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APPENDIX I.

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.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider 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), have the honour to report as under :—

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

The Preamble.—We have deleted the words “subject to the control of the said Corporation” in the preamble and subsequent clauses of the Bill, and substituted in their place the words “in accordance with the provisions of this Act” because we consider that the Improvements Committee, which in future will be a statutory committee of the Corporation, should not in its internal working be subjected to unnecessary interference by the Municipal Corporation.

New clause 5.—The Bill as drafted made no provision for the appointment of sub-committees by the new improvements committee apart from the provision made in clause 4 (under section 38B of the Act) for the appointment of special committees of the improvements committee. We consider it to be desirable that the improvements committee should be authorised to appoint from time to time out of its own numbers sub-committees and to refer to such sub-committees for opinion or for enquiry and report any matter, with which the improvements committee is competent to deal. We have accordingly added a new clause to this Bill inserting a new section 38C in the City of Bombay Municipal Act, 1888.

Clause 6.—Section 49A : The deletion of the words “subject to the control of the Corporation” has already been explained in the note made with respect to the change in the preamble.

*Note.—The signatures of Dr. P. G. Solanki, Rao Bahadur R. S. Asavale, Mr. B. S. Kamat and Mr. J. B. Greaves will be notified when received.

[Appendix 1—*contd.*]

Section 49F: We have deleted the words "as soon as possible" and substituted therefor the words "within one week" so as to bring the procedure in respect of the appointment of members of the improvements committee in line with that of the standing committee where also the appointment of members nominated by Government takes place within one week after the appointment of the remaining members by the Corporation. (Section 46 (1) of the Act.)

Section 49I (b): We think that the first meeting of the improvements committee should be called by the Mayor and not by the Commissioner as was proposed in the original Bill. In this we are following the procedure that obtains in respect of calling the first meeting of the standing committee and the schools committee.

Section 49I (c): We have substituted the words "forty-eight hours" for "twenty-four hours" as we think that it may not be possible to convene a meeting of the improvements committee within the time originally prescribed. We are further of opinion that if the requisition is signed by four members the Chairman should be bound to call a meeting and it should not depend upon whether the Commissioner considers the matter as of sufficient urgency or not.

Section 49I (z): We are of opinion that when neither the Commissioner nor the Deputy Municipal Commissioner (Improvements) is able to be present at a meeting of the improvements committee the Deputy Municipal Commissioner, when authorised by the Commissioner, should have the right of attending the meeting and taking part in the discussions. We have modified the clause accordingly.

Clause 7.—Section 56A (3): We have inserted a new sub-section to provide that the new Deputy Municipal Commissioner (Improvements) to be appointed under the Act should in the first instance be appointed for a period of five years and that such appointment may be renewed thereafter from time to time to a like or a lesser period.

Section 56B: We are of opinion that the work of the Deputy Municipal Commissioner (Improvements) should not be confined only to duties in connection with the improvement of the city but that the Commissioner should have power to entrust him with such other duties as he may think fit. We have accordingly inserted the words "and such other duties of a Deputy Municipal Commissioner" in the proposed new sub-section 56-B (1).

Clause 8.—We consider that there is no reason why the Deputy Municipal Commissioner (Improvements) should receive a salary higher than Rs. 1,500 a month, which is the maximum that is prescribed for Deputy Municipal Commissioner under Section 58 of the Act, but we think that this general provision should be qualified in two respects in the case of the Chief Officer of the Bombay Improvement Trust who is taken over as Deputy Municipal Commissioner (Improvements) under clause 7 of this Bill. We think that so long as the Chief Officer continues to be Deputy Municipal Commissioner (Improvements) under

[Appendix I—*contd.*]

sub-section (4) of section 56A introduced by clause 7 of this Bill he should receive a monthly salary of Rs. 2,500 which he is now receiving as the Chief Officer of the Improvement Trust, but that if he is appointed as Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he should receive such monthly salary not exceeding Rs. 2,000 as the Corporation may from time to time determine.

Clause 12.—We think that the wording of the new section 69 (c), which was proposed to be substituted for the original section 69C, might be improved on, because it would not cover contracts for work and labour. We therefore think that section 69 (c), as it stands, should remain with a slight modification, namely, for the words “an agreement for the acquisition of immoveable property” the words “a contract for the acquisition of immoveable property or any interest therein or any right thereto” should be substituted. The new sub-section (cc), which is proposed to be inserted in section 69, is, in our opinion, unnecessary in view of the provisions of section 90 (3), which is proposed to be inserted by clause 18 of this Bill.

Clauses 13 and 14.—We have redrafted these clauses to make it clear that sections 70 and 71 of the Act relate to contracts or other instruments which do not relate to the acquisition of immoveable property or any interest therein or any right thereto, as provisions in respect of these latter contracts or agreements and instruments have been made in sub-sections (3), (4) and (5) of section 90, which are proposed to be inserted under clause 17 of this Bill.

Old clause 13.—We have deleted this clause as we do not think that it is necessary to make the appointment of Estate Agent and Land Manager statutory. We think it should be left to the Corporation whether to appoint such an officer or not.

Clause 17.—We have redrafted the proposed new sub-section (3) of section 90 so as to make it clear that any contract relating to the acquisition of immoveable property or any interest therein or any right thereto shall not be valid unless and until it has been approved by the improvements committee if the price or compensation paid in respect of such property, interest or right exceeds Rs. 5,000 and that it shall not be valid unless and until it has been approved by the Corporation if the price or compensation exceeds the sum of Rs. 10,000.

We have further provided by the addition of sub-sections (4) and (5) that the procedure prescribed in sections 70 and 71 of the Act should apply to contracts and other instruments governed by the provisions of this section.

Clause 19.—Section 91A (1): Most of the amendments made in this sub-section are drafting amendments. The lands specified in sub-section (3), which in the original Bill formed part of Schedule W, have now been included in a separate schedule namely, Schedule ZZ. It is, therefore, no longer necessary to retain the words “with the exception of the lands specified in sub-section (3)”.

[Appendix 1—*contd.*]

Section 91A (2) (c): We think that the lands referred to in this section and also all the lands specified in Schedule Y should vest in the Corporation. We have, therefore, modified the clause accordingly.

Section 91A (3): We have redrafted this sub-section in order to make it clear that the Body Guard Lines plot, the Cooperage plot and the Marine Lines Maidan should vest absolutely in His Majesty, provided that the Cooperage plot and the Marine Lines Maidan are maintained in perpetuity as open spaces; but that Government should have the right to permit the occupation of the Cooperage plot and the Marine Lines Maidan for any temporary purpose. These lands have now been included in a separate schedule, namely ZZ.

