from the district local board, the Collector may, after holding such enquiry as he thinks fit, proceed to recover the sum as an arrear of land revenue.

91. 92. *Collector's power to direct irrecoverable sums to be written off.*—  
The Collector may direct—

(a) any sum certified by a panchayat and recoverable by him under sections 80, 81 and ~~83~~ 81, 82 and 84 and sub-section (6) of section 91 90 ;

(b) any arrear of a tax or any other sum due to a panchayat and recoverable, through a mamlatdar or mahalkari under sub-section (5) of section 91 90 ;

to be written off if, in the opinion of the Collector, such sum or arrears are irrecoverable.

[Appendix 1—*contd.*]

## CHAPTER X.

## FINANCIAL ASSISTANCE TO PANCHAYATS.

Bom. VI  
of 1923.

92. 93. *Contributions and loans by district local boards.*—(1) Notwithstanding anything contained in the Bombay Local Boards Act, 1923, the district local board—

(i) shall assign to every panchayat within the district not less than one-fifth of the local fund cess realised within the limits of the village, and

(ii) may, subject to rules, grant a loan to such panchayats, for the purposes of this Act.

Bom. VI  
of 1923.

(2) *When estimating the balance of the local fund available for expenditure by a taluka local board under the provisions of section 76 (1) of the Bombay Local Boards Act, 1923, there may be deducted from any such balance any sum assigned under clause (i) of sub-section (1) by a district local board to a panchayat within the area of such taluka local board.*

## CHAPTER XI.

## CONTROL.

93. 94. *Power to call for proceedings, etc.*—(1) The Collector or the district local board shall have power—

(a) to call for any extract from the proceedings of a panchayat, any book or document in the possession or under the control of a panchayat, and any return, statement, account or report which the Collector or the district local board may think fit to require such panchayat to furnish; and

(b) to require a panchayat to take into consideration—

(i) any objection which appears to the Collector or the district local board to exist to the doing of anything which is about to be done or is being done by such panchayat, or

(ii) any information which the Collector or the district local board is able to furnish, and which appears to the Collector or the district local board to necessitate the doing of a certain thing by the panchayat.

and to make a written reply to the Collector or the district local board, as the case may be, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

(2) All or any of the powers given to the district local board under sub-section (1) may be delegated by it to its president, vice-president, chief officer, public health officer or executive engineer.

94. *Delegation of powers, appointment of officers, utilisation of honorary agencies for encouraging the establishment and fostering the growth of panchayats.*—(1) *The District Local Board may delegate to the*

[Appendix 1—contd.]

*President, Vice-President, the Chief Officer, Public Health Officer or any other officer specially appointed by the District Local Board in this behalf the duty of encouraging the establishment and fostering the growth of panchayats and of assisting panchayats in the proper exercise of their powers and performance of their duties under this Act.*

(2) *It shall be competent to the District Local Board to accept and utilise in an honorary capacity in the performance of any of the duties which may be delegated under sub-section (1) the services of any person who in the opinion of such Board is specially fitted to assist in this behalf.*

(3) *It shall be competent to Government to appoint an officer to exercise such of the powers and perform such of the duties of a Collector under this Act as Government may prescribe. Such officer shall also perform such other duties and exercise such other powers as Government may prescribe for the purpose of encouraging the establishment and fostering the growth of panchayats and Village Benches and of assisting and advising panchayats and Village Benches in the proper exercise of their powers and performance of their duties under this Act.*

**95. Power of entry.**—The district local board may authorise its president, vice-president, or any of its officers to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any panchayat or any work in progress under its direction.

**96. Audit of accounts.**—The audit of the accounts of a panchayat shall, unless provision is otherwise made by Government in that behalf, be carried out each year by the district local board, and such board shall, within one month of the completion of the audit, forward a copy of the audit note to the Collector.

**97. Reduction of establishment.**—(1) If, in the opinion of the Collector or the district local board, the number of persons maintained or proposed to be maintained by a panchayat as officers or servants, or the remuneration given or proposed to be given by the panchayat to such persons is excessive, the panchayat shall, on the requirement of the Collector or the district local board, as the case may be, reduce such number or remuneration.

(2) If there is a difference between the requirement of the Collector or of the district local board under sub-section (1), the panchayat shall refer the matter in difference to the Commissioner whose decision shall be final.

(3) The panchayat may appeal to the Commissioner against any requirement made under sub-section (1), and the decision of the Commissioner in the matter shall be final.

**98. Suspension of execution of order.**—(1) If, in the opinion of the Collector, the execution of any order or resolution of a panchayat, or the doing of anything which is about to be done or is being done by or on behalf of a panchayat, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

[Appendix 1—*contd.*]

(2) When the Collector makes an order under sub-section (1), he shall forthwith send to the panchayat affected thereby a copy of the order, with a statement of the reasons for making it.

(3) The Collector shall forthwith submit to the Commissioner a report of every case occurring under this section, and the Commissioner may revise or modify any order made therein and make in respect thereof any other order which the Collector could have made.

99. *Execution of work in case of emergency.*—(1) In cases of emergency, the Collector may provide for the execution of any work or the doing of any act which a panchayat is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the panchayat.

(2) If the expense is not so paid, the Collector may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or so much thereof as is possible, from the balance of such fund in his hands.

(3) The Collector shall forthwith report to the Commissioner every case in which he exercises the powers under sub-section (1).

100. *Default in performance of duty.*—(1) If at any time it appears to the district local board that a panchayat has made default in the performance of any duty specified in section 26, it may order the duty to be performed within a specified period, and, if the duty is not performed within the period specified, the district local board may appoint some person to perform it, and direct that the expense of performance shall be paid by the defaulting panchayat, within such period as the district local board may fix.

(2) If the expense is not so paid, the district local board may direct the officer in charge of the treasury in which person in custody of the village fund is kept to pay such expense, or so much thereof as is possible, from the balance of such fund in his hands.

(3) The district local board shall forthwith report to the Commissioner every case in which it exercises the powers under sub-section (1).

101. *Dissolution or supersession of panchayat for default.*—(1) If, in the opinion of Government, a panchayat exceeds or abuses its powers, or makes persistent default in the performance of the duties imposed on it under section 26 or any other law for the time being in force, Government may, after reference to consultation with the district local board, by an order in the *Bombay Government Gazette*,

(i) dissolve such panchayat, or

(ii) supersede such panchayat for the period specified in the order.

(2) When a panchayat is dissolved or superseded, all members of the panchayat shall, from the date specified in the order, vacate their offices as such members.

[Appendix 1—contd.]

(3) When a panchayat is dissolved, it shall be reconstituted in the manner provided in this Act.

(4) If a panchayat is superseded—

(a) all the powers and duties of the panchayat shall, during the period of supersession, be exercised and performed by such person or persons as Government may, from time to time, appoint in that behalf ;

(b) the Village Bench constituted in the village for which the panchayat was established shall be deemed to have been superseded. On such supersession the provisions of sub-sections (2) and (3) of section 87 shall be deemed to apply in respect of any suits or cases pending before the Village Bench as if the District Judge or Collector has passed an order under sub-section (1) of section 87 quashing such suits or cases ;

(c) (b) all property vested in the panchayat shall, during the period of supersession, vest in Government ; and

(d) (e) on the expiry of the period of supersession, the panchayat shall be reconstituted in the manner provided in this Act, and the persons vacating office shall be eligible for re-election or re-nomination.

102. *Dissolution and reconstitution of panchayat on alteration of limits of village.*—(1) When, during the term of the panchayat the limits of a village are altered, Government the Commissioner may, by order in writing published in the "~~Bombay Government Gazette~~", dissolve such panchayat and direct a panchayat—

(i) to be reconstituted for the village of which the panchayat has been dissolved, or

(ii) to be established for a village which has been newly declared.

The members of the panchayat which has been dissolved shall vacate their office from the date specified in the order.

(2) The panchayat reconstituted or established under the provisions of sub-section (1) shall consist of such members, either elected, nominated or appointed in such manner as Government the Commissioner shall, by order in writing, direct.

The sarpanch and deputy sarpanch of the panchayat so reconstituted or established shall be elected in the manner provided in this Act.

(3) The term of the panchayat so reconstituted or established shall be for such period, not exceeding one year, as Government the Commissioner shall, by order in writing, specify.

(4) On the expiry of the term of the panchayat in accordance with the provisions of sub-section (3), the panchayat shall be constituted in the manner provided by this Act.

103. *Vesting of property, etc., of panchayat which has been dissolved in reconstituted or established panchayat.*—(1) When a panchayat has been dissolved and reconstituted or established under section 102, so much of the village fund and other property vesting in the panchayat which has

[Appendix 1—*contd.*]

been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established panchayat, as Government the Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the panchayat which has been dissolved in respect of contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established panchayat, shall vest in such panchayat.

(3) Any notice, tax, order, licence, permission, rule or by-law made, issued or imposed in respect of any part of the area subject to the authority of the reconstituted or established panchayat shall be deemed to have been made, issued or imposed by or in respect of such panchayat, unless and until it is superseded by any notice, tax, order, licence, permission, rule or by-law made, issued or imposed by or in respect of such panchayat.

104. *Effect of dissolution or supersession on pending proceedings.*—When a panchayat is dissolved or superseded under section 101 or 102, the provisions of sub-sections (2) and (3) of section 86 87 shall be deemed to apply in respect of any suits or cases pending before the panchayat Village Bench as if the District Judge or the Collector had passed an order under sub-section (1) of section 86 87 quashing such suits or cases.

105. *Authority of Government.*—In all matters connected with this Act, Government shall have and exercise the same authority and control over the district local boards as it has and exercises over them under the Bombay Local Boards Act, 1923.

Bom. VI  
of 1923.

## CHAPTER XII.

### RULES AND BY-LAWS.

106. *Rules.*—(1) Government may, by notification in the *Bombay Government Gazette*, make rules—

(aa) under section 4, regulating the manner in which the Commissioner may hold an inquiry ;

(a) under section 6, regulating the manner in which the Collector shall nominate the holder or his representative, and the period for which such nominated member will hold office ;

(b) under section 7, prescribing the manner in which the election of members shall be held ;

(c) under section 23, regulating the manner in which notice of a vacancy in the office of a sarpanch, deputy sarpanch or members of a panchayat shall be given ;

(d) under section 32, prescribing the custody in which all funds received by and all sums accruing to a panchayat shall be kept ;

(e) under section 36, prescribing the date of submission and form of annual budgets, returns and accounts ;



[Appendix 1—*contd.*]

(f) under section 37, prescribing the time and place of sittings of Village Benches, their constitution for the conduct of trials of suits or cases, the mode of settling differences of opinion which may arise amongst their members regulating the manner in which the Collector shall nominate the holder of his representative on the Village Bench and any other matter which Government may consider necessary for the proper conduct of proceedings before such Benches ;

(g) (d) under section 58 59, prescribing the fees payable on the institution of suits and cases ;

(h) (e) under sections 59, 68, 71, 79 and 84 60, 72, 80 and 85, prescribing the particulars to be entered in registers for suits and cases ;

(i) (f) under section 61 62, prescribing the form of summons ;

(j) under section 69, regulating the manner in which an inquiry shall be held by a Village Bench ;

(k) under section 76, prescribing the scale of fees which a Village Bench may direct to be paid in a suit or case ;

(l) under section 88, prescribing the rate and the manner in which taxes and fees specified in the section shall be leviable ;

(m) under section 89, prescribing the maximum rate for the levy of taxes or fees specified in section 88 ;

(n) under section 94, prescribing the powers and duties which may be delegated to or exercised or performed by an officer or person appointed ;

(o) (g) under sub-section (5) of section 94 90, prescribing the remuneration of village officers for the recovery of taxes and other sums due to a panchayat and the manner in which such remuneration shall be paid ;

(p) (h) under section 93 92, prescribing the terms on which loans may be granted to a panchayat by the district local board ; and

(q) (i) under sub-sections (2) (3) and (f) of section 111, regulating the delegation by the District Judge or the Collector of the powers therein referred to.

(2) The rules to be made under sub-section (1) shall be subject to the condition of previous publication.

(3) Rules made under sub-section (1) shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council and such rule shall, after notification in the Bombay Government Gazette, be deemed to have been modified or rescinded accordingly :

*Provided that when, in the opinion of Government, such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, Government may, by notification in the Bombay Government Gazette, declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.*

[Appendix 1—*contd.*]

107. *By-laws.*—(1) The district local board may, with the previous sanction of the Commissioner, make by-laws generally for the carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, the district local board may make by-laws—

~~(a) under section 6, for determining the number of elected members of a panchayat ;~~

(a) ~~(b)~~ under section 19, prescribing the time and place of the sittings and regulating the procedure at meetings of a panchayat, and fixing a quorum ;

(b) under section 20, prescribing the powers and duties of a sarpanch which may be exercised and performed by a deputy sarpanch ;

(c) (e) under section 26—

(i) for the purification and protection from pollution of all sources of water used for drinking purposes ;

(ii) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause, disease or injury to health, and the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable ;

(iii) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience ;

(iv) for the regulation of offensive callings or trades ;

(v) for the disposal of corpses by burning or burial ;

(vi) for the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood ;

(vii) for the removal of noxious vegetation ;

(viii) for the repair and removal of dangerous or ruinous buildings ;

(ix) for the prevention of the erection of buildings without adequate provisions for ventilation or the laying out and location of streets ;

(x) for the control of fairs and bazaars, and the regulation of markets, slaughter-houses and cart-stands ;

(xi) for the inspection and destruction of unfit food and drink, exposed for sale ; and

(xii) for the general regulation of sanitation and conservancy ;

(d) under section 28, for the supervision of labourers employed by local boards, and of repairs to dharamsalas, the management and maintenance of cattle-pounds, and execution of works entrusted by the

[Appendix 1—*contd.*]

district local board, *distribution of irrigation water* and performance of other duties assigned by Government : and

(e) ~~under sections 87, 88 and 89, prescribing the maximum rate for the levy of the house tax, and for the levy of pilgrim and other taxes leviable by a panchayat.~~

(3) Any by-law made under the foregoing sub-sections may provide that a contravention thereof shall be punishable—

(a) with a fine, which may extend to Rs. 10, or

(b) in the case of a continuing contravention, with a fine, which may extend to Rs.  $\geq 1$  per day after conviction for the first contravention, during the period within which such contravention continues.

## CHAPTER XIII.

### MISCELLANEOUS.

108. *Punishment for obstruction of officers, members, etc., of panchayat.*—Whoever—

(1) obstructs or ~~molests~~ *assaults* any officer, servant, agent or member of a panchayat, in the performance of his duty under the provisions of this Act.

(2) prevents or attempts to prevent any person from doing anything which he is empowered or required to do by virtue of this Act,

(3) removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by or under this Act, or

(4) removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the panchayat or under its authority,

shall, on conviction by a magistrate, be punished with a fine not exceeding Rs.  $\leq 25$ .

109. *Liability of members for loss, waste or misapplication.*—(1) Every member of a panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the panchayat, to which he has been a party, or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member.

(2) If, after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property of the panchayat is a direct consequence of misconduct or gross neglect on his part, the Collector may, by order in writing, direct such member to pay to the panchayat, before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, the Collector shall recover it as an arrear of land revenue and credit it to the village fund.

[Appendix 1—*contd.*]

(4) The decision of the Collector shall be final as to the liability of a member under sub-section (2) and as to the amount to be recovered from him.

110. *Bar of action against panchayats, " Village Benches," etc., and previous notice before institution.*—(1) No action shall lie against any member, officer, servant or agent of a panchayat or a Village Bench acting under its direction, in respect of anything done in good faith under this Act or any rule or by-law.

(2) No action shall be brought against any panchayat or Village Bench, or any member, officer, servant or agent thereof of such panchayat or Village Bench acting under its direction for anything done or purporting to have been done under this Act, until the expiration of three months next after notice in writing has been left or delivered at the office of the panchayat or Village Bench, and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(3) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

(4) If any panchayat or Village Bench or person, to whom a notice under sub-section (2) is given shall, before an action is brought, tender sufficient amends to the plaintiff and pay into court the amount so tendered, the plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

111. *Delegation of powers.*—(1) Government may, by notification published in the "~~Bombay Government Gazette~~", authorise any person to exercise in respect of panchayats any of the powers vested in it or conferred on district local boards under the provisions of this Act.

(2) ~~Subject to rules made in this behalf, the Collector may delegate to—~~

(a) ~~a Magistrate of the First Class exercising appellate jurisdiction under section 407 of the Criminal Procedure Code the powers exercisable by the Collector under section 86 (1) in respect of a panchayat in a village within the said jurisdiction of the said Magistrate;~~

(b) ~~an officer not below the rank of a Deputy Collector, powers other than the powers under section 86 (1) exercisable by the Collector under the provisions of this Act.~~

111. *Delegation of powers.*—(1) Government may, by notification in the "*Bombay Government Gazette*", authorise the Commissioner or any officer specially empowered under sub-section (3) of section 94 to exercise in respect of panchayats and Village Benches any of the powers which may be exercised by Government under this Act.

[Appendix I—contd.]

(2) Government may also, by notification in the "Bombay Government Gazette", authorise any person to exercise in respect of panchayats any of the powers conferred on a district local board under the provisions of this Act when such district local board shall have been dissolved or superseded.

(3) Subject to rules made in this behalf, the District Judge may delegate to a Subordinate Judge the powers exercisable by the District Judge in regard to suits under sub-section (1) of section 87 in respect of a Village Bench in a village within the jurisdiction of the said Subordinate Judge.

(4) Subject to rules made in this behalf, the Collector may delegate to—

(a) a Magistrate of the First Class exercising appellate jurisdiction under section 407 of the Criminal Procedure Code the powers exercisable by V of 1898. the Collector in regard to cases under sub-section (1) of section 87 in respect of a Village Bench in a village within the said jurisdiction of the said Magistrate ;

(b) an officer not below the rank of a Deputy Collector, powers other than the powers under sub-section (1) of section 87 exercisable by the Collector in regard to cases under the provisions of this Act.

112. *Local inquiry and reports by panchayat.*—(1) It shall be the duty of every panchayat to inquire and report in any of the following cases :—

(a) any case where a magistrate has directed that a previous local investigation be made by a panchayat under section 202 of the Code of Criminal Procedure, 1898, and the words "such other person" in V of 1898. sub-section (1) of the said section shall be deemed to include a panchayat ;

(b) any case in which a magistrate making an inquiry under section 488 of the Code of Criminal Procedure, 1898, may require from the F of 1898. panchayat in whose village either the wife or child for whose maintenance the application is made or the husband or parent respectively of such wife or child resides, a report as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable, and such report shall be evidence in such inquiry :

Provided that no member of the panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence, but the magistrate may, in his discretion, call for a further report.

113. *Members, etc. of panchayats or Village Benches to be public servants.*—Every member of a panchayat and every officer and servant maintained by or employed under a panchayat or Village Bench shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

[Appendix 1—*contd.*]

114. *Effect of area ceasing to be a village.*—On any area ceasing to be a village, by virtue of any notification under section 4,—

(a) the panchayat and the Village Bench constituted in the Village for which the panchayat was established shall be dissolved and all members thereof of the said panchayat and the said Village Bench, respectively, shall vacate office as from the date of the notification ;

(b) the provisions of sub-sections (2) and (3) of section 86 87 shall be deemed to apply in respect of any suits or cases pending before the panchayat Village Bench as if the District Judge or the Collector had passed an order under sub-section (1) of section 86 87 quashing such suits or cases ; and

(c) the unexpended balance of the village fund and the property vesting in the panchayat shall vest in the district local board, to be utilised for the benefit of the inhabitants of the area as the district local board may think fit.

Bom.  
IX of  
1920.

115. *Repeal and Savings*—(1) The Bombay Village Panchayats Act, 1920, is hereby repealed :

Provided that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under the said Act or the validity or invalidity of anything already done thereunder ;

Bom.  
IX of  
1920.

(b) all panchayats established under the Bombay Village Panchayats Act, 1920, and existing immediately before the coming into force of this Act shall be deemed to have been established under this Act ;

and the rights and liabilities of any such panchayats shall be vesting in and attached to the panchayat so deemed to have been established ;

and any appointment, notification, notice, tax, order, permission, rule or by-law made, issued or imposed in respect of any such panchayat under the Act so repealed shall, so far as is not inconsistent with the provisions of this Act, be deemed to have been made, issued or imposed under the provisions of this Act in respect of the panchayats so deemed to have been established under this Act, unless and until superseded by any appointment, notification, notice, tax, order, permission, rule or by-law made, issued or imposed under this Act.

(2) During such time as this Act and the rules and by-laws shall be in operation in any village, the enactments mentioned in the second Schedule shall, to the extent specified in the third column of the Schedule, cease to have any operation in the said village.

[Appendix I—contd.]

**FIRST SCHEDULE.****PERIOD OF LIMITATION.**

(See section 53.)

Description of suit	Period of limitation	Time from which period begins to run
(1) For the wages of a household servant, artisan or labourer.	One year.	When the wages accrue due.
(2) For the price of food or drink sold by a keeper of a hotel, tavern or lodging house.	One year.	When the food or drink is delivered.
(3) For the price of lodging.	One year.	When the price becomes payable.

**SECOND SCHEDULE.**

(See section 115.)

No. and year of enactment	Subject of title	Extent of repeal
Bombay Act VII of 1867	The Bombay District Police Act, 1867.	Sections 33 and 34.

**LEGISLATIVE COUNCIL OFFICE.**

Council Hall, Bombay, 13th January 1933.

No. 41.—With reference to the foot-note to the Report of the Select Committee on Bill No. XXI of 1932 (A Bill to amend and consolidate the law relating to the constitution of Village Panchayats) published at pages 1 to 14 of the *Bombay Government Gazette*, Part V, dated the 10th January 1933, it is notified that Dewan Bahadur D. R. Patil, M.L.C., has signed the report of the Select Committee and that Sardar Bhasahib alias Dulabawa Raisinghji, Thakor of Kerwada, M.L.C., has signed the same subject to a minute of dissent as shown below :—

(Minute of dissent by Sardar Bhasahib alias Dulabawa Raisinghji,  
Thakor of Kerwada, M.L.C.)

While I appreciate the laudable principles of the Bill, I do maintain that due to the prevailing illiteracy in the rural area, it must fall short

[Appendix 1—*contd.*]

of the expectations of its advocates. For instance a well selected and precious plant, however much we would like to see it grow, may not grow and thrive in the soil not suitable or well cultivated.

(1) In clause 5 (Holder) after the word "a Talukdar" "an Inamdar" should be added. It was the intention of the Select Committee to place the Inamdar in the same category as the "Holder".

(2) Secondly I am against giving power to the Village Panchayat under sections 447, 497 and 498 of the Indian Penal Code.

(a) There are grave apprehensions against the Village Panchayat Bench being invested with powers under section 447 for example—

(I) It is beyond the ordinary lay mind to make distinction between the technicalities of evidence involved in all offences of trespass.

(II) Then again there is grave danger of this power being misused due to private grudge or party feeling, etc.

(b) Sections 497 and 498 apparently reduce the gravity of the offence under these sections for which very severe punishment is provided in the Indian Penal Code, whereas we seem to be satisfied with a fine of Rs. 20. Thus we mutilate the section of the Indian Penal Code and give liberty to those who due to deterrent punishment prescribed in the Indian Penal Code are afraid of committing such a crime. The prospect of a fine of Rs. 10 or 20 will have very undesirable effect on the whole and may give rise to such crimes.

(ii) I cannot conceive how any one who has enticed away a married woman to another village and consequently put himself outside the jurisdiction of the Village Panchayat can be brought home and punished.

(3) At this stage we are introducing this as an experimental measure. We should proceed with care and caution. Besides we are due for further Reforms shortly, when we shall have far greater opportunity of receiving the views of larger number of representatives. We should not be in a great hurry or go too fast.

(Signed) BHASAHEB *alias* DULABAWA RAISINGHI.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council  
of the Governor of Bombay.

#### NOTIFICATION.

#### LEGISLATIVE COUNCIL OFFICE.

Council Hall, Bombay, 19th January 1933.

No. 71.—With reference to the foot-note to the Report of the Select Committee on Bill No. XXI of 1932 (A Bill to amend and consolidate the law relating to the constitution of Village Panchayats), published at



[Appendix I—*contd.*]

pages 1 to 14 of the *Bombay Government Gazette*, Part V, dated the 10th January 1933, it is notified that Dr. M. K. Dixit, M.L.C., and Mr. G. S. Gangoli, M.L.C., have signed the Report of the Select Committee subject to minutes of dissent as shown below :—

*Minute of dissent by Dr. M. K. Dixit, M.L.C.*

*Section 6.*—The Committee has made it obligatory on the Collector to nominate members from amongst the classes, which are not represented on the village panchayat by election. I am opposed to this in principle. Once there is universal adult franchise extended to both the sexes, it is wrong to reserve seats or to nominate members. This will accelerate communal or class feelings.

*Section 37.*—Section 37 provides for constituting a village bench for the exercise of judicial powers. It will consist of some members from the village panchayat and some outsiders. This is a new principle introduced. It was argued that village panchayats did not come into existence in large number and did not thrive under the Village Panchayat Act of 1920, because it gave very few powers to the panchayat. And larger powers were sought to be given under this Bill, with a view to make the panchayat more attractive to the people and with the avowed object of popularising and developing the village panchayat and furthering local self-government. Appointment of a village bench cuts out the very root of it. All the members of this bench will be nominated by the Collector, whether they are members of the village panchayat or outsiders. Further even the Chairman of the village bench will be appointed by the Collector. I am opposed to all this.

If the Panchayat is large, let it elect its own bench.

If it needs help let it be permitted to co-opt one or two members for its guidance.

If it is likely to commit blunders let the judicial powers be restricted.

But let not the Collector prevail everywhere. He has ample powers to stop proceedings at any stage : He has power to hear appeals. These are ample safeguards. Therefore let the Bench be wholly elected by the panchayat.

*Section 40 (v).*—Suits for rent of land are bound to be very common in the villages. They are in my opinion the most appropriate type of cases for the village panchayats to try. Government have nothing to lose by giving this power to the panchayat bench. I am therefore of opinion that suits for rent should be placed within the jurisdiction of the village bench.

(Signed) M. K. DIXIT.

14th January 1933.

[Appendix 1—*contd.*]

*Minute of dissent by Mr. G. S. Gangoli, M.L.C.*

The detailed list of the amendments will be tabled in due course and therefore only important points are set out below :—

Apart from verbal and the minor changes, I am more in favour of the original Bill than of the one evolved in the sub-committee. I am opposed to all nominations excepting so far as it may be necessary in the interests of the minority communities; and in such cases too, the nominations should be for a transitional period not exceeding ten years.

There should be no disqualification on account of sex, or for holding views not involving moral turpitude or for incitement to violence; or for incurring the displeasure of the powers that be, and courting jails on the abovesaid grounds.

I am for no further taxation, unless Government encourage by grant of substantial help in the initial stages, in these days of depression especially as tax-bearing capacity has long over-reached in the Bombay Presidency. I am opposed to the introduction of village benches and thereby doubting and suspecting the efficiency of the panchayat and the villagers as a whole; and to give more and more powers to the Collector in preference to the District Local Board.

It is desirable to define specifically and limit sub-clauses (f), (g) and (h) of clause 31 or else, in view of the amended clause 87 under which every pie required shall have to be collected by taxation and in view of clause 89 (I) under which the District Local Board can call upon the village panchayats to take steps to increase the necessary income by taxing, these three sub-clauses and sub-clause (2) of clause 93 will be meaningless.

I think that in clause 33 the power of confirmation should be vested in the President of the District Local Board; and in clause 35 (I) for the second word "sar panch" the word "Panchayat" be substituted.

I fear the introduction of the scheme of village benches in substitution for the panchayats contemplated in the original Bill is *ultra vires* of the Select Committee. I am for the Village Panchayat being empowered with judicial powers. If a nominated bench is to be introduced, I am even for the deletion of all clauses from 37 to 86 or I am prepared to wait for some years for the introduction of this piece of legislation.

I am of opinion that suits for rent which are termed Assistance Suits in the Bombay Land Revenue Code and are mostly of a petty nature with which the villagers are primarily concerned should be cognisable by the Panchayat. It does not stand to reason why they should not be cognisable by the Panchayat. It is not clear why the jurisdiction of a Civil Court can be ousted and not of a Revenue Court.

I think that the Village Panchayat within whose jurisdiction the cause of action arises, or any of the defendants resides must have the power to try. This is in consonance with the provisions of the Civil Procedure

[Appendix 1—*contd.*]

Code. Otherwise, a touring defendant or if there are several defendants residing in different villages, such person or persons can successfully avoid a trial.

In conclusion I am of opinion that no rule or table prescribing the fees should be passed by the Government, unless the villages concerned are given an effective voice in prescribing the limit.

Clause 110 should be omitted in view of clause 113.

(Signed) G. S. GANGOLI.

13th January 1933.

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

APPENDIX 2.

**BILL No. II OF 1933.**

*A Bill further to amend the City of Bombay Municipal Act, 1888, with a view to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in the Municipal Corporation of the City of Bombay, on the dissolution of the Board of the said Trustees.*

(As published in the "Bombay Government Gazette"  
of the 27th January 1933.)

WHEREAS the City of Bombay Improvement Trust Transfer Act, 1925, was enacted with a view to transfer to the Municipal Corporation <sup>Bom. XVI of 1925.</sup> of the City of Bombay the powers of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Act, 1898, and to entrust to the said Corporation, <sup>Bom. IV of 1898.</sup> subject to the conditions and limitations specified, the duties of the said Board and to vest in the said Corporation, for the purpose of the improvement of the City of Bombay, the property and rights of the said Board ;

And whereas in pursuance of the aforesaid object the duty of carrying out the provisions of the City of Bombay Improvement Trust Transfer Act, 1925, was, subject to the conditions and limitations therein <sup>Bom. XVI of 1925.</sup> contained, entrusted to the said Corporation as the Board of Trustees for the Improvement of the City of Bombay as a body corporate with perpetual succession and a common seal and certain property and rights were vested in the said Board ;

[Appendix 2—*contd.*]

And whereas by section 83 of that Act it was further provided that when the Corporation are satisfied that there is no longer any necessity for the continuance of the Board of Trustees they shall make a representation to Government in that behalf and the Government may, in the manner prescribed in the said section, dissolve the Board ;

Bom. III  
of 1888. And whereas a representation has been made to the Government of Bombay by the said Corporation that the said Board be now dissolved and that legislation may be undertaken to make such amendments as may be necessary in the City of Bombay Municipal Act, 1888, for that purpose ;

And whereas it appears to the Government of Bombay that the said Board should now be dissolved and that the powers and duties of the said Board should be transferred to and the property and rights vested in the said Board should be vested in the said Corporation subject to the limitations hereinafter mentioned and that a committee of the said Corporation to be called the Improvements Committee should be constituted, subject to the control of the said Corporation, and subject to the restrictions and conditions hereinafter specified, for the purpose of the improvement of the City of Bombay in the manner hereinafter mentioned ;

And whereas it is proposed that certain lands shall be vested in the said Corporation in the manner hereinafter appearing ;

And whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans ;

Bom. III  
of 1888. And whereas for the purposes aforesaid it is expedient to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing ;

5 & 6  
Geo. V,  
c 61. And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act, and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 193 .

Cf. Bom.  
XVI of  
1925,  
s. 2 (2). 2. *Commencement.*—This Act shall come into operation from such date as the Government may, by notification in the *Bombay Government Gazette*, appoint.

Cf. *ibid.*,  
s. 5.  
Bom. III  
of 1888. 3. *Amendment of section 3 of Bom. III of 1888.*—In section 3 of the City of Bombay Municipal Act, 1888, hereinafter referred to as the said Act,

(a) in clause (e), after the figures “ 55 ” the words, figures and letter “ and the Deputy Municipal Commissioner (Improvements) appointed under section 56A ” shall be inserted ;

(b) in clause (o), after the word “ issued ”, where it occurs for the second time, the words “ and any debentures or other securities issued

[Appendix 2—contd.]

under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925" shall be inserted; and

Bom. IV  
of 1898.  
Bom.  
XVI of  
1925.

(c) in clause (r), after the word "water" the words "benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street" shall be inserted.

4. *Amendment of section 38B of Bom. III of 1888.*—(1) Section 38B (1) of the said Act shall be renumbered "38B".

(2) To the marginal note to the said section 38B the following shall be added, namely:—

"or the improvements committee".

(3) In the said section 38B—

(i) after the words "standing committee" where they occur for the first time the words "or the improvements committee" shall be inserted; and

(ii) after the words "standing committee" where they occur for the second and third times, the words "or the improvements committee, as the case may be" shall be inserted.

5. *New sections 49A to 49J of Bom. III of 1888.*—After section 49 of the said Act the following sections shall be inserted, namely:—

"49A. *Improvements Committee to be constituted for the purpose of carrying out the improvement of the City.*—The Corporation shall appoint a Committee to be called the Improvements Committee for the purpose of the improvement of the City, subject to the control of the Corporation, and subject to such conditions and limitations as are in this Act contained.

Cf. Bom.  
XVI of  
1925, s. 6.

49B. *Constitution of the Improvements Committee.*—The Improvements Committee shall consist of sixteen councillors, twelve appointed by the Corporation and four by Government.

Cf. Bom.  
III of  
1888,  
s. 42.

49C. *Members of the Improvements Committee when to be appointed.*—(1) The Corporation shall, at their first ordinary meeting after the City of Bombay Municipal (Amendment) Act, 193, comes into operation, and thereafter at their first meeting in the month of April after each general election, appoint twelve persons out of their own body to be members of the Improvements Committee.

Cf. *ibid.*,  
s. 43.

(2) Four other councillors shall be appointed by Government to be members of the Improvements Committee within one week after such appointment by the Corporation.

49D. *Appointment of Chairman of Improvements Committee.*—(1) The Improvements Committee shall at their first meeting appoint one of their number to be their Chairman until the first meeting of the said Committee in the next following official year, and thereafter, the said Committee, shall at their first meeting in each official year appoint a member of their body to be their Chairman until the first meeting of the said Committee in the next following official year.

Cf. *ibid.*,  
s. 44.

[Appendix 2—*contd.*]

(2) A member of the Improvements Committee who ceases to be the Chairman shall be re-eligible.

(3) If any casual vacancy occurs in the office of Chairman, the Improvements Committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every Chairman so chosen shall continue in office so long only, as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Cf. Bom.  
III of  
1888,  
s. 45.

49E. *Members of the Improvements Committee to retire by rotation.*—(1) One-half of the members of the Improvements Committee appointed by the Corporation and one-half of those appointed by Government, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the Chairman shall determine, shall retire from office at noon on the first day of April next following the date of their appointment.

(2) The remaining members of the Improvements Committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

Cf. *ibid.*,  
s. 46.

49F. *Appointment of members of Improvements Committee to replace those who retire.*—(1) The Corporation shall at their ordinary meeting in the month of March appoint fresh members of the Improvements Committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, and, as soon as possible after any such appointment by the Corporation, Government shall appoint fresh members to fill the offices of those previously appointed by them who retire as aforesaid.

(2) Any councillor who ceases to be a member of the Improvements Committee shall be re-eligible.

Cf. Bom.  
III of  
1888,  
s. 47.

49G. *Casual vacancies in the Improvements Committee how to be filled up.*—In the event of non-acceptance of office by a councillor appointed to be a member of the Improvements Committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation or by Government, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Cf. *ibid.*,  
s. 48.

49H. *Improvements Committee to continue in office till a new committee is appointed.*—The Improvements Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Improvements Committee is appointed under section 49C, notwithstanding that the members of the said committee or some of them may no longer be councillors.

[Appendix 2—*contd.*]

491. *Provisions to regulate the proceedings of the Improvements Committee.*—The Improvements Committee shall meet for the despatch of business in the Chief Municipal Office and the said committee may, from time to time, make such regulations with respect to such meetings as they think fit, subject to the following conditions :—

(a) there shall be a meeting of the Improvements Committee once a month, and at such other times as shall be found necessary ;

(b) the first meeting of the Improvements Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner ; and every subsequent meeting of the Improvements Committee shall be held on such day and at such time as the said committee may, from time to time, determine ;

(c) the chairman of the Improvements Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or by not less than four members of the Committee, call a special meeting of the said committee within twenty-four hours for the transaction of any business which in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said committee ;

(d) no business shall be transacted at a meeting of the Improvements Committee unless at least eight members are present from the beginning to the end of such meeting ;

(e) every meeting of the Improvements Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and if the chairman is absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion ;

(f) every question shall be decided by a majority of votes of the members of the Improvements Committee present and voting, on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(g) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the Improvements Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting ;

(h) a member of the Improvements Committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (g) to (l), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person ;

(i) the Commissioner, or the Deputy Municipal Commissioner (Improvements), when authorized by the Commissioner in this behalf, shall have the same right of being present at a meeting of the Improvements Committee and of taking part in the discussions

## [Appendix 2—contd.]

thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting;

(j) any member of the Improvements Committee who absents himself during three successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee, shall cease to be a member and his office shall thereupon be vacant.

Cf. Bom.  
XVI of  
1925, s. 8.

49J. *Existing Committee to continue pending formation of new Improvements Committee.*—The Improvements Committee in existence when the City of Bombay Municipal (Amendment) Act, 193 , comes into operation shall, so far as is not inconsistent with the provisions of the said Act, continue to exercise all the powers and to perform all the duties vested in or imposed on the Improvements Committee under the City of Bombay Improvement Trust Transfer Act, 1925, until the Improvements Committee to be formed in accordance with the provisions of the said Act shall have been so formed.”

Bom. XVI  
of 1925.

*ibid.*, s. 20.

6. *New sections 56A and 56B of Bom. III of 1888.*—After section 56 of the said Act the following sections shall be inserted, namely—

“56A. *Appointment of Deputy Municipal Commissioner (Improvements).*—(1) Subject to the previous approval of Government the Corporation shall, immediately on the commencement of the City of Bombay Municipal (Amendment) Act, 193 , appoint a Deputy Municipal Commissioner to be styled the Deputy Municipal Commissioner (Improvements). Such appointment shall be in addition to any appointment of a Deputy Commissioner made under sub-section (1) of section 55.

(2) Every person so appointed shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is subject under this Act.

Bom. XVI  
of 1925.

(3) The person appointed to be the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, and holding that office at the commencement of the City of Bombay Municipal (Amendment) Act, 193 , shall be the Deputy Municipal Commissioner (Improvements) under this Act until another Deputy Municipal Commissioner (Improvements) has been appointed by the Corporation and has entered on the discharge of the duties of his office.

56B. *Functions of the Deputy Municipal Commissioner (Improvements).*—(1) The Deputy Municipal Commissioner (Improvements) shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner in connection with the improvement of the City as the Commissioner may from time to time direct :

Provided that the Commissioner shall inform the Corporation of the powers and duties which he from time to time deposes to the Deputy Municipal Commissioner (Improvements).



[Appendix 2—contd.]

(2) All acts and things performed and done by the Deputy Municipal Commissioner (Improvements), during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner."

7. *New section 58A of Bom. III of 1888.*—After section 58 of the said <sup>*ibid.*</sup> Act the following section shall be inserted, namely:— *s. 27.*

"58A. *Remuneration of the Deputy Municipal Commissioner (Improvements).*—The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary not exceeding rupees two thousand and not less than rupees twelve hundred as the Corporation shall, from time to time, determine."

8. *Amendment of section 59 of Bom. III of 1888.*—In sub-section (3) of section 59 of the said Act for the word and figures "and 58" the word, figures and letter "58 and 58A" shall be substituted.

9. *Amendment of section 61 of Bom. III of 1888.*—After clause (r) of section 61 of the said Act, the following shall be inserted, namely:—

"(s) the obligations imposed by the City of Bombay Municipal (Amendment) Act, 193 , upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

(t) the improvement of the City."

Bom.  
XVI of  
1925.

10. *Amendment of section 64 of Bom. III of 1888.*—In section 64 of the said Act—

(a) in sub-section (1) for the word and figures "or 41", the word, figures and letter "41 or 49A" shall be substituted ;

(b) in sub-section (3), after the words "or the standing committee" the words "or the Improvements Committee" shall be inserted.

11. *Amendment of section 69 of Bom. III of 1888.*—In section 69 of the said Act—

(a) for clause (c) the following shall be substituted, namely:—

"(c) no contract for the purchase of moveable property, involving an expenditure exceeding five thousand rupees shall be made by the Commissioner unless the same is previously approved by the standing committee ;

(cc) no contract for the purchase of immoveable property, other than an agreement for the acquisition of immoveable property, shall be made by the Commissioner unless the same has been previously approved by the Improvements Committee if it involves an expenditure exceeding five thousand rupees or by the Corporation if it involves an expenditure of ten thousand rupees."

(b) in clause (d)—

(i) after the word "contract" the words "other than an agreement for the acquisition of immoveable property" shall be inserted ; and

[Appendix 2—*contd.*]

(ii) after the word "committee" the words "or if the contract relates to immoveable property, to the Improvements Committee" shall be inserted.

12. *Amendment of section 70 of Bom. III of 1888.*—In sub-section (2) of section 70 of the said Act after the word "Committee" the words "if the contract or other instrument relates to property other than immoveable property or of two members of the Improvements Committee, if the contract or instrument relates to immoveable property" shall be inserted.

13. *Insertion of new section 76-C in Bom. III of 1888.*—After section 76-B of the said Act the following heading and section shall be inserted, namely:—

*"Appointment of Estate Agent and Land Manager.*

76C. *Corporation to appoint an Estate Agent and Land Manager.*—The Corporation shall from time to time appoint a fit and proper person to be Estate Agent, or Land Manager or a fit and proper person to hold the combined offices of Estate Agent and Land Manager."

14. *Amendment of section 77 of Bom. III of 1888.*—In sub-section (2) of section 77 of the said Act,

(i) after the words "standing committee" where they occur for the first and second time, the words "and the improvements committee" shall be inserted; and

(ii) after sub-clause (ii) of clause (b) the following shall be inserted, namely:—

"(iii) the improvements committee and any sub-committee thereof."

15. *Amendment of section 83 of Bom. III of 1888.*—In clauses (b) and (c) of sub-section (2) of section 83 of the said Act, after the figures "55" the figures and letter "56A" shall be inserted.

16. *Amendment of section 90 of Bom. III of 1888.*—In section 90 of the said Act—

(a) in sub-section (1) for the words "Standing Committee", the words "Improvements Committee" shall be substituted;

(b) in sub-section (2) for the words "Standing Committee", the words "Improvements Committee" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of the Corporation to agree with the owner of any land or of any interest in land needed by the Corporation for the purposes of any scheme under chapter XII-A or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so

[Appendix 2—*contd.*]

needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith ;” and

(d) for sub-section (3) the following shall be substituted, namely :—

“(3) Provided that no agreement for the acquisition of any land or other immoveable property or of any interest in land or any right thereto or the payment of any compensation under sub-section (1) or (2) or (2A) shall be valid, if the price or compensation to be paid for such property or land or interest or right exceeds one thousand rupees unless and until such agreement has been approved by the Improvements Committee and by the Corporation if the price or compensation exceeds ten thousand rupees.”

**17. Amendment of section 91 of Bom. III of 1888.**—In sub-section (1) of section 91 of the said Act—

(a) for the words “Standing Committee” the words “Improvements Committee” shall be substituted ;

(b) after the word “Committee” the words “and subject to the other provisions of this Act” shall be inserted.

**18. New sections 91A, 91B and 91C of Bom. III of 1888.**—After section 91 of the said Act, the following sections shall be inserted, namely :—

“91A. *Transfer of property to the Corporation.*—(1) From the date on which the City of Bombay Municipal (Amendment) Act, 193 , *ibid*, s. 79. comes into operation there shall vest or re-vest in the Corporation, as the case may be, subject to all the charges and liabilities affecting the same, to be held by the Corporation subject to the provisions and for the purposes of the said Act all the immoveable and other property of the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Trust Transfer Act, 1925, Bom. XVI including all the estate, right, title and interest of the said Board in of 1925. and to the lands specified in Schedule W with the exception of the lands specified in sub-section (3) and Schedule X and in the reclaimed lands specified in Schedule Y and shown on the deposited plans.

(2) (a) In respect of the lands referred to as the Flats, specified in Schedule W “as plots 1 (b), 1 (c) and 1 (d)”, the Corporation may, subject to the power of resumption reserved by sub-section (3) at any time lay out the whole or any part or parts of these plots as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.

(b) The lands specified as plot 1 (j) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the Corporation from letting the said lands from time to time on lease for a term not exceeding one year, or with the previous sanction of Government and on such conditions as may be approved by Government for a term not exceeding 30 years, for the

[Appendix 2—*contd.*]

purpose of a race-course or for any purpose of public recreation or amusement.

(c) All the lands specified as plots 1 (a), 1 (e) to 1 (i) both inclusive and 1 (k) shall, subject to the provisions of sub-section (1), vest in the Corporation.

(3) The lands respectively referred to in Schedule W as plot 1 (d1), cadastral survey No. 3/383 part, the Cooperage Plot and the Marine Lines Maidan shall vest absolutely in His Majesty.

(4) All the estate, right, title and interest of the said Board to and in any land specified in Schedules W and Y vested or re-vested in the Corporation under this section, with the exception of the lands specified in clause (c) of sub-section (2) and in sub-section (3) shall, subject to the provisions of this section, remain so vested or re-vested until such time as the whole of the lands so specified except those appropriated as open spaces, shall have been let on a building lease either by the said Board or by the Corporation or as to any part thereof until such time as such part shall have been so let, and thereafter, as to the whole, except as aforesaid, or any such part, for a further period, which shall be determined—

(a) where the lease granted by the said Board or by the Corporation is a non-renewable lease, upon the expiration of such lease ;

(b) where the lease granted by the said Board or by the Corporation contains a clause for the renewal of the lease,

(i) when a renewed lease shall have been entered into, upon the expiration of such renewed lease ;

(ii) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable :

Provided that no unrenovable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease and of the term for which such lease shall be renewed or be expressed to be renewable exceed 99 years.

(5) All lands specified in Schedule X shall, subject to the provisions of sub-section (1), vest in the Corporation.

(6) It shall be lawful for the Corporation from time to time, in the case of land specified in Schedule W, with the sanction of Government, to take out of said Schedule W any land or to take any land out of Schedule X in exchange for any freehold land, the property of the Corporation, which they wish to bring on to the said Schedules. An exchange made under this sub-section shall operate to transfer the land taken out of the Schedules to the Corporation free from all conditions of resumption and re-vesting created by this Act and free from all encumbrances and to vest the land brought on to the schedules in the Corporation as if it were part of the property originally entered in Schedule W or X as the case may be.

[Appendix 2—*contd.*]

(7) Without prejudice, and in addition to the powers conferred on the Corporation by section 87, it shall be lawful for the Corporation to take over and hold any other lands within the City of which they may be put in possession by the Secretary of State for India in Council, to the intent that such lands shall vest in the Corporation in the same manner and subject to the same conditions as if such lands, if taken over from the Secretary of State for India in Council, were included in Schedule W, and such vesting shall in every such case take effect, upon delivery to the Corporation of possession of the land.

(8) Any land, other than land specified in clause (c) of sub-section (2) and other than land leased or agreed to be leased by the said Board or by the Corporation specified in Schedule W, which shall be required by Government for a public purpose, may at any time, after giving six months' notice to the Corporation, be resumed by Government.

(9) Government may, by notification in the *Bombay Government Gazette*, from time to time add to or amend the entries in Schedule W and, with the concurrence of the Corporation, the entries in Schedule X so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule W or Schedule X include a notification of the whole schedule or schedules as so altered.

91B. *Vesting of property in His Majesty on the termination of leases granted by the Corporation.*—Upon the determination of the further period mentioned in sub-section (4) of section 91A the property vested or re-vested in the Corporation, under the said section in any part of the lands specified in Schedule W except those appropriated as open spaces, and the plots 1 (a) and 1 (e) to 1 (i) both inclusive and 1 (k) of the Flats, and of the lands specified in Schedule Y, shall be forthwith divested and such part of such lands shall vest or re-vest absolutely in His Majesty. *ibid.*, s. 80.

91C. *Power to apply certain lands vested in the Corporation to the purpose of any scheme under this Act.*—The Corporation shall have power, subject to the provisions of section 91A, to apply any of the lands specified in Schedules W, X and Y with the exception of the lands in Schedule W specified in sub-section (3) of section 91A for the purposes of any scheme under this Act including any of the schemes referred to in sub-section (2) of section 354-B." *ibid.*, s. 82.

19. *Amendment of section 92 of Bom. III of 1888.*—In section 92 of the said Act— *Cf. ibid.*, s. 22 (1).

(a) for the proviso to clause (a) the following shall be substituted, namely:—

“provided that every lease of immoveable property granted by the Commissioner (other than a contract for a monthly tenancy)

[Appendix 2—contd.]

the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Improvements Committee”;

(b) for clause (b) the following shall be substituted, namely:—

“(b) with the sanction of the Standing Committee, the Commissioner may dispose of, by sale or otherwise, any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees. He may, with the sanction of the Improvements Committee, grant a lease of any immoveable property belonging to the Corporation, including any such right as aforesaid for any period exceeding one year or sell or grant a lease in perpetuity of any immoveable property belonging to the Corporation, the value or premium whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees.”

(c) after clause (c) the following new clause shall be inserted, namely:—

“(c) The consideration for which any immoveable property or any right belonging to the Corporation and referred to in clause (a) may be sold, leased or otherwise transferred shall not be less than the market value of such premium, rent or other consideration :

Provided that the Corporation may, when such consideration is less than the market value aforesaid, contribute such amount as may be sufficient to make the said consideration equal to the said market value.”

(d) in clause (d) after the words “ committee or ”, the words “ of the Improvements Committee or ” shall be inserted ; and

(e) after the proviso to the said section, the following proviso shall be inserted, namely:—

“ Provided further that it shall not be lawful for the Commissioner to sell or otherwise convey the lands specified in Schedules W and Y with the exception of the lands referred to in clause (c) of sub-section (2) of section 91A.”

20. *Amendment of section 105 of Bom. III of 1888.*—In sub-section (1) of section 105 of the said Act after the words “ municipal security holders ” the following shall be inserted, namely:—

“ and holders of securities issued by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925.”

21. *Amendment of section 106 of Bom. III of 1888.*—For section 106 of the said Act, the following shall be substituted, namely:—

“ 106. *Power to borrow from Government or other persons.*—The Corporation may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or with

Cf. sec.  
110E.

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.  
*ibid.*, s. 68.

[Appendix 2—contd.]

the sanction of the Governor in Council, from any other person, any sum necessary for the purpose of—

(a) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

(b) making good any deficit in budget-estimate ' B ' framed under section 126.

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be contracted (save in the case of a loan granted by the Local Government) by the Corporation unless the terms, including the date of flotation, of such loan have been approved by the Governor-General of India in Council."

22. *Amendment of section 109 of Bom. III of 1888.*—In section 109 of the said Act—

(a) In clause (b), after the brackets and letter

(b) the following shall be inserted, namely :—

" subject to the provisions of clause (b) of section 106," ;

(b) after clause (b) the following new clause shall be inserted, namely :—

" (bb) the sum borrowed for the purpose of discharging any obligation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, shall not in any year exceed twenty lakhs of rupees ; " ;

(c) for clause (d) the following shall be substituted, namely :—

" (d) the Corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal, or of principal and interest, or in such other manner as may be approved by Government, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned or within such other period as may be approved by Government ; " ;

(d) after clause (f), the following proviso shall be inserted, namely :—

" provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Corporation in such form as they think fit ; " .

[Appendix 2—contd.]

Cf. Bom. I of 1898, s. 2 and s. 70 (2), (3) and (4) of Bom. XVI of 1925.

23. *New sections 109A, 109B and 109C of Bom. III of 1888.*—After section 109 of the said Act, the following sections shall be inserted, namely :

“ 109A. *Investment of sinking fund and surplus moneys in debentures issued by the Corporation.*—(1) In respect of any sinking funds which by this Act the Corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Commissioner on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the Local Government or of the Governor-General in Council shall have been duly obtained under section 106, or issued by the Board of Trustees for the Improvement of the City of Bombay under section 52 of Bombay Act IV of 1898 or section 68 of Bombay Act XVI of 1925, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan ;

(2) the issue of any such debentures direct to and in the name of ‘ The Municipal Commissioner for the City of Bombay ’ on behalf of the Corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person ;

*ibid.*, s. 3.

(3) the purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Municipal Commissioner on behalf of the Corporation of any debenture issued by the Corporation or by the Board of Trustees for the Improvement of the City of Bombay shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Cf. Bom. XVI of 1925, s. 76.

109B. *Corporation may take advances from banks and grant mortgages.*—(1) Notwithstanding anything contained in sections 106, 108 and 109, the Corporation may, with the previous sanction of Government and for the purpose of discharging any liability arising out of the transfer to the Corporation of the powers, duties assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the Corporation, for a sum not exceeding in the aggregate fifteen lakhs of rupees on the security of all or any of the taxes which the Corporation are authorised to levy for the purposes of this Act.

Bom. XVI of 1925.

(2) The Corporation may also with the previous sanction of Government and subject to the provisions of this Act mortgage any lands or property vesting or re-vesting or belonging to the Corporation in



[Appendix 2—*contd.*]

security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

109C. *Corporation to have power to borrow from banks against Government promissory notes or securities.*—*ibid*, s. 77. Notwithstanding anything contained in section 106, the Corporation may also borrow, for the purpose of this Act, from any bank or banks in which under section 122 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for the time being the cash balance of the Corporation may be invested."

24. *Amendment of section 110 of Bom. III of 1888.*—In section 110 of the said Act—

(a) in sub-section (1) after the word "chapter" the words and figures "other than a mortgage made under section 109B" shall be inserted; and

(b) in sub-section (2) after the word "Act" the words "other than a debenture issued under section 110D" shall be inserted.

25. *Amendment of sections 110A, 110B and 110C of Bom. III of 1888.*—*ibid*, ss. 74 and 75. In sub-section (1) of section 110A, sub-section (1) of section 110B and in section 110C of the said Act, after the word "City" the words and figures "or under Bombay Act IV of 1898 or Bombay Act XVI of 1925" shall be inserted.

26. *New sections 110D, 110E, 110F, 110G and 110H of Bom. III of 1888.*—After section 110C of the said Act, the following sections shall be inserted, namely:—

"110D. *Debentures issued under Bombay Acts IV of 1898 and XVI of 1925.*—(1) The holder of any debenture issued by the Board of Trustees for the Improvement of the City of Bombay under Bombay Act IV of 1898 or XVI of 1925 may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form which the Corporation may, with the previous consent of Government, prescribe.

(2) Every debenture issued under Bombay Act IV of 1898 or XVI of 1925 or by the Corporation under sub-section (1) shall be transferable—

(a) if it is in the form of Schedule AA by endorsement, and

(b) if it is in any other form, in such manner as is therein expressed.

(3) The rights to sue in respect of the moneys secured by debentures issued under this section or under Bombay Act IV of 1898 or XVI of 1925 shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

## [Appendix 2—contd.]

ibid s. 78.

110E. Provisions for loans, etc. raised by the Board of Trustees under Bombay Act IV of 1898 and Bombay Act XVI of 1925.—In the case of all loans raised, sinking funds established, debentures or other securities issued and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, before the City of Bombay Municipal (Amendment) Act, 193 , comes into operation the following provisions shall apply :—

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.

(i) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums, on such dates as may have been fixed when the loans were raised ;

(ii) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal the Corporation shall make such payments on such dates and in such manner as may have been fixed when the loans were raised ;

(iii) the provisions of clause (d) of section 109 shall, so far as may be, apply to such loans and the said clause shall be construed as if (a) for the word 'annual' the words 'yearly or half-yearly' were substituted and (b) the words 'or in such other manner as may be approved by Government' were omitted ;

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.

(iv) the provisions of clause (e) of section 109 shall, so far as may be, apply to such sinking funds and the said clause shall be construed as if for the words 'under this section' the words 'under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925', were substituted ;

(v) the provisions of clause (f) of section 109 (except the proviso) shall, so far as may be, apply and the said clause shall be construed as if after the word 'year' the words 'or every half year' were inserted and as if the words 'second half-yearly' were omitted ;

(vi) the provisions of section 109A shall, so far as may be, apply to such sinking funds ;

(vii) the provisions of section 110F shall apply to such loans ;

(viii) the provisions of section 106 shall, so far as may be, apply, and the said section shall be construed as if for the words 'contracted under this Act' the words 'or debt contracted or incurred under this Act or by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925', were substituted ;

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.

(ix) all securities and cash held by the Board of Trustees in existence when the City of Bombay Municipal (Amendment) Act, 193 , comes into operation in sinking funds established for the repayment of such loans shall be transferred to the Corporation

[Appendix 2 - contd.]

and shall be held by them as part of the sinking funds established under clause (i) ;

(x) when money is borrowed for the purpose of discharging any loan contracted by the said Board of Trustees the time for repayment of the loan so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned ; and

(xi) for the removal of doubts it is hereby expressly declared that on the coming into operation of the City of Bombay Municipal (Amendment) Act, 193 , all loans contracted, sinking funds established and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall be deemed to be a charge on the whole of the property of the Corporation and on all the taxes which they are authorised to levy for the purposes of this Act, subject to any priority of charge given to any loan contracted under this Act, or by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, and shall, so far as may be, continue to be subject as regards repayment, rate of interest, period, guarantee for fulfilment of the liabilities and in every other respect to the same terms and conditions as were fixed by the said Board when such loans, funds and debts were contracted, established or incurred or as were provided by or under the said Acts.

Bom. IV  
of 1898.

Bom. XVI  
of 1925.

Bom. IV  
of 1898.

Bom. XVI  
of 1925.

110F. *Procedure in event of default by Corporation in payment of interest or investment of sinking fund charges.*—(1) If the Corporation fail—

*ibid.*, s. 95.

(a) to pay any interest due in respect of any loan taken by the Board of Trustees under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, for the repayment of which the Corporation have become liable under section 110E ;

Bom. IV  
of 1898.

Bom. XVI  
of 1925.

(b) to pay or to set aside and invest any sum required by section 110E or which the said Board were required to pay or set aside and invest under the provisions of the said Acts ;

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under the said provision or Acts ; and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General a sum equivalent to the sum so paid or invested by him ; and if the amount is not so paid Government may attach the rents and other income of the Corporation sufficient to pay the said sum and thereupon the provisions of sub-sections (2) and (3) of section 99 shall with all necessary modifications be deemed to apply.

[Appendix 2—*contd.*]

(2) The Corporation may, with the previous sanction of Government levy any such special tax as may be sufficient to repay to the Municipal Fund the amount paid by the Commissioner as aforesaid. Such special tax may be in addition to any of the taxes from time to time leviable under this Act :

Provided that when such special tax is other than a tax specified in Schedule II to the Scheduled Taxes Rules made under clause (a) of sub-section (3) of section 80A of the Government of India Act, such tax shall not be levied without the previous sanction of the Governor-General in Council.

5 & 6  
Geo. V,  
c. 61.

*ibid.*, s. 96.

110G. *Procedure in case of default by Commissioner.*—If the Commissioner fails to make the payment as required by section 110F Government may attach the Municipal Fund or any tax leviable by the Corporation sufficient so far as can be estimated to cover such payment and thereupon the provisions of sub-sections (2) and (3) of section 99 shall with all modifications be deemed to apply.

*ibid.*, s. 97.

110H. *Certain sums to be a charge upon the property of the Corporation.*—All moneys payable under sub-section (1) of section 110F and levied under section 110G shall constitute a charge upon the property of the Corporation."

*ibid.*,  
s. 88 (5).

27. *Amendment of section 111 of Bom. III of 1888.*—In section 111 of the said Act after the words "belonging to the Corporation" the words "including loans advanced under section 354W" shall be inserted.

*ibid.*,  
s. 91 (1).

28. *Amendment of section 118 of Bom. III of 1888.*—In section 118 of the said Act—

(i) after clause (e) the following shall be inserted, namely :—

"(ee) the loans advanced in accordance with the provisions of section 354W ;"

(ii) in sub-clause (1) of clause (f) after the word "under" the words, figures and brackets "sub-section (1) of section 110F" shall be inserted.

*ibid.*,  
ss. 87-94.

29. *New section 123A of Bom. III of 1888.*—After section 123 of the said Act the following section shall be inserted, namely :—

"123A. *Separate pro forma accounts to be kept by the Commissioner.*—  
(1) There shall be kept by the Commissioner subject to the control of the Corporation, and under a separate heading in the municipal accounts, accounts of all the property vested or vesting in the Corporation and of all receipts and expenditure of the Corporation on account of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925.

Bom. XVI  
of 1925.

(2) Such accounts shall be maintained, so far as may be, in such manner and in such forms as the Standing Committee shall from time to time prescribe in accordance with the rules contained in Schedule BB.

[Appendix 2—contd.]

(3) The Commissioner shall publish such accounts in the *Bombay Government Gazette* every half year."

30. *Amendment of section 125 of Bom. III of 1888.*—For section 125 of the said Act the following shall be substituted, namely :—

"125. *Estimates of expenditure and income to be prepared annually by the Commissioner.*—The Commissioner shall, on or before each tenth day of November, have prepared and lay before the Standing Committee, in such form as the said Committee shall from time to time approve :—

(1) (a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year, other than expenditure to be incurred by reason of the obligations imposed upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

Bom. XVI  
of 1925.

(b) an estimate of all balances, if any, (other than balances shown in the account maintained under section 123A) which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year ;

(c) an estimate of the Corporation's receipts and income for the next ensuing official year other than from taxation and other than that referred to in clause (c) of sub-section (2) ;

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing official year ;

(2) (a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year by reason of the obligations imposed upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

Bom. XVI  
of 1925.

(b) an estimate of all balances, if any, in the account maintained under section 123A, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year ;

(c) an estimate of the Corporation's receipts and income for the next ensuing official year—

(i) arising from sales, leases and other dispositions of immoveable property vesting in the Corporation by reason of the enactment of the City of Bombay Municipal (Amendment) Act, 193 , and

(ii) being payments of interest on and repayments in whole or part of the capital of loans granted by the Corporation and secured on the aforesaid immoveable property ;

[Appendix 2—*contd.*]

(d) an estimate of three times the amount of the net estimated realisations of the Corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the then current financial year ;

(e) an estimate of all sums received from taxation other than taxation under this Act and appropriated by the Corporation to meet expenditure to be incurred by reason of the obligations imposed upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees.”

31. *Amendment of section 126 of Bom. III of 1888.*—For section 126 of the said Act the following shall be substituted, namely :—

“ 126. *Budget estimates to be prepared by the Standing Committee.*—

(1) The Standing Committee shall, on or as soon as may be after each tenth day of November, consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they shall think fit, two budget estimates as follows :—

(a) ‘ Budget estimate “ A ” ’—of the income and expenditure other than income and expenditure to be received or incurred by reason of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, and

(b) ‘ Budget estimate “ B ” ’—of the income and expenditure of the Corporation for the next official year to be received and incurred by reason of the transfer to the Corporation of the said powers, duties, assets and liabilities.

(2) In budget estimate ‘ A ’ the Standing Committee shall—

(a) propose with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of town duties, on such articles, as they shall think fit ;

(b) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act other than sums and instalments as aforesaid (i) for which the Corporation but for the enactment of the City of Bombay Municipal (Amendment) Act, 193 , would not have been liable and (ii) for which the Corporation may be liable in carrying out the duties imposed upon them by clause (r) of section 61 ;

(c) allow for an appropriation to budget estimate ‘ B ’ of the sum estimated, revised as they shall think proper, under clause (d) of sub-section (2) of section 125 ;

(d) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

[Appendix 2—contd.]

(3) In budget estimate 'B' the Standing Committee shall, if necessary, make proposals to meet any deficit in such budget estimate by borrowing :

Provided that the Standing Committee shall not make any proposal to borrow for that purpose a sum of more than twenty lakhs of rupees.

(4) The Commissioner shall cause the budget estimates, as finally approved by the Standing Committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor."

32. *Amendment of sections 127, 129, 130, 131, 132, 133 and 134 of Bom. III of 1888.*—For the word "budget-estimate" occurring in sections 127, 129, 130, sub-section (2) of section 131, section 132, clauses (b) and (d) of sub-section (1) of section 133 and sub-section (1) of section 134 of the said Act, the word "budget-estimates" shall be substituted.

33. *Amendment of section 291 of Bom. III of 1888.*—In section 291 of the said Act after clause (b) the following shall be inserted, namely :—

"(c) declare any street made under an improvement scheme duly executed in pursuance of the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, to be a public street."

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.

34. *New Chapter XII-A of Bom. III of 1888.*—After Chapter XII of the said Act the following shall be inserted as Chapter XII-A namely :—

## " CHAPTER XII-A.

### CITY IMPROVEMENT.

354B. *Transfer of rights, etc., of the Board to the Corporation.*—*Cf. ibid,*  
(1) From the date on which the City of Bombay Municipal (Amendment) Act, 193 , comes into operation, all the property, interests, rights and liabilities on that date of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, in existence when the said Act comes into operation shall, save in so far as they are restricted or modified by the provisions of this chapter and of sections 91A, 91B and 91C, vest in the Corporation.

s. 55.  
Bom. XVI  
of 1925.

(2) It shall be the duty of the Corporation to execute, with due diligence, any Improvement scheme, Street scheme, Deferred street scheme, Poorer Classes Accommodation scheme, Reclamation scheme, or Police Accommodation scheme, duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 193 , comes into operation, which remains unexecuted on that date, until the completion of the scheme.

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.

[Appendix 2—contd.]

*Improvement Schemes.*

354C. *Commissioner to make a draft improvement scheme.*—(1) If it shall appear to the Commissioner that within certain limits in any part of the City either—

(a) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings; and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, the Commissioner may—

- (i) with the previous approval of the Corporation, which shall not be given unless the Corporation are satisfied of the sufficiency of their resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, the area to which the resolution relates and naming a place where a map of the area may be seen at all reasonable hours;
- (ii) during three consecutive weeks publish simultaneously in the *Bombay Government Gazette* and in some one or more English and in some two or more vernacular newspapers circulating within the City a copy of the said notification;
- (iii) proceed to make a draft improvement scheme and submit the scheme to the Improvements Committee for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3) With the previous approval of the Corporation the Commissioner may for the purpose of making an improvement scheme, cause surveys to be made in areas outside the limits of the area comprised in the scheme to be made.

*ibid.*, s. 30. 354D. *Improvements Committee to consider and approve draft scheme submitted by Commissioner.*—On the submission by the Commissioner of a draft improvement scheme the Improvements Committee shall take such scheme into their consideration and may approve the same with or without such alteration as it thinks fit.

*ibid.*, s. 31. 354E. *Particulars to be provided for in an improvement scheme.*—The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354C, or include any



[Appendix 2—*contd.*]

neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is expedient,—

(1) shall, within the limits of the area comprised in the scheme, provide for—

(a) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or affected by the execution of the scheme ;

(b) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets ;

(c) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewerage of streets so formed or altered ;

(d) the lighting of streets so formed or altered ;

(2) may, within the limits aforesaid, provide for—

(a) raising any land which the Improvements Committee may deem expedient to raise for the better drainage of the locality ;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;

(c) the whole or any part of the sanitary arrangements required ;  
and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

354F. *Considerations which shall prevail in making the scheme.*— *ibid.*, s. 32.  
In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

354G. *Procedure on completion of the scheme.*—(1) Upon the approval *ibid.*, s. 33. of an improvement scheme by the Improvements Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land proposed to be acquired, may be seen at all reasonable hours, and shall—

(a) communicate a copy of such notification, particulars, map and statement to the Corporation ;

(b) publish the notification in the manner prescribed for the publication of a notification under section 354C.

(2) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice

[Appendix 2—*contd.*]

on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under this Act on any land or building proposed to be acquired by the Commissioner in executing the scheme. The notice shall state that such land or building is proposed to be acquired by the Commissioner on behalf of the Corporation for the purpose of an improvement scheme and shall require an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents requiring the reasons of such dissent to be given, within thirty days from the date of service of the notice.

*ibid.*, s. 34.

354H. *Right of owner to demand acquisition on issue of notification when building operations are in progress.*—(1) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 354G, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall then resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the Corporation who shall within one month after receipt thereof communicate to the Improvements Committee the decision of the Corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(3) If the Corporation decide to acquire the land the Commissioner shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894.

(4) If the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired, made in accordance with any notification drawn up under section 354G, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

*ibid.*, s. 35.

354I. *Right of owner to demand acquisition or withdrawal by the Corporation after the lapse of two years from the date of notification.*—(1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification

[Appendix 2—*contd.*]

drawn up under section 354G may at any time before the publication of a declaration under section 354M and after the expiry of two years from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the Corporation.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall resolve whether in their opinion it is desirable to acquire the land set out in the notice and shall communicate their resolution within two months to the Corporation which shall within three months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(3) If the Corporation decide to acquire the land they shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894.

(4) If the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

354J. *The Improvements Committee after publication and service of* *ibid.*, s. 36. *notices to forward the scheme to the Corporation for approval.*—(1) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Improvements Committee any representation or answer received under section 354G together with any suggestion he may wish to make in respect of the modification of the scheme.

(2) The Improvements Committee shall after consideration of any such representation, answer or suggestion and after inserting in the scheme such modifications as they think fit submit the scheme together with any representation, answer or suggestion to the Corporation for their approval.

354K. *Corporation to consider the improvement scheme and to approve* *ibid.*, s. 30. *or disapprove.*—The Corporation shall on receipt of a scheme from the Improvements Committee proceed to take such scheme into consideration together with any representation, answer or suggestion received or made under section 354G or 354J and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

354L. *Commissioner to apply to Government for sanction to the* *ibid.*, s. 36. *scheme.*—(1) As soon as the Corporation have approved the scheme

[Appendix 2—contd.]

the Commissioner shall apply to Government on behalf of the Corporation for sanction to the scheme.

(2) If the Corporation do not approve the scheme they shall pass a resolution to that effect. The Commissioner shall thereupon forthwith draw up a notification stating the fact that the Corporation have resolved not to proceed with the making of the said improvement scheme and shall publish the said notification in the manner prescribed in section 354C. Thereupon the notifications relating to the scheme published under sections 354C and 354G shall be deemed cancelled.

(3) The application to Government for sanction under sub-section (1) shall be accompanied by—

(a) a copy of the resolution passed by the Improvements Committee under section 354D ;

(b) a copy of a resolution passed by the Corporation under section 354C ;

(c) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(d) complete plans and estimates of the cost of executing the scheme ;

(e) a statement specifying the land proposed to be acquired ;

(f) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (2) of section 354G dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land ;

(g) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 354-G, of all land specified in the statement under clause (e) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme.

*ibid.*, s. 37.

354M. *On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.*—(1) (a) On receipt of the sanction of Government, the Commissioner shall forward to Government a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the scheme is required for a public purpose.

(b) The declaration shall be published in the *Bombay Government Gazette* and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

[Appendix 2—contd.]

(2) (a) If at any time it appears to the Commissioner, the Improvements Committee or the Corporation that an improvement can be made in any part of the scheme, the Commissioner, the Improvements Committee or the Corporation may alter the scheme for the purpose of making such improvement, and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner or the Improvements Committee shall not, without the previous sanction of the Corporation and of Government, authorize the Commissioner to proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under sub-section (3) of section 354L the provisions of sections 354G and 354L and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

354N. *If the Improvements Committee fail to acquire the land owner* *ibid*, s. 38. *may call upon committee to acquire it or to withdraw from the proposal.*— If, within three years from the declaration aforesaid, the Corporation fail to acquire the land or any part of the land proposed to be acquired for the purposes of any scheme notified after the City of Bombay Municipal (Amendment) Act, 193 , comes into operation, the owner of any land included in the declaration may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it. Thereafter the procedure prescribed in sub-sections (2) to (4) of section 354I shall be followed.

#### *Police Accommodation Schemes.*

354O. *The Corporation to have power to make a police accommoda-* *ibid*, s. 52. *tion scheme.*—(1) When a representation is made by Government to the Corporation that within any part of the City accommodation is required for housing any part of the Police of the City, the Corporation shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall direct the Commissioner to forthwith proceed to make a police accommodation scheme.

(2) The Police accommodation scheme may provide for constructing dwellings, police stations and accessory buildings (including stables for horses) for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

## [Appendix 2—contd.]

*ibid.*, s. 53.

354P. *Procedure on completion of a scheme.*—Upon completion of a police accommodation scheme, the provisions of sections 354G to 354M shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

*ibid.*, s. 54.

354Q. *Vesting of land in Corporation.*—(1) When such scheme is sanctioned by Government, in the case of land specified in Schedule W or land reclaimed within the limits specified in Schedule Y Government shall resume the land.

In the case of land specified in Schedule W or land reclaimed within the limits specified in Schedule Y the land shall thereupon vest in the Corporation.

(2) The Commissioner shall then proceed to execute the Police Accommodation Scheme.

(3) Any building constructed under this section shall with the site be held by Government for police purposes for a term of sixty years from the date of the completion of the building, and Government shall, during the said period, pay yearly to the Corporation by way of rent a sum equal to the total of—

(a) the annual interest payable by the Corporation on all moneys, which they have spent on the scheme, and

(b) sinking fund charges so calculated that at the end of the said period the aggregate in the sinking fund shall amount to the total sum spent on the scheme.

Such total sum shall include—

(i) all moneys spent on interest and sinking fund charges up to the date of the commencement of the said period ;

(ii) if and so far as the land included in the scheme is not part of the land specified in Schedule W or reclaimed within the limits specified in Schedule Y, the cost of such land ;

(iii) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the said period.

(4) The cost of such land for the purposes of this section shall be deemed to be—

(a) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition, and

(b) in all other cases the market value of the land at the date of the declaration of the scheme.

(5) Government shall maintain the building held by them under sub-section (3) in a state of proper repairs.

(6) On the expiration of the period of sixty years the building and the land forming the site thereof shall vest absolutely in His Majesty.

(7) This section shall apply to all Police Accommodation Schemes sanctioned heretofore by Government in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, as if such schemes had been sanctioned under the provisions of this Act.

[Appendix 2—*contd.*]

354R. *Minimum width of streets.*—(1) No new public street made *ibid.*, s. 61. under any scheme executed in pursuance of the provisions of this chapter shall, if made for carriage traffic, be less than 40 feet in width, nor, if made for foot traffic only, be less than 20 feet in width :

Provided that where in an improvement scheme or otherwise provision is made for a garden or open space on one or both sides of a public street throughout its length on such terms as to preclude such garden or space being built over, when the total width between the buildings on opposite sides of the street, including such garden or space, is not less than 40 feet the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

(2) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and, in the case of such passages, the Commissioner may enter into an agreement with any person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this chapter.

354S. *Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.*—Notwithstanding anything contained in the Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as “the said Act”), the said Act shall not, except to the extent set forth in Schedule CC, apply to the acquisition of land under this chapter, but the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof, subject to the provisions of this chapter and to the provisions following, namely :—

(1) a reference to any section of the said Act shall be deemed to be a reference to such section, as modified by the provisions of this chapter, and the expression “land”, as used in the said Act, shall be deemed to have the meaning assigned to it by clause (r) of section 3 of this Act, and clause (b) of section 3 of the said Act shall, for the purposes of this chapter, be read as if the words and parentheses “(including the Crown)” were inserted after the words “includes all persons”, and the words “or if he is the owner of any right created by legislative enactment over any street forming part of the land” were added after the words “affecting the land”;

(2) in the construction of sub-section (2) of section 4 of the said Act and the provisions of this chapter the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (1) of section 354C or 354O, as the case may be, and the expression “Local Government” shall be deemed to include the Commissioner, and the words “such locality” shall be deemed to mean the locality referred to in any such resolution ;

[Appendix 2—*contd.*]

(3) in the construction of the sections of the said Act deemed to form part of this chapter and of the provisions of this chapter, the publication of a notification under sub-section (1) of section 354G or 354P shall be deemed to be the publication of a notification under sub-section (1) of section 4 of the said Act and the date of publication of the declaration under section 354M or 354P shall be deemed to be the date of the publication of the declaration under section 6 of the said Act :

Provided that where land is acquired under section 354H or sub-section (3) of section 354I the date of publication of the notification under sub-section (1) of section 354G shall be deemed to be the date of publication of a declaration under section 6 of the said Act.