Section 91A (4): We are of opinion that all the lands referred to in this sub-section should remain vested in the Corporation for a period not exceeding 99 years from the date on which the City of Bombay Improvement Act, 1898, came into force, but that the Corporation should have the right of renewing the existing leases either on a renewable or non-renewable basis. We have modified this sub-section accordingly.

Sections 91B and 91C: The deletions made in these two sections are consequential upon the vesting of the Schedule Y lands in the Corporation and the creation of a separate schedule ZZ, to cover lands mentioned in sub-section (3) of section 91A.

Clause 20 (c).—We have deleted the words “and referred to in clause (a)” from the proposed new clause (cc) of section 92 in order to emphasize that the restrictions contained in this clause should apply to all the properties referred to in clauses (a), (b) and (c) and not merely to that referred to in clause (a). And we have further deleted the proviso to make it clear that any contribution that is to be made should be made not from capital assets but out of the funds at the disposal of the Corporation under section 63 of the Act.

Clause 20 (e).—We have deleted this sub-clause as we think it is unnecessary. The lands mentioned in Schedule W can only be leased by the Corporation for a maximum period of 99 years, and, therefore, no question of restriction of the sale of them arises, and the lands mentioned in Schedule Y will be the property of the Corporation and, therefore, it is no longer necessary to impose any restrictions thereon.

Clause 22.—We have added a new item (d) to section 106 of the Act to make it clear that the Corporation has the power to borrow for the purpose of making advances of loans under section 354W of the Act.

Clause 23.—We have redrafted the amendments to section 109 of the original Act. We think that the borrowing powers of the Corporation for the purpose of municipal administration and for the purpose of improvements should be separately defined. We are of opinion that the present limit for the borrowing power of the Corporation for the purpose of municipal administration should remain as it is, namely, double the rateable value of the premises in the city of Bombay assessable to property taxes, but that any debts or liabilities that might accrue owing

[Appendix 1—contd.]

to the proposed amalgamation of the Trust with the Corporation should be excluded from the calculation. We also think that the sum borrowed by the Corporation for discharging the obligations arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Bombay Improvement Trust, including the balances of all outstanding loans and debts borrowed so far should similarly not exceed, on the whole, double the rateable value of the premises assessable under the Act, and, further that the sum borrowed for making good any deficit in the budget for improvement purposes should not in any year exceed 20 lakhs of rupees. We have accordingly inserted clauses (b) and (c) to prescribe the two maxima of the borrowing powers of the Corporation for two distinct purposes and have incorporated in clause (d) of the section, as amended, what was intended to be prescribed in clause (bb) by the original Bill.

Clause 27.—Section 110DD : We propose to add a new section (110DD) to the Act to enable the standing committee of the Corporation to convert the debentures and securities issued either by the Municipal Corporation or by the Improvement Trust into stock certificates and *vice versa*.

Section 110E : We think that the addition of the loans of the Improvement Trust against the security provided in the rates and taxes of the Municipal Corporation may to some extent depreciate the security of the municipal debenture holders whose rights are at present secured by the whole of the taxes and rates of the Municipal Corporation. We think that the best solution would be to retain the *status quo* as far as possible in respect of the security of the two classes of debenture holders, and we have, therefore, provided that the loans contracted by the Trust should continue to be subject, as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects, to the same terms and conditions as were fixed by the Trust when those debts were contracted, and that the loans contracted by the Corporation should as heretofore continue to be subject, as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects, to the same terms and conditions as were fixed when those loans were contracted.

Section 110F (2) : We have substituted the word "shall" for the word "may" where it occurs for the last time. In this we are maintaining the *status quo* and following the wording of sub-section (2) of section 95 of the City of Bombay Improvement Trust Transfer Act, 1925.

Section 110G : We have amended this section in order to provide that Government have power to attach any special tax that may be levied under sub-section (2) of section 110F, but we have further provided that before Government attach such special tax, they may require the Corporation to levy the said tax themselves.

Clause 35.—Section 354B : As section 91A (1) provides for the general vesting of the property of the Improvement Trust in the Municipal Corporation, we have modified the wording of this section to make it

[Appendix 1—*contd.*]

clear that the transfer contemplated under this section is specifically in respect of the schemes sanctioned or executed under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925.

Section 354C: We have added a new clause to section 354C (1) in order to give specific power to the Commissioner to make schemes for the construction of buildings for the accommodation of the poorer and working classes.

Section 354E: We think that before any area not included in a notification under section 354C is included in any improvement scheme, previous notice thereof should be given in the manner prescribed in section 354C (1) (b) (ii). We do not think such a notice is required where it is proposed to exclude any part of the area included in the notification referred to in section 354C. We have modified this clause accordingly.

Section 354Q: As the lands included in Schedule Y are going to be vested in the Municipal Corporation, the reference to Schedule Y lands in this section has been deleted.

Section 354V: As the lands specified in sub-section (3) of section 91A are now excluded from Schedule W and have been included in a separate schedule, ZZ, the reference to them in this section has been omitted.

Clause 37.—Schedule W: The correct description of the various plots has been given and the plots now included in Schedule Z-1 have now been excluded from Schedule W.

Schedule ZZ: This includes the lands referred to in section 91A (3), which have now been excluded from Schedule W.

Schedule BB: The new rule 5 (3), replaces in an amended form the old rule 5 (6), the old rule 5 (3) being found to be redundant. We find that the average yield to the Corporation from the tobacco duty during the last five years has been Rs. 3,91,588. The general provision that three-fourths of the net receipts from the tobacco duty levied under the amended section 2 of the Tobacco Duty (Town of Bombay) Act, 1857, should go to the general account of the Improvements Committee would leave only one-fourth of the receipts for the Municipal Corporation which might be considerably less than the amount which the Corporation has been receiving during the last five years. We, therefore, propose that the Municipal Corporation should continue to receive what it has been receiving during the last five years, namely Rs. 3,91,588, and that any excess over this amount, whether the three-fourths of the net receipts are more or less, should go to the general account of the Improvements Committee. We have modified the original rule 5 (6) accordingly.

We have added a new sub-rule (4) to rule 6 for the purpose of adjusting *pro forma* accounts. It retains the *status quo*, and the amount which the Improvement Trust used formerly to pay to the municipality by way of rates and taxes is now proposed to be debited to the account kept under the new section 123A.

[Appendix 1—contd.]

Clause 40.—Sub-clauses (3) and (4): We think it only fair that so long as the present Chief Officer of the Improvement Trust continues to be Deputy Municipal Commissioner (Improvements) under sub-section (4) of section 56A, he should be governed in all matters relating to leave, and provident fund by the terms, and conditions of his appointment as such Chief Officer and be entitled to the benefits thereof, but that if he is appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he should in all matters relating to leave and provident fund be deemed to have been subject from the date of his appointment as Chief Officer to the rules to which he would have been subject had he been appointed on the said date a Deputy Municipal Commissioner under this Act.