Provided further that the provisions of sub-section (2) of section 23 of the said Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of section 354D, is acquired specifically under this Act for the purpose of a police accommodation scheme ; and that in all other cases in which the land is notified for acquisition after the date on which the City of Bombay Municipal (Amendment) Act, 193 , comes into operation additional compensation in consideration of the compulsory nature of the acquisition shall be awarded on the scale set out in Schedule DD.

(4) In the construction of sub-section (2) of section 50 of the said Act and the provisions of this Chapter the Commissioner shall be deemed to be the local authority or company concerned.

*ibid.*, s. 64.

354T. *Special provisions as to compensation.*—In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply :—

(1) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building ;

(2) when any addition to, or improvement of, the land or building has been made after the date of the publication under sub-section (1) of section 354G or 354P of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building ;

(3) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (1) of section 354G or 354P the Court shall have due regard to the nature and the condition of the property and the probable duration of the building if any in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section ;



[Appendix 2—*contd.*]

(4) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding ;

*Explanation.*—For the purposes of this sub-section overcrowding shall be interpreted as in sub-sections (4) and (5) of section 379A ;

(5) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair ;

(6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition.

354U. *Collector to take possession after making an award and transfer land to Corporation.*—When the Collector has made an award under section 11 of the said Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the Corporation subject to the liability of the Commissioner to pay on behalf of the Corporation any further costs which may be incurred on account of the acquisition of the land. *ibid.*, s. 65.

354V. *Compensation to Corporation on resumption of certain land.*—Whenever any land specified in Schedule W excepting the lands specified in sub-section (3) of section 91A, which vest in Government is resumed by Government, or any land specified in Schedule Y and vested in the Corporation is taken possession of by Government under the provisions of this Act, the market value of the land as at the date of resumption as determined by the Collector, or in appeal by the High Court, shall be paid to the Corporation by Government. *ibid.*, s. 67.

354W. *Power to grant loans for building purposes.*—(1) Subject to the provisions of this Act and of the bye-laws made thereunder the Commissioner may, with the previous sanction of the Improvements Committee, advance loans to persons desiring to erect buildings on land vested in the Corporation in consequence of the transfer to them of the property of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925. *ibid.*, s. 55A. Com. XVI  
of 1925.

[Appendix 2—*contd.*]

(2) Any person desiring to erect a building on any such land may make an application to the Commissioner in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected; and the Commissioner may, after making such enquiry as they think necessary, and subject to the conditions mentioned in sub-sections (1) and (3) and the bye-laws made under section 461, advance such loans.

(3) Every such loan shall be subject to the following among other conditions:—

(1) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes;

(2) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case;

(3) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building;

(4) that the amount of the loan shall not exceed 60 per cent. of the cost of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(5) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed in the bye-laws.

*ibid.*, s. 86.

354X. *Payment to be made by Government.*—Government shall pay to the Corporation, from the date on which the City of Bombay Municipal (Amendment) Act, 193 , comes into operation and until the ninth day of November 1997, all rents and profits derived by Government from the lands specified or referred to in Schedule Z. "

*ibid.*,  
s. 113.

35. *Amendment of section 461 of Bom. III of 1888.*—In section 461 of the said Act—

(a) in clause (t) after the word "Committee" the words "and of the Improvements Committee" shall be inserted; and

(b) after clause (v) the following clauses shall be inserted, namely:—

"(w) the management and use of the lands vested in the Corporation under sub-section (2) of section 91A;

(x) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925;

(y) the conditions on which loans shall be advanced and the form of application for the advance of a loan under section 354W and; "

(c) clause (w) shall be renumbered "(z)".

Bom. IV  
of 1898.  
Bom. XVI  
of 1925.

36. *Insertion of new Schedules W, X, Y, Z, AA, BB, CC and DD of Bom. III of 1888.*—In the schedules to the said Act, after Schedule V the following schedules shall be inserted, namely:—

[Appendix 2—contd.]

SCHEDULE W.

*Ibid*,  
Schedule  
C.

(See section 91-A.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<b>THE FLATS.</b>				
			(Deposited Plan " A ".)				
1 (a)	....	66 (part), 69 (part), Lower Farel Division.	Bounded on the North partly by Plot No. 1 (k) of the Flats, partly by the land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43 and on the South by Haines Road; on the East by private properties bearing Cadastral Survey Nos. 66, 65, 67 and on the West partly by land belonging to the Corporation partly by Plot No. 1 (k) of the Flats and partly by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43.	75,104	--	--	--
			(Deposited Plan " B ".)				
1 (b)	....	2/383 (part) ..	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 410 (part) and partly by Clerk Road; on the South	377,950	--	--	--
1 (d1)	....	383 (part), 2/383 (part), 3/383 (part).	by private properties bearing Cadastral Survey Nos. 372, 373, 374, 375, 369, 7/366, 8/366, 884, 383 (part) and 4/383; on the East by the land bearing Cadastral Survey No. 1/383 and on the West by private properties bearing Cadastral Survey Nos. 409, 408, 1/408 land belonging to the Corporation and by Cadastral Survey Nos. 403, 401, 400, 399, 398, 375, 372, 382, 369, 368, 383 (part) excluding the 100 feet and 40 feet roads.				
1 (d2)	....	383 (part).					
1 (d1)	....	383 (part), Tardeo Division.					
			(Deposited Plan " C ".)				
1 (e)	....	412 (part), Tardeo Division.	Bounded on the North by Clerk Road; on the South by the properties bearing Cadastral Survey Nos. 413 and 56; on the East by properties bearing	19,815	--	--	--

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
1 (c) contd.			THE FLATS—contd.  (Deposited Plan "C" —contd.)  Cadastral Survey Nos. 414 and 56, and on the West by the Municipal private road bearing Cadastral Survey No. 890, beyond which is the land belonging to the Corporation bearing Cadastral Survey No. 411 excluding the Municipal road for rubbish carts.  (Deposited Plan "D".)				
1 (e)	....	1/1030, 2/1030, Lower Parcel Division.	Bounded on the North by the newly constructed 100 feet Worli Road; on the South and West by land belonging to the Corporation bearing Cadastral Survey No. 286 and on the East by the private property bearing Cadastral Survey No. 1031.  (Deposited Plan "E".)	6,193	..	7,666	..
1 (f)	....	1/268 and 268, Lower Parcel Division.	Bounded on the North by passage bearing Cadastral Survey Nos. 2/472 and by private properties bearing Cadastral Survey Nos. 437, 438; on the South by the land belonging to the Corporation bearing Cadastral Survey Nos. 1/269, 2/269 and 269, and by private property bearing Cadastral Survey No. 1/265; on the East by private properties bearing Cadastral Survey Nos. 270, 267, 1/265, 439, 438, 437, 436, 433, 1/472 and 2/472; and on the West by the Worli Low Level Drainage Channel bearing Cadastral Survey No. 286.	25,265	..	18,949	..

[Appendix 2—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
			<i>THE FLATS—contd.</i> <i>(Deposited Plan "F".)</i>	Sq. yds.	Sq. yds.	Rs.	Rs.
1 (g)	....	71 (part), 144 (part), Lower Parcel Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 284; on the South by Plot 1 (i) (East) and private property bearing Cadastral Survey No. 143; on the East partly by the land belonging to the Corporation bearing Cadastral Survey No. 2/71 and partly by private properties bearing Cadastral Survey Nos. 144 (part) and 1/145 and on the West by Plot No. 1 (i) (East) of the Flats.	4,287	..	2,679	..
1 (h)	....	2/71, 71 (part), Lower Parcel Division.	Bounded on the North by private properties bearing Cadastral Survey Nos. 106 and 107; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part); on the East by the Tulsa Pipe Line Road bearing Cadastral Survey No. 70 and on the West by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part).  <i>(Eastern portion.)</i>	4,104	..	13,338	..
1 (i) East.	....	71 (part), Lower Parcel Division.	Bounded on the North partly by the land belonging to the Corporation bearing Cadastral Survey No. 284 (part), partly by Plot 1 (g) of the Flats and partly by private properties bearing Cadastral Survey Nos. 143, 142 and 140; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part); on the East partly by private properties bearing Cadastral Survey Nos. 107, 140, 142, 143, and partly by Plot 1 (g) of the Flats and on the West by the Low Level Drainage Channel.	42,062	..	42,062	..

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<p>THE FLATS—contd.</p> <p>(Deposited Plan "F" —contd.)</p> <p>(Western portion.)</p>				
1 (i) West.	....	110 (part), Lower Parcel Division.	<p>Bounded on the North by private property bearing Cadastral Survey No. 134 and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and partly by the Low Level Drainage Channel; on the South partly by the land belonging to the Corporation bearing Cadastral Survey No. 1/110, partly by the Low Level Drainage Channel and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and 134; on the East by the Low Level Drainage Channel and on the West partly by land belonging to the Corporation bearing Cadastral Survey No. 1/110 and partly by private properties bearing Cadastral Survey Nos. 137, 139, 136 and 134.</p> <p>(Deposited Plan "G".)</p>	--	--	--	--
1 (j)	---	46 (part), Lower Parcel Division.	<p>Bounded on the North by the Municipal Storm Water Reservoir; on the South partly by Clerk Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 45; on the East partly by land belonging to the Corporation bearing Cadastral Survey No. 45, partly by land acquired by Government for the B. B. &amp; C. I. Railway Company bearing Cadastral Survey No. 46, partly by the Junction Road and partly by the Low Level Drainage Channel beyond which is Haines Road and on the West by the Municipal old drain.</p>	718,948	--	--	--

[Appendix 2—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
1 (k)	....	69 (part), Lower Parel Division.	THE FLATS— <i>concl'd.</i> ( <i>Deposited Plan "A"</i> .)	Sq. yds.	Sq. yds.	Rs.	Rs.
			Bounded on the North by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43; on the South and East by Plot No. 1 (a) of the Flats and on the West by land belonging to the Corporation.	9,076	..	29,497	..
			Total ..	..	1,282,824	..	1,03,525
2	....	7, Fort Division.	THE KENNEDY SEA FACE. ( <i>Deposited Plan "H"</i> .)				
			Bounded on the North, South and West by the Fore-shore of Backbay and on the East by a public footpath.	4,447	..	..	..
			Total ..	..	4,447	..	..
3	....	4, Fort Division.	THE COOPERAGE PLOT. ( <i>Deposited Plan "I"</i> .)				
			Bounded on the North by the Band Stand Circle; on the South by Wodehouse Road; on the East by Cooperage Road and on the West by Queens Parade Road but excluding 38 square yards bearing Cadastral Survey No. 13 on which stands the statue of the late Mr. Justice Ranade.	58,044	..	..	..
			THE MARINE LINES ESTATE. ( <i>Deposited Plan "J"</i> .)				
4 (a)	....	718 to 725, 1416 to 1421, 1429 to 1433 and 1435, Fort Division.	Bounded on the North by the South side of the compound of Government Bungalow bearing Cadastral Survey No. 1436; on the East partly by the West Boundary of Government Plot reserved for Military purposes by Government Resolution No. 2-C. W. 4, dated 3rd January 1881, and partly by the	32,825	..	3,28,250	..

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
4 (a) contd.			<p>• THE MARINE LINES ESTATE—contd.</p> <p>(Deposited Plan "J")—contd.</p> <p>West Boundary of Plot 4(b) (Marine Lines Maldan); on the South by a portion of the North Boundary of Plot No. 4 (b) (Marine Lines Maldan) and on the West by the Marine Lines Road (Marine Street) but excluding the two Roads giving access to the Maldan from the Marine Lines Road.</p>				
4 (b)	....	709, Fort Division.	<p>THE MARINE LINES MAIDAN.</p> <p>(Deposited Plan "J".)</p> <p>Bounded on the North partly by the South Boundary of "Government Plot" bearing Cadastral Survey No. 728-C, reserved for Military purposes by Government Resolution No. 2-C. W. 4, dated 3rd January 1881, and partly by Cadastral Survey No. 725 of the Marine Lines Estate; on the East partly by the Esplanade and Mayo Roads, partly by the land belonging to the Corporation bearing Cadastral Survey No. 728; on the South by Church Gate Street; on the West partly by Marine Lines Road (Marine Street) and partly by Plot 4A (Marine Lines Estate) but excluding the sites of the Gokhale and Montague statues.</p>	91,196	..	9,11,960	...
5	---	14, 1/14, 15 and 16, 18 to 20, Fort Division.	<p>THE WELLINGTON LINES PLOT.</p> <p>(Deposited Plan "K".)</p> <p>Bounded on the North by Mayo Road; on the South-East by Wodehouse Road; on the East</p>	44,038	..	4,40,380	..



[Appendix 2—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
5— contd.			<p>THE WELLINGTON LINES PLOT—contd.</p> <p>(Deposited Plan "K")—contd.</p> <p>by Esplanade Road and on the West by the Cooperage Road, but excluding the site occupied by the Admiral's Bungalow.</p>				
6(a)	....	440 to 444, Colaba Division.	<p>THE WODOUSE ROAD PLOT.</p> <p>(Deposited Plan "L".)</p> <p>Bounded on the North-West by Wodehouse Road; on the South-East by Colaba Causeway and on the South and South-West by Convent Street.</p>	0,494	--	--	--
(b)	....	433 (part), 436 to 439, 1/439, 446 and 1/446, Colaba Division.	<p>Bounded on the North-West by Wodehouse Road; on the North and North-East by Convent Street; on the South-East by Colaba Causeway and on the South-West by Ormiston Street but excluding the sites occupied by—</p> <p>(1) The Elphinstone College Students' Quarters bearing Cadastral Survey No. 445 (Part),</p> <p>(2) The Telang Memorial Quarters bearing Cadastral Survey No. 445 (Part),</p> <p>(3) The Wesleyan Church and School under a lease dated 4th March 1925 bearing Cadastral Survey No. 433 (Part),</p> <p>(4) The Wodehouse Road Police Accommodation Buildings bearing Cadastral Survey No. 435, and</p> <p>(5) The Temple bearing Cadastral Survey No. 434.</p>	13,355	--	--	--

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
6(e)	....	425 to 429, Colaba Division.	<p>THE WODEHOUSE ROAD PLOT—contd.</p> <p>(Deposited Plan "L")—contd.</p> <p>Bounded on the North-West by Wodehouse Road; on the North-East by Ormiston Street; on the South-East partly by the property of the Corporation bearing Cadastral Survey No. 431 and partly by the property of the Bombay Electrical Supply and Tramways Company, Limited, bearing Cadastral Survey No. 430 and on the South by the B. B. &amp; C. I. Railway land bearing Cadastral Survey No. 2 and the G. I. P. and B. B. &amp; C. I. Railway sidings bearing Cadastral Survey No. 322.</p>	18,731	..	..	..
			Total, Wodehouse Road Plot ..	..	41,580	..	4,15,800
7(a)	....	699, Fort Division.	<p>THE HORNBY ROAD PLOT.</p> <p>(Deposited Plan "M".)</p> <p>Bounded on the North-East, South-East and South-West by property in the occupation of the Standard Life Assurance Company, bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.</p>	116	..	..	..
7(b)	....	700 and 701, Fort Division.	<p>Bounded on the North-East by premises known as the J. N. Petit's Institute bearing Cadastral Survey No. 202; on the South-East by Hornby Road; on the South-West by property in the occupation of the Standard Life Assurance Company, bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.</p>	1,339	..	..	..

[Appendix 2—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<p>THE HORNSBY ROAD PLOT—contd.</p> <p>(Deposited Plan "M") —contd.</p>				
7(c)	....	740, 741, Fort Division.	Bounded on the North-East by the Parsi Lying-in Hospital, bearing Cadastral Survey No. 742; on the South-East by Bastion Road; on the South-West by Cathedral Girls' School, bearing Cadastral Survey No. 739 and on the North-West by Prescott Road.	1,878	..	..	..
7(d)	....	744, 745, Fort Division.	Bounded on the North-East by Outram Road; on the South-East by Hornby Road; on the South-West by property in occupation of Messrs. Whiteaway Laidlaw and Company, Limited, bearing Cadastral Survey No. 743 and on the North-West by Bastion Road.	2,648	..	..	..
7(e)	....	746 to 749, 752, 753, 757 to 760, 1397 to 1399, 1407 to 1410, Fort Division.	Bounded on the North-East by Ravelin Street; on the South-East by Hornby Road; on the South-West by Outram Road and on the North-West by Murzban Road, but excluding the sites of the Cathedral High School for Boys (Cadastral Survey No. 750), the Government Stores (Cadastral Survey No. 756) and Bastion Road (part of) and Home Street (part of) and Wallace Street.	26,124	..	..	..
7(f)	....	1406, Fort Division.	Bounded on the North-East by the site of the Scottish Free Church (Cadastral Survey No. 1406); on the South-East by Murzban Road; on the South-West by Ravelin Street and on the North-West by Waudby Road.	2,971	..	..	..

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<b>THE HORNBY ROAD PLOT—concd.</b>				
			(Deposited Plan "M") —concd.				
7(g)	....	1402 and 1404, Fort Division.	Bounded on the North-West by Murzban Road; on the South-East by the sites of the Elphinstone Cricket Club Quarters (Cadastral Survey No. 1401) and the Masonic Hall (Cadastral Survey No. 1403); and on the South by Ravelin Street.	762	..	..	..
7(h)	....	1389 and 1390, Fort Division.	Bounded on the North-West by Murzban Road; on the South-East by Hornby Road; on the South-West by private property bearing Cadastral Survey No. 1391 and on the West by Bastion Road and property bearing Cadastral Survey No. 1623.	3,257	..	..	..
7(i)	....	1385, Fort Division.	Bounded on the North-East by Cruickshank Road; on the East by Hornby Road; on the South-East by Murzban Road; on the South-West by private property bearing Cadastral Survey No. 1386 and on the North-West by Waudby Road.	2,521	..	..	..
			Total, The Hornby Road Plot.	..	41,616	..	8,32,320
			<b>TRIANGULAR PLOT SOUTH OF CRAWFORD MARKET.</b>				
			(Deposited Plan "N")				
8	....	1492, Fort Division.	Bounded on the North by Market Road; on the West by Hornby Road; and on the South-East by Falton Road.	7,707	..	1,54,140	..
			Total ..	..	7,707	..	1,54,140

[Appendix 2—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
9	....	1451, Fort Division.	<p>PLOT NORTH OF MUNICIPAL OFFICES.</p> <p>(Deposited Plan "O".)</p> <p>Bounded on the North by Gymnasium Road; on the South by Council Road; on the East by Hornby Road; and on the West by the Headquarters of the Bombay Volunteer Rifles (Cadastral Survey No. 1450).</p>	6,811	..	2,04,330	..
			Total ..	..	6,811	..	2,04,330
10(a) and 10(b)	....	380, 1/380, 2/380, 2A/380, 3/380, 3A/380, 4/380, 4A/380, 5/380, 6/380, 6A/380, 7/380, 8/380, 8A/380, 9/380, 10/380, 11/380, 12/380, 13/380, 393, 394, 395, 1/395, 1A/395, 1B/395, 2/395, 3/395, 4/395, and 430, Malabar Hill Division.	<p>(a) and (b) Bounded on the North partly by a public passage leading to Gibb's Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 437; on the South partly by the Sirri Road, partly by the Old Body Guard Lines (Cadastral Survey No. 392); and partly by private properties bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babulnath Road and partly by the Old Body Guard Lines (Cadastral Survey No. 392); and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road beyond which are situate properties bearing Cadastral Survey Nos. 437, 381, 374 and 375 but excluding the newly constructed 30 feet and 40 feet roads, Dadyseth Road and the Municipal market which all are indicated on the plan by red dotted lines—</p> <p>(a) Land forming the Hill Slope.</p> <p>(b) Building land ..</p>	47,544	..	..	..
				35,653	..	..	..

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CHAUPATI WEST ESTATE—contd.				
			(Deposited Plan " P ") —contd.				
10(c)	....	398 to 404, 426 to 429, Malabar Hill Division.	Bounded on the North by Babulnath 1st Cross Road; on the South by Queen's Road, Chaupati; on the West by Babulnath Road; and on the East by Harvey Road, but excluding Babulnath 2nd and 3rd Cross Roads.	21,615	..	2,16,150	
10(d)	....	424 (part), Malabar Hill Division.	Bounded on the North and West by Babulnath Road; on the South by Babulnath 1st Cross Road; and on the East by private property bearing Cadastral Survey No. 424 (part).	232	..	2,320	..
10(e)	....	407 (part), 417 to 420, Malabar Hill Division.	Bounded on the North by a 15 feet service passage bearing Cadastral Survey No. 413; on the South partly by Chaupati Road and partly by private property bearing Cadastral Survey No. 407; on the East by private properties bearing Cadastral Survey Nos. 407 and 409; and on the West by Babulnath Road.	6,232	..	62,320	..
			Total, The Chaupati West Estate ..	..	1,11,276	..	6,37,320
			CHAUPATI EAST ESTATE. (Near Charni Road Level Crossings). (Deposited Plan " Q ")				
11	....	1510, 1/1510, 1512, 1513, 1571, Girgaum Division.	Bounded on the North by a low level road and beyond by French Bridge; on the North-West by a passage and beyond by private property bearing Cadastral Survey No. 1514; on the East and South-East	4,789	..	47,890	..

[Appendix 2—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.		Total area.		Value.	
				Sq. yds.	Sq. yds.	Rs.	Total amount.		
11— contd.			CHAUPATI EAST ESTATE—contd. (Near Charni Road Level Crossings)—contd.  (Deposited Plan "Q")—contd.  by the B. B. & C. I. Railway Company's land; on the West by private properties bearing Cadastral Survey Nos. 1570, 4/1517, 1517, 1518, 1515 and 1514; and on the South-West by Queen's Road, Chaupati.						
			Total ..	..	4,739	..	47,890		
12A	....	74 (Part of) Parel-Se w r i Division.	THE PAREL ESTATE. (Deposited Plan "R".)  Bounded on the North partly by Bhoiwada Cross Road and partly by land bearing Cadastral Survey No. 74 (part) belonging to the Corporation; on the East by the Hallkine Institute compound bearing Cadastral Survey No. 330 and partly by the Nowroji Wadia Maternity Hospital bearing Cadastral Survey No. 212/74; on the South partly by the Nowroji Wadia Maternity Hospital, partly by King Edward Road and partly by the site of the Wadia Hospital for children and on the West partly by the land of the Corporation reserved for the widening of Bhoiwada Cross Road and partly by the site of the Wadia Hospital for children.	31,504	..	..	..	..	..
12B	....	74 (part). Parel-Se w r i Division.	Bounded on the North-East by King Edward Road; on the West and South-West by land belonging to the Corporation bearing Cadastral No. 74 (part of).	300	..	..	..	..	..

[Appendix 2—contd.]

## SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE PARCEL ESTATE —contd. (Deposited Plan "R") —contd.				
12(C1)	....	74 (part), Parel-Sewri Division.	Bounded on the North-East by the Haffkine Institute Compound bearing Cadastral Survey No. 330; on the East by the Municipal property bearing Cadastral Survey No. 74 (part); on the South partly by a passage bearing Cadastral Survey No. 324 and partly by the site of the Professors' quarters for the King Edward Memorial Hospital, partly by the play ground for the King Edward Memorial Hospital, partly by the Government House Gate Road and partly by the King Edward Memorial Hospital Compound; and on the West partly by the site of the Professors' quarters for the King Edward Memorial Hospital and partly by a portion of King Edward Road.	5,560	..	..	..
12(C2)	....	323, Parel- Sewri Divi- sion.	Bounded on the North by the site of the Professors' quarters for the King Edward Memorial Hospital; on the East by a passage bearing Cadastral Survey No. 324; on the South by a private property bearing Cadastral Survey No. 322; and on the North-West by the play ground for the King Edward Memorial Hospital.	373	..	..	..
12(D)	....	334, Parel- Sewri Divi- sion.	Bounded on the North by private property bearing Cadastral Survey No. 332; on the South by private properties bearing Cadastral Survey Nos. 335, 336 and 337; on the East by a public passage, and on the West by private properties bearing Cadastral Survey Nos. 329, 336 and 335.	403	..	..	..



[Appendix -contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<p>THE PAREL ESTATE —contd.</p> <p>(Deposited Plan " R ") —concid.</p>				
12(E)	....	391, Parel-Sewri Division.	Bounded on the North by a passage bearing Cadastral Survey No. 324; on the South by private property bearing Cadastral Survey No. 395; on the East by private property bearing Cadastral Survey No. 400; and on the West partly by a passage bearing Cadastral Survey No. 324; and partly by private property bearing Cadastral Survey No. 395.	151	..	..	..
			(Deposited Plan " S ")				
12(F)	....	408 (part) of Parel-Sewri Division.	Bounded on the North-East by the Bacteriological Laboratory land bearing Cadastral Survey No. 408 (part of); on the South by private property bearing Cadastral Survey No. 414; on the East by Parel Tank Road; and on the West by private properties bearing Cadastral Survey Nos. 404 to 413.	5,131	..	..	..
12(G)	....	245, Parel-Sewri Division.	Bounded on the North partly by Parel Village Road and partly by private properties bearing Cadastral Survey Nos. 246 and 241; on the South by private property bearing Cadastral Survey No. 244; on the East by private properties bearing Cadastral Survey Nos. 241, 242 and 244 and on the West by private property bearing Cadastral Survey No. 246.	2,130	..	..	..

[Appendix 2—contd.]

## SCHEDULE W—concl'd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE PAREL ESTATE —concl'd.				
			(Deposited Plan "T".)				
12(H)	....	681, Parel- Sewri Divi- sion.	Bounded on the North-West by a passage bearing Cadastral Survey No. 658; on the South by Parel Tank Road; and on the North-East by private properties bearing Cadastral Survey Nos. 680, 677, 676 and 675.	1,144	..	..	..
			Total, The Parel Estate.	..	46,696	..	1,40,088

[Appendix 2—contd.]

SCHEDULE X.

(See Section 91A.)

Ibid Schedule D.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<p>THE CONNAUGHT ROAD ESTATE.</p> <p>(Deposited Plan "A".)</p> <p>Ward E.</p>				
1A	<p>7463 (1 to 4)</p> <p>7464 (1 &amp; 2)</p> <p>7465 (1 to 3)</p> <p>7466 (1 to 3)</p> <p>Nil.</p> <p>7462 (5)</p> <p>7462 (4)</p> <p>Nil.</p>	<p>700 to 705,</p> <p>706,</p> <p>695,</p> <p>696,</p> <p>699</p> <p>Byculla Division.</p>	<p>Plot bounded on the North by property belonging to the New Great Eastern Spinning and Weaving Company bearing Cadastral Survey No. 707; on the South partly by Sussex Road, partly by a Police Accommodation Scheme bearing Cadastral Survey No. 697 and partly by private property bearing Cadastral Survey No. 698; on the East by Cork Road; and on the West partly by Earel Road and partly by the aforesaid Police Accommodation Scheme, but omitting the site of Ulster Road.</p>	9,495	9,495	51,155	51,155
1B	<p>Nil.</p> <p>7448 (4)</p> <p>7416 (2 to 4)</p>	<p>689</p> <p>690 to 693</p> <p>Byculla Division.</p>	<p>Plot bounded on the North by Sussex Road; on the South by private properties bearing Cadastral Survey Nos. 682 to 687; on the East by private property bearing Cadastral Survey No. 688; and on the West by private properties bearing Cadastral Survey Nos. 678 and 679.</p>	4,267	..	25,602	..
1(19)	7458	<p>2/672</p> <p>Byculla Division.</p>	<p>Bounded on the North and West by a public passage; on the East by the property bearing Cadastral Survey No. 672 (part); and on the South by Sussex Road.</p>	96	4,363	480	26,082
			Total ..	..	13,858	..	77,237

[Appendix 2—contd.]

## SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			WEST AGRIPADA ESTATE. (Deposited Plan "B".) Ward E—contd.				
2A	4184 (1 to 5)	1602 to 1633, 1634, 1/1634.	Bounded on the North partly by the site of an old water course bearing Cadastral Survey No. 1903 and partly by Gell Street; on the South by Club Road; on the East partly by Moreland Road and partly by portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1907; and on the West by plot D and beyond that by Lamington Road, but excluding the site of the portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1901 and the sites of Rebsch Street, Souter Street, Club Back Road, Club Cross Road, Cirrus Avenue, Motilal Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street (part of).	216,636	216,636	..	6,49,908
	4104 (1 to 7)	2/1634, 3/1634.					
	4103 (1 to 6)	4/1634, 5/1634.					
	4101 (1 to 5)	1635 to 1659.					
	and (9 to 12)	1/1650, 2/1659.					
	4099 (1 to 15)	3/1659, 4/1659, 5/1659, 6/1659, 1660, 1584, 1862, 1/1862.					
	4107 (1 to 8)	1A/1862, 1B/ 1862, 1863.					
	4105 (1 to 7)	1/1863, 1864.					
	4106 (1 to 7)	1865, 1/1865, 2/1865, 2A/ 1865.					
	4108 (1 to 7)	3/1865, 4/1865.					
	4146 (1 to 6)	5/1865, 6/1865.					
	4100, 4102	7/1865, 1866					
	4094 (1 to 6)	to 1871, 1/ 1871, 2/1871.					
	4539 (1 and 2)	3/1871, 3A/1871					
	4540 (1)	4/1871, 5/1871.					
	4553	5A/1871, 6/ 1871, 7/1871, 8/1871.					
	4554 (1)	1872 to 1875.					
	4098 (3)	1/1876, 2/1876.					
	4091 (1 to 6)	3/1876, 4/1876, 5/1876, 6/1876, 7/1876, 8/1876, 9/1876, 10/1876.					
	4090 (1 to 7)	1877 (part),					
	and (10A)	1878, 1/1878, 2/1878, 1879, 1880.					
	4187 (1 to 5)	1/1880, 2/1880.					
	4143 (1)	1881, 1882.					
	4186 (1 to 4)	1883, 1902, 1/ 1902, 1908.					
	4135, 4145.	1909, 1911.					
	4134 (6 to 8)	1909, 1911.					
	4092 (1 to 12)	1912.					
	4141 (1 & 2)						
	4142 (1 & 2)						
	4139 (1 to 3)						
	4138						
	4093 (1E)						
	4093 (1A and 1B)						
	4093 (1AA)						
	4090 (8)						
	4094 (4, 4A)						
2(B)	4184, 4185 (6 to 8).	1590, 1/1599, 1/1600, 2/1600, 1601.	Bounded on the North by private property bearing Cadastral Survey No. 1884; on the South by property of the B. B. and C. I. Railway Company bearing Cadastral Survey No. 1596; on the East by Lamington Road; and on the West by a passage, but excluding the site of Jetha Street.	2,766	..	8,298	..

[Appendix 2—contd.]

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			WEST AGRIPADA ESTATE—concl'd. (Deposited Plan " B ") —concl'd. Ward E—concl'd.				
2(C)	4466 (2)	1896 (part), 1897, 1899.	Bounded on the North by the land belonging to the Indian Manufacturing Company, Ltd., bearing Cadastral Survey No. 1896 (part); on the South by private property bearing Cadastral Survey No. 1900; on the East by plot D and beyond that by Lamington Road, and on the West partly by Arthur Road and partly by private Road bearing Cadastral Survey No. 1/1888 but excluding the site of the Police Accommodation Scheme No. 20.	3,953	..	8,578	..
2(D)	....	Nil.	Land reserved for widening of Lamington Road on its East and West Sides.	5,306	5,306	..	..
			Total ..	..	228,721	..	6,66,784
			Deduct area resumed by the Corporation on 20th June 1906 out of Cadastral Survey No. 1877.	..	750	..	2,250
			Total, West Agripada Estate.	..	227,971	..	6,64,534
			THE CENTRAL AGRIPADA ESTATE. (Deposited Plan " C ") Ward E.				
3(A)	Nil.	2/1894	Bounded on the North by private property bearing Cadastral Survey No. 1853; on the South by the Municipal Urdu School bearing Cadastral Survey No. 1861; on the East by the land resumed by the Corporation bearing Cadastral Survey No. 1/1894; and on the West by Moreland Road.	190	..	760	..

[Appendix 2—contd.]

## SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
			THE CENTRAL AGRIPADA ESTATE—contd. (Deposited Plan "C") --contd. Ward E—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
3(B)	4067 part  Nil.	1664 and parts of 1663, 1689, 1691 and 1692.	Bounded on the North partly by Sankli Street and partly by a service passage bearing Cadastral Survey No. 1663; on the South partly by private property bearing Cadastral Survey No. 1665 and partly by Ghellabhoy First Lane; on the East by private properties bearing Cadastral Survey Nos. 1689 (part), 1690, 1691 and 1692 (part); and on the West partly by Moreland Road and partly by private properties bearing Cadastral Survey Nos. 1665 and 1693.	2,721	2,911	9,768	10,528
			Total, Central Agripada Estate	..	2,911	..	10,528
			THE EAST AGRIPADA ESTATE. (Deposited Plan "D") Ward E—concl'd.				
4(A)	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 3) 7412 (1 & 2)	1943. 1961 to 1965.	Plot bounded on the North by the Board's Mshar Chawls bearing Cadastral Survey No. 1928; on the West and South-West by Killedar Street; and on the East by Pals Street.	35,478	..	..	4,27,509
4(B)	Nil. 4373 (1 & 2) 4374 4375 4354 (1 to 3) 4353 (1 & 2)	1840 part of. 1842.  1843. 1922.	Plot bounded on the North partly by land of the Board bearing Cadastral Survey No. 1840 (part of) and partly by private properties bearing Cadastral Survey Nos. 1827 to 1835; on the South by Tank Pakhady Street; on the East partly by a service passage, partly by private properties bearing Cadastral Survey Nos. 1923, 1924, 1839 and 1827 and partly by the land belonging to the Corporation bearing Cadastral Survey No. 1840 (part of); and on the West by Milk Street.	23,268	..	..	1,16,483

[Appendix 2—contd.]

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.		Value.	
				Sq. yds.	Sq. yds.	Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE EAST AGRIPADA E-STATE—contd. (Deposited Plan "D")—contd. Ward E—contd.				
4(C)	4563 (1, 2, 2A, 2B and 2C).	1844	Plot bounded on the North by Tank Parkhadi Street; on the South by the Plot No. 6 belonging to the Corporation leased to Bal Hoorbal and a minor and bearing Cadastral Survey No. 1845; on the East by Water Street; and on the West by Plot No. 5 leased to the Municipality and bearing Cadastral Survey No. 1840 (part of).	7,139	7,139	94,484	94,484
			Total, East Agripada Estate	..	65,885	..	6,38,426

[Appendix 2—contd.]

## SCHEDULE X—contd.

Showing Lands at Matunga (Deposited Plan "E").

Plot No.	F. Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Ra.	Ra.
1	6643 p. 6642 p.	81/10 part 20/10 part.	Lands at Matunga	1,006	..	755	..
2	6658 (1) p.	25/10 part	Do.	36	..	33	..
3	6660 p. 6667 p.	16/10 part 34/10 part.	Do.	866	..	812	..
4	6643 (1) p. 6791 (1) p. 6789 p. 6778 p. 6767 p.	134/10 part 134/10D part.	Do.	7,984	..	5,988	..
5	6675 p. 6680 p.	50/10 part	Do.	268	..	201	..
6	6675 p. 6680 p.	50/10 part	Do.	1,226	..	916	..
7	6675 p. 6680 p.	50/10 part	Do.	2,730	..	2,047	..
8	6826 p.	137/10 part	Do.	104	..	78	..
9	6830 p. 7199 p.	138/10 part 137/10 part.	Do.	1,105	..	829	..
10	7174 p. 7172 p. 7171 (1) p. 7234 p.	149/10 part 144/10 part. 145/10 part. 146/10 part.	Do.	5,240	..	3,930	..
11	7235 (1) p. 7235 (2) p. 7235 (3) p.	99/10 part 100/10 part. 101/10 part.	Do.	572	..	429	..
12	7242 p. 7236 p. 7237 p. 7250 p. 7249 p.	112/10 part 113/10 part. 114/10 part. 116/10 part. 117/10 part.	Do.	2,349	..	1,762	..
13	7238 p. 7239 p.	111/10 part 112/10 part.	Do.	300	..	225	..
14	7239 p. 7251 p. 7252 p. 7240 p.	110/10 part 111/10 part. 118/10 part. 119/10 part.	Do.	239	..	179	..
15	7252 p. 7254 p. 7255 p.	119/10 part 120/10 part. 121/10 part.	Do.	480	..	360	..
16	7188 p. 7121 (4) p.	150/10 part 155/10 part.	Do.	4,196	..	6,293	..
17	7121 (4) p. 7123, 7124 p.	161/10 part 156/10 part. 155/10 part.	Do.	4,672	..	7,008	..
18	7124 p. 7109 7111 p.	160/10 part 159/10 part. 158/10 part. 161/10 part.	Do.	2,720	..	2,040	..
19	7116 p. to 7120 p.	813/10 part	Do.	4,535	..	3,401	..



[Appendix 2—contd.]

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.		Value.	
				Sq. yds.	Total area.	Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
20	7113 p.	162/10 part	Lands at Matunza	565	..	424	..
21	6835 (4) p.	180/10 part	Do.	92	..	69	..
22	6834 (6) p. 6835 (5) p. 7053 p. 7082 p. 7049 p.	182/10 part 183/10 part. 188/10 part. 189/10 part. 192/10 part.	Do.	11,154	..	16,731	..
23	7001 p.	199/10 part	Do.	409	..	614	..
24	7063 p. 7061 (4) p. 7061 (5) p. 7067 p.	169/10 part 170/10 part. 171/10 part. 172/10 part.	Do.	3,401	..	5,101	..
25	7064 p.	292/10 part 10 part.	Do.	170	..	255	..
26	7061 (1) p. 7061 (2) p. 7061 (3) p. 7062 (2) p. 7062 (1) p.	208/10 part 207/10 part. 209/10 part. 210/10 part. 211/10 part.	Do.	2,916	..	4,375	..
27	7373 p. 7374 p.	10/10 part 5/10 part.	Do.	617	..	925	..
28	7384 (4) p.	259/10 part	Do.	344	..	430	..
29	7384 (4) p. 7386 (2) p. 7388 (2) p.	259/10 part 260/10 part. 261/10 part.	Do.	708	..	2,136	..
30	7388 (2) p.	261/10 part	Do.	90	..	68	..
31	7393 p. 7397 p.	262/10 part 263/10 part.	Do.	1,850	..	1,387	..
32	7397 p.	263/10 part	Do.	455	..	455	..
33	7694 p.	372/10 part	Do.	37	..	46	..
34	7631 p. 7633 p. 7634 p. 7635 p.	379/10 part 378/10 part. 377/10 part.	Do.	565	..	177	..
35	7924 p. 7792 p. 7828 p.	405/10 part 13/10 part. 396/10 part. 816/10 part.	Do.	940	..	294	..
36	7827 p. 7826 p. 7825 p. 7796 p.	393/10 part 394/10 part. 395/10 part. 385/10 part. 384/10 part.	Do.	2,180	..	681	..
37	7825 p.	385/10 part	Do.	92	..	92	..
38	7846 p. 7847 p. 7848 p. 7831 p.	389/10 part 390/10 part. 392/10 part. 391/10 part.	Do.	440	..	165	..
39	7798 p. 7779 p.	784/10 part 483/10 part.	Do.	485	..	728	..

[Appendix 2—contd.]

## SCHEDULE X—concl'd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
40	6958 p. .. 7416 p. .. 7417 p. .. 7422 p. .. 7423 p. .. 7424 p. ..	756/10 part .. 757/10 part.	Lands at Matunga ..	425	..	319	..
41	7410 p. .. 7411 p. .. 7016 p. to 7026 p. .. 7011 p. ..	755/10 part .. 754/10 part.	Do. ..	2,281	..	1,718	..
42	7027 p. .. 7028 p. ..	754/10 part ..	Do. ..	369	..	277	..
43	7034 (1) p... 7035 p. .. 7034 (2).	753/10 part .. 752/10 part.	Do. ..	804	..	2,814	..
44	7031 (1) p. .. 7031 (2) p. .. 6836 (1) p. ..	693/10 part .. 692/10 part. 691/10 part.	Do. ..	1,186	..	1,779	..
45	6836 (1) p. .. 6836 (2) p. .. 6836 (3) p. ..	691/10 part .. 690/10 part. 689/10 part.	Do. ..	2,572	..	3,858	..
46	7132 p. .. 7128 p. .. 7129 p. .. 7141 (1) p. ..	615/10 part .. 614/10 part. 613/10 part.	Do. ..	2,093	..	1,570	..
47	7168 p. ..	515/10 part ..	Do. ..	260	..	195	..
48	6564 p. .. 6823 p. ..	511/10 ..	Do. ..	924	..	1,385	..
49	6816 p. .. 6819 (2) p. .. 6595 p. .. 6579 p. .. 6580 p. .. 6800 p. .. 6801 p. .. 6804 p. .. 6806 p. .. 6794 p. .. 6569 p. .. 6623 (1) p. .. 6815 p. .. 6813 p. .. 6862.	800/10 part .. 814/10 part. 792/10 part. 794/10 part of M a t u n g a Division.	Do. ..	6,125	..	4,594	..
			Total, Lands at Matunga ..	..	86,187	..	90,984

[Appendix 2—contd.]

SCHEDULE Y.

(See Section 91A.)

Ibid Schedule E.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
1	....	2/583 (part of).	<p>THE NEPEAN SEA ROAD PLOT.</p> <p>(Deposited Plan "A".)</p> <p>Bounded on the north-east by private property bearing Cadastral Survey No. 584; on the south-east by private property forming portion of this property bearing Cadastral Survey No. 583; on the south-west by private property bearing Cadastral Survey No. 582; and on the north-west by the Foreshore.</p>	2,014	..	..	..
			Total, the Nepean Sea Road Plot ..	..	2,014	..	..
2	....	82 to 86, parts of 87, 88, 1/88, 89 and 90, 91 to 97, parts of 98, 99, 100, 101 and 102, 103 to 105, 106 (part of), 107 to 111, 320, 321.	<p>THE COLABA RECLAMATION.</p> <p>(Deposited Plan "B".)</p> <p>Bounded on the north-west by Cuffe Parade; on the south-west by Panday Road; on the north-east by the Junction of Cuffe Parade and Wodehouse Road; and on the south-east partly by an irregular line beyond which are situate the remaining portions of properties bearing Cadastral Survey Nos. 106, 102, 101, 100, 98, 99, 90, 89, 88, 1/88 and 87, and partly by Wodehouse Road, but excluding the sites of Khatau and Centre Roads, and of portions of Fazil and Kittridge Roads.</p>	46,580	..	..	..
			Total, the Colaba Reclamation ..	..	46,580	..	..

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*Appendices*[Appendix 2—*contd.*]

## SCHEDULE Z.

(See Section 354X.)

*Ibid* Schedule F.

Plot No.	Cadastral Survey No.	Locality.	Description of Plot.	Cadastral Survey Area.	Terms of Lease.
1	707	The Hornby Road Plot.	( <i>Deposited Plan "A"</i> ) Bounded on the North by the John Cannon High School bearing Cadastral Survey No. 706 ; on the South by Cannon Road ; on the East by Murzban Road ; and on the West by Esplanade Road.	Sq. yds. 3,250	Ninety-nine years at a ground rent of one anna per sq. yard per annum, renewable for a further term of 99 years.

[Appendix continued.]

SCHEDULE AA.

*ibid*,  
Schedule  
B.

(See Section 110D.)

FORM OF DEBENTURE.

THE TRUSTEES FOR THE IMPROVEMENT  
OF THE CITY OF BOMBAY.

The 19 .

By virtue of the "The City of Bombay Improvement Trust Transfer Act, 1925" we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of Rupees

paid to us by A. B. of , promise to pay to the said or order, the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half yearly on the day of and the day of

Given under our common seal this day of 19

Common seal.

(Signature of two members of the Committee and the Chief Officer.)

SCHEDULE BB.

(See Section 123A.)

*Rules regulating the form of accounts relating to improvement schemes, etc., and the manner in which they shall be kept.*

1. The Corporation shall keep a Capital Account and a General Account. There shall be credited to the Capital Account—

(a) all moneys received on account of loans taken by the Corporation for the improvement of the City or by the Board of Trustees under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, other than moneys temporarily borrowed in accordance with section 109C; Bom. IV of 1898.  
Bom. XVI of 1925.

(b) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, for the acquisition by Government of any portion of the lands or buildings vested or vesting in the Corporation by reason of the transfer to them of the property of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925; I of 1894.  
Bom. XVI of 1925.

(c) the proceeds of the sale or exchange of any movable property of the Corporation purchased by debit to the capital Account;

(d) fines or premia levied on granting leases, and sums paid in composition or part composition of rents under leases;

(e) any surplus which the General Account shall disclose at the end of each financial year;

(f) any other sum granted by Government and directed by them to be credited thereto;

[Appendix 2—*contd.*]

(g) any other sums which the Standing Committee, with the previous approval of the Corporation, direct to be credited thereto.

2. The moneys credited to the Capital Account shall be held by the Corporation in trust and shall be applied to—

(1) meeting the costs of framing and executing schemes in accordance with this act, including the costs of acquiring lands and the costs of constructing buildings required for carrying out any of the purposes of this Act ;

(2) the repayment of all loans credited to the Capital Account ;

(3) expenses connected with or arising from the flotation of loans ;

(4) making good the deficit, if any, in the General Account, at the end of financial year, provided that the net aggregate amount which may be so debited to the Capital Account shall not exceed 20 per centum on the aggregate capital debt of the Corporation in respect of improvement of the City ;

(5) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plant and transport equipment, required generally for the execution of any scheme under this Act ;

(6) advancing loans in accordance with the provisions of section 354W.

3. The scheduled values of the lands specified in Schedules W and X shall be included in the Capital Account both under receipts and expenditure, the scheduled values of the lands resumed in any year being reduced from both sides of the said account in that year.

4. The Capital Account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Corporation on each scheme separately, and shall also distinguish between the expenditure incurred on—

(a) the improvement of lands vested in the Corporation and specified in Schedule W ;

(b) the improvement of lands vested in the Corporation and specified in Schedule X ;

(c) lands referred to in Schedule Y.

5. There shall be credited to the General Account—

(1) all interest on the Corporation's investments including loans advanced under section 354W but not interest on securities in which the sinking fund balances are invested ;

(2) all rents of lands vested in the Corporation ;

(3) receipts from the tobacco tax levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857 ;

(4) the net profit at the close of the year, if any, on sales of securities held by the Corporation ;

(5) three times the actual net realizations of the Corporation in the preceding year under the head of General Tax or payments made in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the said financial year ;

[Appendix 2—contd.]

(6) the fourths of the net receipts from the tobacco duty levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857; IV of  
1857.

(7) all other receipts of the Corporation which are not required to be credited to the Capital Account.

6. (1) The moneys credited to the General Account shall be held by the Corporation in trust and shall be applied by them in payment of the following charges, namely:—

(a) all payments for interest and sinking fund charges due on account of any loan;

(b) the amount of the cost of management apportioned to General Account as provided in rule 8;

(c) all other sums due by the Corporation other than those required to be debited to the Capital Account.

(2) The surplus, if any, remaining at the end of each financial year after making the payments referred to in sub-rule (1) shall be credited to the Capital Account.

(3) On the recommendation of the Standing Committee, the Corporation may advance any sums standing to the credit of the General Revenue Account to meet current Capital Expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

7. The General Account shall distinguish between all items included in the General Account according as such items are in respect of—

(1) lands vested in the Corporation and specified in Schedule W;

(2) lands vested in the Corporation and specified in Schedule X;

(3) lands situate within the limits specified in Schedule Y;

(4) other lands and buildings vesting in the Corporation.

8. The net cost of management including—

(a) the salaries and allowances of the Deputy Municipal Commissioner (Improvements), the acting Deputy Municipal Commissioner (Improvements), the Estate Agent, the Land Manager, or the Estate Agent and Land Manager, as the case may be, and the scheduled staff and charges on account of establishment employed on duties; transferred to the Corporation under the City of Bombay Municipal (Amendment) Act, 193 , or in cases where establishment is partly employed on such duties and partly on others, a share of the cost of such establishment proportionate to the duties so transferred;

(b) the expenses in connection with the Land Acquisition Officer;

(c) pensions, gratuities and contributions by the Corporation to the Provident Fund;

(d) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses;

shall, in the first instances, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the Improvements Committee shall determine.

[Appendix 2—contd.]

*ibid*,  
Schedule  
A.

## SCHEDULE CC.

(See Section 354S.)

*Portions of the Land Acquisition Act, 1894, regulating the acquisition of land for improvement purposes.*

Part I—Preliminary, except clauses (e) and (f) of section 3.

Part II—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.

Part III—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.

Part IV—Apportionment of compensation.

Part V—Payment.

Part VI—Temporary occupation of land.

Part VIII—Miscellaneous.

*ibid*,  
Schedule  
AA.

## SCHEDULE DD.

(See Section 354S.)

*Scale of Additional Compensation for compulsory acquisition for improvement purposes.*

Amount of compensation awarded.	Percentage to be allowed in addition under section 354S.
Not exceeding ten thousand rupees, or, if the amount exceed ten thousand rupees for the first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent.
Exceeding one lakh, for the amount by which it exceeds one lakh.	Two and a half per cent.

*ibid*,  
s. 66.Bom. IV  
of 1898.Bom. XVI  
of 1925.

37. *Provision regarding pending cases.*—Notwithstanding anything contained in sections 90, 354S, 354T and 354U of the said Act and in section 40 of this Act, in respect of appeals made to the High Court under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which this Act comes into operation, the High Court shall continue to perform the functions assigned to it under the said Acts and every such appeal shall, so far as may be, be decided in accordance with the provisions of the said Acts as if this Act had not been passed.

*ibid*,  
s. 66A.Bom. XVI  
of 1925.

38. *Further provision regarding pending references.*—All references, moneys, securities, properties, papers, documents, vouchers, books, records and proceedings transferred to the High Court under section 66A of the City of Bombay Improvement Trust Transfer Act, 1925, shall be disposed of by the High Court, as nearly as may be, in accordance



[Appendix 2—contd.]

with the provisions of that Act and the provisions of that Act shall, so far as may be, apply to them, as if they had been made, held or controlled in accordance with that Act and as if this Act had not been passed.

39. *Officers and servants of the Board to become municipal officers and servants.*—(1) From the date on which this Act comes into operation every officer and servant of the Board constituted under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall be deemed to be for all purposes a municipal officer or servant and the designations, grades, salaries, fees and allowances of such officers and servants shall be deemed to have been duly sanctioned under section 79 of the City of Bombay Municipal Act, 1888, and the provisions of the said Act and of any regulations made thereunder relating to municipal officers and servants shall apply to all such officers and servants as if they had been appointed under the said Act : *ibid.*  
ss. 109  
and 110.  
Bom. IV  
of 1898.  
Bom. XVI  
of 1925.  
Bom. III  
of 1888.

Provided that such officers and servants shall not be entitled to claim the benefit of any pension or special leave admissible under the pension rules or leave rules of the Corporation.

(2) Any officer or servant of the said Board, who has been in the service of the Board for a period of not less than five years before the date on which this Act comes into operation shall be entitled in case of retirement within two years from the date of the passing of this Act, to all the benefits of the rules regarding leave in force at the date of the passing of this Act, and to draw his share of the said Board's contribution to the provident fund. *ibid.*  
s. 112.

40. *Repeal.*—The enactments specified in the Appendix are hereby repealed to the extent mentioned in the fourth column thereof ; *ibid.*, s. 4.

Provided that—

(a) the said repeal shall not affect the validity or invalidity of anything already done under the said Acts or under the City of Bombay Improvement Act, 1898 ; Bom. IV  
of 1898.

(b) the said repeal shall not affect any appeal made to the High Court from any award or any part of the award of the Tribunal of Appeal under sub-section (II) of section 48 of the City of Bombay Improvement Act, 1898, before the date on which this Act comes into operation ; but every such appeal shall, so far as may be, be decided by the High Court in accordance with the provisions of the City of Bombay Improvement Act, 1898, as supplemented by Act XIV of 1904 as if this Act had not been passed ; Bom. IV  
of 1898.  
Bom. IV  
of 1898.

(c) all appointments, rules, orders, and bye-laws made, notifications and notices issued, tents, premia, and fees imposed, contracts entered into and suits and other proceedings instituted under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall, so far as may be, be deemed to have been respectively appointed, made, issued, imposed, entered into and instituted under the City of Bombay Municipal Act, 1888, as amended by this Act ; Bom. IV  
of 1898.  
Bom. XVI  
of 1925.  
Bom. III  
of 1888.

[Appendix 2—*contd.*]

Bom. IV of 1898.  
Bom. XVI of 1925.

(d) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board of Trustees constituted under the City of Bombay Improvement Act, 1898, or of the City of Bombay Improvement Trust Transfer Act, 1925, before this Act comes into operation shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Municipal Corporation of the City of Bombay ;

Bom. XVI of 1925.

(e) sections 42 to 51 inclusive of the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to have effect, so far as applicable, with respect to all Poorer Classes Accommodation Schemes duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act 193 comes into operation, provided that references in the said sections to the committee and to the Board shall be deemed to be references to the Improvements Committee constituted under the City of Bombay Municipal Act, 1888, as amended by the City of Bombay Municipal (Amendment) Act, 193 and to the Municipal Corporation of the City of Bombay respectively.

Bom. IV of 1898.  
Bom. XVI of 1925.

Bom. III of 1888.

Nothing in this Act shall affect any present right of appeal which may have accrued to any party before the date on which this Act comes into operation.

## APPENDIX.

## ENACTMENTS REPEALED.

(See Section 40.)

Year.	No.	Short title.	Extent of repeal.
1898	.. I	The City of Bombay Municipal Investments Act, 1898.	Sections 2 and 3.
1925	.. XVI	The City of Bombay Improvement Trust Transfer Act, 1925.	The whole.
1927	.. IV	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1927.	Do.
1927	.. V	The City of Bombay Improvement Trust Transfer (Amendment No. 2) Act, 1927.	Do.
1928	.. VI	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1928.	Do.
1931	.. XI	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1931.	Do.
1931	.. XXI	The City of Bombay Municipal and Improvement Trust Transfer (Amendment) Act, 1931.	In section 1 the words " and Improvement Trust Transfer." Section 3.
1931	.. XXIV	The City of Bombay Improvement Trust Transfer (Second Amendment) Act, 1931.	The whole.

[Appendix—contd.]

STATEMENT OF OBJECTS AND REASONS.

The City of Bombay Improvement Trust Transfer Act which became law in 1926 was passed with the purpose of transferring the powers conferred on the Board of Trustees under the City of Bombay Improvement Act, 1898, and the property and rights of the Board to the Municipal Corporation of the City of Bombay. But it was recognised from the outset that the measure was a transitional one and provision was made in section 83 of the Act for dissolving the Board of Trustees by a notification and transferring their assets and liabilities to the Corporation.

2. In 1928 the Corporation addressed a letter to the Government of Bombay criticising the working of the transitional system in several important respects and asking for the dissolution of the Board of Trustees under section 83 of the Act. The Corporation pointed out that they were in a position to discharge all the developmental activities of the Trust and that the continuance of the Board of Trustees as a separate entity could not be justified either on constitutional or financial grounds. In 1929 they indicated the form of management which they desired and gave a rough outline of the legislation and administrative changes which they contemplated. These proposals formed the basis of a discussion which took place between representatives of the Corporation and of Government at Poona in August 1930. General agreement was reached as to the lines on which legislation should be undertaken and the Corporation undertook to furnish detailed proposals as a basis for the drafting of a Bill. These proposals were submitted to Government in November 1931 and a draft Bill was accordingly prepared by Government and was sent to the Corporation for criticism in June 1932. The Corporation appointed a Committee to examine the draft Bill and they submitted a careful and thorough report dated September 15th, 1932, of which a copy has been supplied to Government. The draft Bill has been completely revised after taking into account the recommendations of the Committee. Government agree that the Board of Trustees should now be dissolved with the previous sanction of the Government of India and that the powers and duties of the Board should be transferred to the Corporation. The object of this Bill is to carry out the aforesaid transfer by the amendment of the City of Bombay Municipal Act, 1888. Some of the important amendments which are necessary for this purpose are explained in the notes on the following clauses :—

*Clause 3.*—In this clause it is proposed to amend the definitions of the terms “Deputy Commissioner” “public securities” and “land” occurring in section 3 of the Municipal Act. These amendments are consequential on the provisions which are incorporated in this Bill.

*Clause 4.*—Section 38 B (1) of the Municipal Act provides that the Standing Committee may delegate any of its powers and duties to a special committee appointed by the Corporation under section 38A and may refer to any such committee any matter for disposal or report. This clause provides that the Improvements Committee constituted under this Act will have similar powers.

[Appendix 2—contd.]

*Clause 5.*—This clause provides for the appointment of the Improvements Committee for the purpose of carrying out the improvement of the city. The Improvements Committee will consist of 16 members, 12 of whom will be appointed by the Corporation out of its members, and 4 nominated by Government. The Improvements Committee will elect its own chairman. One-half of the members of the Improvements Committee will retire by rotation annually. The Improvements Committee shall meet at least once a month and its meetings shall be held at the Municipal Office. The Municipal Commissioner or the Deputy Commissioner (Improvements) when authorised by the Commissioner will have a right to attend the meetings of the Improvements Committee and to take part in its deliberations. He is not, however, entitled to vote. The Improvements Committee constituted under the Trust Transfer Act and in office when this Bill will become an Act will be the first Improvements Committee under this Act.

*Clauses 6 and 7.*—Clause 6 purports to insert two sections as 56 A and 56B after section 56 of the Municipal Act. Section 56A relates to the appointment of a separate Deputy Commissioner as Deputy Municipal Commissioner (Improvements). Section 56B provides that the Deputy Municipal Commissioner (Improvements) will be subordinate to the Municipal Commissioner and will exercise such powers and perform such duties in connection with the improvement of the City of Bombay as the Commissioner may from time to time direct. The person appointed under section 26 of the Trust Transfer Act shall be the Deputy Municipal Commissioner (Improvements) until another Deputy Commissioner has been appointed. Clause 7 provides that the salary of the Deputy Municipal Commissioner (Improvements) shall be from Rs. 1,200 to Rs. 2,000, as may be decided by the Corporation.

*Clause 9.*—This clause purports to amend section 61 of the Municipal Act and provides that it shall be an obligatory duty of the Corporation to discharge the obligations arising out of the transfer to it of the rights, duties and properties of the Board and to make provision for the improvement of the city.

*Clause 10.*—This clause relates to the amendment of section 64 of the Municipal Act and declares that the duties of the Improvements Committee which will be one of the municipal authorities shall be as prescribed in the Act. It also provides that the Municipal Commissioner (hereinafter called the Commissioner) who is the executive officer of the Corporation shall be the executive authority of the Corporation for the purpose of improvements.

*Clause 11.*—This clause purports to amend section 69 of the Municipal Act. The amendment provides that the Commissioner who has power to make contracts on behalf of the Corporation, will make every contract with the approval of the Standing Committee, if it involves expenditure exceeding Rs. 5,000 and if it relates to the purchase of moveable property. If the contract relates to the purchase

[Appendix—*contd.*]

of immoveable property, the previous approval of the Improvements Committee is to be obtained in cases where the expenditure involved exceeds Rs. 5,000 and does not exceed Rs. 10,000, but if the expenditure involved exceeds Rs. 10,000 the previous approval of the Corporation is necessary. Every contract involving expenditure between Rs. 500 and Rs. 5,000 shall be reported by the Commissioner to the Standing or Improvements Committee as the case may be. These provisions do not apply to agreements for the acquisition of immoveable property. In accordance with the scheme of the Bill, a distinction has been maintained between the duties of the Standing Committee and the Improvements Committee. The approval of the Standing Committee is necessary in regard to dealings relating to moveable property and that of the Improvements Committee to immoveable property.

*Clause 12.*—This is an amendment to section 70 of the Municipal Act and is consequential on the change in section 69. It makes it clear that the seal of the Corporation is to be affixed to any contract or instrument executed on behalf of the Corporation in the presence of two members of the Standing Committee if such contract or instrument relates to moveable property while in the case of contracts or instruments affecting immoveable property it has to be affixed in the presence of two members of the Improvements Committee.

*Clause 13.*—This clause empowers the Corporation to appoint an Estate Agent and a Land Manager. Under section 111 of the Trust Transfer Act the Board has power to appoint an Estate Agent and a Land Manager. These officers are necessary for the management of the property of the Board which will be transferred to the Corporation and to carry out improvement schemes which will be undertaken by the Corporation in pursuance of this Act. It is provided that one officer can be appointed to hold the combined offices of an Estate Agent and a Land Manager.

*Clause 14.*—This clause provides that the Municipal Secretary shall act as a Secretary to the Improvements Committee and will have the custody of all papers and documents connected with the proceedings of that Committee or any sub-committee appointed by it.

*Clause 16.*—This clause purports to amend section 90 of the Municipal Act and provides that the terms on which and the amount for which any immoveable property is acquired for the Corporation should be subject to the approval of the Improvements Committee instead of the Standing Committee. Sub-section 2A is proposed to be added to section 90 of the Municipal Act on the lines of section 62 of the Trust Transfer Act to provide that the Corporation, like the Board, should have power to acquire any interest in land. By the addition of sub-section (3) to section 90, it is provided that no agreement can be made or proceedings undertaken without the approval of the Improvements Committee for the acquisition of immoveable property or any right or interest therein, if the price or amount of compensation for such

[Appendix 2—contd.]

acquisition exceeds Rs. 1,000, and of the Corporation, if such price or compensation exceeds Rs. 10,000.

*Clause 17.*—The amendment to section 91 embodied in this clause is consequential on the amendment proposed to sections 69, 70 and 90 of the Municipal Act.

*Clause 18.*—This clause reproduces with certain modification the provisions of sections 79, 80 and 82 of the Trust Transfer Act. Clause 91A which corresponds to section 29 of that Act purports to declare that the property vesting in the Board under that Act is transferred to the Corporation subject to all charges and liabilities affecting the same. The principal alterations which have been made are :—

(1) Three plots of land :—Marine Lines Maidan, Cooperage and a plot specified as a part of cadastral Survey No. 3/383 No. 1 (d1) in Schedule W which were entrusted to the Board for being maintained as open spaces subject to the occupation by Government at any time for any temporary purpose have been declared as revesting in Government absolutely and will not be under the control of the Corporation.

(2) Plots which vested in the Board have been declared to be vesting in the Corporation for the purposes of this Act.

Clause 91B repeats the provisions of section 80 of the Trust Transfer Act and clause 91C that of section 82 with modifications which are consequential on the alterations introduced in the proposed section 91A.

*Clause 19.*—This clause purports to amend section 92 of the Municipal Act which relates to the disposal of the property belonging to the Corporation in accordance with the scheme of this Bill as stated in clauses 11, 12 and 16 relating to the amendments proposed to be made in sections 69, 70 and 90 of the Municipal Act. Section 92 of that Act is proposed to be amended to provide that in the case of the disposal of immoveable property belonging to the Corporation, it is the Improvements Committee which shall be consulted, whereas in regard to the disposal of moveables, the approval of the Standing Committee shall be taken. The Commissioner has power to dispose of any moveable property belonging to the Corporation the value of which does not exceed Rs. 500. He can also grant a lease of any immoveable property belonging to the Corporation for a period not exceeding 12 months. If the rent for a year of such property at a rack rent exceeds Rs. 3,000 he has to report the transaction to the Improvements Committee. With the sanction of the Standing Committee he can dispose of moveables of the value between Rs. 500 and Rs. 5,000. With the sanction of the Improvements Committee he can dispose of any immoveable property by way of sale if its value is less than Rs. 50,000 or in the case of a lease if the premium does not exceed Rs. 50,000 or the annual rent does not exceed Rs. 3,000.

The Corporation suggests that “grant of concessions in the rates at which land is disposed of is tantamount to giving grants-in-aid, the

[Appendix—contd.]

power of sanctioning which vests with the Corporation..... In order to bring home to the taxpayer the extent of concessions granted, it is desirable that concessions, if any, should be made in the shape of grants-in-aid in cash rather than by way of reduction in the sale of price or rent of land." Sub-clause (cc) has been added to section 92 to carry out the above suggestions.

*Clause 20.*—Under section 105 of the Municipal Act the Commissioner has to publish every year an account showing the balance due to Government and the holders of municipal securities. This clause provides that this account will also include the balance due to the holders of securities issued by the Improvement Trust under Bombay Act IV of 1898 and by the Board under the Trust Transfer Act.

*Clause 21.*—This clause empowers the Corporation to borrow or reborrow money for making good any deficit in the budget estimate of income and expenditure arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board. The limit of rupees twenty lacs within which the Corporation can borrow without the sanction of Government (except in the case of loans granted by Government themselves) applies to loans taken under this clause.

*Clause 22.*—This clause relates to the amendment of section 109 of the Municipal Act and provides that a loan borrowed for the purpose of discharging any liability arising out of the amalgamation of the Board with the Corporation shall not exceed rupees twenty lacs in any year.

Section 70 of the Trust Transfer Act allows the Board to set apart every year such sums as would, with compound interest, be sufficient to pay off the loan within the period sanctioned for the loan or within such period as may be approved by Government. Section 109 of the Municipal Act requires that the sum to be set apart every year for the sinking fund must be such as would with compound interest be sufficient to pay off the loan within the period sanctioned for the loan. It does not contain any provision enabling Government to extend that period. This clause purports to amend clause (d) of that section by providing that the sum set apart for the sinking fund may be such as would be sufficient to pay off the loan within such period as may be approved by Government.

Provision is also made in the section that during the year in which a loan for which a sinking fund has been established is due for repayment the amount to be set apart for the sinking fund may be retained in such form as may appear to the Corporation to be suitable. It need not be necessarily invested in securities.

*Clause 23.*—This clause inserts three new sections 109A, 109B and 109C after section 109. Section 109A re-enacts the provision of sub-section (2) of section 70 of the Trust Transfer Act and empowers the Corporation to reserve and set apart any debentures issued by the Board or the Corporation for the investment of sinking funds, provided the intention to so reserve or set apart such debentures was notified as

[Appendix 2—*contd.*]

a condition of the issue of the loan. The issue of any such reserved debentures or their purchase, transfer, assignment or endorsement to the Corporation does not operate to extinguish or cancel any such debentures.

On the lines of section 76 of the Trust Transfer Act, section 109B provides that the Corporation may take credit from any Bank a sum of rupees fifteen lacs on the security of taxes or on the mortgage of any property vesting in it for discharging any liabilities arising out of the amalgamation. Section 109C reproduces the provisions of section 77 of the Trust Transfer Act and provides that in taking such credit any Government Promissory Note which may belong to the Corporation may be hypothecated.

*Clause 25.*—The amendments in sections 110A to C which this clause purports to effect apply the provisions of the Municipal Act to debentures issued under Bombay Act IV of 1898 or the Trust Transfer Act.

*Clause 26.*—This clause inserts five new sections after section 110C of the Municipal Act. Section 110D reproduces the provisions of subsections (2) to (4) of section 73 of the Trust Transfer Act. The holder of a debenture issued under Bombay Act IV of 1898 of the Trust Transfer Act is given the option of obtaining in exchange another debenture in one of the authorised forms. It is declared that the debentures issued under these Acts shall continue to be transferable and the holder for the time being will have a right to money due. As the Corporation will take over all the liabilities of the Board of Trustees, section 110E has been added on the lines of section 78 of the Trust Transfer Act. The Corporation has to establish or maintain sinking funds or make payments in accordance with the conditions of repayment of the loans issued by the Board under the Bombay Acts of 1898 and 1925. It has been also provided that the provisions of preceding sections which apply to sinking funds established for loans issued under this Act will apply so far as they are applicable to those sinking funds established under the Acts of 1898 and 1925. It is further declared that all loans contracted, sinking funds established and debts incurred by the Board under the Bombay Act of 1898 or 1925 shall be a charge on the whole property of the Corporation and taxes levied, subject to any priority of charge given by the terms and conditions of any particular loan.

Section 110F is added on the lines of section 95 of the Trust Transfer Act. The clause provides that in the event of default by the Corporation in the payment of interest or investment of sinking funds charges, the Accountant General can make the payment or investments and can require the Commissioner to reimburse him out of the municipal fund. The Corporation is, however, allowed to levy with the sanction of Government special taxes for reimbursing the municipal fund for the payments so made.



[Appendix 2—contd.]

Section 110G reproduces the provision of section 96 of the Trust Transfer Act and provides that if the Commissioner fails to reimburse the Accountant General for the payments or investments made under section 110F, Government have got power to attach the municipal fund or any tax leviable by the Corporation.

Section 110H corresponds to section 97 of the Trust Transfer Act and provides that all moneys payable under section 110F (1) and levied under section 110G are to be a charge on the property of the Corporation.

*Clause 27.*—This clause amends section 111 of the Municipal Act to include interest on loans advanced by the Board under section 55A of the Trust Transfer Act and section 354W by the Corporation for the construction of buildings under the Aided Building Scheme.

*Clause 28.*—This clause amends section 118 of the Municipal Act and provides that loans for the Aided Building Scheme and so also sums payable under section 110F [sub-paragraph (1)] shall be paid out of the municipal fund.

*Clause 29.*—This clause inserts a new section as section 123A after section 123 of the Municipal Act and provides that an account of the property originally vesting or belonging to the Board, but transferred to the Corporation under this Act and of all receipts and expenditure in consequence of such transfer shall be kept under a separate head and in such manner and form as may be prescribed by rules. Such accounts are to be published every half year in the *Bombay Government Gazette*.

*Clauses 30 and 31.*—These clauses relate to the amendment of sections 125 and 126 of the Municipal Act. Those provisions relate to the preparation of the budget. Section 125, as proposed to be amended, provides that estimates of receipts and expenditure relating to the matters falling under the Municipal Act other than those arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees and those arising out of such obligations should be separately shown.

Section 126, as amended, provides that the Standing Committee which has to prepare the budget finally will prepare the estimates under two separate heads, A and B. The head A will relate to the income and expenditure relating to municipal matters other than those connected with obligations arising out of the transfer of the powers, duties and liabilities of the Board of Trustees while the head B will relate to the income and expenditure connected with those obligations.

*Clause 33.*—This clause empowers the Corporation to declare any street laid out in an improvement scheme to be a public street.

*Clause 34.*—This clause inserts a new chapter as Chapter XIII A in the Municipal Act. The chapter incorporates the provisions of Chapter III of the Trust Transfer Act in the Municipal Act. Under that chapter the Board has power to prepare improvement schemes and to have any land acquired for the purpose. Under the provisions of the Municipal Act this power is not possessed by the Corporation. As the Corporation

[Appendix 2—*contd.*]

is being invested with all the powers and duties of the Board, it is necessary to include in the Municipal Act provisions relating to the exercise of power to prepare and complete improvement schemes.

Section 354B is added to provide that it shall be the duty of the Corporation to execute and complete improvement schemes started by the Board under Bombay Acts IV of 1898 and XVI of 1925.

Under the Municipal Act, as the chief executive power is in the Commissioner it has been provided that all executive action in connection with the preparation of improvement schemes shall be taken by the Commissioner. The Commissioner has first to prepare a draft improvement scheme. If the Corporation is satisfied it has sufficient means to carry out that scheme, it can give its approval thereto. On being approved by the Corporation, the draft scheme is to be notified in the *Bombay Government Gazette*. The Improvements Committee has then to take it into consideration. Section 354E purports to amplify the provisions of section 31 of the Trust Transfer Act and provides that an improvement scheme can be made for the laying of storm water drains and sewers and the lighting of streets. After an improvement scheme has been approved by the Improvements Committee the Commissioner has to take steps for its completion by giving notices to persons who are likely to be affected hereby to state their objections, if any, to the acquisition of properties which are required for the scheme. The Corporation after taking all such objections into consideration has to decide whether it approves the scheme. If the scheme is finally approved by the Corporation, the Commissioner has to move Government to take proceedings for the acquisition of the land included in the scheme. Thereafter proceedings for the acquisition of the land included shall be taken in accordance with the provisions of the Land Acquisition Act as modified by the provisions of the Trust Transfer Act which are being re-enacted in this Bill. Section 354E reproduces the provisions of section 31 of the Trust Transfer Act and provides that in addition to the objects for which an improvement scheme can be prepared as mentioned in that section, a scheme can also be prepared for the laying out of drains, etc. and lighting of streets. Section 354H provides that in case any acquisition is withdrawn in respect of any land, such land will not again be included in any other scheme until the expiry of two years. Provisions of sections 52 to 54 of the Trust Transfer Act relating to the Police Accommodation Scheme are reproduced in sections 354O to 354V. Provisions for schemes for the accommodation of poorer classes are omitted as they are not considered necessary.

Section 354W reproduces the provisions of section 55A of the Trust Transfer Act relating to the advance of loans for buildings to be erected on land leased by the Board and which may hereafter be leased by the Corporation. The only change made is that the mortgage for the security of loans advanced should include the mortgage of leasehold rights of the person to whom the loan is advanced in the land on which the building for the erection of which the loan is granted has been constructed.

[Appendix 2—contd.]

*Clause* . . .—This clause adds Schedules to the Municipal Act, Schedules W and Y specify lands referred to in section 91A and Schedule Z those in section 354X. Schedule AA re-enacts the form of debenture issued by the Board of Trustees under Bombay Act IV of 1898 or XVI of 1925. Schedule BB prescribes rules regulating the form of accounts relating to improvement scheme and the manner in which they shall be kept. Schedule CC specifies the provisions of the Land Acquisition Act which are to apply to the acquisition of land for improvement purposes and Schedule DD prescribes the scale of additional compensation for compulsory acquisition for improvement scheme.

*Clause 37.*—This clause saves the powers of the High Court to decide appeals pending before it from references under Bombay Act IV of 1898 and the Trust Transfer Act.

*Clause 38.*—This clause saves also the power of the High Court to dispose of moneys, documents, records, etc., transferred to it under section 66A of the Trust Transfer Act.

*Clause 39.*—This clause provides that the officers and servants of the Board shall be deemed to be the officers and servants of the Corporation and shall hereafter be governed by the provisions of the Municipal Act and the rules and regulations thereunder.

*Clause 40.*—This is a repealing and saving clause.

(Signed) RUSTOM JEHANGIR VAKIL.

12th January 1933.

APPENDIX 3.

BILL No. IV OF 1933.

*A Bill further to amend the Bombay Ferries Act, 1868.*

(As published in the "Bombay Government Gazette" of the 30th January 1933.)

WHEREAS it is expedient further to amend the Bombay Ferries Act, 1868, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Ferries (Amendment) Act, 1933 .

2. *Amendment of section 12 of Bom. II of 1868.*—In section 12 of the Bombay Ferries Act, 1868, hereinafter called the said Act, for the words "The senior Magistrate of Police in the City of Bombay, and the Collector of the district elsewhere", the following words, figures, brackets and letters shall be substituted, namely:—

"Except in the case provided in sub-section (2) of section 14-B, and elsewhere—

(a) in the case of public ferries on roads under the control of the Executive Engineer of a Division of the Public Works Department, such Executive Engineer, and

(b) in all other cases, the Collector of the district,"

[Appendix 3—*contd.*]

3. *Amendment of section 14 of Bom. II of 1868.*—For section 14 of the said Act, the following shall be substituted, namely :—

“ 14. *Penalty for carrying passengers, etc. without license.*—(1) Any person who, except as in the section last preceding, shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within the Presidency of Bombay to any point on the opposite shore or bank without the license of the Collector of the district shall be liable to a penalty not exceeding five hundred rupees.