Clause 41.—The present Bill would probably become law before the end of the financial year 1933-34, and it has, therefore, become necessary to provide certain transitory provisions for the adjustment of accounts between the Corporation and the City of Bombay Improvement Trust on the basis of sub-rules (3) and (5) of rule 5 of Schedule BB.

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 and Urdu in the *Bombay Government Gazette*.

- (Signed) RUSTOM JEHANGIR VAKIL
(subject to a minute of dissent).
- („) G. DAVIS
(subject to a minute of dissent).
- („) R. B. EWBANK
(subject to a minute of dissent).
- („) J. B. KANGA
(subject to a minute of dissent).
- („) A. MASTER
(subject to a minute of dissent).
- („) JEHANGIR B. PETIT.
- („) MAHOMED SULEMAN CASSUM
MITHA.
- („) S. K. BOLF.
- („) V. N. CHANDAVARKAR
(subject to a minute of dissent).
- („) M. NISSIM
(subject to a minute of dissent).
- („) JOSEPH ALBAN D'SOUZA.
- („) H. M. RAHIMTOOLA
(subject to a minute of dissent).

[Appendix I—contd.]

(Minute of Dissent by—

The Honourable Sardar Sir Rustom Jehangir Vakil, Kt., M.L.C.

Mr. G. Davis, I.C.S., M.L.C.

Mr. R. B. Ewbank, C.I.E., I.C.S., M.L.C.

Sir Jamshed B. Kanga, Kt., M.L.C.

Mr. A. Master, C.I.E., I.C.S., M.L.C.)

We regret that we are unable to agree with the opinion of the majority regarding the substitution of the new sub-rule (3) of rule 5 in Schedule BB to the Bill. We are of opinion that the provision that 3/4ths of the net receipts from the tobacco duty levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857, shall be credited to the General Account should be retained.

We are also of opinion that clause 41, paragraph (ii) should provide for the payment of a sum equal to 3/4ths of the net receipts from the Tobacco Duty levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857, from the 19th day of March 1932 until the 31st day of March 1934 (both days inclusive).

(Signed) RUSTOM JEHANGIR VAKIL.

(„) G. DAVIS.

(„) R. B. EWANK.

(„) J. B. KANGA.

(„) A. MASTER.

(*Joint Minute of Dissent by Mr. V. N. Chandavarkar, M.L.C., and Mr. Meyer Nissim, M.L.C.*)

We do not agree that special provision should be made for the appointment of a Deputy Municipal Commissioner (Improvements); as under section 55 of the Municipal Act, the Corporation have the power to appoint as many Deputy Commissioners as may be found necessary.

We are of opinion that provision should be made in the Bill enabling the Corporation with the previous sanction of Government to dissolve the Improvements Committee and to invest all their powers and duties in the Standing Committee on a resolution passed by a majority of two-thirds of Councillors present at a meeting of the Corporation and voting on the question. This suggestion was not accepted by the Select Committee. We consider such provision necessary and it should be embodied in the Act.

We also desire that provision should be made in the Act to enable the Corporation to undertake Poorer Classes Accommodation Schemes on the lines laid down in sections 42 to 51 of the City of Bombay Improvement Trust Transfer Act, 1925.

[Appendix 1—contd.]

We desire that there should be a provision in clause 2 (4) of Schedule BB for raising the limit of 20 per cent. in case of necessity with the previous sanction of Government.

(Signed) V. N. CHANDAVARKAR.

(„) M. NISSIM.

(Minute of Dissent by Mr. H. M. Rahimtoola, M.L.C.)

The original Bill and the Bill as amended by the Select Committee differ in some respects from the recommendations of the Municipal Corporation, Bombay. I do not propose to enumerate all the points here. I shall place my amendments before the Council.

(Signed) H. M. RAHIMTOOLA.

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 amended by the Select Committee.)

WHEREAS the City of Bombay Improvement Trust Transfer Act, 1925, Bom. XVI of 1925. was enacted with a view to transfer to the Municipal Corporation 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, subject to the Bom. IV of 1898. 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 Bom. XVI of 1925. Act, 1925, was, subject to the conditions and limitations therein 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 ;

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 ;

And whereas a representation has been made to the Government of Bombay by the said Corporation that the said Board be now dissolved

[Appendix I—contd.]

Bom. III
of 1888.

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, in accordance with the provisions of this Act,~~ 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 80-A 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, 1933.

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 3 section 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 ;

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

(b) in clause (o), after the word “ issued,” where it occurs for the second time, the words “ and any debentures or other securities issued under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925 ” shall be inserted ; and

[Appendix I--contd.]

(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 section 38C of Bom. Act III of 1888.*—After section 38B of the said Act, the following shall be inserted, namely:—

"38C. *Appointment of Sub-committees by the Improvements Committee.*—The Improvements Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the Improvements Committee may think fit and may refer to such sub-committees for inquiry and report or for opinion, any matter with which the Improvements Committee is competent to deal under the provisions of this Act."

5. 6. *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 in accordance with the provisions of this Act, 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, 1933, 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.

[Appendix 1—*contd.*]

Cf. *ibid.*,
s. 44.

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.

(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 seen as possible~~ *within one week* 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.

[Appendix 1—*contd.*]

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. *Cf. ibid.*
s. 48.

49I. *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:— *Cf. ibid.*
s. 49.

(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 Mayor, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner Mayor ; 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~~ *forty-eight* 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

[Appendix I—contd.]

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), or, in the absence of the latter, a Deputy Municipal Commissioner 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 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, 1933, comes into operation shall, so far as is not inconsistent with the provisions of the said Act, City of Bombay Municipal (Amendment) Act, 1933, 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 City of Bombay Municipal (Amendment) Act, 1933, shall have been so formed.”

Bom.
XVI of
1925.

ibid, s. 26.

6. 7. 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 or~~ as soon as conveniently may be after the commencement of the City of Bombay Municipal (Amendment) Act, 1933, 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 Municipal 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.

(3) A Deputy Municipal Commissioner (Improvements) shall be appointed, in the first instance for a period of five years, which may be renewed thereafter from time to time for a like or lesser period.

(3) (4) 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, 1933, shall be the Deputy Municipal Commissioner (Improvements) under this Act until ~~another the~~

Bom.
XVI of
1925,

[Appendix I—contd.]

Corporation shall have appointed a Deputy Municipal Commissioner (Improvements) has been appointed by the Corporation and has under the provisions of sub-section (1) and until such Deputy Municipal Commissioner shall have 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 and such other duties of a Deputy Municipal Commissioner 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).

(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. 8. *New section 58A of Bom. III of 1888.—After section 58 of the *ibid*, s. 27. said Act the following section shall be inserted, namely :—*

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

Provided that the person holding office of the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (4) of section 56A, receive a monthly salary of rupees two thousand and five hundred.

Provided further that if the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he shall receive from the commencement of the City of Bombay Municipal (Amendment) Act, 1933, such monthly salary not exceeding rupees two thousand as the Corporation shall, from time to time, determine."

8. 9. *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. 10. *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, 1933, upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities

[Appendix 1—*contd.*]

Bom. XVI
of 1925. of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925;

(t) the improvement of the City.”

10. 11. *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. 12. *Amendment of section 69 of Bom. III of 1888.*—In section 69 of the said Act—

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

“ (e) ~~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 ;~~

~~(ee) 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.”~~

(a) in clause (c) for the words “ an agreement for the acquisition of immoveable property ” the words “ a contract relating to the acquisition of immoveable property, or any interest therein, or any right thereto ” shall be substituted ;

(b) in clause (d) (i) after the word “ contract ” the words “ other than an agreement a contract for the acquisition of immoveable property or any interest therein or any right thereto ” shall be inserted ; and

(c) in clause (e) for the words “ shall apply, respectively, ” the words “ shall, as far as may be, apply ” shall be substituted.

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

12. 13. *Amendment of section 70 of Bom. III of 1888.*—In For 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 the following shall be substituted, namely :—

“ (2) The common seal of the Corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two

[Appendix I—contd.]

members of the Standing Committee, to every contract or other instrument other than a contract relating to the acquisition of immoveable property or interest therein or a right thereto and such contract or instrument shall be signed by the said two members of the Standing Committee in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.”

~~13. Insertion of new section 76 C in Bom. III of 1888. Corporation to appoint an Estate Agent and Land Manager—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. 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 section 71 of the said Act,—

(i) after the word “ contract ” the words “ of the nature specified in sub-section (2) of the last preceding section ” shall be inserted ; and

(ii) for the words “ last preceding ” the word “ said ” shall be substituted.

14. 15. 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 times, 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, 16. 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. 17. 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 *ibid*, s. 62. the Commissioner on behalf of the Corporation to agree with the

[Appendix I—*contd.*]

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 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 contract for the acquisition of any land or other immoveable property or of any interest in land therein 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~~ five thousand rupees unless and until such agreement contract has been approved by the Improvements Committee and by the Corporation if the price or compensation exceeds ten thousand rupees.”

(c) after sub-section (3), the following sub-sections shall be inserted namely:—

(4) Every contract or other instrument relating to the acquisition of immoveable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the Corporation affixed thereto in the presence of two members of the Improvements Committee and shall also have the signature of the said two members, in the manner prescribed in section 70.

(5) No contract for the acquisition of immoveable property or any interest therein or any right thereto not executed as in sub-section (4) provided shall be binding on the Corporation.

(6) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immoveable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

17. 18. 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. 19. 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:—

ibid., s. 70.

“91A. Transfer of property to the Corporation.—(1) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation there shall vest or re-vest in the Corporation, as the case may be, subject to all the charges

[Appendix 1—*contd.*]

and liabilities affecting the same, to be held by the Corporation subject to the provisions and for the purposes of *this Act*, subject to any restrictions and conditions contained in the *City of Bombay Municipal (Amendment) Act, 1933*, ~~the said Act~~ all the immovable and other property and all other interests and rights of the Board of Trustees for the Improvement of the City of Bombay constituted under the *City of Bombay Improvement Trust Transfer Act, 1925*, including all the estate, right, title and interest of the said Board in 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. Bom. XVI
of 1925.

(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 (8) 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 in Schedule W 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 purpose of a race-course or for any purpose of public recreation or amusement.

(c) All the lands specified in Schedule W as plots 1 (a), 1 (e) to 1 (i) both inclusive and 1 (k) and the lands specified in Schedule Y 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.~~

(3) The lands respectively referred to in Schedule ZZ as plot 1 (d-1) part, 1 (b) part, Cadastral Survey No. 3/383, the Body Guard Lines Plot, Plot No. 3 the Cooperage Plot and Plot No. 4 (b) the Marine Lines Maidan shall vest absolutely in His Majesty, provided that Plot No. 3 the Cooperage Plot and Plot No. 4 (b) the Marine Lines Maidan shall be maintained in perpetuity as open spaces, provided further that the aforesaid Plot Nos. 3 and 4 (b) or any part thereof may at any time be occupied by or with the previous permission of Government for any temporary purpose.

(4) All the estate, right, title and interest of the said Board to and in any land specified in Schedules W and X 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 specified except those appropriated

[Appendix 1—contd.]

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 not exceed ninety-nine years from the date on which the City of Bombay Improvement Act, 1898, came into force. ~~be determined—~~

Bom. IV
of 1898.

~~(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 un-renewable 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.

(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

[Appendix 1—contd.]

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, *with the like concurrence in the case of lands specified in Schedule X*, 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 schemes under this Act including any of the schemes referred to in sub-section (2) of section 354B.” *ibid*, s. 82.

10. 20. *Amendment of section 92 of Bom. III of 1898.*—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) 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

[Appendix 1—*contd.*]

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 :—

“(cc) 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 e of sub-section (2) of the section 91A.—~~

20. 21. *Amendment of section 10 of Bom. III of 1888.*—In sub-section (I) 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.”

106 21. 22. *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 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~~

(b) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

(b) (c) making good any deficit in budget-estimate ‘ B ’ framed under section 126,

(d) generally, carrying out the purposes of this Act including the advance of loans under section 354W :

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be contracted (save in the case of a loan granted

Cf. sec.
110E.
Bom. IV
of 1898.
Bom. XVI
of 1925.
ibid., s. 68.

[Appendix I—contd.]

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. 23. 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 lacs of Bom. rupees ;" ;~~ Bom. XVI of 1925.

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

" (b) The sum borrowed for any purpose other than for discharging any of the obligations arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City Bom. XVI of 1925. of Bombay Improvement Trust Transfer Act, 1925, including the of 1925. balances of all the outstanding loans and debts borrowed for any of the said purposes shall not exceed in the whole double the rateable value of the premises in the City assessable as hereinafter provided, to property taxes ; and

(c) The sum borrowed for the purpose of discharging any of the obligations arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including, the balances of Bom. XVI of 1925. all outstanding loans and debts borrowed by the Board of Trustees for of 1925. the Improvement of the City of Bombay under the City of Bombay Bom. IV of 1898. Improvement Act, 1898, and the City of Bombay Improvement Trust of 1898. Transfer Act, 1925, and by the Corporation for the purpose of Bom. XVI of 1898. discharging the aforesaid obligations, shall not at any time exceed in of 1898. the whole double the rateable value of the premises in the City assessable as hereinafter provided to property tax ; and

(d) The sum borrowed under clause (c) for the purpose of making good any deficit in budget estimate B framed under section 126 shall not in any year exceed twenty lakhs of rupees."