(2) Nothing in this section shall apply to vessels plying with passengers under licenses issued under rules made by the local Government in exercise of the powers conferred by section 6 of the Indian Ports Act, 1908.”

XV of  
1908.

4. *Insertion of new section 14-B in Bom. II of 1868.*—After section 14-A of the said Act, the following section shall be inserted, namely :—

“ 14-B. *Penalty for conveying passengers, etc. in a ferry boat with a submerged load-line or without prescribed free-board.*—(1) Any person who shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within the Presidency of Bombay to any point on the opposite shore or bank in any ferry boat, of which the prescribed load-line is submerged or of which the free-board is less than the prescribed free-board, shall be liable to a penalty not exceeding five hundred rupees.

(2) Government may make rules prescribing the manner in which the load-line or free-board shall be marked upon any boat to which the provisions of sub-section (1) apply. The rules so made shall be published in the *Bombay Government Gazette*.”

#### STATEMENT OF OBJECTS AND REASONS.

Section 14 of the Bombay Ferries Act, 1868, provides that no boat may ply for hire within a distance of three miles from the place where a public ferry is situate, without a license from the Collector. It is considered expedient to extend the system of licensing to all boats plying for hire on any creek or river, so as to safeguard against over-loading which is liable to cause fatal accidents. With a view to eliminating dual control, vessels plying with passengers under licenses issued under rules made under section 6 of the Indian Ports Act, 1908, are to be exempt from the operation of this provision. Clause 3 of the Bill is intended to give effect to these proposals.

2. Clause 4 of the Bill provides that Government have power to make rules providing for the marking of load-line and free-board on every ferry boat and laying down that the plying of any ferry boat with the load-line under water would be punishable. Such a provision is necessary for the safety of the public. The provision in section 12 is not sufficient for the purpose inasmuch as it merely empowers Government to give general directions in accordance with which the authorities mentioned therein are authorised to make rules.

[Appendix 3—contd.]

3. The amendment of section 12 proposed in clause 2 of the Bill is partly consequential to the amendment made in clause 4. For purposes of administrative convenience, an amendment has been included in this clause conferring on the Executive Engineer of a Division of the Public Works Department power to make rules in regard to public ferries on provincial roads under his control.

24th January 1933.

(Signed) RUSTOM JEHangir VAKIL.

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APPENDIX 4.

BILL No. V OF 1933.

*A Bill further to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay.*

(As published in the "Bombay Government Gazette" on the 30th January 1933.)

WHEREAS it is expedient further to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay for <sup>XI of 1890.</sup> the purpose hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1933.

2. *Amendment of section 6 of XI of 1890.*—For sub-section (6) of section 6 of the Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay, the following sub-section shall be substituted, namely:—

"(6) (a) If, in the case of an animal directed to be destroyed or sent to a pinjrapole under sub-section (4), the owner refuses or neglects to pay the costs incurred in respect of the animal under sub-section (5), such cost shall be recoverable from the owner as a fine on the order of a magistrate, provided that no such order shall be made without the owner being given a reasonable opportunity of showing cause, before the Magistrate, why such cost should not be recovered;

(b) if, in the case of an animal certified under sub-section (4) to be fit for work or labour, the owner refuses or neglects to remove the animal within such time as a magistrate may prescribe and to pay the cost incurred in respect of the animal under sub-section (5), the Magistrate may direct the animal to be sold and the proceeds of the sale to be applied to the payment of such cost".

[Appendix 4—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

Under section 6 of the Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay, the authorities of infirmaries to which unfit animals are sent, are unable to recover the cost of transporting the animal to, and treating, feeding and watering it in, the infirmary if, after a period of detention in the infirmary, the animal is declared incurable. The amendment of section 6 of the Act is intended to supply this omission.

22nd January 1933.

(Signed) R. D. BELL.

APPENDIX 5.

BILL No. XLIII OF 1931.

*A Bill further to amend the Bombay Primary Education Act, IV of 1923.*

(As introduced on the 2nd October 1931 and published in the  
“ Bombay Government Gazette ” of the 21st  
October 1931.)

Bom.  
IV of  
1923.

WHEREAS it is expedient further to amend the Bombay Primary Education Act in the manner hereinafter appearing ; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Primary Education (Amendment) Act, 1931 .

2. *Amendment of section 2 of Bom. IV of 1923.*—In section 2, under the definition of “ child ”, for the word “ eleven ” the word “ twelve ” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Report of the Royal Commission on Labour in India contains on page 29 the following suggestion :—

“ We would also call attention to the desirability of bringing the upper age-limit for compulsory education at least up to 12 years, the minimum age of factory employment. The present system in Bombay, under which compulsory education stops at 11, involves the loss of a valuable year and jeopardizes the results already achieved.”

This Bill seeks to carry out the above suggestion by amending the definition of “ child ” and thereby raising the upper age-limit to 12.

(Signed) R. R. BAKHALE, M.L.C.

## APPENDIX 6.

## BILL No. IX OF 1932.

*A Bill further to amend the Bombay Prevention of Gambling Act IV of 1887.*

(As introduced on the 14th March 1932 and published in the "Bombay Government Gazette" of the 7th April 1932.)

WHEREAS it is expedient further to amend the Bombay Prevention of Gambling Act IV of 1887 in the manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Prevention of Gambling (Amendment) Act, of 1932.

2. *Amendment of section 3 of Bom. IV of 1887.*—In sub-section (c) of section 3 of the Bombay Prevention of Gambling Act, for the word "individual" the words "member of a recognized Racing Club" shall be substituted.

3. *Amendment of section 3 of Bom. IV of 1887.*—At the end of sub-section (c) of section 3 of the following definition should be added:—

"In this Act 'Recognised Racing Club' means a Racing Club owning or occupying a race-course and recognised by the Governor in Council by a notification published in the *Bombay Government Gazette*."

"Provided, however, that only such Racing Clubs shall be so recognized, as admit as members, persons not below the age of twenty-one and charge a minimum entrance fee of Rs. 25 and a minimum annual subscription of Rs. 15."

## STATEMENT OF OBJECTS AND REASONS.

The evil of gambling has been admitted by all persons without exception.

The object of this Bill is to confine betting at the Race-Course to persons of character and position and who have the idea of sports and of horse-breeding and who do not go there merely for the purpose of gambling. This amendment has become necessary because again Book-makers have been reintroduced this year and further inducement has been thrown in the way of these poor gamblers. An attempt is made to define "Recognised Racing Club" and provision is made to keep out minors and only to admit those persons who are respectable and well-off.

(Signed) L. R. GOKHALE.

## APPENDIX 7.

## BILL No. XXII OF 1932.

*A Bill to amend the Bombay Port Trust Act, 1879.*

(As introduced on the 30th September 1932 and published in the  
“Bombay Government Gazette” of the 20th October 1932.)

Bom.  
VI of  
1879.

5 & 6  
Geo. V,  
c. 61.

WHEREAS it is expedient to amend the Bombay Port Trust Act, 1879, in the manner hereinafter appearing; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Port Trust (Amendment), Act 193 .

2. *Amendment of section 14-B of Bom. VI of 1879.*—To section 14-B of the said Act the following exception shall be added:—

*Exception.*—An office-bearer, Nominee or authorized Agent of any Institution, Society or Union, such as the Bombay Port Trust Employees Union, Bombay Port Trust Dock Staff Union or Bombay Port Trust Railwaymen Union, organised and conducted for promoting or protecting or watching over the interests of any section or class of Port Trust Employees or any such Union or Society, which may hereafter come into existence for a similar purpose, is not hereby disqualified or prevented from participating in the discussion or voting on any matter, directly or indirectly affecting the interests for the particular class of Port Trust Employees whose Union or Society he represents as aforesaid.

## STATEMENT OF OBJECTS AND REASONS.

The Bill seeks to add an exception to section 14-B of the Bombay Port Trust Act, 1879, with a view to remove the handicap at present experienced by the Labour Representative on the Board of Trustees of the Port of Bombay who is prevented by the expression in the said section namely “A trustee shall not at a meeting of the Board or the Committee thereof take part in the discussion of or vote on any matter in which he has any interest on behalf of his client or as agent—”, from voting on any matter relating to the Trust’s employees of whose union he is an office-bearer. The section, as it stands at present, is thus an obstacle to the Labour Representative in espousing the cause of labour on the Board, while he is connected with any union of the Board’s employees. It is a known fact that in England elected representatives of trade unions do freely discuss and vote in public bodies on matters connected with the unions they represent. In the Indian Legislative Assembly, Bombay Legislative Council and the Bombay Municipal Corporation also this right is



[Appendix 7—*contd.*]

exercised by labour representatives in an unrestricted manner. The exception proposed to be added to the said section thus seeks to remove the anomaly created by the phraseology of the section which was framed long before the provision of labour representation on the Port Trust.

(Signed) S. K. BOLE, M.L.C.

APPENDIX 8.

BILL No. XXVI OF 1932.

*A Bill further to amend the City Municipalities Act, 1925.*

(As introduced on the 30th September 1932 and published in the "Bombay Government Gazette" of the 20th October 1932.)

WHEREAS it is expedient further to amend the City Municipalities Act in manner hereinafter appearing; and whereas the previous sanction <sup>Bom.</sup> of the Governor of Bombay required by section 80 (a) of the Government <sup>XVIII</sup> of India Act has been obtained for the passing of this Act; It is hereby <sup>of</sup> 1925. enacted as follows:—

1. *Short title.*—This Act may be called "City Municipalities (Amendment) Act of 1932".

2. *Amendment of section 12 of Bom. XVIII of 1925.*—In section 12 sub-section (3) (vi) of the City Municipalities Act, add the words "or <sup>Bom.</sup> having a work done by order of the Municipality" after the words "any <sup>XVIII</sup> article" and omit the words "either case" coming after the words "to <sup>of</sup> 1925. a value in" and substitute the words "in one of these three cases".

STATEMENT OF OBJECTS AND REASONS.

In City Municipalities Act of 1925, certain disqualifications for becoming a councillor have been given in detail in Section 12 (I). In sub-section (3) some exceptions are given in connection with the certain cases of sale and purchase up to a certain amount. There being no material difference between the work executed by order or done by contract; the unequal treatment in case of order in the existing law is not thoroughly justified. The seller or a purchaser can deal with the Municipality safely up to a transaction of a certain amount, without incurring risk of disqualification, while a business man cannot accept an order of a single pie in which he regularly trades; this brings many disadvantages in conducting the municipal administration economically and efficiently particularly in taluka towns; to remove this difficulty and to secure the honorary services of the trading class in their capacity of a councillor, this amendment has been brought.

(Signed) P. D. KULKARNI, M.L.C.

## APPENDIX 9.

## STATEMENT OF DEMANDS FOR SUPPLEMENTARY GRANTS.

**TRANSFERRED 1.** The Honourable Sirdar Sir RUSTOM J. VAKIL, Kt.

*Providing a treble wheel track creteway on Poona-Ahmednagar Road from mile 2/1 to 2/5.*

This is one of the works of an experimental nature for which the Government of India had agreed to contribute half the amount out of their reserve in the Road Development Account. The estimated cost of this work is Rs. 12,106 and the amount to be provided by this Government from the ordinary share in the Road Development Account is Rs. 6,053. As certain technicalities in connection with such experimental works were to be settled with the Government of India before they could agree to contribute half the amount, the orders to start this work (along with others) could not be issued earlier than only towards the close of the past financial year. Hence no expenditure could be incurred on the work during that year. The amount required, viz. Rs. 6,053, has accordingly been made available from savings in the current year's provision for petrol-tax works included in the Budget of 41, Civil Works—Provincial. As, however, the expenditure is on a work estimated to cost as much as Rs. 12,106 and is of the nature of a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

“41, Civil Works—Provincial (Partly Reserved and Partly Transferred).”

Rs. 1,31,64,030 + Rs. 10.

## APPENDIX 10.

**TRANSFERRED 2.** The Honourable Sirdar Sir RUSTOM J. VAKIL, Kt.

*Constructing a bridge at the junction of the Purandhare-Wada Road with the Lloyd Bridge, Poona.*

As far back as the year 1924 Government accepted the liability for the work of constructing an abutment and flank walls for the Purandhare-Wada Road in connection with the Lloyd Bridge, Poona, then estimated to cost Rs. 25,490. Government however decided to defer execution of the work till such time as the necessity therefor arose, i.e., till the road, which formed a part of the Bhamburda Town Planning Scheme, was taken in hand by the Poona City Municipality. In March 1929 the

[Appendix 10—contd.]

Superintending Engineer, Central Circle, was asked to submit to Government plans and estimates for the abutment and flank walls for the Purandhare-Wada Road. The work of constructing a bridge connecting the Lloyd Bridge and the road through the Purandhare-Wada was to be carried out by the Municipality. For this purpose the Superintending Engineer, Central Circle, in April 1930 submitted two separate estimates, one amounting to Rs. 12,350 for the work to be done by Government and the other amounting to Rs. 19,066 for the work to be done by the Municipality. It was, however, considered necessary that both these works should be carried out at the same time and by one agency only, viz. the Public Works Department. In August 1930 the Commissioner, Central Division, was therefore asked to enquire of the Poona City Municipality whether that body was agreeable to these proposals. The President of the Municipality reported that it all depended upon the orders of Government on Town Planning Scheme, Poona, No. 1. After the lapse of some time, i.e., about February 1932 the Municipality informed the Commissioner, Central Division, that a revised estimate amounting to Rs. 49,150 for the whole work was prepared by that body and that the work was expected to be completed through the Municipal agency by the end of March 1932 as per terms of the Town Planning Scheme since sanctioned by Government. The share to be borne by Government amounted to Rs. 3,201 only, against Rs. 12,350 originally estimated, which resulted in a saving of about Rs. 9,000. Government have accepted the liability of Rs. 3,201 and funds to this extent will be sanctioned out of savings under the head 41, Civil Works—Provincial. As however the expenditure on the work is of the nature of a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

“41, Civil Works—Provincial (Partly Reserved and Partly Transferred).”

Rs. 1,31,64,030 + Rs. 10.

## APPENDIX 11.

**RESERVED 3.** The Honourable Sir GHULAN HUSSAIN HIDAYATALLAH.

*Construction of a dam on the Jhore-Malukshah Creek ex-River Uchito in the Karachi District.*

Owing to the silting of the head to the River Uchito in the Karachi District the supply of fresh water in the river for drinking and irrigation purposes diminished and this led to a grave situation at Keti Bunder Town, owing to lack of sweet water at times of high tide. Forty per cent. of the total discharge was being carried away to waste by the Jhcre-

[Appendix 11—*contd.*]

Malukshah Creek which takes off 25 miles above Keti Bunder Town. It was therefore decided to close the creek at its head so as to increase the discharge down the Uchito. However, this attempt to close the creek by ordinary means failed as it had widened and deepened considerably in cross section even in the few weeks between the time when the estimate was made and the time of commencement of the work. The best available local experience was mobilised for the attempt and the Executive Engineer was himself on the spot, but the pressure of the tidal current in 30 feet depth of water proved to be too great. The charge incurred on this work debitable to the head "15-A-Irrigation Works—Civil" is Rs. 5,886 (inclusive of percentage charges). Since then the creek (which about 10 years ago was only a small one, 25 feet wide) has become 160 feet wide and is taking away 60 per cent. of the discharge of the Uchito. If the creek were allowed to continue to flow, it would have a very disastrous effect upon Keti Bunder Town and all lands in its vicinity. It has therefore been now proposed to close the creek by first driving a double line of sheet piles across the creek and then filling the intermediate space with earth to form an embankment 20 feet wide at top with 2 to 1 side slopes. If this work is not undertaken Government will lose land revenue to the extent of about Rs. 21,000 per year from the dehs lying on the lower reaches of the Uchito and private owners of land will be hit still harder. The work is thus inevitable, not only on account of the revenue at stake, but also because without it the town of Keti Bunder would lose its fresh water supply and would probably have to be abandoned. This further work which is estimated to cost Rs. 55,063\* (exclusive of percentage charges) has been sanctioned, but as the pile driving machines cannot now float down to the site on account of low depth of water no outlay will be incurred on it during the current year. It will be started during the next financial year. Meanwhile as stated above a sum of Rs. 5,886 has already been spent on the unforeseen urgent work for which no provision had been made in the current year's budget under the head "15-A-Irrigation Works—Civil". A supplementary demand of Rs. 5,886 is accordingly asked for.

*Demand voted and now increased.*

"XIII—Deduct—Working Expenses."

"15-Other Revenue expenditure financed from ordinary revenues" and  
 "Refunds of revenue under the heads 'XIII' and 'XIV'  
 —Reserved."

Rs. 64,01,040 + Rs. 5,886.

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\*Inclusive of percentage charges it will be (so far as Revenue Department's share goes) Rs. 64,750.

## APPENDIX 12.

## RESERVED 4. The Honourable Mr. R. D. BELL.

*Flood Protective Bund Scheme in Sind.*

When the Lloyd Barrage and Canals Construction Project was submitted to the Government of India in 1920, a project was also prepared to afford protection to a very large area of land commanded by the Right Bank Canals System, which in the absence of the Protective Bund Scheme would be flooded by hill torrents from the Khirtar Range of hills forming the western and northern boundary of the area and from the overflow of the Manchar Lake to the south. The scheme consisted of:—

- (a) The Manchar Drain and Regulator Scheme, and
- (b) The Flood Protective Bund Scheme.

While submitting the Lloyd Barrage and Canals Construction Project to the Secretary of State, the Government of India while admitting that both schemes (a) and (b) above would be necessary to safeguard the Right Bank Canals area against floods before the development of cultivation that was expected could be secured, agreed only to provision being made in the first instance for scheme (a) in the estimates for the Lloyd Barrage and Canals Construction Project as they considered it to be immediately necessary. The Government of India stated at the same time that scheme (b) required further consideration and that they anticipated that it would be effected later on as a separate project.

As a result of further investigations it was established that the Manchar Drainage Scheme and the Flood Protective Bund Scheme were interdependent, as either scheme would be useless without the other. Further if the Flood Protective Bund Scheme was not carried out, no appreciable development would be possible in an area measuring over 1,000 square miles commanded by the Right Bank Canals. The Right Bank area is exposed to risks from floods which would be disastrous in the absence of the Flood Protective Bund. Government were accordingly convinced of the necessity of the construction of the Flood Protective Bund Scheme in the interests of the Lloyd Barrage and Canals Construction works. The Flood Protective Bund Scheme was therefore combined with the Lloyd Barrage and Canals Construction Scheme and treated as a part of that project.

A subsidy project for the Flood Protective Bund Scheme was therefore prepared amounting to about Rs. 70 lakhs for I-Works. The project comprised chiefly the following items:—

- (i) The construction of a continuous Flood Protective Bund, 156 miles long, commencing from the Manchar Lake and running along the western irrigation boundary of the Right Bank Canals area, the Right Banks of the Johi and the Khirtar branches to form a common bank with this bund in its length from miles 10 to 39 and 122 to 156, respectively.

[Appendix 12—*contd.*

(ii) The widening of the main Nara Valley drain.

(iii) The diversion of the Gaj Nai.

The hill torrents affecting the command of the North-Western Canal would strike this bund at various points in its length from mile 156 to 101 and would be diverted by it into a low natural depression north of Mirzokhan (mile 69 of the Flood Protective Bund). The hill torrents affecting the command of the Rice Canal and the Dadu Canal Systems would strike the Flood Protective Bund at different points in its length from mile 69 to 0 and be diverted to the Manchar Lake outside the bund.

In view, however, of the financial stringency, only the items then considered essential (detailed below) were selected for immediate completion as they were absolutely necessary in the interests of the main Lloyd Barrage and Canals Construction Project. These were :—

Description of works.	Approximate cost of I-Works. (In lakhs of Rs.)
(a) The completion of the Flood Protective Bund from the Manchar Containing Bank to the point where it leaves the Johi Branch (mile 40 of the bund) .. .. .	12·00
(b) A continuation of the bund from the latter point up to the Western Nara Bank along the right bank of the Johi Branch .. .. .	} 0·50
(c) The strengthening and maintenance of the right bank of the Western Nara from this point up to mile 72 of the Western Nara (head of Mahashar Wah) .. .. .	
(d) The widening of the main drain from the point where it cuts the Western Nara Bank (mile 45·5 of the Drain down to the Manchar) ..	13·00
(e) The strengthening of the Nawab Gaibi Khan's Bund which is to be used for the complete Flood Protective Bund Scheme eventually (i.e. mile 89·6 to mile 96·9) .. .. .	} 8·11
(f) The construction of the Flood Protective Bund from mile 96·9 to 155·8 .. .. .	
(g) The construction of the Sluice at mile 100·8 where the Behram Hathion Valley Drain will pass through the Flood Protective Bund ..	
(h) The diversion of the Gaj Nai .. .. .	5·50
Total ..	39·11

The approval of the Legislative Council to this partial scheme was obtained in the November-December 1931 session and work was commenced immediately thereafter. The scheme is in progress.

[Appendix 12—*contd.*]

The construction of the remaining length of the Flood Protective Bund, i.e. from miles 40 to 89·6, as also the construction of the main drain from miles 45½ to its head was postponed. It was then considered that although the losses that might be caused by the floods in this area would not be unimportant, it was necessary to take the risk in view of the financial stringency.

The effect of the postponement of these works is that the lands on—

- (a) D. I. R. *ex*-Johi Branch,
- (b) D. I. R. I. *ex*-Johi Branch,
- (c) tails of a few of the distributaries and minors *ex* the Rice Canal, and
- (d) tails of a few of the distributaries and minors *ex* the Warah Branch,

remain totally unprotected from floods. The floods of 1932 were exceptionally severe, but it is by no means a remote possibility that floods of equal severity may again occur at any time. The floods have not only put Distributaries D. I. R. and D. I. R. I. completely out of commission, but they have submerged all the kharif cultivation done on these distributaries from the Johi Branch and have extended right across to the Rice Canal tract where they submerged 2,500 acres of flourishing rice crops. But more serious still is the fact that this flooded area cannot be drained in existing circumstances. The completion of the comprehensive Flood Protective Bund Scheme is therefore obviously a matter of great urgency and importance. It is absolutely essential that this shall be done if settled and progressive irrigation in the areas in the Larkana and Dadu Districts commanded by the Warah Branch, the Rice Canal and the Dadu Canal including its important Johi Branch is ever to be expected. Further, the Manchar Lake Scheme will always be directly exposed to damage if the Flood Protective Bund Scheme is left incomplete, and the prospect of security and prosperity in the Sehwan and Johi Talukas will be continually menaced. The Revenue Officer has reported that as long as this serious flood danger exists it is practically impossible to sell any of the Barrage land in this area.

The original estimated cost of the complete Flood Protective Scheme was about Rs. 70 lakhs. Owing to modifications of the original proposals and to the fall in rates, it will now be possible to complete the whole scheme at a cost of Rs. 64 lakhs or at a saving of Rs. 6 lakhs. The partial scheme already sanctioned and in progress is estimated to cost Rs. 39·11 lakhs. The additional sum now required to complete the whole comprehensive scheme will therefore be Rs. 24·89 lakhs. This sum will be met from savings on other items of the sanctioned Lloyd Barrage and Canals Project and the figure of Rs. 20·03 crores, representing the total cost of the whole project, will not be exceeded. A statement\* showing the comparative costs of the partial scheme already in progress and the full scheme now proposed is attached.

[Appendix 12—concl'd.]

A sum of Rs. 20,000 is required for expenditure in the current financial year on the works comprised in the larger scheme and the sanction of the Legislative Council is requested thereto. The total expenditure to end of 1932-33 on the whole scheme is expected to be Rs. 30.70 lakhs. The balance Rs. (64-30.70=) 33.30 lakhs will be distributed for expenditure over the next three years.

*Demand voted and now increased.*

“55-Construction of Irrigation Works—Reserved—Lloyd Barrage and Canals Construction.”

Rs. 1,02,28,020 + Rs. 20,000.

*Statement showing comparative costs of modified and full Flood Protective Bund Scheme.*

Name of work.	Amount as per	Amount as at
	estimate for modified scheme.	present anticipated for full scheme.
	Rs.	Rs.
	(Lakhs.)	(Lakhs.)
<i>I—Flood Protective Bund Scheme, mile 0 to 155.8—</i>		
(a) Flood Protective Bund, mile 0 to 39.6 ..	12.00	12.32
(b) Flood Protective Bund mile 39.6 to 89.6 ..	..	16.54
(c) Flood Protective Bund mile 89.6 to 96.9 (Nawab Gaibi Khan Bund) ..	..	0.41
(d) Flood Protective Bund, mile 96.9 to 155.8 .. ..	..	7.43
(e) Sluice at mile 100.8 of the Flood Protec- tive Bund (Junction of Behram Hathion Valley) .. ..	8.11	..
(f) Bund along right bank of Johi Branch up to Western Nara .. ..	0.50	..
Total ..	20.61	36.70
<i>II—Main Nara Valley Drain, mile 0 to 71—</i>		
(a) Main Nara Valley Drain, mile 0 to 45.5..	13.00	12.37
(b) Main Nara Valley Drain, mile 45.5 to 71 ..	..	6.98
Total ..	13.00	19.35
<i>III—Diversion of Gaj Nai Waters—</i>		
Works .. ..	5.50	7.15
Compensation to owners of land that may suffer as a result of diversion works ..	..	0.50
Total ..	5.50	7.65
<i>IV—Unforeseen items .. ..</i>	....	0.30
Grand total ..	39.11	64.00



## APPENDIX 13.

**RESERVED 5.** The Honourable Mr. R. D. BELL.*Hiring of motor transport for the Bombay City Police in connection with the Hindu-Muslim Riots in the year 1932.*

Serious communal rioting between Hindus and Muhammadans broke out in Bombay City on 14th May 1932 and lasted till 2nd August 1932. To deal with the situation created by the rioting the Bombay City Police had to hire additional motor transport. The total number of motor vehicles hired during the whole period of the riot amounted to 75 as detailed below :—

23 light trucks
4 motor cars
2 heavy lorries
18 taxis
28 buses

—  
Total .. 75

These motor vehicles were not hired all at once but for short periods during the rioting as circumstances required. Some vehicles were hired for a few hours only and were given up on the same day on which they were engaged. The total cost incurred on the hire of motor vehicles amounted to Rs. 56,845 and it is proposed to meet it by reappropriation from savings in the grants under "26-Police". As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10 under the head "26-Police".

*Demand voted and now increased.*

"26-Police—Reserved."

Rs. 1,74,00,040 + Rs. 10.

## APPENDIX 14.

**RESERVED 6.** The Honourable Mr. R. D. BELL.*Additional expenditure on bund works necessitated by the floods in Sind.*

In consequence of the abnormally high inundation of 1932 an additional expenditure of Rs. 1,12,000 under the head "15-Other Revenue Expenditure financed from ordinary revenues" had unavoidably to be incurred on closing breaches and temporarily raising and protecting

[Appendix 14—*contd.*]

bunds from wave-wash. This expenditure was incurred in the following divisions :—

	Rs.
Fuleli Canals Division .. .. .	23,000
Begari Canals Division .. .. .	20,000
Shikarpur Canals Division .. .. .	69,000
Total ..	1,12,000

2. The Sukkur Begari Bund was breached in the inundation season of 1932 and very heavy loss was caused to Government as well as to the people. As this bund has been repeatedly breached in the past few years, it has been decided that it must immediately be thoroughly overhauled and strengthened at a cost of Rs. 4,68,000 so as to afford protection to the country from recurrence of similar flood damage. The work has been commenced in the current financial year, after obtaining the approval of the Legislative Council by means of a token grant on 3rd December 1932. Full explanation of the necessity for the work was given to the Council on that occasion. An expenditure of Rs. 1,21,000 is anticipated on it in the current financial year.

3. The total additional allotment now required is therefore Rs. 2,33,000 (Rs. 1,12,000 on closing breaches *plus* Rs. 1,21,000 on improvements to the Sukkur Begari Bund). To cover this demand, savings to the extent of Rs. 42,000 have been made available from the total grant voted by the Legislative Council under the heads "XIII" and "15". The approval of the Legislative Council is now requested to an additional grant of Rs. 1,91,000.

*Demand voted and now increased.*

"XIII-Deduct—Working Expenses, 15-Other Revenue Expenditure financed from Ordinary revenues, and Refunds of Revenue under the heads 'XIII' and 'XIV'—Reserved."

Rs. 64,01,040 + Rs. 1,91,000.

APPENDIX 15.

**RESERVED 7. The Honourable Sir GHULAM HUSSAIN  
HIDAYATALLAH.**

*45, Superannuation allowances and pensions.*

The latest revised estimate of expenditure during the year 1932-33 under this head (including refunds) amounts to Rs. 74,54,000 (voted)

[Appendix 5—contd.]

against the sanctioned grant of Rs. 70,96,000. The excess of Rs. 3,58,000 has been caused mainly by an abnormal increase in expenditure under the minor head "Superannuation and retired allowances" and partly, also, by a decrease in the recoveries of pensionary charges from the Irrigation department, owing to a reduction in its establishment charges. (See paragraphs 219 and 222 of the Budget—Preliminary Issue—for 1933-34). The Legislative Council is requested to sanction an additional grant of Rs. 3,58,000.

*Demand voted and now increased.*

"45, Superannuation allowances and pensions (Reserved)".

Rs. 70,96,000 + Rs. 3,58,000.

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APPENDIX 16.

**RESERVED 8.** The Honourable Sir GHULAM HUSSAIN  
HIDAYATALLAH.

*52, Extraordinary Charges (Reserved).*

For reasons of economy certain staff were retrenched in the last and in the current year. Under orders of the Auditor-General the expenditure on leave salary and travelling allowance granted to retrenched personnel, except the share debitable to the Irrigation Department, which has been transferred to the head "XIII-Irrigation, etc." has been debited to this head. It was not possible to provide for this expenditure in the budget estimate owing to the lateness of the date on which the orders were issued last year. An expenditure of Rs. 3,84,000 is anticipated on this account in the current year. In addition to this, expenditure of Rs. 6,000 is anticipated for refunding deposits recovered in advance in respect of certain Barrage lands under the head "XL, Extraordinary Receipts" in cases where sales are not sanctioned by the Revenue Officer, Lloyd Barrage Scheme. The Legislative Council is requested to sanction a total grant of Rs. 3,90,000.

*Demand voted and now increased.*

"52, Extraordinary Charges (Reserved)"

Nil + Rs. 3,90,000.

## APPENDIX 17.

**RESERVED 9.** The Honourable Sir GHULAM HUSSAIN  
HIDAYATALLAH.*61, Payments to retrenched personnel.*

Under orders of the Auditor-General this new head of account has been created and the expenditure on gratuities to retrenched personnel has been debited to it. The share in respect of the Irrigation Department has been transferred to the head "XIII-Irrigation, etc." It was not possible to provide for this expenditure in the budget estimates owing to the lateness of the date on which the orders were issued last year. The Legislative Council is therefore requested to sanction a grant of Rs. 2,17,000.

*Demand voted and now increased.*

"61, Payments to retrenched personnel (Reserved)."

Nil + Rs. 2,17,000.

## APPENDIX 18.

**RESERVED 10.** The Honourable Sir GHULAM HUSSAIN  
HIDAYATALLAH.*Guarantee for the Sind Feeder Railway, the Reorganisation Committee  
and certain other items.*

The sanctioned estimate under the head 47, Miscellaneous—Reserved is Rs. 6,60,000 (exclusive of refunds). The revised estimate has been placed at Rs. 8,69,000 and shows an excess of Rs. 2,09,000, Rs. 74,000 non-voted and Rs. 1,35,000 voted. This excess is mainly on account of expenditure on the following items :—

	Amount
	Rs.
(1) Payment to the North-Western Railway on account of the guarantee in respect of the Sind Left Bank Feeder Railways ..	1,23,836

Owing to the advent of the Barrage Scheme it became necessary to construct the Sind Left Bank Feeder Railways. A guarantee required by the Railway Board against loss in working of the Railway lines was accepted with the approval of the Legislative Council on 16th March 1928. This guarantee is limited to an annual contribution of Rs. 4 lakhs a year for the first five years after the opening of the lines for traffic and

[Appendix 13—*contd.*]

thereafter to the actual loss subject to a maximum of Rs. 2 lakhs a year until the lines prove remunerative, when the amounts of the guarantees paid will be refunded with simple interest to this Government out of profits.

The lines were opened for traffic on 10th December 1931. The payment now to be made to the North-Western Railway in respect of the guarantee is accordingly :—

Rs.	
1,23,836	(for the year 1931-32 for 113 days only),
4,00,000	(for the year 1932-33).
<hr/>	
5,23,836	

As the current year's provision for this purpose is Rs. 4 lakhs only, an additional sum of Rs. 1,23,836 is required.

(2) *Expenditure incurred on the Reorganisation Committee.*

The Reorganisation Committee was appointed in the middle of July and worked till the beginning of December 1932 with the following personnel and establishment :—

*Personnel.*

G. A. Thomas, Esquire, C.I.E., I.C.S.	(Chairman).
G. Kaula, Esquire, C.I.E.	} Members.
D. G. Harris, Esquire, C.S.I., C.I.E.	
E. W. Perry, Esquire, C.I.E., I.C.S.	(Secretary).

*Establishment.*

2 Assistant Superintendents on Rs. 300 per mensem :—

(1 from 15th July 1932 to 15th December 1932)

(1 from 15th July 1932 to 11th December 1932)

1 Typist on Rs. 150 per mensem (from 17th June 1932 to 11th December 1932).

1 Clerk on Rs. 100 (from 1st August 1932 to 15th December 1932).

1 Clerk on Rs. 92 + 20 per cent. special pay and daily allowance (from 14th November 1932 to 8th December 1932).

1 Clerk on Rs. 156 + 20 per cent. special pay (from 22nd November 1932 to 8th December 1932).

[Appendix 18—concl'd.]

2 Typists—one on Rs. 140 + 20 per cent. } from 22nd November 1932 to  
one on Rs. 188 + 20 per cent. } 5th December 1932.

1 Chobdar. Pay Rs. 28 + Rs. 7 house-rent allowance.

7 Peons at varying rates of pay of Rs. 20, Rs. 21 and Rs. 22 plus Rs. 7 house-rent allowance.

The total expenditure incurred was Rs. 82,972 (Rs. 73,420 non-voted and Rs. 9,552 voted). As no provision was made in the budget for this purpose an additional sum of Rs. 9,552 on account of the voted expenditure is required.

(3) *Cash grant to the Police Patil of Shirgunji, Taluka Ankola.*

In August 1932, the house of the Police Patil of Shirgunji, Taluka Ankola, was set on fire by participators in the civil disobedience movement. The total loss incurred by him amounted to Rs. 1,123 while the contractual cost of re-building the house is estimated at Rs. 1,726. In view of the nature of the crime, which Government are satisfied was the direct result of the Patil's steadfast loyalty, a cash grant of Rs. 700 and the free grant of timber of the value of Rs. 511 were sanctioned. As there is no provision made in the budget the sanction of the Legislative Council is necessary to meet this charge.

(4) *Grant-in-aid to the ex-Service Association (India and Burma) Bombay Branch.*

This association asked for the tenancy of two rooms in the Old Customs House at a nominal rent. The market rent of the rooms is Rs. 70 per mensem. In view of the charitable nature of work done by the Association, Government decided to grant the tenancy on a monthly rent of Rs. 70 together with a grant-in-aid of Rs. 60 per mensem subject to the condition that the rooms would be vacated at a month's notice if required by Government either for themselves or for tenants at a higher rental. The Association occupied the room from 25th November 1932 and the amount of the grant-in-aid to be given during the current year comes to Rs. 192 for which amount no provision exists in the current year's budget.

The sanction of the Legislative Council is therefore requested to a supplementary grant of Rs. 1,34,280.

*Demand voted and now increased.*

“ 47—Miscellaneous—Reserved ”

Rs. 7,33,000 + Rs. 1,34,280.

## APPENDIX 19.

RESERVED 11. The Honourable Mr. R. D. BELL.

*Formation of a reserve for the Jail Establishment.*

The present cadre of jailors and jail guarding establishment contains no reserve of any kind and leave vacancies have to be filled by raw recruits temporarily employed without any previous experience of Jail duty. A small reserve of trained personnel is therefore urgently required, particularly to meet emergencies such as a sudden influx of prisoners due to riots in any part of the Presidency. Several such emergencies occurred during recent years when it was found very difficult to recruit the right type of men, and it is not possible without causing serious disorganisation to detail jail guarding establishment from the permanent staff to meet such emergencies. It is therefore proposed to strengthen the jail establishment immediately by the formation of a small permanent reserve consisting of one jailor and 20 sepoys for training and duty at the Central Prisons at Yeravda and Nasik, to be nucleus of the additional staff wherever required.

2. The annual recurring cost on the average basis of this reserve consisting of one jailor in the grade of Rs. 100—5—175—5—200 per mensem and 20 sepoys at Rs. 21 per mensem with their allowances will be Rs. 7,485. The cost for about half the month during the current financial year will be about Rs. 1,000 including the initial expenditure for the uniform and equipment of the 20 sepoys, and it is proposed to meet it from the savings anticipated in the grant. Since this expenditure relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

“ 25, Jails and Convict Settlements—Reserved.”

Rs. 26,49,000 + Rs. 10.

## APPENDIX 20.

RESERVED 12. The Honourable Mr. R. D. BELL.

*Additional funds required for the Lloyd Barrage and Canals Construction Project.*

In consequence of the more rapid progress on works than expected when the current year's budget was framed, an excess of Rs. 17,90,000 is anticipated on the current year's voted grant for the Lloyd Barrage

[Appendix 20—contd.]

and Canals Construction Project under the head "55-Construction of Irrigation Works" as shown below :—

	Existing grant (voted).	Revised estimate (for votable expenditure).	Excess (+) or Saving (—) on the grant.
	Rs.	Rs.	Rs.
Works .. .. .	1,18,85,000	1,36,72,200	+ 17,87,200
Establishment (Special) .. .. .	71,120	3,08,800	+ 2,37,680
Pensionary charges .. .. .	1,47,000	1,22,000	— 25,000
Tools and Plant (Special) .. .. .	....	2,000	+ 2,000
Suspense .. .. .	—3,48,100	— 8,37,000	— 4,88,900
Less—Receipts on Capital account .. .. .	—15,27,000	— 12,50,000	+ 2,77,000
Total .. .. .	1,02,28,020	1,20,18,000	+ 17,89,980 or say 17,90,000

It will be seen that the excess is almost wholly due to excess under "Works", the other excesses and savings counterbalancing each other. The reasons for the excesses are explained below.

*Works.*—The additional sum of Rs. 17,87,000 is required for the items noted below :—

Rs.

85,000 This sum is required on account of rapid progress on works in connection with the partial Flood Protective Bund Scheme in Manchar Drainage Division.

6,72,000 During the previous years, receipts on account of sale of plant etc. were erroneously credited to I-Works (VI-Special Tools and Plant), while they should have been shown under "Receipts on Capital Account." This has since been adjusted in the current year's accounts by debit to "I-Works" and credit to "Receipts on Capital Account".

15,15,000 This sum is required for the following works in Robri Canal Circle :—

(i) For completion of Khairpur Feeder West. In the budget estimate, provision was made only for a portion up to Abdulwah but subsequently its entire length up to the Tail was completed.



[Appendix 20--contd.]

Rs.

- (ii) Re-sectioning of banks of Main Canal and Branches and patrolling and testing canals. At the time of preparing budget estimates the Executive Engineers were not in a position to be able to forecast accurately expenditure on the above items.
- (iii) Construction of modules at heads of water courses was not proposed to be carried out this year, and consequently no provision for them was made in the budget estimates. It was subsequently decided that this work should also be undertaken in the current year and hence additional funds are required.
- (iv) Where the Rohri Canal runs in high banking it was found necessary to increase the section of the banks for safety.
- (v) Additional regulators have been found necessary in view of the experience gained in the working of the canal.
- (vi) Very rapid progress on some works has been made and hence more funds are required than estimated.

70,000 This amount is required for expenditure on English Stores for which no provision could be made in the budget.

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23,42,000

—5,55,000 Savings due to reduction of expenditure on work-charged establishment employed under the Revenue Officer and on land compensation.

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17,87,000

*Establishment.*—The additional sum required for establishment is Rs. 2,37,680 as under :—

Rs.

- (a) 1,31,680 to meet the cost of the establishment employed in the Draglines and Plant Divisions. The provision for the establishment of the Draglines Division has been made in the current year's budget under the head '41.'

[Appendix 20—*contd.*]

Rs.

However as it is solely engaged in connection with the work of the project only, the classification of the Division has subsequently been changed from '41' to '55'. No provision for the establishment of the Plant Division could be made in the current year's budget as the question of the strength of establishment required was not settled in time for submission of a detailed demand to the Legislative Council at the last budget session. The Division was formed with effect from the 28th April 1932 and a token demand therefor was obtained from the Legislative Council in its September-October session of 1932.

(b) 5,000 to meet the expenditure involved in the appointment of a Special Officer and his staff in connection with the compilation of the Completion Report of the Lloyd Barrage and Canals Construction Project. A token demand for the purpose was sanctioned by the Legislative Council in its September-October session of 1932.

(c) 1,000 to meet the cost of allowance etc. of the Advisory Committee of the Project.

(d) 1,00,000 to meet the debit to be raised against the Lloyd Barrage and Canals Construction Project on account of leave allowances of the ordinary establishments for the period of such leave as has been earned by them by their services on the project. A suggestion to this effect has been only recently made by the Audit Officer, Lloyd Barrage and Canals Construction.

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2,37,680

At the time when the sanction of the Council was sought to the formation of the Plant Division and to the appointment of a Special Officer and his staff [items (a) and (b) above], it was too early to arrive at a reliable estimate of the amount of savings or excesses on grants for

[Appendix 20—conclld.]

the several items under the head and hence only a token sum was asked for in each case from the Council.

A total supplementary grant of Rs. 17,90,000 is now required to cover the anticipated excess and the sanction of the Legislative Council is requested thereto.

*Demand voted and now increased.*

“ 55-Construction of Irrigation Works—Reserved—Lloyd Barrage and Canals Construction.”

Rs. 1,02,28,020 + Rs. 17,90,000

#### APPENDIX 21.

##### RESERVED 13. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

*Refund of non-agricultural assessment of lands in the leasehold village of Vile Parle. Bombay Suburban District.*

Vile Parle is one of the leasehold villages (commonly though erroneously called Khoti villages) in the South Salsette Taluka of the Bombay Suburban District. The village was granted to one Nowroji Jamshetji Wadia under a Kowl or agreement dated 9th February 1848 subject to certain conditions mentioned therein. The leaseholder, i.e. the Khot of the village, is a superior holder to whom the right of collecting land revenue from Sutidars (actual occupants) has been granted under condition 11 of the Kowl. The village was surveyed in 1886-87 and since then assessment at the survey rates was recovered by the Khot from the Sutidars. In 1907 non-agricultural assessment rules were applied to the village. From the year 1916-17 Government levied non-agricultural assessment on building plots in the village, and appropriated the revenue to themselves on the assumption that they were entitled to it. The Khot contested the right of Government to recover this assessment on the ground that under the terms of the Kowl it belonged to him. Government refused to entertain the Khot's claim to non-agricultural assessment whereupon the latter instituted on 22nd February 1918 a suit against Government in the District Court of Thana for a declaration of his right to levy non-agricultural assessment in the village. As the suit was dismissed by the Joint Judge, Thana, on 30th November 1921 the Khot preferred an appeal to the High Court, Bombay, which confirmed the lower court's decree on 24th August 1925.

[Appendix 21—*contd.*]

The Khot thereupon filed an appeal (No. 97 of 1927) to the Privy Council which decided in favour of the Khot and ruled that he was entitled to a refund of the net proceeds of all building assessment already recovered by Government in respect of lands the agricultural assessments on which were payable to the Khot.

In pursuance of the Privy Council decision of 27th November 1928 the Khot claimed assessment, both agricultural and non-agricultural, on "osik" lands (i.e. unoccupied lands) as well as "non-osik" lands, i.e. lands which were occupied by the Sutidars at the time of the grant of the village to the Khot in 1847. In the Darkhast (No. 26 of 1930) filed by the Khot in the District Court of Thana for refund of building assessment recovered since 1916-17, Government contended that they were entitled to all assessment, agricultural as well as non-agricultural, on lands which at the time of the grant were "osik", i.e. lands which were unoccupied at the time of the grant. This point was decided against Government by the District Court, Thana, but Government have since filed an appeal against that decision to the High Court.

Under the Thana Court's final decree the Khot is entitled to recover from Government Rs. 1,43,342-8-3 out of the total amount of non-agricultural assessment recovered by them in the village of Vile Parle from the year 1916-17 to 1929-30. Out of this amount, Rs. 76,888-4-8 have already been paid to the Khot through the Thana Court. As regards the balance of Rs. 66,454-3-7, which represents non-agricultural assessment on "osik" lands, the High Court was asked to issue stay orders pending settlement of the appeal which Government have filed in that Court in respect to this amount. The High Court has granted a temporary stay of execution and the matter was placed for final orders on the 2nd February 1933 and adjourned till the 15th instant. The Government Pleader, High Court, considers it unlikely that the stay order will be made absolute. If the High Court rejects Government's application for stay of execution, the whole amount of Rs. 66,454-3-7 will have to be paid into the Court on the Khot furnishing such security as the Court may direct.

There are not sufficient savings under "5, Land Revenue" in the current year's budget to meet the charge in question. Sanction of the Legislative Council is therefore required to a supplementary grant of Rs. 66,455 under this head.

*Demand voted and now increased.*

"5, Land Revenue—Reserved."

Rs. 57,38,000 + Rs. 66,455.

## APPENDIX 22.

## BILL No. VIII OF 1933.

*A Bill to amend the law relating to the punishment of whipping in the Presidency of Bombay.*

(As published in the "Bombay Government Gazette" of the 6th February 1933.)

WHEREAS it is expedient to amend the law relating to the punishment of whipping in the Presidency of Bombay; And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Bombay Whipping Act, 1933.

(2) This section extends to the whole of the Presidency of Bombay; and the remaining provisions of this Act extend to the City of Bombay and shall extend to such other place or area as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in the City of Bombay and in such other place or area to which the said provisions shall have been extended under sub-section (2), on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint.

2. *Punishment of whipping for offences of rioting, etc.*—In addition to the persons who may be punished with whipping under section 4 of the Whipping Act, 1909, whoever abets, commits or attempts to commit the offence of rioting or rioting armed with deadly weapons as defined respectively in sections 146 and 148 of the Indian Penal Code, may be punished with whipping in addition to or in lieu of any other punishment to which he may for such offence or abetment or attempt be liable under the said Code.

## STATEMENT OF OBJECTS AND REASONS.

The recent prolonged and serious rioting in the City of Bombay has made it clear that more effective powers than are at present available are necessary to suppress quickly and effectively the hooliganism which has been such a deplorable feature of the recent riots. Experience as well as the voice of public opinion has satisfied Government that it is now necessary to provide so far as is practicable that hooliganism shall be punishable with whipping.

The Whipping Act of 1909 does not provide for the whipping of offenders guilty of rioting and cognate offences except in the case of juvenile offenders. The present Bill provides that persons guilty of the offence of rioting or rioting with deadly weapons or abetment of or attempt to commit either of those offences may be punished with whipping.

[Appendix 22—*contd.*]

The Act extends in the first instance to the City of Bombay and comes into force there on such date as may be notified by Government in that behalf; and provision is also made for the extension of the Act in the case of necessity to any other place or area in the Presidency.

3rd February 1933.

(Signed) R. D. BELL.

### APPENDIX 23.

#### BILL No. I OF 1933.

*A Bill to amend the Bombay Finance Act, 1932.*

(As published in the "Bombay Government Gazette" of the 25th January 1933.)

Bom. II  
of 1932.

5 & 6  
Geo V,  
c. 61.

5 & 6  
Geo. V,  
c. 61.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor required under section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Bombay Finance (Amendment) Act, 1933.

(2) It shall come into force on the 1st day of April 1933.

Bom. II  
of 1932.

VII of  
1870.

II of  
1899.

2. *Amendment of section 2 of Bom. II of 1932.*—The provisions of Part II of the Bombay Finance Act, 1932, hereinafter called the said Act, relating to the levy of duty on consumption of electrical energy, the amendments made in the Court Fees Act, 1870, in its application to the Presidency of Bombay by the provisions of Part III of the said Act, and the amendments made in the Indian Stamp Act, 1899, in its application to the Presidency of Bombay by the provisions of Part IV of the said Act, are hereby continued in operation for a further period of one year by the substitution of the words "two years" for the words "one year" in sub-section (3) of section 2 of the said Act.

#### STATEMENT OF OBJECTS AND REASONS.

Parts II, III and IV of the Bombay Finance Act, 1932, relating to the levy of duty on the consumption of electrical energy, of enhanced court-fees and stamp duties are, under section 2 (3) of the said Act, to remain in operation till 31st March 1933. The enhanced rates of court-fees and stamp duties have been in force since 1922. The present financial position makes it necessary that the operation of Parts II, III and IV of the Bombay Finance Act, 1932, should be extended to a further period of one year. This Bill is intended to carry out the above object.

11th January 1933.

(Signed) GHULAM HUSSAIN HIDAYATALLAH.

## APPENDIX 24.

## BILL No. VI OF 1933.

*A Bill for the imposition and levy of fees on the sale of tobacco in the Presidency of Bombay excluding the City of Bombay.*

(As published in the "Bombay Government Gazette" of the 30th January 1933.)

WHEREAS it is expedient to impose and levy license fees on the sale of tobacco in the Presidency of Bombay excluding the City of Bombay ; And whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

5 & 6  
Geo. V,  
c. 61.

1. *Short title and extent.*—(1) This Act may be called the Bombay (District) Tobacco Act, 1933.

(2) It extends to the whole of the Presidency of Bombay except the City of Bombay and such area as Government may, by notification published in the *Bombay Government Gazette*, exclude.

(3) It shall come into force from the 1st day of April 1933.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(1) "Collector" includes any officer appointed under section 5 to exercise the powers and perform the duties of a Collector under this Act ;

(2) "Commissioner" means an officer appointed under section 3 to be a Commissioner for the purposes of this Act ;

(3) "Grower" means a person who by himself or by his servants, agents or tenants grows tobacco ;

(4) "Hawker" means a person who goes from place to place or from house to house carrying or exposing for sale tobacco or exposing samples of tobacco to be afterwards delivered ;

(5) "Holder" means a holder of a license ;

(6) "License" means a license for the sale of tobacco granted under section 7 ;

(7) "Magistrate" means a magistrate of the first or second class or a magistrate of the third class specially authorised in this behalf by the District Magistrate ;

(8) "Prescribed" means prescribed by rules ;

(9) "Retail sale" means a sale directly to the consumer of tobacco ;

(10) "Rules" mean rules made under section 27 ;

(11) "Tobacco" includes bidis, cigarettes and cigars, the leaf, stalks and stem of the tobacco plant and any preparation or mixture of tobacco ;

[Appendix 24—contd.]

(12) "Tobacco Officer" means the Commissioner, a Collector or any other officer or person lawfully appointed or invested with power under section 5;

(13) "Tobacco revenue" means revenue derived or derivable from any fee, fine (other than a fine imposed by a court of law) or confiscation imposed or ordered and all sums accruing to Government, under the provisions of this Act; and

(14) "Wholesale sale" means a sale of tobacco to traders in the commodity.

3. *Appointment and duties of Commissioner.*—(1) Government may by notification in the *Bombay Government Gazette*, appoint for the whole or for any part of the Presidency of Bombay, in which this Act shall be in force, an officer to be the Commissioner;

(2) The Commissioner shall, subject to the control of Government, superintend the administration of the Tobacco Department and the collection of tobacco revenue.

4. *Collectors charged with carrying out the Act.*—Subject to the control and direction of the Commissioner and the orders of Government, the Collectors are charged with the collection of tobacco revenue and with the carrying out of the provisions of this Act.

5. *Appointment of special Collectors and other tobacco officers.*—(1) Government may, by notification in the *Bombay Government Gazette*, appoint any person other than the Collector of Land-revenue to exercise, in any district or place, all the powers and perform all the duties conferred and imposed by this Act on a Collector, subject to such control, if any, in addition to that of the Commissioner and of Government, as Government may from time to time direct.

(2) The Commissioner may, subject to the general or special orders of Government, appoint any person to be a Tobacco Officer and assign to him such powers and duties under this Act, as he may deem fit.

(3) Government, or subject to such orders as aforesaid, the Commissioner may invest any officer or person with such powers and impose upon him such duties under this Act, as Government or the Commissioner, as the case may be, may deem fit and any such officer shall thereupon exercise the said powers and discharge the said duties in addition to the powers and duties incident to his principal office.

6. *Prohibition of sale of tobacco without license.*—No person shall sell or expose for sale any tobacco except under and in accordance with the terms and conditions of a license granted under section 7:

Provided that a grower of tobacco may, without license, sell tobacco wholesale grown by him.

*Explanation.*—The supply of tobacco by clubs to their members on payment of any price, fee or subscription is a sale within the meaning of this section.

Cf. s. 6  
of the  
Bombay  
Abkari  
Act, 1878.

Cf. s. 16  
of the  
Bombay  
Abkari  
Act, 1878.



[Appendix—contd.]

7. *Grant of licenses.*—(1) Every license for the sale of tobacco whether wholesale, retail or by a hawker shall be granted annually or for any less period by the Collector on payment of fees at such rates as may be prescribed by Government, subject to the maxima specified in the schedule hereto annexed.

(2) Such licenses shall be in such form and subject to such conditions and restrictions as Government may prescribe.

8. *Suspension or revocation of licenses.*—(1) Subject to such conditions as may be prescribed by Government, the authority granting any license may suspend or cancel the license,

(a) if any fee payable under the license is not duly paid ; or

(b) if there be any breach of any of the conditions of the license or of any other license previously granted to the holder either by the holder or his servant or any one acting on behalf of the holder with his express or implied permission.

(2) The holder shall not be entitled to any compensation for the cancellation or suspension of a license under sub-section (1) nor to refund of any fee paid or deposit made in respect thereof.

(3) Where a license is cancelled or suspended under sub-section (1) the balance of the fee payable under the license may be recovered from the holder or his surety in the same manner as tobacco revenue.

9. *Issue of warrants.*—(1) The Commissioner or Collector or any other Tobacco Officer duly empowered in this behalf or a Magistrate may issue a warrant,—

Cf. s. 40  
of the  
Bombay  
Abkari  
Act, 1878.

(a) for the arrest of any person whom he has reason to believe to have committed an offence punishable under this Act, or

(b) for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that any tobacco is sold or is exposed for sale contrary to the provisions of this Act.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police Officer or by a Tobacco Officer duly empowered in this behalf or if the officer issuing the warrant deems fit, by any other person.

of 1898.

10. *Power of entry, search, seizure and detention.*—The Collector or any other Tobacco Officer duly empowered in this behalf may—

Cf. s. 36  
of the  
Bombay  
Abkari  
Act, 1878.

(a) enter and search, at any time, by day or by night, any building, vessel, vehicle or any place in which he has reason to believe that any tobacco liable to confiscation under this Act is kept or concealed ;

(b) seize any tobacco or any other article which he has reason to believe is liable to confiscation under this Act ; and

(c) detain and arrest any person whom he has reason to believe to be guilty of any offence punishable under this Act.

[Appendix 24—*contd.*]

Cf. s. 38  
of the  
Bombay  
Abkari  
Act, 1878.  
V of 1898.

**11. Searches how made.**—All searches made under section 10 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

V of 1898.  
Cf. s. 38-C  
of the  
Bombay  
Abkari  
Act, 1878.

**12. Procedure for arrest without warrant.**—The provisions of section 61 of the Code of Criminal Procedure, 1898, shall apply to all arrests without warrant made under section 10.

Cf. s. 39  
of the  
Bombay  
Abkari  
Act, 1878.

**13. Officers bound to assist.**—All village officers, all village servants useful to Government, and all officers of the departments of Excise, Police and Revenue shall be bound—

(a) to give immediate information to a Tobacco Officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge ;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about to be committed ; and

(c) to assist any Tobacco Officer in carrying out the provisions of this Act.

Cf. s. 41  
of the  
Bombay  
Abkari  
Act, 1878.

**14. Tobacco Officer to have powers of investigation.**—(1) Every Tobacco Officer not below such rank as Government may determine, shall within the area for which he is appointed, have power to investigate all offences punishable under this Act.

V of 1898.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a police station for the investigation of a cognizable offence :

Provided that—

(a) if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear if and when so required before a Magistrate and shall make a full report of the case to his official superior and be guided by the order which he shall receive on such report ;

(b) the powers of a Tobacco Officer empowered under this section shall be subject to such further modifications or restrictions as Government may determine.

Cf. s. 41B  
of the  
Bombay  
Abkari  
Act, 1878.  
V of 1898.

**15. Offences under the Act to be bailable.**—(1) All offences punishable under this Act shall be bailable.

(2) Any Tobacco Officer empowered under section 14 to investigate an offence punishable under this Act shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1898, to any person arrested without warrant for an offence punishable under this Act.

[Appendix 24—contd.]

16. *Articles seized.*—When anything has been seized by a Tobacco Officer exercising powers under section 14 such officer, after such inquiry as may be necessary—

Cf. s. 41C  
of the  
Bombay  
Abkari  
Act, 1878.

(a) if it appears that such thing is required as evidence in the case of any person arrested, shall forward the thing to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken;

(b) if it appears that such thing is liable to confiscation but is not required as evidence as aforesaid, shall send the thing with a report of the particulars of the seizure to his superior officer, if any;

(c) if no offence appears to have been committed shall return the thing to the person from whose possession it was taken.

17. *Penalty for contravention of this Act.*—Whoever in contravention of this Act or of any rule or order made under this Act or of any terms or conditions of a license sells or exposes for sale tobacco, shall be punishable on conviction with a fine not exceeding two hundred Rupees.

18. *Penalty for vexatious search or arrest.*—Any Tobacco Officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched, any building, vessel or place, or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act,

Cf. s. 49  
of the  
Bombay  
Abkari  
Act, 1878.

or vexatiously and unnecessarily detains, searches or arrests any person, shall, on conviction, be punishable for every such offence, with fine which may extend to one hundred Rupees.

19. *Penalty for vexatious delay in forwarding an arrested person to a Magistrate.*—Any Tobacco Officer or other person who vexatiously and unnecessarily delays forwarding to a Magistrate any person arrested under this Act and not released by him on bail shall on conviction be punishable with fine which may extend to fifty Rupees.

Cf. s. 50  
of the  
Bombay  
Abkari  
Act, 1878.

20. *Confiscation.*—Whenever an offence under this Act has been committed, all tobacco in respect of which the offence has been committed and every receptacle in which such tobacco is contained and the other contents of such receptacle shall be liable to confiscation.

Cf. s. 54  
of the  
Bombay  
Abkari  
Act, 1878.

21. *Procedure in confiscation.*—(1) When in any case tried by a Magistrate the Magistrate decides that anything is liable to confiscation under the foregoing section, he may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation or in the case of any article other than tobacco may give the owner option to pay such fine as the Magistrate deems fit in lieu of confiscation.

Cf. s. 55  
of the  
Bombay  
Abkari  
Act, 1878.

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector, who may order confiscation:

[Appendix 24—*contd.*]

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing intended to be confiscated, or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Cf. s. 55A  
of the  
Bombay  
Abkari  
Act, 1878.

**22. Compounding offences.**—(1) The Commissioner or any Collector or any other Tobacco Officer specially empowered by Government in this behalf may accept from any person whose license is liable to be cancelled or suspended under section 8 or who is reasonably suspected of having committed an offence under section 17 a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be, and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such money or value or both, as the case may be, to such officer, such person if in custody shall be set at liberty and the property seized shall be released and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

Cf. s. 61 of  
the C. P.  
Excise  
Act.

**23. Cognizance of offences.**—(1) No Magistrate shall take cognizance of any offence punishable under this Act,—

- (i) except upon the complaint or report of the Commissioner, or a Collector or any other Tobacco Officer empowered in this behalf or of an Excise or Police Officer, or
- (ii) except upon his own knowledge or suspicion.

(2) Except with the sanction of Government, no Magistrate shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

**24. Protection of persons acting in good faith and limitation of suits and prosecutions.**—(1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any Tobacco Officer in respect of anything done, or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

**25. Recovery of tobacco revenue, etc.**—The following moneys, namely :—

- (a) all tobacco revenue,
- (b) any loss that may accrue in consequence of the suspension or cancellation of a license,

may be recovered from the person primarily liable to pay the same or from his surety (if any) as arrears of land revenue.

[Appendix 24—*contd.*]

26. *Appeals and revision.*—(1) Any person aggrieved by any order under this Act may appeal—

(a) to the Collector, if such order was passed by a Tobacco Officer other than the Collector or Commissioner,

(b) to the Commissioner, if such order was passed by the Collector, and

(c) to Government, if such order was passed by the Commissioner except on an appeal under clause (b).

(2) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (3) be final.

(3) Government may call for and examine the record of any order or the proceedings of any Tobacco Officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

27. *Power of the Government to make rules.*—(1) Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely:—

(a) under section 5, regulating the powers and duties to be exercised and performed by Tobacco Officers and the assignment of such powers and duties;

(b) under section 7, prescribing the rate of fees chargeable for, the form of and the conditions and restrictions on which, licenses shall be granted;

(c) under section 8, prescribing the conditions on which licenses may be suspended or cancelled.

(3) Rules made under this section shall be subject to previous publication.

28. *Delegation of powers.*—The powers conferred on the Commissioner under this Act may, subject to the general or special orders of Government, be delegated by the Commissioner in whole or in part, to the Collectors or to any subordinate officer.

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SCHEDULE.

(SECTION 7.)

*Maxima of rates of license fees.*

					Rs.
(1) Wholesale	..	..	..	..	150
(2) Retail	..	..	..	..	75
(3) Hawker	..	..	..	..	2

[Appendix 24—*contd.*]

### STATEMENT OF OBJECTS AND REASONS.

Under the Tobacco Duty (Town of Bombay) Act, 1857, tobacco imported into the Town and Island of Bombay is subject to duty. No duty is leviable on tobacco in the mofussil. The Taxation Inquiry Committee in paragraph 193 of their report (Vol. I, p. 155) has observed :—

“ The absence of any internal taxation on tobacco is a feature which distinguishes the fiscal system of India from that of almost every other civilised country in the world. The considerations which have led in other countries to the selection of tobacco as one of the principal subjects for consumption taxation apply with equal force to India. It is a typical instance of a conventional luxury whose use goes down to the poorest classes and it is an article the consumption of which can be varied greatly both in quality and quantity according to the means of the consumer.”

In the present financial difficulties of the Presidency, it appears necessary that revenue should be derived from this source. The present Bill merely provides that no person shall be at liberty to sell tobacco either wholesale or retail without a license which will be granted on payment of prescribed fee. This can be done without harassment to the tobacco trade or burden on the bidi manufacture industry. It is not intended to restrict the use or possession of tobacco and cultivators of tobacco will be free to sell the produce wholesale without a license, though they will be required to take out a license for retail sale.

The following notes explain some of the important clauses of the Bill :—

*Clause 1.*—As Act IV of 1857 applies to the City of Bombay, the City is excluded from the operation of this Act. It is also left to the discretion of Government to exclude any other area.

*Clause 2.*—This is an interpretation clause.

*Clauses 3 and 4.*—These clauses relate to the appointment of the Commissioner. A Commissioner will be appointed for the whole of the Presidency and will be the head of the Tobacco Department. The Collectors of Land Revenue are as Collectors of Revenue charged with the collection of tobacco revenue and with the carrying out of the provisions of this Act as in section 4 of the Bombay Abkari Act, 1878.

*Clause 5.*—This clause empowers the Commissioner to appoint subordinate tobacco officers. Government or the Commissioner may invest other officers with the powers of tobacco officers.

*Clause 6.*—This clause provides that no person shall sell or expose for sale tobacco except in accordance with the terms and conditions of a license. A grower of tobacco is exempted from taking out a license when he sells tobacco grown by him by wholesale. An explanation has been added on the lines of section 16 of the Bombay Abkari Act, 1878, that the supply of tobacco by a club to its members on payment is a sale within the meaning of this section.

*Clause 7.*—This clause relates to the grant of a license. A license granted under this section shall be in the form and contain particulars prescribed by Government by rules. The fee payable for a license shall

[Appendix 24—*contd.*]

be in accordance with the scale prescribed by Government subject to the maxima specified in the Schedule.

*Clause 8.*—This clause relates to the suspension and revocation of license. Sub-section (2) makes it clear that the holder of the license which has been suspended or revoked shall not be entitled to any compensation for any loss suffered by him in consequence of such suspension or revocation.

*Clause 9.*—This clause empowers the Commissioner, a Collector or a Tobacco Officer specially empowered in this behalf to issue a warrant for the arrest of a person suspected to have committed an offence under this Act or for the search of any place where such offence is suspected to have been committed. The clause is on the lines of section 40 of the Bombay Abkari Act, 1878.

*Clause 10.*—This clause relates to the power of officers to enter and search any place where contraband tobacco may be suspected to be and to seize the same. Abkari officers are invested with similar powers under section 36 of the Bombay Abkari Act, 1878.

*Clauses 11 and 12.*—These clauses apply the provisions of the Code of Criminal Procedure, 1898, to arrests without warrant and searches under this Act.

*Clause 13.*—This clause requires village officers and officers of Police, Excise and Revenue Departments to give information to Tobacco Officers of the intention or preparation to commit an offence under the Act and to assist them generally in carrying out the provisions of this Act.

*Clause 14.*—This clause relates to the powers of Tobacco Officers to investigate offences under the Act.

*Clause 15.*—This clause provides that all offences under this Act shall be bailable and a Tobacco Officer will have power to grant bail.

*Clause 16.*—This clause is based on section 41C of the Bombay Abkari Act and requires a Tobacco Officer to send things seized during the investigation of an offence under this Act to the Magistrate, if such thing is necessary for production in evidence in a trial for the offence.

*Clause 17.*—This clause provides a penalty for an offence for sale or exposing for sale tobacco in contravention of the provisions of this Act, the rules made thereunder or the terms of a license granted under this Act. The maximum penalty provided is a fine of Rs. 200.

*Clauses 18 and 19.*—These clauses make it an offence if a Tobacco Officer vexatiously enters or searches any place or arrests any person or delays forwarding to a Magistrate any person arrested under this Act.

*Clauses 20 and 21.*—Clause 20 is similar to section 54 of the Bombay Abkari Act, 1878, and provides that contraband tobacco or receptacles in which such tobacco is placed and other contents of such receptacles shall be liable to confiscation. Clause 21 prescribes the procedure to be followed in making such confiscation.

[Appendix 24—concl'd.]

*Clause 22.*—This clause is based on section 55A of the Bombay Abkari Act, 1878, and gives power to Tobacco Officers to compound any offence under this Act.

*Clause 23.*—This clause provides how the cognizance of an offence under this Act can be taken by a Magistrate.

*Clause 24.*—This clause gives protection from suits and prosecutions to Tobacco Officers acting in good faith in pursuance of the provisions of this Act.

*Clause 25.*—This clause provides that all sums due under the Act shall be recoverable as arrears of land revenue.

*Clause 26.*—This clause provides for appeals from and revision of orders passed under this Act.

*Clause 27.*—This clause empowers Government to make rules in regard to certain matters under this Act and generally to carry out the provisions of this Act.

*Clause 28.*—This clause empowers the Commissioner to delegate any of his powers to Collectors or to any subordinate officers.

26th January 1933.

(Signed) GHULAM HUSSAIN HIDAYATALLAH.

#### APPENDIX 25.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

**TRANSFERRED 14.** The Honourable Sir RUSTOM VAKIL, Kt.

##### *Electrification of Government buildings at Larkana.*

The Larkana Electric License was granted by Government on the 27th June 1929 and according to clause 5 thereof the licensees were required to execute works, for a full and continuous supply of electric energy, throughout the compulsory area, within a period of 2 years from the commencement of the license, viz., by the 27th June 1931. As electric energy was thus available for the public, Government considered it desirable to supply it to their buildings at Larkana, both residential as well as non-residential, as thereby they would be saving a considerable sum annually on punkha-pullers and oil lamps, etc. Moreover, this was considered absolutely necessary in view of the most trying climate of that place. For seven or eight months of the year Larkana has one of the worst climates in this Presidency and it is hardly justifiable to delay the provision of electric lights and fans there a day longer than is absolutely necessary. Orders were therefore issued to the Chief Engineer in Sind in April 1931 calling for plans and estimates for electric installation in Government buildings at Larkana. In view of the prevailing financial stringency, however, Government have tried to limit the number of buildings to the barest minimum. The proposals from the local officers have only just been received and the total minimum amount required for electric installation is about Rs. 33,700



## [Appendix 25—contd.]

as shown in the accompanying list. As however the current financial year has far advanced, it is not possible to carry out the whole work this year. But in order not to delay matters further in view of the inclement summer of Larkana, Government propose to make a start at once. A sum of about Rs. 1,000 is likely to be spent this year and it will be met out of savings in the grant under the head 41, Civil Works—Provincial. As the expenditure on the work is of the nature of a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10. The amount required for completion of the works during 1933-34 will be provided out of savings in the next year's grant.

*Demand voted and now increased.*

41, Civil Works—Provincial (Partly Reserved  
and Partly Transferred).

Rs. 1,31,64,050 + Rs. 10.

## FINANCE DEPARTMENT :

Bombay Castle, 6th March 1933.

*List of Government Buildings at Larkana proposed to be provided  
with electric installation.*

Serial No.	Name of Building.	Estimated cost.
<i>Residential.</i>		
		Rs.
1	Collector's Bungalow .. .. .	2,753
2	District Superintendent of Police's Bungalow .. .. .	1,914
3	Deputy Collector's Bungalow .. .. .	2,295
4	Assistant Collector's Bungalow No. 2 .. .. .	1,137
5	Huzur Deputy Collector's Bungalow .. .. .	1,080
6	District Judge's Bungalow .. .. .	1,846
7	Executive Engineer's Bungalow, Northern Dadu Canal .. .. .	1,793
8	Executive Engineer's Bungalow, Rice Canal .. .. .	1,996
9	Executive Engineer's Bungalow, Warah Branch .. .. .	1,911
10	Civil Surgeon's Bungalow .. .. .	1,863
		18,588
<i>Non-residential.</i>		
11	Collector's Kacheri, including District Court, etc. .. .. .	6,154
12	Clerks' Office in Deputy Collector's Bungalow .. .. .	461
13	Clerks' Office in Assistant Collector's Bungalow No. 2 .. .. .	559
14	Office of the Executive Engineer, Rice Canal .. .. .	1,490
15	Office of the Executive Engineer, Warah Branch .. .. .	1,298
16	Office of the District Superintendent of Police .. .. .	1,312
17	Office of the Deputy Educational Inspector .. .. .	707
18	Office of the Executive Engineer, Northern Dadu Canal .. .. .	1,161
19	Civil Hospital .. .. .	1,973
		15,115
	Grand Total ..	33,703

## APPENDIX 26.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 15. The Honourable Mr. R. D. BELL.

*Contribution to the Khairpur State for expenditure on bringing the bunds in the State to the Indus River Commission specifications.*

At a conference of engineers in Sind held in September 1929, the then Chief Engineer, Lloyd Barrage and Canals Construction, pointed out that the damage done that year in British territory on the left bank of the Indus was almost entirely due to the river spill and breaches in the bund within Khairpur State territory and observed that there had been several occasions in previous years when similar damage had occurred in Sind due to breaches in the State bunds. The extent of the damage done in 1929 could be judged from the fact that the discharge passing through the largest breach in the bund in the State was approximately 47,000 cusecs on the 17th September 1929. The Conference came to the unanimous conclusion that it was essential that measures should be devised to prevent repetition of such damage in future. The question of improving and strengthening the river bunds in the Khairpur State up to the Indus River Commission standard was accordingly discussed at a subsequent conference held in May 1930 at which the Public Works Member, Khairpur State, was present. It was then unanimously decided that—

(a) the Indus River Commission should have general control of all the bunds in Sind, whether in British Sind or Khairpur State limits ;

(b) the Senior Public Works Department Officer of the State should be a member of the Indus River Commission ;

(c) as the State bunds constitute an important link in flood protective system on the left bank of the river, both to British territory as well as to Khairpur State, the British Government should contribute 25 per cent. of the cost of reconstruction, i.e., bringing all bunds in the State up to the Indus River Commission standard ;

(d) the state bunds should be inspected annually by the Indus River Commission agency.

Shortly after this conference the Indus River Commission was reconstituted and the Public Works Department member or State Engineer of the Khairpur State became a member of the Commission. At a meeting held on 12th April 1932, the Indus River Commission adopted generally the conclusions arrived at in the conference of May 1930 and made *inter alia* the following recommendations :—

(i) that the British Government shall contribute 25 per cent. of the cost incurred subsequent to 1929-30 and that yet to be incurred in improving all State bunds to conform to Indus River Commission standards ;

(ii) that the British Government shall not contribute towards the annual cost of maintenance of bunds in the Khairpur State ;

[Appendix 26—*contd.*]

(iii) that the Inspecting Officers for the Khairpur State bunds shall be the Joint Chief Engineer in Sind and the Consulting Engineer of the State;

(iv) that for all *future* bunds in the State plans, estimates and specifications for the work shall be submitted to the Indus River Commission for administrative approval and that for such works as are approved by the Commission and specified as original works, special repairs, or extensions and improvements the British Government shall contribute 25 per cent. of the cost.

These conditions have been agreed to by the State and they are under the consideration of Government. Meanwhile an expenditure of Rs. 2,33,056 has been incurred by the State during the period 1929-30 to 1931-32 in bringing the bunds to Indus River Commission standards for the flood level of 1929. Further work on the State bunds has also now become imperatively necessary. The reason is that the last year's (1932) flood exceeded the record flood level of 1929 and in some places the river water reached within a foot of the top of the bund. Another factor which has rendered new work on the bunds necessary is the erosion of the river which in one place has brought the river bank within 825 feet of the bund. Estimates amounting to Rs. 2,19,631 for the new work considered necessary have been prepared by the State Engineer and sent to the Indus River Commission for approval. If certain items, the necessity for which is not of immediate urgency, are postponed for the present, the total cost will be reduced to Rs. 1,39,098. According to the recommendation of the Indus River Commission for payment of 25 per cent. contribution to the State, the amount payable by this Government will be Rs. 99,096 as shown below :—

	Rs.
Expenditure incurred during the period 1929-30 to 1931-32 .. .. .	2,33,056
Further expenditure now proposed .. .. .	1,39,098
	<u>3,72,154</u>
Deduct cost of 3 miles length of river bund in British territory 75 per cent. of which is debitable to the British Government .. .. .	—12,115
	<u>3,60,039</u>
	Rs.
25 per cent. of this amount is	90,010
Add British Government share of the construction of 3 miles of bund in British territory at 75 of the cost, viz. Rs. 12,115 .. .. .	9,086
	<u>99,096</u>

The State can only undertake to carry out the whole of the new work before the abkalani season of 1933 if they get the British Government contribution of Rs. 99,096. Government consider it essential, in their

[Appendix 26—concl'd.]

own interests as well as those of the State, that this work should be completed by June 1933. Both the State and British Sind were faced during the 1929 and 1930 floods with grave danger and anxiety. The actual damage to crops and property incurred in those 2 years from floods through breaches and spill water amounted to several lakhs of rupees. In the abkalanis of 1932 there was again grave danger and breaches occurred which were fortunately closed in time. The risk to be faced every year so long as the State bunds remain in their present state of inefficiency is grave. The monetary issues at stake in the event of breaches are large. Government have therefore accepted the recommendation of the Indus River Commission to pay the contribution of Rs. 99,096 in the current financial year. In view of the imperative necessity for completing the work before June next, the Khairpur State has authorized its commencement in anticipation of receipt of this Government's contribution. The expenditure is debitable to the head "15, Other Revenue Expenditure financed from ordinary revenues" and will be met from savings in the current year's voted grant under the heads "XIII" and 15. As, however the expenditure relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

*Demand voted and now increased.*

XIII—*Deduct*—Working Expenses, 15, Other Revenue  
Expenditure financed from Ordinary Revenues,  
and Refunds of Revenue under the heads  
"XIII" and "XIV"—Reserved.