(b) Clauses (c) to (g) shall be relettered as clauses (e) to (i) respectively.

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

" (d) (f) the Corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments

[Appendix 1—*contd.*]

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), (h) so relettered 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 ;” .

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

23. 24. *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 the City of Bombay Improvement Act, 1898, or section 68 of the City of Bombay Improvement Trust Transfer Act, 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.

[Appendix 1—contd.]

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

(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 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.*—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.” ibid, s. 77.

24. 25. *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. 26. *Amendment of sections 110A, 110B and 110C of Bom. III of 1888.*—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 the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925” shall be inserted. ibid, ss. 74 and 75.
Bom. IV of 1898.
Bom. XVI of 1925.

26. 27. *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 the City of Bombay Improvement Act, 1898, or the City of Bombay Improve- Bom. IV of 1898.

[Appendix 1—*contd.*]

*Bom. XVI
of 1925.*

ment Trust Transfer Act, 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.

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

(2) Every debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 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.

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

(3) The rights to sue in respect of the moneys secured by debentures issued under this section or the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 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.

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

110-DD. *Issue of stock certificates.*—(1) *The Standing Committee at its discretion may at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act or any previous Act relating to the municipal government of the City or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, upon the application of the subscriber for, or holder of, any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a certificate in the nature of a stock certificate in respect of the loan to which such debentures or securities relate, which shall be in such form as the Corporation with the previous consent of Government, shall from time to time determine, and all the provisions as to interest or dividend on such debentures or securities shall, so far as may be, apply to the interest on the stock certificate.*

(2) *The Standing Committee shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.*

ibid., s. 78.

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

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, 1933, comes into operation the following provisions shall apply:—

(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 ;

[Appendix 1—contd.]

(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) (f) 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 ;

(iv) the provisions of clause (e) (g) 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 Bom. IV of 1898. Bom. XVI of 1925. ' 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) (h) 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 for the Improvement of the City of Bombay in existence when the City of Bombay Municipal (Amendment) Act, 1933 comes into operation in sinking funds established for the repayment of such loans shall be transferred to the Corporation 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 for the Improvement of the City of Bombay 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, 1933 , all loans contracted, sinking funds established and debts incurred by the Board of~~

[Appendix 1—contd.]

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

(vi) for the removal of doubts, it is hereby declared that—

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

(a) 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 continue to be subject as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects 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 aforesaid Acts ;

(b) All loans contracted, sinking funds established and debts incurred by the Corporation under the provisions of this Act or any Act relating to the municipal government of the City of Bombay prior to the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into force, shall continue to be subject, as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects, to the same terms and conditions as were fixed when such loans, funds and debts were contracted, established or incurred or as were provided by or under the provisions of the aforesaid Acts prior to the date mentioned above.

Provided that nothing contained in clauses (a) and (b) above shall affect any express provision of the City of Bombay Municipal (Amendment) Act, 1933, relating to such loans, funds and debts.

ibid., s. 95.

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

(a) to pay any interest due in respect of any loan taken 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, for the repayment of which the Corporation have become liable under section 110E ;

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

[Appendix I—contd.]

(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.

(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 shall 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, ^{5 & 6} such tax shall not be levied without the previous sanction of the ^{Geo. V,} Governor-General in Council. _{c. 61,}

110G. *Procedure in case of default by Commissioner.*—If the Com- ^{ibid, s. 96.} missioner fails to make the payment as required by section 110F Government may attach the Municipal Fund or any tax leviable by the Corporation or any special tax leviable under sub-section (2) of section 110F, 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 :

Provided that before Government attaches a special tax leviable under sub-section (2) of section 110F, Government may require the Corporation to levy the said tax.

110H. *Certain sums to be a charge upon the property of the* ^{ibid, s. 97.} 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.”

27. 28. *Amendment of section 111 of Bom. III of 1888.*—In sec- ^{ibid, s.} tion 111 of the said Act after the words “belonging to the _{88 (5).} Corporation” the words “including loans advanced under section 354W” shall be inserted.

28. 29. *Amendment of section 118 of Bom. III of 1888.*—In sec- ^{ibid,} tion 118 of the said Act— _{s. 91 (1).}

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

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

[Appendix 1—*contd.*]

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

ibid., ss.
87-94.

29. 30. *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.

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

30. 31. *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 for the Improvement of the City of Bombay 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

[Appendix I—*contd.*]

out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay 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, 1933, 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 ;

(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.”

§1. 32. *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 for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, and

Bom. XVI
of 1925.

[Appendix 1—*contd.*]

(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, 1933, 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.

(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 33. *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 34. *Amendment of sections 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."

[Appendix I—contd.]

34 35. *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.*—(1) *Cf. ibid, s. 55.*
 From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, all the property, interests, rights and liabilities on that date of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, in existence when the said Act comes into operation in respect of any Improvement scheme, Street scheme, Deferred street scheme, Poorer classes accommodation scheme, Reclamation scheme, or Police accommodation scheme, duly sanctioned or executed before the said date in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, 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. *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, 1933, comes into operation, which remains unexecuted on that date, until the completion of the scheme. *Bom. IV of 1898. Bom. XVI of 1925.*

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 or

[Appendix 1—contd.]

(c) it is necessary to provide for the construction of buildings for the accommodation of the poorer and working classes,

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 either inside or 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.*—(1) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354C, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is expedient,—

(4) (i) 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 ;

[Appendix 1—*contd.*]

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

(a) raising any land which the Improvements Committee Commissioner 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 arrangement required; and

(3) (iii) 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.

(2) *The improvement scheme may exclude any part of the area included in the notification referred to in section 354C or include any neighbouring land, provided that the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme and provided further that previous notice of such inclusion shall have been given in the manner prescribed in section 354C (1) (b) (ii).*

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 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

[Appendix I—*contd.*]

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~~ Commissioner 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 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

[Appendix I—*contd.*]

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 I of 1894. Land Acquisition Act, 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 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. *ibid.*, s. 36.

(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 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. *ibid.*, s. 30.

354L. *Commissioner to apply to Government for sanction to the scheme.*—(1) As soon as the Corporation have approved the scheme the Commissioner shall apply to Government on behalf of the Corporation for sanction to the scheme. *ibid.*, s. 36.

(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.

[Appendix I—*contd.*]

(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 354G, 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.

(2) (a) If at any time it appears to the Commissioner, the Improvements Committee or the Corporation *as the case may be*, 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~~

[Appendix 1—*contd.*]

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 involved 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 Corporation fail to acquire the land owner may call upon* *ibid*, s. 38. *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, 1933, 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 accommodation* *ibid*, s. 52. *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.