Rs. 65,97,926 + Rs. 10.

FINANCE DEPARTMENT.

Bombay Castle, 11th March 1933.

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#### APPENDIX 27.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

**RESERVED 16.** The Honourable Mr. R. D. BELL.

*Investigations in connection with waterlogging in  
Begari Canals area.*

Water-logging has appeared in several areas on the Begari Canal and its branches putting fertile land out of cultivation with resultant loss of revenue to Government and also loss to zamindars. The areas affected amount approximately to 19,000 acres in the Upper Begari Sub-division

[Appendix 27—*contd.*]

and 95,000 acres in the Lower Begari Sub-division. In the town of Jacobabad itself the sub-soil water level has risen to a dangerous extent and at the end of the abkalani of 1932 it was only 4 to 5 feet below the surface. As a result damage has occurred to house property in the town as well as to Government bungalows in the civil station. During the hot weather the residence of the Superintendent of Police and the Circuit House showed signs of rapid disintegration and both have had to be vacated. The Executive Engineer's bungalow is also showing dangerous cracks and it is reported that signs of cracks are also apparent in the Residency. Remedial measures are immediately necessary to alleviate the situation as otherwise the damages will extend, causing loss to the public and to Government. Irrigation revenue will also suffer as the productivity of the land is being seriously diminished. It is therefore proposed to take up investigation of the cause and extent of the rise in the sub-soil water in the current year. This work, which is estimated to cost Rs. 34,687, namely works expenditure Rs. 31,491 and special establishment Rs. 3,196, is classified under the head XIII. The special establishment which it is proposed to employ on this work is detailed below :—

*Permanent establishment from 15th March 1933 to 10th April 1933.*

	Rs.
1 Assistant Executive Engineer's pay	Rs. 500.
Travelling allowance	Rs. 182
	.. .. 682

*Temporary establishment from 15th March 1933 to 31st May 1933.*

	Rs.
1 Supervisor's pay	.. .. 610
Sub-divisional allowance from 11th April 1933 to 31st May 1933	.. .. 75
	<hr/> 685

*Overseers and clerks and menials.*

Pay	.. .. 1,064
Travelling allowance	.. .. 765
	<hr/> 1,829

2,514

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3,196

Out of the above cost of establishment, a sum of Rs. 682 is non-voted and Rs. 2,514 is voted. The main and detailed investigations will be carried out in 2½ months and during this period it is proposed to use the

[Appendix 27—*contd.*]

existing Right Bank Sub-division of the Development and Research Division in Sind entirely for this work, so that there will be a saving under "41" corresponding to the abovementioned establishment cost. An expenditure of Rs. 2,500 is expected to be incurred on works in the current year which will be met by reappropriation and the balance of expenditure will be incurred in the next year. As, however, the expenditure relates to a new service the sanction of the Legislative Council is requested to a token grant of Rs. 10.

*Demand voted and now increased.*

XIII—*Deduct Working Expenses "15—Other Revenue Expenditure financed from Ordinary Revenues"* and Refunds of Revenue under the heads XIII and XIV—Reserved.

Rs. 65,97,926 + Rs. 10.

Finance Department,  
Bombay Castle, 14th March 1933.

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#### APPENDIX 28.

#### STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

**TRANSFERRED 17.** The Honourable Sir RUSTOM VAKIL, Kt.

*Providing a 2" carpet of sand and bitumen over 6" brick-on-edge soling on Karachi-Malir Road,  $\frac{1}{2}$  furlong in mile 7 ( $6\frac{1}{2}$ ) and  $3\frac{1}{2}$  furlongs in mile 11 (10/0 to 10/3 $\frac{1}{2}$ ).*

This is one of the works of an experimental nature for which the Government of India have agreed to contribute half the amount out of their reserve in the Road Development Account. The estimated cost of this work is Rs. 20,353 and the amount to be provided by this Government from the ordinary share in the Road Development Account is Rs. 10,177. As certain technicalities in connection with such experimental works were to be settled with the Government of India before they could agree to contribute half the amount, the orders to start this work (along with others) could not be issued earlier than only towards the close of the past financial year. Hence no expenditure could be incurred on the work during that year. The amount required, viz. Rs. 10,177 is accordingly being made available from savings in the current year's provision for petrol tax works included in the budget of 41, Civil Works—Provincial. As, however, the expenditure is on a work estimated to cost Rs. 20,353 and is of the nature of a new service, sanction of the

[Appendix 28—*contd.*]

Legislative Council is requested to the demand for the grant of a token sum of Rs. 10.

*Demand voted and now increased.*

41, Civil Works—Provincial (Partly Reserved and Partly Transferred).

Rs. 1,31,64,050 + Rs. 10.

Finance Department,  
Bombay Castle, 14th March 1933.

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APPENDIX 29.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

**RESERVED 18.** The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

*Payments to the Bombay Municipality and the Bombay Improvement Trust of the proceeds of the Tobacco Duty collected under Act IV of 1857 as amended by Act I of 1932.*

Government have been advised that realisations under the Tobacco Duty (Town of Bombay) Act IV of 1857 are provincial revenue and consequently they should be credited to the Government account and the vote of the Legislative Council obtained for disbursements therefrom. This has not been done in previous years as the legal position was not realised. In previous years, net receipts (i.e., after deducting all expenses of collection) were paid daily to the Imperial Bank of India, Bombay, for being credited direct to the Municipal General Fund.

2. Bombay Act I of 1932 amended the Tobacco Duty (Town of Bombay) Act IV of 1857 and increased the rate of the duty on tobacco imported into the town of Bombay from Rs. 7-8-0 to Rs. 30 per maund with effect from 19th March 1932. The measure was passed by the Legislative Council on the understanding that the revenue accruing from the enhancement of the duty would be utilised for the purposes of the Bombay Improvement Trust. Since the rate of the tax was previously one quarter of what it is now and the receipts from the tax fluctuate from year to year, Government decided that the Bombay Municipality should receive a share of the proceeds of the enhanced tax calculated at the same rate per maund as they previously realised. They therefore issued orders that the net receipts from the tobacco duty (inclusive of license fees, fines, warehouse rents, etc.) after deduction of the whole expenses of collection, should be distributed in the proportion of one-fourth to the Bombay Municipality and three-fourths to the City Improvement Trust, with effect from 19th March 1932. The gross receipts from the tax for the financial year 1932-33 are estimated to be Rs. 12,43,819 and the cost of collection to be Rs. 1,26,596.

[Appendix 29—*contd.*]

3. Owing to the expectation that the Improvement Trust Amalgamation Bill would become law in the course of the current year, and to the legal position not having been realised, payments amounting to Rs. 3,74,000 were made to the Municipality in the early part of the year. It is now proposed to pay to the Improvement Trust the balance available in the current year, Rs. 7,43,000 and to make such payments to the two bodies in the early months of 1933-34 as will adjust their shares of the net revenue realised since 19th March 1932 to the proportion of one to three. It is expected that the Bill amalgamating the Improvement Trust with the Municipality will pass into law at the next session, and thereafter grants will be made to the Municipality and their allocation will be governed by the Amalgamation Bill.

*Demand voted and now increased.*

47, Miscellaneous—Reserved.

Rs. 8,67,280 + Rs. 11,17,000.

Finance Department,  
Bombay Castle, 14th March 1933.

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APPENDIX 30.

**BILL No. III OF 1933.**

*A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi.*

(For text of the Bill, *vide* *Bombay Government Gazette*, dated the 27th January 1933) (Text of the Bill not printed as Appendix for reasons of economy).

**STATEMENT OF OBJECTS AND REASONS (OF BILL  
No. III OF 1933).**

The Municipality of Karachi is the premier Municipality in Sind. Its jurisdiction extends over an area of about 71 square miles and an estimated population of over 2·50 lakhs. It is the terminus of the North-Western Railway, and is the natural port for the foreign trade of Sind and of portions of the Punjab, Rajputana, the United Provinces and Baluchistan. In the volume of seaborne trade it ranks as the third largest port in India. An airship base has been established at Drig Road, about 8 miles from the City, in addition to an aerodrome for military purposes. Karachi is thus now the aerial gateway of India.

The Municipality is, however, still governed by the Bombay District Municipal Act, 1901, although the major municipalities in the Presidency are governed by the Bombay Municipal Boroughs Act, 1925, as Karachi



[Appendix 30—*contd.*]

was specifically excluded from the operation of that Act. This was done because the question of framing a separate Municipal Act for Karachi has been under the consideration of Government since 1918. It is admitted on all hands that immense strides have been made in the improvement of the City since 1901, when the Bombay District Municipal Act was passed, and that that Act is no longer adequate to satisfy its needs. The Municipality has frequently submitted representations regarding the administrative and executive difficulties arising out of the limited provisions of that Act. In 1918, therefore, Government decided that a separate Act should be drafted for the municipal government of Karachi on the lines of the City of Bombay Municipal Act, 1888, with suitable provisions adapted from the City of Bombay Improvement Trust Act, 1898, to enable the Municipality to carry out any schemes of slum improvement which might be considered necessary.

The present Bill, which has been drafted after consultation with the Municipality and other local bodies and associations which are interested in the municipal government of the City of Karachi, is based mainly on the City of Rangoon Municipal Act, 1922 (Burma Act VI of 1922); but the provisions in the City of Bombay Municipal Act, 1888, and the Bombay Municipal Boroughs Act, 1925, have also been adapted wherever this has been found suitable. The opportunity has been taken to provide a remedy for many practical difficulties experienced in municipal administration as a result of the working of the three Municipal Acts in the Presidency. The Bill should therefore contain all the provisions required for the efficient administration of municipal affairs in Karachi.

In accordance with the method now invariably followed in England in the case of similar legislation, the provisions of the Bill have been so arranged as to confine the substantive provisions of law to the Act itself and to relegate the subordinate rules of procedure and details to schedules. This method of arrangement has the advantage that provisions dealing with matters of detail and subsidiary points which require frequent changes can be easily amended by the Corporation with the sanction of the Commissioner in Sind, without the necessity of legislation to amend the Act. The Bill contains 292 sections and 11 schedules. All the important provisions are explained in the following notes on clauses :—

## NOTES ON CLAUSES.

### CHAPTER I.

(Clauses 1 to 5.)

This chapter is preliminary. It contains extent, commencement and repealing provisions. It also contains the interpretation clause.

*Clause 2.*—The Act is to be brought into force on such date as the Government may appoint. This will enable Government to issue the notification for bringing the Act into force simultaneously with the

[Appendix 30—*contd.*]

notification under section 4 (1) of the Bombay District Municipal Act, 1901, declaring that the City of Karachi shall cease to be a Municipal District under that Act.

*Clause 3.*—As the Act draws a distinction between the powers to be exercised by the Government and those to be exercised by the Commissioner in Sind, this clause provides that the provisions of the Commissioner in Sind (Delegation of Powers) Act, 1868, will not apply to any power conferred upon Government.

*Clause 4.*—This is a repealing provision. The only two Acts which are affected by the proposed Bill are the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, and they have been repealed in part, so far as they affected or referred to Karachi. As regards the other Acts the provisions of which may be affected by this Act, it is considered sufficient to provide in general terms that references to the Bombay District Municipal Act, or to the Municipality or Municipal District of Karachi shall be construed as references to this Act, to the Corporation constituted under it and to the City of Karachi, respectively.

*Clause 5.*—Most of the definitions are based on the definitions in section 3 of the City of Rangoon Municipal Act, 1922 (hereinafter referred to as the Rangoon Act).

*Sub-clause (3).*—The definition of “brothel” is based on section 2 of the Bombay Prevention of Prostitution Act, 1923.

*Sub-clause (12).*—This is based on section 3 (12) of the Rangoon Act. It is not easy to define “dangerous disease” with such precision as to embrace every disease of a dangerous nature, and an elastic definition such as the one proposed appears to be the easiest method of getting over the difficulty.

*Sub-clause (14).*—“Eating-house” has been defined on the lines of the definition in clause (ff) of section 3 of the City of Bombay Municipal Act, 1888 (hereinafter referred to as the City of Bombay Act).

*Sub-clauses (23) and (24).*—The definitions of “municipal borough” and “municipal district” have been based on those in section 3 sub-sections (9) and (10) of the Bombay Municipal Boroughs Act, 1925 (hereinafter referred to as the Boroughs Act).

*Sub-clause (36).*—“Public analyst” has been defined on the lines of section 6 clauses (1) and (2) of the Bombay Prevention of Adulteration Act, 1925.

*Sub-clause (37).*—Securities issued by the Corporation are expressly included in the expression “public securities”.

*Sub-clause (44).*—The definition of “street” is based on the definition of that term in the Boroughs Act, section 3 (19). The definition in the Rangoon Act is not so comprehensive.

[Appendix 30—*contd.*]

## CHAPTER II.

(Clauses 6 to 33.)

This chapter prescribes the municipal constitution. There are to be three municipal authorities—the Corporation, the Standing Committee, and the Chief Administrative Officer.

In addition to the Standing Committee, the Corporation will have a School Board constituted under the Bombay Primary Education Act, 1923. The powers of that Board will be those prescribed in the Bombay Primary Education Act, 1923, and the Board will exercise all the powers and perform all the duties of the Corporation, subject to its general control, in educational matters.

*Clause 8.*—This clause provides that the Corporation is to consist of 58 councillors, out of which 46 are to be elected by the general public of the City of Karachi, 2 by the Karachi Chamber of Commerce, 1 by the Karachi Indian Merchants' Association, and 1 by the Karachi Buyers and Shippers Chamber, and 8 to be nominated by Government. Out of the 8 nominated members 1 shall be appointed to represent the labouring classes. The Corporation, however, is to have power to alter or vary the number and boundaries of the wards and reappoint the councillors to be elected at ward elections among them.

*Clause 9.*—This clause provides that the term of office of the councillors of the Corporation shall ordinarily be three years.

*Clause 10.*—This clause relates to the procedure to be followed for filling up casual vacancies. A councillor elected or appointed to fill up a casual vacancy shall hold office so long as the councillor in whose place he is elected or appointed would have continued.

*Clause 14.*—This clause specifies disqualifications for being a councillor. The clause is based on section 12 of the Rangoon Act, and includes disqualifications which are generally found in Acts relating to local bodies and are ordinarily recognised as barring persons from acting as members of such bodies.

*Clause 15.*—This clause provides that a councillor ceases to hold office on his becoming disqualified by reason of the provisions of clause 14. or if he is absent for a period of three consecutive months without leave or except on the ground of illness. It also provides that a councillor loses his seat in the Corporation, if he is professionally engaged in any litigation against the Corporation. It further provides that, if a councillor departs beyond the limits of the Province, with the declared intention of being absent for a period exceeding six months, or if he fails to pay arrears of any kind due to the Corporation within three months, he vacates his seat on the Corporation.

*Clause 16.*—This clause provides that any dispute relating to the disqualification of a councillor is to be decided by the Judge of the Karachi Small Cause Court.

[Appendix 30—*contd.*]

*Cluses 17 and 18.*—Clause 17 makes provision for the holding of an election enquiry. The enquiry is to be held by the Judge of the Karachi Small Cause Court. Clause 18 provides that the order of the Judge cannot be questioned in appeal or revision or by a separate suit.

*Clause 19.*—This clause provides that both the president and vice-president are to be elected by the Corporation.

*Clause 20.*—This clause relates to the proceedings of the Corporation, and prescribes the manner in which they shall be conducted. The clause is based on sections 18 and 19 of the Rangoon Act and 36 of the City of Bombay Act. The Chief Administrative Officer can attend the meetings of the Corporation and take part therein.

*Clause 21.*—This clause relates to the constitution of the Standing Committee. It provides that it should consist of 12 councillors, out of whom 8 shall be elected and 3 nominated. The President of the Corporation shall be the *ex-officio* chairman.

*Clause 22.*—This clause relates to the duration of the office of the members of the Standing Committee. It provides that one half of the elected members of the Standing Committee shall retire every year by rotation, and the nominated members in the proportion of 1 to 2 in alternate years.

*Clause 24.*—This clause provides that any member of the Standing Committee who absents himself from the meetings of that committee during two consecutive months shall cease to be a member of that committee.

*Clause 26.*—This clause relates to the appointment of special consultative committees, such as the public works committee and the public health and markets committee.

*Clause 31.*—This clause relates to the appointment of the Chief Administrative Officer, who is the principal executive officer of the Corporation. The appointment is to be made subject to the approval of Government. The officer appointed if he is a Government servant lent to the Corporation is to hold office for a period for not less than 5 years. The Chief Administrative Officer is liable to be removed from office by Government either on the resolution of the Corporation or without such resolution, if in the opinion of Government he is unfit.

*Clause 32.*—This clause provides that the monthly salary of the Chief Administrative Officer is to be not less than Rs. 1,500 and not more than Rs. 2,000.

*Clause 33.*—This clause provides for the grant of leave to the Chief Administrative Officer.

### CHAPTER III.

(*Cluses 34 to 41.*)

*Clause 34.*—This clause relates to the obligatory duties of the Corporation, and provides that the Corporation is bound to make

[Appendix 30—*contd.*]

adequate provision for the performance of those duties. The clause is based on section 20 of the Rangoon Act, and includes such duties as are ordinarily imposed on a municipality for maintaining the health, safety and convenience of the public.

*Clause 35.*—This clause provides that the Corporation is bound to make provision for the anti-rabic treatment of indigent persons who have been residing in the city for at least one year.

*Clause 36.*—This clause provides that the Corporation is bound to provide for the maintenance and treatment in asylums of lunatics and lepers who have been residing in the city for about one year. The clause is similar to section 70 of the Boroughs Act.

*Clause 37.*—This clause relates to the discretionary duties of the Corporation, and provides that the Corporation can make provision for the performance of those duties so far as their funds permit.

*Clause 38.*—This clause relates to the functions of various municipal authorities. The municipal government of the city vests in the Corporation. But the Standing Committee and the Chief Administrative Officer have to exercise powers and perform duties and functions conferred or imposed on them under the provisions of the Act. It also provides that in the case of emergencies the Chief Administrative Officer can exercise powers and perform functions of other municipal authorities. But he has to report his action forthwith to the Standing Committee and Corporation.

*Clause 39.*—This clause enables the Corporation to call for a return, statement, account or report from or extracts of the proceedings of the School Board or any committee constituted under this Act.

*Clause 40.*—This clause entitles the Corporation to require the Chief Administrative Officer to produce any record or correspondence, or furnish any plan or estimate or statement relating to the administration of the Act. It also provides that, on such requisition being made, the Chief Administrative Officer shall be bound to comply therewith.

*Clause 41.*—This clause provides that, if any expenditure is likely to be involved in the exercise of power vested in, or performance of any duty imposed on, any municipal authority under this Act, such expenditure can be incurred if budget provision has been made therefor. If such exercise of power or performance of duty involves expenditure after the close of the financial year, the sanction of the Corporation is necessary.

#### CHAPTER IV.

(Clauses 42 to 48.)

*Clause 42.*—This clause relates to the appointment and remuneration of the Health Officer and the Chief Engineer, and provides that each of the said officers shall be subordinate to the Chief Administrative

[Appendix 30—*contd.*]

Officer. It also provides that those officers shall be the whole-time officers of the Corporation.

*Clause 43.*—This clause relates to the appointment and remuneration of other officers and servants of the Corporation. Officers receiving a salary of Rs. 500 and above per month are to be appointed directly by the Corporation, those getting a salary between Rs. 250 and Rs. 500 per month by the Standing Committee and the rest by the Chief Administrative Officer.

*Clause 44.*—This clause relates to the appointment of acting officers.

*Clause 45.*—This clause debars any municipal officer or servant from acquiring or holding any share or interest in any work or contract of the Corporation so long as he is in service. If he acquires or holds such share or interest he becomes disqualified from continuing in the municipal service.

*Clause 46.*—This clause relates to the punishment and dismissal of municipal officers and servants other than the Chief Administrative Officer.

*Clause 47.*—This clause relates to the power of the Corporation to grant extraordinary pension, gratuity or compassionate allowance to a municipal officer or servant. The section is on the lines of section 48A of the Bombay District Municipal Act, 1901. It is made clear that the Corporation has got power to grant gratuity to any of its officers who happens to die during service.

*Clause 48.*—This clause relates to the appointment, leave, etc. of employees relating to essential services of the Corporation. Such essential services are fire brigade, drainage, conservancy and water-works. The members of these services cannot resign without due notice or cannot absent themselves from duty without leave. The section is based on section 36 of the Rangoon Act.

## CHAPTER V.

(*Clauses 49 to 56.*)

This chapter relates to the property and liabilities of the Corporation.

*Clause 49.*—This clause provides that the Corporation will be a body corporate, empowered to acquire and hold moveable and immoveable property.

*Clause 50.*—This clause purports to transfer to the Corporation constituted under this Act the property vesting in the Municipality of Karachi under the Bombay District Municipal Act, 1901.

*Clause 51.*—This clause provides that the property granted to the Corporation in trust shall vest in the Corporation in trust for the purposes for which the grant may have been made. It also enables the Corporation to transfer such property to Government. But such transfer to Government will not affect the limit.

[Appendix 30—*contd.*]

*Clause 52.*—This clause empowers the Chief Administrative Officer to acquire by agreement on behalf of the Corporation any immoveable property or any easement affecting such property. If the price to be paid exceeds Rs. 1,000 the agreement requires the previous approval of the Corporation. In other cases the Standing Committee may fix a limit within which the Chief Administrative Officer can enter into an agreement without the sanction of the Committee.

*Clause 53.*—In those cases in which the Chief Administrative Officer is unable to acquire any property by agreement with its owner, this clause provides that it can be acquired in accordance with the provisions of the Land Acquisition Act.

*Clause 54.*—This clause relates to disputes between the Corporation and any private individual in regard to any property. On the lines of section 64 of the Boroughs Act, and similar provisions in the Bombay District Municipal Act, it empowers the Collector to decide such disputes after holding a formal enquiry. If a suit is to be brought to contest the decision of the Collector it must be brought within one year.

*Clause 55.*—This clause relates to the disposal of the property belonging to the Corporation. It sets out the limits of the powers of the various municipal authorities to dispose of the property belonging to the Corporation.

*Clause 56.*—This clause enables Government or any local authority to resume any property transferred by it to the Corporation without payment of any compensation if such property is required for a public purpose. It provides that, if any buildings or works are erected on such property, compensation for such buildings or works has to be paid to the corporation, except, in cases where the terms of the transfer provide to the contrary.

## CHAPTER VI.

(Clauses 57 to 73.)

This chapter relates to the borrowing power of the Corporation.

*Clause 57.*—This clause provides that the Corporation has power to borrow money on the security of its immoveable property or taxes for the execution of any work authorised under this Act, the acquisition of any land or the repayment of any loan due by it. It provides that no loan can be raised except with the previous sanction of Government and upon such terms as Government may approve. It further provides that a loan raised for a particular purpose must be utilised for the purpose for which it was raised and for no other purpose without the previous sanction of Government.

*Clause 58.*—Instead of raising a loan in the open markets as provided in the preceding clause this clause empowers the Corporation to take credit from any Bank in a cash account. With the previous sanction of

[Appendix 30—*contd.*]

Government the Corporation may mortgage any immoveable property vesting in it for taking such credit.

*Clause 59.*—This clause puts a limit on the borrowing powers of the Corporation. It provides that the total loan charges payable by the Corporation in any year shall not at any time exceed 13 per cent. of the annual assessment of the buildings and lands in the City.

*Clauses 60 and 61.*—These clauses relate to the form of debentures to be issued by the Corporation for raising loans. In the case of loans raised outside India they must be in such form as may be prescribed by the Government of India. Debentures issued by the Corporation shall be transferable.

*Clause 62.*—This clause provides that two or more persons can jointly hold a debenture issued by the Corporation.

*Clauses 63 and 64.*—These clauses relate to the establishment of a sinking fund for the repayment of a loan raised by the Corporation.

*Clause 65.*—This clause enables the Corporation to consolidate all loans which may have been issued by it under the name of the Karachi Municipal Consolidated loan.

*Clause 66.*—This clause provides that the amount in the sinking fund may be invested in approved securities.

*Clause 67.*—This clause enables the Corporation to invest the money in its own debentures.

*Clause 68.*—This clause relates to the application of the sinking fund towards the discharge of any loan raised by the Corporation.

*Clause 69.*—This clause relates to loans already raised by the Karachi Municipality and which would be taken over by the Corporation under this Act. It provides that all the provisions for the repayment of loans in the preceding clause will apply to these loans.

*Clause 70.*—This clause provides that sinking funds established by the Corporation shall be annually examined by the Accountant General and the Corporation shall be required to pay into those funds any sum that may be found deficit.

*Clause 71.*—This clause provides that if money borrowed by the Corporation is not repaid according to the conditions of the loan, the Government has power to attach the municipal fund and pay such money.

*Clause 72.*—This clause provides that Government can also attach the municipal fund for the recovery of any deficit in the sinking funds.

*Clause 73.*—This clause provides that the Chief Administrative Officer is bound, at the end of each year, to prepare a statement showing the amount which has been invested during the year, the date of the last investment and the aggregate amount of securities in the hands of the Corporation, and to publish the statement in the *Sind Official Gazette* or public information.



[Appendix 30—*contd.*]

## CHAPTER VII.

(Clauses 74 to 93.)

This chapter relates to the revenues and expenditure of the Corporation. It contains provisions showing what would constitute the municipal fund and how the accounts are to be kept.

*Clause 74.*—This clause specifies the various items which constitute the municipal fund.

*Clause 75.*—This clause relates to the application of the municipal fund and provides in what order of precedence it is to be spent to meet various liabilities.

*Clause 76.*—This clause relates to the establishment of a separate fund called the education fund, and provides that it shall be administered by the School Board, subject to the control of the Corporation.

*Clause 77.*—This clause provides that all moneys received by the Chief Administrative Officer to the credit of the municipal fund or the education fund shall forthwith be paid by him into the Imperial Bank of India or any other bank, corporation or society approved by Government.

*Clause 78.*—This clause provides that no payment can be made by any bank or society out of the municipal fund or education fund deposited therein except upon a cheque signed in the prescribed manner. Payment of any sum due by the Corporation not exceeding Rs. 100 can be made in cash. A sum of Rs. 1,000 shall be drawn out of the bank from time to time for that purpose. Payment of any sums in excess of Rs. 100 shall be made by cheques only.

*Clause 79.*—This clause provides that, with the approval of the Standing Committee, the Chief Administrative Officer may deposit any money due to the municipality into any bank outside the city limits.

*Clause 80.*—This clause provides that surplus moneys which are not immediately required for the purposes of the municipal fund are to be deposited in the bank or co-operative society approved by the Corporation, or invested in public securities.

*Clause 81.*—This clause provides how the accounts of the receipts and expenditure of the Corporation are to be kept.

*Clause 82.*—This clause imposes a liability upon the Corporation to submit to Government an account of its receipts and expenditure in such form as the Commissioner in Sind may direct.

*Clause 83.*—This clause provides that the Chief Administrative Officer shall prepare every year a detailed report of the municipal administration, together with a statement showing the accounts of the receipts and disbursements credited and debited to the municipal fund and education fund.

*Clauses 84 to 91* relate to the preparation of the annual budget of the Corporation.

[Appendix 30—*contd.*]

*Clauses 84 and 85.*—Clause 84 provides that no expenditure shall be made out of the municipal fund, unless provision has been made for it in the budget and a sufficient balance of the budget grant is available. The proviso to the clause enumerates certain cases in which the Chief Administrative Officer can make payment, although no budget provision has been made for the same. These include cases in which it is obligatory on the Corporation to make the payment under the provisions of this Act. Clause 85 requires the Chief Administrative Officer to report to the Standing Committee any sum spent by him in some of the above cases.

*Clause 86.*—This clause relates to the preparation of the budget estimates. It provides that every year the Chief Administrative Officer has to prepare and lay before the Standing Committee a budget estimate of the income and expenditure of the municipal and education funds for the next financial year. After such estimate has been laid before the Standing Committee, it is open to the Standing Committee to make therein such modification as it thinks proper. The budget estimates are to be finally adopted by the Corporation and copies thereof submitted to Government.

*Clause 87.*—This clause empowers the Standing Committee to transfer items from one budget grant to another under the same major head, and to add or vary those items.

*Clause 88.*—Under this clause the Corporation is empowered to transfer any item from one major head to another.

*Clause 89.*—This clause empowers the Standing Committee to spend in the following year the balance out of the unexpended budget grant of the previous year for any work or object which might have been left incomplete.

*Clause 90.*—This clause empowers the Corporation to readjust the income and expenditure during the course of any financial year and to impose supplementary taxation for such readjustment.

*Clause 91.*—This clause gives powers, in regard to the education fund, to the School Board which the Standing Committee or the Corporation possesses in regard to the municipal fund under clauses 87 to 90.

*Clauses 92 and 93* relate to the audit of municipal accounts.

*Clause 92.*—This clause provides that the Chief Administrative Officer has to prepare a monthly abstract of receipts and expenditure and submit the same to the Standing Committee.

*Clause 93.*—This clause provides that the municipal accounts must be audited in accordance with the procedure prescribed by Government and the auditors have to bring to the notice of the Standing Committee any material irregularity or impropriety.

[Appendix 30—*contd.*]

CHAPTER VIII.

(Clauses 94 to 107.)

This chapter relates to municipal taxation.

*Clause 94.*—This clause specifies various taxes which can be imposed by the Corporation. They would generally be the property tax, a tax on vehicles and animals, a terminal tax, a tax on dogs, or any other tax which a local authority can impose under the Scheduled Taxes Rules made under the Government of India Act.

*Clause 95.*—This clause prescribes how the property taxes are to be imposed. The property tax shall not be less than 7 and not more than 12 per cent. of the annual assessed value of a building. The fire-brigade tax shall be not exceeding 2 per cent. of the annual assessed value of a building. In addition to the above taxes the property taxes will include a conservancy-tax and a water-tax at such percentage on the annual value as may be determined by the Corporation.

*Clause 96.*—This clause provides that the general property tax will be levied on all buildings and lands except those exclusively occupied for public worship or a charitable purpose; those vested in the Corporation and those used for the disposal of the dead.

*Clause 97.*—This clause provides that the conservancy-tax shall be imposed in respect of all buildings and lands situated in any portion of the City in which arrangements are made by the Corporation for the removal of sewage or in which the Corporation has constructed drains.

*Clause 98.*—This clause relates to the imposition of the water-tax. It provides that the water-tax shall be levied in respect of buildings and lands which are connected by means of communication pipes with municipal water-works, or which are situated in an area in which the Corporation has arranged to supply water from its water-works.

*Clause 99.*—This clause relates to the liability for the payment of property taxes. The person primarily responsible is the actual occupier of the building or land, if such occupier holds the land or building directly from the Government or the Corporation. In other cases the liability for property taxes is laid on the lessor, or on the superior lessor if the premises are sub'let, or if they are unlet on the person who has the right to let the same. The clause also provides that if property taxes are recovered from the tenant, the tenant will have the right to recover the same from the person who is primarily liable for them.

*Clause 100.*—This clause provides that if any premises are demolished or removed, the person primarily liable has to give notice in writing to the Chief Administrative Officer and thereupon the said premises would not be liable to pay property taxes. Buildings which are burnt down or fall down cease to be liable to any property taxes.

[Appendix 30—*contd.*]

*Clause 101.*—This clause empowers the Corporation to exempt, for special reasons, any building or land from all or any of the property taxes other than the general tax.

*Clause 102.*—This clause empowers the Chief Administrative Officer to give remissions or refunds in respect of property taxes on account of vacancies.

*Clause 103.*—This clause empowers the Corporation to exempt any person or class of persons from the levy of any taxes in respect of property, animals or vehicles. It also provides that certain police and military officers, or certain animals or vehicles used for military purposes or belonging to His Majesty or to the Corporation will not be liable to taxes.

*Clause 104.*—This clause gives power to Government to suspend the levy of any objectionable tax if, in the opinion of Government, it is unfair in its incidence or the levy thereof is obnoxious to the interests of the general public.

*Clause 105.*—This clause relates to appeals against valuations for assessment, to the determination of the annual value of buildings and lands for the purpose of assessment. It provides for an appeal to the Chief Administrative Officer from the decision of the assessors. Any dispute relating to the liability of any building or land to assessment or to the basis or principle of assessment can be referred to the Judge of the Karachi Small Cause Court from the decision of the Chief Administrative Officer.

*Clause 106.*—This clause provides for the payment to be made to the Corporation by Government in lieu of property taxes on Government buildings. The provision is on the lines of sections 73 and 74 of the Boroughs Act.

*Clause 107.*—This relates to the amendment of the Karachi Port Trust Act, 1886, and provides a special procedure for the recovery of taxes leviable on buildings vesting in the Karachi Port Trust.

## CHAPTER IX.

(Clauses 108 to 118.)

This chapter relates to the recovery of the Corporation's claims.

*Clause 108.*—This clause provides that in respect of any claim on account of a tax or any other sum due under the Act to the Corporation, the Chief Administrative Officer has in the first instance to present a bill for the same to the person from whom such tax or sum is due. The bill has to specify the amount due and the period within which an appeal can be preferred. If the amount due is not paid within 15 days, the Chief Administrative Officer has to serve a notice of demand on the defaulter.

[Appendix 30—*contd.*]

*Clause 109.*—This clause provides that, if a person on whom a notice of demand has been served does not pay the money within 15 days or fails to prefer an appeal or to show why he is not liable to pay the sum the amount can be recovered from him by distress and sale of his moveable property or by attachment and sale of his immoveable property. The clause prescribes the procedure for distress or attachment and specifies the property which is exempt from distress. It empowers the officer authorized to serve the warrant to enter any premises at a reasonable time for the purpose of effecting the distress.

*Clause 110.*—If the property seized is of a perishable nature or if the expense of keeping is likely to exceed its value, this clause empowers the Chief Administrative Officer to sell it at once after due notice is given to the defaulter. In other cases the property distrained or attached may be sold after the expiry of the period of notice. The sale proceeds are to be appropriated towards the payment of the sum due and the defrayal of all expenses of distress or attachment and sale and the surplus to be credited to Government until claimed by the person from whose possession the property was seized.

*Clause 111.*—Relates to the attachment and sale of the property situate outside the city limits.

*Clause 112.*—This clause relates to the charge of fees for the maintenance of live-stock seized under the chapter.

*Clause 113.*—This clause provides for a summary procedure to be adopted in cases in which the defaulter is about to leave the precincts of the City. If on the presentation of the bill the defaulter does not pay the amount due, his property can be immediately seized.

*Clause 114.*—This clause provides for appeals against notices of demand. Such appeals will lie to a magistrate or a bench of magistrates authorised by the District Magistrate to hear appeals. The appeals must be made within 15 days of the service of notice of demand and the appellant must deposit the amount demanded in the municipal office.

*Clause 115* provides that the decision of the Magistrate in appeal shall be liable to revision by the court to which appeals lie in ordinary cases.

*Clause 116.*—This clause provides that all sums due on account of any tax shall be the first charge on the property, subject only to the preferential charge in respect of arrears of land revenue.

*Clause 118.*—This clause empowers the Chief Administrative Officer to write off irrecoverable sums due on account of tax.

## CHAPTER X.

(Clauses 119 to 148.)

This chapter contains provisions regarding the powers of the Corporation to provide for drains, scavenging, cleansing of premises and to

[Appendix 30—*contd.*]

make arrangements for water-supply and other general matters relating to the sanitation of the city.

*Clause 119.*—This clause empowers the Chief Administrative Officer to construct or set up reservoirs, sluices, engines and other works as may be necessary for flushing and cleansing drains.

*Clause 120.*—This clause empowers the Chief Administrative Officer with the approval of the Standing Committee to empty drains into the sea and to dispose of the sewage.

*Clause 121.*—This clause relates to the power of the Chief Administrative Officer to construct any work or to acquire any land or to enter into any arrangement with any person for the purpose of providing means for the disposing, storing or disinfecting of sewage.

*Clause 122.*—This clause relates to the power of the Chief Administrative Officer to improve, alter or discontinue any municipal drain.

*Clause 123.*—This clause relates to the power of the Chief Administrative Officer to require any owner or occupier of any premises to construct drains for the use of the premises, and to connect them with the municipal drain if such drain exists or is about to be constructed within 100 feet of the premises. Under this clause the Chief Administrative Officer may require the owner to remove any existing drain which is injurious to health.

*Clause 124.*—This clause relates to the power of the Chief Administrative Officer to require the owner or occupier of any premises to construct drains which are beyond a distance of 100 feet from the municipal drains.

*Clause 125.*—This clause requires that no person shall construct any building without making adequate provision for its drainage, if such building or any part thereof is within 100 feet of a municipal drain.

*Clause 126.*—This clause empowers the Chief Administrative Officer to direct that separate drains shall be constructed for offensive matter and sewage and for rain water and unpolluted sub-soil water.

*Clause 127.*—This clause allows the owners and occupiers of premises to carry a drain through the land of other persons when the execution of such work is necessary for connecting the drain of their premises with a municipal drain. It provides that notice shall first be given to the person through whose land the drain is to be carried, if in consequence of the execution of any work connected with such drain any damage is sustained by the owner of the land through which the drain is carried, the owner of the land will be compensated. If at any time afterwards the owner of the land through which the drain is carried has to erect a building thereon, he can remove or divert the drain with the permission of the Chief Administrative Officer.

*Clause 128.*—This clause imposes an obligation on the owner of every drain to allow the use of it to other persons, or to admit other persons

[Appendix 30—*contd.*]

as joint owners thereof on such terms as may be prescribed by the Chief Administrative Officer.

*Clause 129.*—This clause empowers any person to come to a private arrangement for the use of a drain belonging to another person.

*Clause 130.*—This clause authorizes the Chief Administrative Officer to direct that the owner or occupier of any premises can drain such premises through a drain belonging to another person on such condition as to the payment of rent or compensation as he may consider equitable. He can also direct that two or more persons shall be the joint owners of a particular drain on similar condition.

*Clause 131.*—This clause empowers the Chief Administrative Officer to direct that a block or group of premises if situate within 100 feet of a municipal drain shall be drained by one drain if it is economical or advantageous to do so.

*Clause 132.*—This clause empowers the Chief Administrative Officer to construct at the expense of the owners of any premises a drain underneath any public street for the purpose of connecting the drains of the said premises with the municipal drain. The drain so constructed shall vest in the Corporation and shall be maintained and kept by the Corporation.

*Clause 133.*—This clause empowers the Chief Administrative Officer to close the use of any private drain or to limit its use for any particular purpose only, if in his opinion such drain is not adopted to the general drainage system of the City. The clause also provides that in the case of a drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage, such drain cannot be closed, unless the Chief Administrative Officer makes arrangements for the proper drainage of the premises.

*Clause 134.*—This clause empowers the Chief Administrative Officer to construct shafts or pipes for the ventilation of any drain. Such shafts or pipes may be erected upon any premises or affixed to the outside of any building or tree or may be cut through any projection of any building. If the owner of the building in or to which such shafts or pipes are constructed or affixed, intends to effect a change in the building, he can require the Chief Administrative Officer to remove the shaft or pipe. If the Chief Administrative Officer declines to remove it an appeal can be made to the Judge of the Small Cause Court, Karachi.

*Clause 135.*—This clause provides that all drains which are constructed at the cost of the municipal fund shall vest in the Corporation.

*Clauses 136 and 137* relate to scavenging and cleansing, and provide that, for the purpose of collecting or removing any rubbish or offensive matter, the Chief Administrative Officer may construct places for their reception, collection or removal, and may take such measures as he likes for that purpose.

*Clause 138* is a general clause, and provides that the Corporation shall not cause any more damage than is reasonably necessary in the

## [Appendix 30—contd.]

exercise of their statutory powers or carrying out the duties under the previous provisions.

*Clauses 139 to 143* relate to water supply.

*Clause 139* provides that the Chief Administrative Officer shall take measures to ensure the supply of water for domestic purposes in cases where he has given notice to the inhabitants of the city under section 98 that arrangements have been made for the supply of water from municipal water works.

*Clause 140.*—This clause relates to the general power of the Chief Administrative Officer to provide a proper and sufficient water supply for public and private purposes, and for such purposes to construct and maintain water-works and do all acts that may be necessary in connection with such construction or maintenance.

*Clause 141.*—This clause gives a right to the Chief Administrative Officer or any person appointed by Government in this behalf to enter at all reasonable times upon any land adjacent to or in the vicinity of any municipal water-work when such entry is necessary for the purpose of inspecting, repairing or executing any water-work.

*Clause 142.*—This clause prohibits the erection of any building within the boundary fence of any lake or reservoir from which water is supplied to any municipal water-work. The removal or alteration of or causing any damage to the boundary fence is also prohibited.

*Clause 143.*—This clause prohibits the pollution of any water supply or its sources. The acts prohibited are: (1) the percolation or draining into any municipal water-work, (2) digging into or alteration of the surface of any land adjacent to a part of a municipal water-work, (3) allowing any animal to enter into the water, (4) throwing or putting water into a municipal water-work from outside, (5) bathing in the water, and (6) washing any animal in or near such water-work.

*Clause 144.*—This clause prohibits the pollution of water by steeping therein any animal or other matter. It also prevents persons suffering from any contagious, infectious or loathsome diseases from bathing in or near such water supply.

*Clause 145.*—This clause makes the occupiers of premises on which there is a private water supply liable for offences committed in connection with the pollution of such water.

*Clause 146.*—This clause empowers the Chief Administrative Officer to carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water supply or lighting through, across, under or over any street, and to fix any posts, poles, brackets or other contrivances for supporting cables, wires, pipes or drains.



[Appendix 30—*contd.*]

*Clause 147.*—This clause prevents any person from erecting or building any structure on any street, railway or tramway over a municipal drain or water, gas or air main.

*Clause 148.*—This clause entitles the person who suffers any damages, in consequence of the exercise of the powers conferred by clauses 141 and 146, to compensation from the Corporation or Government, as the case may be.

## CHAPTER XI.

(Clauses 149 to 188.)

This chapter relates to the measures which the municipality can take for public health and safety.

*Clause 149.*—This clause provides that it is not open to any person to erect or reopen any factory, workshop or bakery without the previous permission of the Corporation and except on terms and conditions stated in the permission. In the case of any factory, workshop or bakery which has not been worked for some time, no fresh permission is necessary, if its machinery has not been removed from the place.

*Clause 150.*—This clause empowers the Standing Committee to make regulations for keeping a factory, workshop or bakery in a sanitary condition.

*Clause 151.*—This clause prevents a person from using or employing a steam-whistle or steam-trumpet for the purposes of his factory without the permission of the Standing Committee.

*Clause 152.*—This clause prevents any person from storing or keeping on his premises any article which is dangerous to life, health or property or from carrying on or allowing it to be carried on any trade, manufacture or industry which is so dangerous.

*Clause 153.*—This clause prohibits any person without a license and except in accordance with its terms and conditions from carrying on the trade or business of a farrier or to keep on his premises any four-footed animal for sale etc. or any article specified in the schedules to the Act or in excess of the quantity specified therein or to carry on or to allow to be carried on any trade or operation mentioned in the schedule.

*Clause 154.*—This clause prevents a person from polluting any water supply by letting therein any refuse or foul water during the process or any trade or manufacture.

*Clause 155.*—This clause empowers the Chief Administrative Officer to inspect any premises used for any manufacture or trade specified in section 153 or any bakery.

*Clause 156.*—This clause prohibits washermen in exercise of their calling from washing clothes except at such places as may be fixed by the Chief Administrative Officer. Sub-clause (2) of the clause requires

[Appendix 30—*contd.*]

the Chief Administrative Officer to provide suitable places for such washing.

*Clause 157.*—This clause empowers the Corporation to permit the opening of private markets at such places on such conditions as it thinks fit.

*Clause 158.*—Prohibits any person from opening or establishing any private market without a licence and except in accordance with the terms and conditions of one which has been granted.

*Clause 159.*—This clause prohibits any person from selling or exposing for sale any four-footed animal, or meat or fish intended for human food without a licence. The prohibition does not apply to meat or fish sold in a hotel or from a vessel in which it has been brought or to the hawking of fish.

*Clause 160.*—This clause prohibits the slaughter of any four-footed animal at any place other than a municipal slaughter house. The Corporation may however grant permission without charging any fee for sacrificial slaughter on the occasion of any festival or ceremony.

*Clause 161.*—This clause empowers municipal officers, specially authorised in this behalf to enter on any land or premises where they have reasons to believe any slaughter of animals is carried on in contravention of the provisions of section 160. The carcass or flesh of animals slaughtered in an illicit manner may be seized by the municipal officer so authorized.

*Clause 162.*—This clause empowers the Chief Administrative Officer to levy any stallage rent or other fees for the use or occupation of any slaughterhouse or shop. The privilege of occupying or using any stall, shop etc. in a municipal market may be farmed out or leased by public auction.

*Clause 163.*—This clause empowers municipal officers to enter, at reasonable times, any premises where they have reasons to believe that false weights or measures are kept.

*Clause 164.*—This clause empowers municipal officers to seize and destroy any animal which may have been kept in contravention of the provisions of this Act.

*Clause 165.*—This clause prevents any person from selling, or exposing for sale or manufacturing any food, drink or drug which is diseased unsound, unwholesome or unfit for human consumption.

*Clause 166.*—This clause prevents any person from storing or manufacturing in any shop or place any substance which can be used for the adulteration of butter, ghee, wheat, flour and other articles which are notified by Government.

*Clause 167.*—This clause prevents any person from selling or exposing for sale any standardised food or drink unless it fulfils the conditions specified in the notification for such standardisation.

[Appendix 30—*contd.*]

*Clause 168.*—This clause prevents any person from selling any articles which are notified as substitutes for any food or drink.

*Clause 169.*—This clause requires that any person carrying on any trade in any milk or milk products shall do so after obtaining a license and in accordance with the conditions set out in the license.

*Clause 170.*—This clause provides that in prosecutions for offences under clauses 165, 166, 167 and 168 it shall be presumed that the person in whose possession the food, drink or drug was found was habitually selling it. It will not be any defence on his part that he was ignorant that the animal, food, drink, or drug was unwholesome or adulterated. He shall be deemed to have committed no offence if he proves that he obtains the food, drink etc. from a manufacturer or importer in the city under a warranty that it was wholesome or unadulterated.

*Clause 171.*—This clause provides that if under the preceding clause a person proves that he had obtained a warranty from the manufacturer or importer as stated therein, the warrantor who has given an inaccurate or misleading warranty shall be deemed to have committed the offence.

*Clause 172.*—This clause empowers a municipal officer to enter any place for the purpose of finding out whether any unwholesome or adulterated food, drink or drug is being manufactured or stored there and to inspect the same. The municipal officer is also empowered to seize such food, drink etc. or to deliver it for safe custody to another person.

*Clause 173.*—This clause empowers a municipal officer to destroy any animal, food, drink, drug or vessel seized under clause 172.

*Clause 174.*—This clause requires a municipal officer to produce before a magistrate any food, drink or drug which has been seized but has not been destroyed under the last preceding section. The Magistrate may direct such food, drink or drug be forfeited to the Corporation or be restored to the person from whose possession it was seized, if he considers that it was not rightly seized. In the latter case, the person from whose possession it was seized is entitled to compensation for the actual loss or damage suffered by him.

*Clause 175.*—This clause provides that any food, drink etc. directed to be destroyed or seized shall become the property of the Corporation.

*Clause 176.*—This clause empowers a municipal officer to compel any food, drink or drug to be sold to him for the purposes of analysis on payment of reasonable price. The article so purchased is to be divided into three parts and after packing and sealing each part, one is to be sent to the public analyst, one to be retained by the officer and one to be handed over to the person from whom it was purchased for further comparison.

*Clause 177.*—This clause prevents any person, without the written permission of the Chief Administrative Officer, to bury any dead body in any place other than that specially set apart for the purpose or exhume

[Appendix 30—*contd.*]

any dead body except in the manner laid down in section 176, Criminal Procedure Code.

*Clause 178.*—This clause empowers the Chief Administrative Officer to request the Commissioner in Sind to sanction the closing of any place used for the disposal of the dead, if in his opinion such place is or is likely to become injurious to health. The Commissioner after giving notice and making such enquiry as he thinks fit can direct that the place be closed for the disposal of the dead.

*Clause 179.*—This clause empowers the Chief Administrative Officer, with the sanction of the Commissioner in Sind, to reopen any place which was once used for the disposal of the dead, but which might have been closed.

*Clause 180.*—This clause relates to the power of the magistrate to direct the discontinuance of the use of any premises for the purposes of a brothel. The magistrate can summon the owner or occupier to appear before him and after being satisfied that the place was used as a brothel direct that such use shall discontinue. Failure to comply with such direction is punishable with fine.

*Clause 181.*—This clause empowers the Chief Administrative Officer to take measures for the prevention of an outbreak of a dangerous or infectious disease.

*Clause 182.*—This clause empowers the Chief Administrative Officer to destroy any hut or shed if, in his opinion, such destruction is necessary to prevent the spread of any dangerous or infectious disease. The Corporation has to pay compensation for the destruction of the hut or shed. The amount of compensation is to be determined by the Corporation and not by a civil court.

*Clause 183.*—This clause empowers the Chief Administrative Officer to destroy any clothing, bedding or any other article which may have become infected with disease, if in his opinion such destruction is necessary for the purpose of preventing the spread of any disease.

*Clause 184* requires that any action taken by the Chief Administrative Officer for destroying any article under sections 181 or 183 shall be reported to the Corporation.

## CHAPTER XII.

(*Clauses 185 to 210.*)

This chapter relates to the regulation of buildings and streets.

*Clause 185.*—This clause prohibits any person from erecting or re-erecting any building or making any material alteration or external addition to any existing building or constructing or re-constructing any projecting portion of a building in respect of which a street line has been fixed under clause 28 without the written permission of the Chief Administrative Officer.

[Appendix 30—*contd.*]

*Clause 186.*—This clause prevents a person from occupying any building newly erected or re-erected or to which any material alterations have been made before a completion certificate has been given in respect thereof by the Chief Administrative Officer.

*Clause 187.*—This clause empowers the Chief Administrative Officer to direct the removal of persons from any buildings in which works have been carried out in contravention of the provisions of clauses 185 and 186.

*Clause 188.*—This clause empowers the Chief Administrative Officer to prohibit the use of any building which, in his opinion, is unfit for human habitation.

*Clause 189.*—This clause empowers the Chief Administrative Officer to direct the removal of any building which is in a ruinous or dangerous state.

*Clause 191.*—This clause empowers the Chief Administrative Officer to prohibit the erection of any building on insanitary sites.

*Clauses 192 to 201* relate to streets, clauses 192 to 196 to public streets and 197 to 201 to private streets.

*Clause 192.*—This clause empowers the Corporation to close permanently the whole or any part of a public street, when such closing may be necessary in the interests of the public.

*Clause 193.*—This clause empowers the Corporation to give permission to persons to lay under or above any public street any railway, tramway, or erect any electric or telephone poles.

*Clause 194.*—This clause empowers the Chief Administrative Officer to allow overhanging projection upon streets on payment of rent or other terms.

*Clause 195.*—This clause empowers the Chief Administrative Officer to direct that any gate, door, bar or window on the groundfloor of any premises shall be shut inside, if by its opening outside it is or is likely to be a hindrance to the public.

*Clause 196.*—This clause empowers the Chief Administrative Officer to take steps in connection with projections which may have been allowed under the Bombay District Municipal Act, 1901.

*Clause 197.*—This clause requires any person who intends to make or lay out any private street to give notice in writing to the Chief Administrative Officer, and along with such notice to submit plans or sections showing the intended level, direction, width and means of drainage of each street.

*Clause 198.*—This clause empowers the Chief Administrative Officer to require further information in regard to the laying out of any private streets.

*Clause 199.*—This clause empowers the Chief Administrative Officer to fix the level, direction, width and means of drainage of every new

[Appendix 30—contd.]

private street and the height and means of drainage of buildings to be erected on each side thereof as he thinks proper.

*Clause 200.*—This clause prohibits any person from making or laying out any private street which is not in accordance with the directions given by the Chief Administrative Officer under clause 199.

*Clause 201.*—This clause empowers the Chief Administrative Officer to require any person to metal, pave or light any private street which may not have been satisfactorily metalled, paved or lighted. If the requisition of the Chief Administrative Officer is not complied with, the Chief Administrative Officer has power to have the same paved, metalled or lighted at the cost of the owners of the premises abutting on it. Those owners however have a right to appeal to the Judge, Small Cause Court, Karachi, against the assessment of the contribution which they are required to pay.

*Clause 202.*—This clause empowers the Chief Administrative Officer to convert any private street into a public street.

*Clause 203.*—This clause empowers the Chief Administrative Officer to make by public notice a declaration that in a particular street or locality buildings thereafter erected or re-erected shall be constructed in a particular manner or shall be of a particular size, height or have particular architectural features. If any objections are raised to such declaration, they are first to be considered by the Standing Committee and finally to be referred to the Commissioner in Sind for decision.

*Clause 204.*—This clause empowers the Chief Administrative Officer to prescribe a street line and a building line on each side of a public street. All persons are prevented from constructing or re-constructing any portion of any building within the street line without the permission of the Standing Committee. If any person suffers loss, damage or expense in consequence of any action taken by the Chief Administrative Officer under this clause, the clause provides that such person shall be compensated.

*Clause 205.*—This clause prohibits all persons from erecting or re-erecting a building or part of a building so as to project beyond a street line fixed under clause 204. Any owner of land who is prevented, under the provisions of this clause, from erecting or re-erecting any building is entitled to compensation from the Corporation for any damage which he may sustain by reason of such prevention.

*Clause 206.*—This clause refers to set back, and empowers the Chief Administrative Officer to direct any projecting part of a building shall be removed or that such building when being rebuilt shall be set back to or towards the street line which has been fixed.

*Clause 207.*—This clause empowers the Standing Committee to direct that any building which has been erected or proposed to be erected to be set forward to the building line.

*Clause 208.*—This clause empowers the Standing Committee to allow any building to be set forward, if, in its opinion, by such setting forward

[Appendix 30—*contd.*]

the street line of the street in which such building is situated is likely to improve.

*Clause 209.*—This clause empowers the Standing Committee to require buildings erected at the corners of two streets to be rounded off or splayed to such height as may be necessary. Sub-clause (2) of the clause entitles the owner of such building to compensation. The owner of the buildings which are required to be rounded off or splayed under this clause have a right to appeal to the Corporation against the order of the Standing Committee.

*Clause 210.*—This clause empowers the Chief Administrative Officer to require the owner of any land which is intended for division into building sites to prepare and submit for his approval a plan.

### CHAPTER XIII.

(*Clauses 211 to 227.*)

This chapter relates to improvement schemes and is based on the provisions contained in the City of Bombay Improvement Act, 1898.

*Clause 211.*—This clause provides that the Chief Administrative Officer may make a recommendation to the Corporation that an improvement scheme should be made for the purpose of improving any insanitary area or buildings unfit for human habitation, opening out or widening any streets, or providing accommodation for the poor. After such recommendation is made, the Corporation may pass a resolution directing an inquiry to be made whether such scheme is necessary.

*Clause 212.*—This clause provides that a representation, as provided for in clause 211, may be made by the Chief Administrative Officer on the written complaint of 12 or more persons, or on the written application of the Municipal Health Officer, or on the resolution of the Standing Committee. In the case of the construction of new streets, it also provides that the Chief Administrative Officer may make the representation at the suggestion of any public authority, body or association in the City. So also, schemes for the accommodation of the poor can be made on a representation of the public or any association of labour or any employer of working classes.

*Clause 213.*—After a representation, as is provided for in the preceding clauses has been made, the Corporation may, after obtaining the report of any officer or committee appointed by it for making an inquiry in the matter pass a resolution declaring that any specific area is insanitary, or that any specific building is unfit for human habitation, or that the construction of new streets or open spaces is necessary, or that dwellings for the poorer and working classes ought to be constructed and may prepare a preliminary improvement scheme.

[Appendix 30—*contd.*]

*Clause 214.*—This clause empowers the Corporation to exclude from any improvement scheme any part of the area in respect of which a representation was made in clause 212 or include in such scheme any neighbouring land.

*Clause 215.*—This clause provides for the matter to be included in a preliminary improvement scheme.

*Clause 216.*—This clause provides that in the making of a preliminary improvement scheme, regard shall be had to the future needs of the City.

*Clause 217.*—This clause provides that on the completion of a preliminary improvement scheme, it must be submitted for approval to the Corporation and must be approved by the majority of the councillors in a meeting at which not less than half the total number of councillors are present. It is then to be submitted for the approval of the Commissioner in Sind. After the approval by the Commissioner it must be published in the *Sind Official Gazette* and in English and vernacular newspapers in the City. After the publication of the scheme, individual notices have to be served on the owners of the property affected by the scheme.

*Clause 218.*—This clause provides that, after the publication and service of notices under the preceding clause and after considering any representation received and making such modifications in the scheme as they may think fit, the Corporation shall place the matter before its meeting and shall consider the scheme. The Corporation has to apply to the Commissioner in Sind for final sanction. The scheme so finally approved by the Commissioner shall be the final improvement scheme.

*Clause 219.*—This clause provides that as soon as practicable after the final improvement scheme is sanctioned by the Commissioner in Sind, the Corporation has to take steps to proceed with the acquisition of land included in the scheme.

*Clause 220.*—If the owner of the land proves to the satisfaction of the Chief Administrative Officer that, at the date of the notification publishing the scheme, there were building operations in progress on the land, and that the construction of the building was complete up to the first floor he has a right to require the Corporation to have the building acquired along with the land.

*Clause 221.*—This clause gives the right to the owner of any land proposed to be acquired for the purpose of any scheme to give notice to the Corporation to acquire such land or to withdraw the same from the proposed acquisition, if after the expiry of one year the land has not been acquired. The clause is based on section 27-B of Bombay Act IV of 1898.

*Clause 222.*—This clause provides for the matters which are to be taken into consideration in assessing the market value of the land to be acquired. The clause is based on section 49 of the City of Bombay Improvement Act, 1898.



[Appendix 30—*contd.*]

*Clause 223.*—This clause provides for the procedure when land is acquired for an accommodation scheme for the construction of dwellings for poor or working classes. The procedure is the same as for improvement schemes.

*Clause 224.*—This clause empowers the Corporation to dispose of any surplus land which may remain after having been appropriated for the purpose of any improvement scheme.

*Clause 225.*—This clause enables the Corporation to erect buildings for carrying out an accommodation scheme on land which vests in the Corporation absolutely or for not less than 50 years.

*Clause 226.*—This clause provides that the construction of buildings shall not be commenced on any land acquired for accommodation schemes, unless the employer at whose instance the scheme was undertaken deposits with the Corporation at least half of the market value of the land or 25 per cent. of the estimated cost of the scheme.

*Clause 227.*—This clause provides that, on the completion of an accommodation scheme, the buildings or dwellings constructed shall be rented by the Corporation for a period of not less than 30 years to the employers or association at whose instance the scheme was undertaken. The Corporation shall then refund the deposit made under clause 226.

#### CHAPTER XIV.

(Clauses 228 to 254.)

This chapter contains general provisions for carrying on such matters as the execution of contracts or the conduct of litigation relating to municipal administration.

*Clause 228.*—This clause provides that every contract entered into by or on behalf of the Corporation must be made in accordance with the procedure laid down in Schedule I.

*Clause 229.*—This clause relates to licences and permissions, and provides that all such licences and permissions must be in writing. It also provides for the levy of fees for the issue of such licences or permissions.

*Clause 230.*—This clause gives a right to every municipal officer duly authorised to enter any building for the purpose of inspection, survey or execution of any work. Some restrictions are laid down. Before an entry is made, due notice must be given to the occupier. No entry can be made after sunset and before sunrise. It is also provided that due regard shall be had to the social and religious usages of the occupant of the premises when an entry is made.

*Clause 231.*—This clause gives a municipal officer duly authorised to carry out works to deposit upon any land in the neighbourhood of the land on which the work is to be carried out any materials that may be necessary for carrying out such work.

[Appendix 30—*contd.*]

*Clause 232.*—This clause empowers the Chief Administrative Officer or any municipal officer authorised by the Corporation to enter any premises for inspection, if such premises are licensed for any particular purpose under the Act.

*Clause 233.*—This clause provides that after giving reasonable notice to carry out any requisition or order given by any municipal officer under this Act, the Chief Administrative Officer may have the work executed for giving effect to such requisition or order at the cost of the person who fails to comply with the requisition or order.

*Clause 234.*—This clause provides that if the owner makes default in the execution of any work which he is required by the Municipality to carry out, the occupier of such building may execute such work with the approval of the Chief Administrative Officer, and may recover the cost of the same from the rent due to the owner.

*Clause 235.*—This clause exempts an agent, or trustee who receives the rent of any building or land to execute any work required by the Chief Administrative Officer to be executed by the owner, if such agent or trustee proves to the satisfaction of the Chief Administrative Officer that he has not sufficient funds belonging to the owner to do the same.

*Clause 236.*—This clause relates to the recovery of expenses recoverable under this Act, and provides that they shall be payable on demand. If not so paid, the Chief Administrative Officer has a right to recover the same by distress and sale of the defaulter's moveables.

*Clause 237.*—This clause provides that, if the owner of any premises makes any default in paying the expenses which are demanded from him under clause 236 the occupier is liable to pay the same. The occupier is entitled to get credit for the amount so paid from the rent due by him to the owner. This clause does not however affect the terms of any special contract between the owner and occupier regarding the payment of such expenses.

*Clause 238.*—This clause empowers the Chief Administrative Officer to receive payments in instalments. When a person is allowed to make payment by instalments, interest at 9 per cent. per annum will be charged.

*Clause 239.*—This clause allows the Corporation to declare that any expenses incurred by the Chief Administrative Officer under any provision of the Act for the benefit of any building or land are improvement expenses, and such improvement expenses then will be a charge on the building or land in respect of which or for the benefit of which they were incurred.

*Clause 240.*—This clause provides for the settlement of disputes which may arise in regard to expenses incurred by the Corporation or the Chief Administrative Officer in taking temporary measures in the interests of public safety. Such disputes are to be referred for determination to the Judge, Karachi Small Cause Court.

[Appendix 30—*contd.*]

*Clause 241.*—This clause provides for the payment of compensation by the Corporation to the owner of any property which has determined in value in consequence of the exercise of certain powers by the Corporation under this Act.

*Clause 242.*—This clause prescribes the procedure to be followed on a complaint made by a person who may be injuriously affected by any act committed by the Corporation in exercise of its powers under the Act. Such complaint is to be made to the Commissioner in Sind. On receipt of such complaint, the Commissioner in Sind can direct the Corporation to take such measures as shall be deemed practicable and reasonable for preventing or abating the nuisance or damage complained of. The Commissioner in Sind can also direct the Corporation to pay to the complainant all reasonable costs.

*Clause 243.*—This is a saving clause, and saves the right of a person to recover damages for any damage or loss suffered by him by the exercise of certain statutory powers by the Corporation.

*Clause 244.*—This clause relates to the payment of compensation.

*Clause 245.*—This clause provides that the amount and apportionment of any compensation shall, in the case of a dispute, be determined by the Judge, Karachi Small Cause Court.

*Clause 246.*—This clause provides that no person can prevent any officer, duly authorised in that behalf, from exercising his power under the Act of entering into any building or on any land.

*Clause 247.*—This clause prohibits the obstruction or molestation of any contractor who may have been engaged by the Corporation for the performance or execution of any work under the Act.

*Clause 248.*—This clause prevents any person from removing any mark set up for indicating any lawful direction necessary for the execution of any work authorised by the Act.

*Clause 249.*—This clause provides that, in spite of anything contained in the Provincial Small Cause Courts Act or any other enactment for the time being in force, the Judge of the Karachi Small Cause Court, shall exercise all powers and jurisdiction expressly conferred on or vested in the said Judge by the provisions of this Act.

*Clause 250.*—This clause provides that for the purposes of an appeal from the decision of the Karachi Small Cause Court Judge under this Act, the Judicial Commissioner in Sind shall be the Court of appeal.

*Clause 251.*—This clause provides that Government may prescribe the amount of fees for any application, appeal or reference made under this Act to the civil court and may also specify the persons who will be liable to pay these fees.

*Clause 252.*—This clause prescribes the period of 30 days as the period of limitation for filing an application or appeal under this Act.

[Appendix 30—*contd.*]

*Clause 253.*—This is an indemnity clause and gives indemnity to the Corporation and its officers for any acts done in good faith in exercise of the powers conferred on them under this Act.

*Clause 254.*—This clause gives the same protection to the Chief Administrative Officer and the Corporation, and provides that no action can commence against them unless such action is started within six months from the date of the accrual of the cause of action. It also provides that notice must be given to the Corporation before such action is proceeded with.

## CHAPTER XV.

(Clauses 255 to 269.)

*Clauses 255 to 257* provide for punishments of offences provided for in this Act.

*Clause 258.*—This clause provides that the provisions relating to the payment of customs duty and the grant of drawbacks shall apply to offences relating to terminal tax leviable under this Act and the claims relating to the grant of its drawback.

*Clause 259.*—This clause prohibits any municipal councillor, officer or servant from acquiring any interest, directly or indirectly, in any contract or employment by or on behalf of the Corporation. The acquisition of such interest is an offence and is punishable.

*Clause 260.*—This clause makes it an offence for any members of the essential services to be absent or to refuse to do their duty.

*Clause 261.*—This clause provides that any police officer may arrest any person who, in his view, commits an offence punishable under this Act, if the name and address of such person are unknown, or if such person on demand declines to give such name or address.

*Clause 262.*—This clause provides that the City Magistrate of Karachi will have power to try offences under this Act.

*Clause 263.*—This clause provides that no offence under this Act shall be tried except on a complaint by the Chief Administrative Officer.

*Clause 264.*—This clause provides three months as the period of limitation for the institution of prosecutions under this Act.

*Clause 265.*—This clause empowers a magistrate to issue summonses for offences under this Act.

*Clause 266.*—This clause provides that the report of the Chemical Analyser can be used in evidence in any enquiry or prosecution under the Act.

*Clause 267.*—This clause empowers courts to grant compensation in prosecutions for offences under this Act to the complainant.

[Appendix 30—*contd.*]

*Clause 268.*—This clause provides for the recovery of licence fees on conviction for offences under this Act.

*Clause 269.*—This clause relates to the payment of compensation, and empowers the Chief Administrative Officer to receive compensation for compounding an offence under this Act.

#### CHAPTER XVI.

(*Clauses 270 to 272.*)

Clauses 270 to 272 relate to the alteration of the limits of the City.

*Clause 270.*—This clause provides that the Commissioner in Sind, after consulting the Corporation, may exclude from the City any local area comprised therein, and with the concurrence of the Corporation, and in case of disagreement with the Corporation, with the previous approval of Government, may include any area which may not have been included in the City limits.

*Clause 271.*—This clause provides that in any local area which may have been excluded from the City limits under the previous provision all orders and notifications issued under this Act will cease to apply.

*Clause 272.*—This clause relates to the effect of the inclusion of any local area within the City limits, and provides that all rules, orders, directions and notifications made or issued under the Act will be automatically in force in the area included.

#### CHAPTER XVII.

(*Clauses 273 to 278.*)

*Clause 273.*—This clause gives power to the Commissioner in Sind to suspend the execution of any resolution or order of the Corporation or of any municipal authority or officer, or to prohibit the doing of any act which is about to be done or which is being done by or on behalf of the Corporation, if, in his opinion, such resolution or order is in excess of the powers conferred by this Act or any other law for the time being in force. Such power exists in all Acts relating to local authorities.

*Clause 274.*—This clause gives power to the Commissioner in Sind to call for any proceedings of the Corporation, School Board, or Standing Committee or any other committee.

*Clause 275.*—This clause gives the right to the Commissioner in Sind to call for any return, statement, estimate or statistics. On receipt of such information or otherwise, the Commissioner in Sind may depute any officer to make any inspection or examination of any department, office, service, work or thing under the control of any municipal authority.

[Appendix 30—*contd.*]

*Clause 276.*—This clause gives power to the Commissioner in Sind to require the Corporation to perform any duty which, in his opinion, the Corporation has failed to do, or has performed in an imperfect or inefficient manner.

*Clause 277.*—This clause provides that if the municipality fails to perform the duty required by the Commissioner in Sind to be performed, or performs it in an imperfect manner, it is open to the Commissioner in Sind to appoint any person to perform that duty at the cost of the Corporation.

*Clause 278.*—This clause empowers the local Government to dissolve the Corporation if, in its opinion, it is not competent to perform, or persistently makes default in the performance of its duties.

#### CHAPTER XVIII.

(*Clauses 279 to 285.*)

*Clause 279.*—This clause provides that the Schedules under this Act would be deemed part of the Act.

*Clause 280.*—This clause gives power to the Corporation to make alterations in Schedules I, II, III and IV.

*Clause 281.*—This clause provides that any alteration, if made in a Schedule, is subject to the sanction of the Commissioner in Sind.

*Clause 282.*—This clause empowers the Commissioner in Sind to require the Corporation to make rules for any matter for carrying out the purposes of this Act.

*Clause 283.*—This clause empowers the Corporation or the Commissioner in Sind to provide that any breach of the rules made under section 280 or 282 shall be punishable with fine.

*Clause 284.*—This clause is the rule-making clause, and gives power to the Corporation to make rules for various matters which are specified therein.

*Clause 285.*—This clause empowers the Court of the Judicial Commissioner of Sind to make rules for regulating the procedure of the Karachi Small Cause Court in deciding disputes under this Act.

#### CHAPTER XIX.

(*Clauses 286 to 287.*)

*Clauses 286 and 287.*—These clauses relate to the power of the Corporation to construct and carry out municipal railways.

[Appendix 30—cont.]

## CHAPTER XX.

(Clauses 288 to 292.)

This is a supplementary chapter.

*Clause 288.*—This clause provides that all the councillors of the Municipality are to be deemed public servants.

*Clause 289.*—This clause provides that the District Superintendent of Police of Karachi will co-operate with the Municipality in maintaining public health, safety and convenience.

*Clause 290.*—This clause provides that any informality or error will not vitiate any proceeding of the Corporation.

*Clause 291.*—This clause provides that any dispute between the Corporation and any other local authority shall be referred for decision to the local Government, whose decision will be final.

*Clause 292.*—This clause provides that the transitory provisions contained in Schedule XI shall be in force until the whole Act has been brought into force.

### SCHEDULE I.

This Schedule consists of seven chapters.

Chapter I relates to the division of the City into wards and the apportionment of the number of elected councillors among those wards.

Chapter II refers to the preparation and revision of the electoral roll.

Chapter III provides that a person shall not be entitled to vote at any ward election, unless and until his name stands on the electoral roll as a voter. The provisions of this chapter are based on sections 11 to 14 of the City of Bombay Municipal Act, 1888.

Chapter IV relates to the procedure to be followed at elections.

Chapter V relates to the minimum qualifications of the Health Officer and the Chief Engineer.

Chapter VI relates to the preparation of budget estimates. The provisions are based on sections 125 to 128 of the City of Bombay Municipal Act, 1888.

Chapter VII relates to the execution of contracts on behalf of the Municipality. The rules under the chapter specify the powers of different municipal authorities to execute particular contracts on behalf of the Municipality.

### SCHEDULE II.

This Schedule specifies the maximum rates at which taxes can be levied on vehicles and animals.

[Appendix 30—*contd.*]

SCHEDULE III.

This Schedule prescribes the form of notice on demand.

SCHEDULE IV.

This Schedule prescribes the form of warrant.

SCHEDULE V.

This Schedule prescribes the forms of inventory and notice to be made and issued when certain goods or property are attached for the recovery of the dues of the Corporation under the Act.

SCHEDULE VI.

This Schedule consists of 11 chapters.

Chapter I relates to the execution of drains and drainage works.

Chapter II relates to the water supply.

Chapter III relates to the regulation of streets. The chapter contains regulations relating to the construction and naming of streets, numbering of houses, sky-signs and advertisements.

Chapter IV relates to the obstruction in streets.

Chapter V relates to licensing of surveyors and plumbers.

Chapter VI relates to municipal fire-brigades.

Chapter VII relates to scavenging and cleansing.

Chapter VIII relates to inspection and sanitary regulations of premises.

Chapter IX relates to the measures which can be adopted for preventing the spread of dangerous diseases.

Chapter X relates to the regulations for the disposal of the dead.

Chapter XI contains building rules, which are very important.

SCHEDULE VII.

This Schedule specifies the articles which are not allowed to be kept without a licence in or upon any premises.

SCHEDULE VIII.

Chapter I relates to notices and advertisements to be given on behalf of the Municipality.

Chapter II relates to the preparation of the assessment lists.

Chapter III relates to the remission or refund of taxes.



[Appendix 30—concl.]

SCHEDULE IX.

This Schedule relates to punishments for offences which are constituted under the Act.

SCHEDULE X.

This Schedule specifies the boundaries of the City of Karachi.

SCHEDULE XI.

In this Schedule are the transitory provisions which are required to be in force till the whole of the Act is brought into force in the City of Karachi.

6th January 1933.

(Signed) RUSTOM JEHANGIR VAKIL.

APPENDIX 31.

BILL No. IX OF 1933.

*A Bill further to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency-town of Bombay.*

(As published in the "Bombay Government Gazette" of the 28th February 1933.)

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency-town of XV of Bombay; It is hereby enacted as follows:— 1882.

1. *Short title.*—This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1933.

2. *Amendment of the third schedule to Act XV of 1882.*—In the footnote to part E of the third schedule to the Presidency Small Cause Courts Act, 1882, for the words "four annas per day" the words "such fee XV of not exceeding twelve annas per day as may be fixed by the Registrar 1882. of the Small Cause Court" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The footnote to the scale of fees to be levied in distrains for house-rent, embodied in part E of the third schedule to the Presidency Small Cause Courts Act, 1882, provides that where peons are kept in charge of property distrained a fee of four annas per day must be paid per man. As it is not possible at present to secure the services of a peon in Bombay at that fee, it is proposed to raise it to a sum not exceeding twelve annas per day.

22nd February 1933.

(Signed) R. D. BELL.

**AGENDA.**

Supplementary Agenda for the first Session of the Bombay Legislative Council which commenced on Monday, the 6th February 1933. (*Vide* Standing Order X, 1 (i) (j).)

*Discussion of Matters of General Public Interest.*

*Resolution by Mr. A. N. Surve, M.L.C.*

1. "This Council recommends to Government to grant remission to the agriculturists of the presidency to the extent of two annas in the rupee in the land revenue assessment for the current year and to remit the amount of land revenue which was suspended last year."

*Resolution by Mr. V. N. Jog, M.L.C.*

1. "This Council recommends to Government that steps should be taken for the transfer of Government schools and colleges to other well-organised and efficient private agencies wherever they are forthcoming to take over charge of such schools and colleges."

Bombay, 13th February 1933.

**G. S. RAJADHYAKSHA,**

Secretary to the Legislative Council  
of the Governor of Bombay.

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