354P. *Procedure on completion of a scheme.*—Upon completion of *ibid*, s. 53. 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.

354Q. *Vesting of land in Corporation.*—(1) When such scheme is *ibid*, s. 54 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, and

~~In the case of land specified in Schedule W or land reclaimed within the limits specified in Schedule Y the said land shall thereupon vest in the Corporation.~~

Appendix 1—*contd.*]

(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.

Bom. IV
of 1898.

Bom.
XVI of
1925.

ibid., s. 61.

354R. *Minimum width of streets.*—(1) No new public street made 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,

[Appendix 1—*contd.*]

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 passage 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 Land Acquisition Act”), the said Land Acquisition Act shall not, except to the extent set forth in Schedule CC, apply to the acquisition of land under this chapter, but the said Land Acquisition 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 Land Acquisition 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 Land Acquisition 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 Land Acquisition 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 Land Acquisition 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;

(3) in the construction of the sections of the said Land Acquisition 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 Land Acquisition Act and the date of publication of the declaration under

[Appendix 1—*contd.*]

section 354M or 354P shall be deemed to be the date of the publication of the declaration under section 6 of the said *Land Acquisition 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 *Land Acquisition Act*.

Provided further that the provisions of sub-section (2) of section 23 of the said *Land Acquisition 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, 1933, 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 *Land Acquisition 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 1—*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 *Land Acquisition 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.*—*ibid*, s. 67. 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.

354W. *Power to grant loans for building purposes.*—(1) Subject to *ibid*, 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. *Bom. XVI of 1925.*

[Appendix 1—*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~~ *he thinks* 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, 1933, 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.

35-36. *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)”.

36-37. *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:—

Bom. IV
of 1898.

Bom. XVI
of 1925.

[Appendix 1—contd.]

SCHEDULE W.

(See section 91-A.)

ibid,
Schedule
C.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
1(a)	66 (part), 69 (part), Lower Parcel Division.	THE FLATS. (Deposited Plan "A".) 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. 68, 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.	75,194	...	...	...
			(Deposited Plan "B".)				
1 (b) 1 (d1)	...	2/383 (part) 383 (part), 2/383 (part), 3/383	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 by private properties bearing Cadastral Survey Nos. 372, 373, 374, 375, 369, 7/366, 8/366, 384, 383 (part) and	650 377, 950	...	...	...
1 (d2) 1 (d3)	...	(part) 383 (part), Tardeo Division.					

[Appendix 1—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 "B"—contd.)</p> <p>4383; on the East by the land bearing Cadastral Survey No. 1/383 and on the West by private properties bearing Cadastral Survey Nos. 400, 408, 1/408 land belonging to the Corporation and by Cadastral Survey Nos. 403, 401, 400, 399, 398, 375, 372, 382, 360, 368, 383 (part) excluding the 100 feet and 40 feet roads.</p> <p>(Deposited Plan "B".)</p>				
<p>1 (b) Part 1 (d1) Part. 1 (d2) 1 (d3)</p>	<p>333 Part. 2/333 " of Turdeo Division.</p>	<p>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 by private properties bearing Cadastral Survey Nos. 1/407, 372, 373, 374, 375, 380, 7/366, 3/366, 382, 383 (part), and 4/383, on the East by the land bearing Cadastral Survey No. 1/333 and on the West, by private properties bearing Cadastral Survey Nos. 409, 408, 1/408, 407 land belonging to the Corporation and by</p>	347,950			

[Appendix 1—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.	Ra.	Rs.
1(c)	412 (part), Tardeo Division.	<p>THE FLATS—contd.</p> <p>Deposited Plan "B"—contd.</p> <p>Cadastral Survey Nos. 402, 401, 400, 399, 398, 375, 372, 382, 389, 383, 383 (part) excluding the 100 ft. and 40 ft. roads, and the Body Guard Lines.</p> <p>(Deposited Plan "C".)</p>	19,815	..	..	..
1 (e)	1/1030, 2/1030 Lower Parel Division.	<p>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 Cadastral Survey Nos. 414 and 56, and on the West by the Municipal private road bearing Cadastral Survey No. 390, beyond which is the land belonging to the Corporation bearing Cadastral Survey No. 411 excluding the Municipal road for rubbish carts.</p> <p>(Deposited Plan "D".)</p>	6,138	..	7,666	..
1(f)	1/268 and 268, Lower Parel Division.	<p>(Deposited Plan "E".)</p> <p>Bounded on the North by passage bearing Cadastral Survey No. 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 268, and by private property bearing Cadastral Survey No. 1/265; on the East by private properties bearing Cadastral Survey Nos. 270, 287, 1/266, 439, 438, 437, 436, 435, 1/472 and 2/472; and on the West by the World Low Level Drainage Channel bearing Cadastral Survey No. 286.</p>	25,265	..	18,049	..

[Appendix I—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 FLATS—contd. (Deposited Plan "F".)				
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)	3/71, 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 Tulsī 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). (Eastern portion.)	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 1—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 (4) West.	110 (part), Lower Parel 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>	..	..	..
			(Deposited Plan "G".)				
1 (j)	46 (part), Lower Parel 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. & 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 I—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 Parcel Division.	THE FLATS—contd. (Deposited Plan "A".) 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	Sq. yds. ..	Rs. 29,497	Rs. ..
			Total ..	..	1,252,824	..	1,03,525
2	7, Fort Division.	THE KENNEDY SEA FACH. (Deposited Plan "H".) Bounded on the North, South and West by the Foreshore of Backbay and on the East by a public footpath.	4,447	..	..	..
			Total ..	..	4,447	..	..
3	...	4, Fort Division.	THE COOPERAGE PLOT. (Deposited Plan "I".) Bounded on the North by the Band Stand Circle; on the South by Wede house Road; on the East by Cooperage Road and on the West by Queen's Parade Roads but excluding 38 square yards bearing	58,044	...	...	...

[Appendix I—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.
3—contd.			<p>THE CO-OPERAGE PLOT—contd.</p> <p>(Deposited Plan "I")—contd.</p> <p>Cadastral Survey No. 13 on which stands the statue of the late Mr. Justice Ranade.</p> <p>THE MARINE LINES ESTATE.</p> <p>(Deposited Plan "J").</p>				
4 (a)	718 to 726, 1416 to 1421, 1429 to 1433 and 1436, Fort Division.	<p>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 1931, and partly by the West Boundary of Plot 4(b) (Marine Lines Maidan); on the South by a portion of the North Boundary of Plot No. 4(b) (Marine Lines Maidan) and on the West by the Marine Lines Road (Marine Street) but excluding the two Roads giving access to the Maidan from the Marine Lines Road.</p> <p>THE MARINE LINES MAIDAN.</p> <p>(Deposited Plan "J").</p>	32,825	--	3,28,250	--
4 (b)	--	709, Fort Division.	<p>Bounded on the North partly by the South Boundary of</p>	91,610	--	9,11,960	--

[Appendix 1—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(b)—contd.			<p>THE MARINE LINES MAIDAN contd.</p> <p>(Deposited Plan "J")—contd.</p> <p>"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</p>				

[Appendix 1—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area		Value.	
				Cadastral Survey.	Total area.	Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
(4) b—concl'd.			<p>THE MARINE LINES MAIDAN —cont'd.</p> <p>(Deposited Plan "J")—concl'd.</p> <p>Marine Lines Road (Marine Street) and partly by Plot 4A (Marine Lines Estate)—but excluding the sites of the Gokhale and Montague statues.</p>				
	5	....	<p>14, 1/14, 15 and 16, 18 to 20, Fort Division.</p> <p>Bounded on the North by Mayo Road; on the South-East by Wodehouse Road; on the East by Esplanade Road and on the West by the Cooperage Road, but excluding the site occupied by the Admiral's Bungalow.</p>	44,038	..	4,40,380	..
			<p>THE WELLINGTON LINES PLOT.</p> <p>(Deposited Plan "K").</p>				
5 (a)	....	440 to 444, Colaba Division.	<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>	9,494	..	..	..
6 (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</p>	13,355	..	..	..

[Appendix 1—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 (b)— contd.			<p>THE WODEHOUSE ROAD PLOT—contd.</p> <p>(Deposited Plan "L") —contd.</p> <p>and on the South-West by Ormlston 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>				
6(c)	425 to 429, Colaba Division.	<p>Bounded on the North-West by Wodehouse Road; on the North-East by Ormlston 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. & C. I. Railway land bearing Cadastral Survey No. 2 and the G. I. P. and B. B. & C. I. Railway sidings bearing Cadastral Survey No. 322.</p>	18,781	...	..	..
			Total, Wodehouse Road Plot	..	41,680	--	4,16,800

[Appendix 1—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Valde.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE HORNBY ROAD PLOT. (Deposited Plan "M"),				
7 (a)	699, Fort Division.	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.	116	..	..	..
7 (b)	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J. N. Petit's Institute bearing Cadastral Survey No. 102; 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.	1,339	..	..	..
7 (c)	740, 741, Fort Division.	Bounded on the North-East by the Parai 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 Ravellin 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	26,124	..	..	..

[Appendix I—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.	Ra.	Rs.
7 (e) contd.			THE HORNBY ROAD PLOT—contd. (Deposited Plan "M") —contd. 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.				
7(f)	1406, Fort Division.	Bounded on the North-East by the site of the Scottish Free Church (Cadastral Survey No. 1405); on the South-East by Murzban Road; on the South-West by Ravelin Street and on the North-West by Waudby Road.	2,971	..	..	..
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. 1523.	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 Murzaban 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	..	8,82,320

[Appendix 1—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.
8	1492, Fort Division.	<p>TRIANGULAR PLOT SOUTH OF CRAWFORD MARKET.</p> <p>(Deposited Plan "N").</p> <p>Bounded on the North by Market Road; on the West by Hornby Road; and on the South-East by Palton Road.</p>	7,707	..	1,54,140	..
			Total ..	..	7,707	..	1,54,140
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>THE CHAUPATI WEST ESTATE.</p> <p>(Deposited Plan "P").</p> <p>(a) and (b) Bounded on the North partly by a public passage leading of 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.</p>				

[Appendix 1—contd.]

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.		Total area.		Value.	
				Sq. yds.	Sq. yds.	Sq. yds.	Sq. yds.	Amount.	Total amount.
								Rs.	Rs.
			THE CHAUPATI WEST ESTATE—contd.						
			Deposited Plan "P"—contd.						
			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—						
			(a) Land forming the Hill Slope.	47,544	..	..	..	..	..
			(b) Building land ..	35,653	..	..	..	..	..
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 partly by a 15 feet service passage bearing Cadastral Survey No. 413 and partly by Babulnath Road; 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.	6,282	..	62,320	..	..	..
			Total, The Chaupati West Estate	..	111,276	..	..	6,37,320	..

[Appendix 1—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.
11	1510, 1/1510, 1512, 1513, 1571, Girgaum Division.	CHAUPATI EAST ESTATE. (Near Charni Road Level Crossings.) (Deposited Plan "Q"). 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 by the B. B. & C. I. Railway Company's land; on the West by private property bearing Cadastral Survey Nos. 1570, 4/1517, 1517, 1516, 1515 and 1514; and on the South-West by Queen's Road Chaupati.	4,789	..	47,890	..
			Total ..	..	4,789	..	47,890
12(A)	74 (Part of) Parcel-Sewri Division.	THE PAREL ESTATE. (Deposited Plan "R"). Bounded on the North partly by Bholwada Cross Road and partly by land bearing Cadastral Survey No. 74 (part) belonging to the Corporation; on the East by the Haflkine 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 Bholwada Cross Road and partly by the site of the Wadia Hospital for children.	31,504	..	..	..
12(B)	74 (part). Parcel-Sewri 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 1—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 PAREL ESTATE —contd. (Deposited Plan " R ") —contd.				
12 (O1)	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 (O2)	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, 335 and 335.	403	..	..	..

[Appendix 1—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") —concl'd.</p>				
12(E)	394, 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)	246, 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 I—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 "1").				
12(H)	681, Parel-Sewri Division.	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 1—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	7468 (1 to 4) 7464 (1 and 2) 7465 (1 to 3) 7466 (1 to 3) Nil. 7462 (5) 7462 (4) Nil.	700 to 705, 706, 695, 696, 699 Byculla Division.	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 Parel Road and partly by the aforesaid Police Accommodation Scheme, but omitting the site of Ulster Road.	9,495	9,495	51,155	51,155
1B	Nil. 7448 (4) 7446 (2 to 4)	689 690 to 693 Byculla Division.	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.	4,267	..	25,802	..
1 (19)	7458	2/672 Byculla Division.	Bounded on the North and West by a public passage; on the East by the property bearing Cadastral Survey No. 672; and on the South by Sussex Road.	96	4,363	480	26,082
			Total ..	..	13,858	..	77,237

[Appendix I—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	4134 (1 to 5)	1802 to 1833, 1634, 1/1834.	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, Souther Street, Club Back Road, Club Cross Road, Cirrus Avenue, Motlibai Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street (part of).	216,636	216,636	..	6,49,908
	4104 (1 to 7)	2/1834, 3/1834.					
	4103 (1 to 6)	4/1834, 5/1834.					
	4101 (1 to 5) and (9 to 12)	1835 to 1859, 1/1859, 2/1859.					
	4099 (1 to 15)	3/1859, 4/1859, 5/1859, 6/1859, 1660, 1584, 1862, 1/1862.					
	4107 (1 to 8)	1A/1862, 1B/ 1862, 1863.					
	4105 (1 to 7)	1/1863, 1864, 1865, 1/1865.					
	4106 (1 to 7)	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 to 1871, 1/ 1871, 2/1871.					
	4094 (1 to 6)	3/1871, 3A/ 1871, 4/1871.					
	4539 (1 & 2)	5/1871, 5A/ 1871, 6/1871.					
	4540 (1)	7/1871, 8/1871.					
	4553	1872 to 1875, 1/1876, 2/1876, 3/1876, 4/1876, 5/1876, 6/1876, 7/1876, 8/1876, 9/1876, 10/ 1876.					
	4554 (1)	1877 (part), 1878, 1/1878.					
	4098 (3)	2/1878, 1879.					
	4091 (1 to 6)	1880.					
	4090 (1 to 7) and (10A)	1/1880, 2/1880, 1881, 1882, 1883, 1902, 1/ 1902, 1908, 1909, 1911, 1912.					
	4137 (1 to 5)	Byculla Division.					
	4143 (1)						
	4136 (1 to 4)						
	4135, 4145,						
	4134 (6 to 8)						
	4092 (1 to 12)						
	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).	1599, 1/1599, 1600, 1/1600, 2/1600, 1601. Byculla Division.	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.	2,786	..	8,298	..

[Appendix 1—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 Byculia Division.	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. 70.	3,953	..	8,578	
2 (D)	....	NH.	Land reserved for widening of Lamington Road on its East and West Sides.	5,366	6,366	..	
			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.	..	227,071	..	6,64,534
			THE CENTRAL AGRIPADA ESTATE.				
			(Deposited Plan "C").				
			Ward E.				
3 (A)	NH.	2/1694 Byculia Division.	Bounded on the North by private property bearing Cadastral Survey No. 1853; on the South by the Municipal Urdu School bearing Cadastral Survey No. 1661; on the East by the land resumed by the Corporation bearing Cadastral Survey No. 1/1694; and on the West by Moreland Road.	190	..	760	..

[Appendix I—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.
			<p>THE CENTRAL AGRIPADA ESTATE—contd.</p> <p>(Deposited Plan "C")—contd.</p> <p>Ward E—contd.</p>				
3(B)	4067 (part) Nil.	1664 and parts of 1663, 1689, 1691 and 692, Byculla Division.	Bounded on the North partly by Sankil 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 Ghelabhoy 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. 1666 and 1693.	2,721	2,911	9,768	10,528
			Total, Central Agripada Estate ..	..	2,911	..	10,528
			<p>THE EAST AGRIPADA ESTATE.</p> <p>(Deposited Plan "D")</p> <p>Ward E</p>				
4(A)	7416 (1 to 6) 7418 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 3) 7412 (1 & 2)	1943. 1961 to 1965. Byculla Division.	Plot bounded on the North by the Board's Mahar Chavls bearing Cadastral Survey No. 1923; on the West and South-West by Killeddar Street; and on the East by Pals Street.	35,478	..	..	4,27,500
4(B)	Nil. 4378 (1 & 2) 4374 4354 (1 to 3) 4353 (1 & 2)	1840 part. 1842. 1843. 1922. Byculla Division.	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 Nos. 1840 (part of); and on the West by Milk Street.	23,268	..	..	1,16,433

[Appendix 1—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.
			<p>THE EAST AGRIPADA ESTATE—contd.</p> <p>(Deposited Plan "D")—contd.</p> <p>Ward E—concld.</p>				
4(C)	4563 (1, 2, 2A, 2B and 2C).	1844, Byculla Division.	<p>Plot bounded on the North by Tank Pakhadi Street; on the South by the Plot No. 6 belonging to the Corporation leased to Bai Hoorbai 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).</p>	7,139	7,139	94,484	94,484
			<p>Total, East Agripada Estate ..</p>	..	65,885	..	6,38,420

[Appendix 1—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.
		<i>Matunga Division,</i>		Sq. yds.	Sq. yds.	Rs.	Rs.
1	6643 p. .. 6642 p. ..	31/10 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	..	211	..
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, 7124p.	161/10 part .. 158/10 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 1—contd.]

SCHEDULE X, contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
		Matunga Division—contd.		Sq. yds.	Sq. yds.	Rs.	Rs.
20	7113 p.	162/10 part	Lands at Matunga	565	..	424	..
21	6835 (4) p.	180/10 part	Do.	92	..	69	..
22	6835 (6) p. 6835(5)p. 7053 p. 7032 p. 7049 p.	182/10 part .. 183/10 part .. 188/10 part .. 189/10 part .. 192/10 part ..	Do.	11,154	..	16,731	..
23	7061 p.	199/10 part	Do.	409	..	614	..
24	7063 p. 7061 (6) 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.	1,708	..	2,186	..
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	7604 p.	372/10 part	Do.	37	..	46	..
34	7631 p. 7633 p. 7634 p. 7635 p.	379/10 part .. 373/10 part .. 377/10 part ..	Do.	565	..	177	..
35	7924 p. 7792 p. 7826 p.	405/10 part .. 13/10 part .. 396/10 part .. 310/10 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 I—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.	Matunga Division—contd. 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. ..	2,291	..	1,718	..
42	7027 p. 7023 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. 7123 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. 6589 p. 6823 (1) p. 6815 p. 6813 p. 6862.	800/10 part .. 814/10 part. 792/10 part. 794/10 part of Matunga Division.	Do. ..	6,125	..	4,594	..
Total, Lands at Matunga ..				..	86,187	..	90,984

[Appendix 1—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), Malabar Hill Division.	<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	..	..	..
			<p>Total, the Nepean Sea Road Plot..</p>	..	2,014	..	..
			<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	..	..	..
			<p>Total, the Colaba Reclamation ..</p>	..	46,580	..	..

[Appendix 1—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, Fort Division.	The Hornby Road Plot.	(Deposited Plan "A") Bounded on the North by the John Cannon High School bearing Cadastral Survey No. 708; 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.

SCHEDULE ZZ.

(See Section 91A.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey	Total area.	Value.	
						Amount.	Total Amount.
1 (b) Part 1 (d-1) Part.	..	3/383, Far de o Division.	DEPOSITED PLAN "B". Body Guard Lines. Bounded on the North partly by plot 1 (d-1) and partly by plot 1(b); on the South by the junction of the 100 feet and 40 feet roads; on the East partly by the 40 feet road and partly by plot 1(b); and on the West by the plot 100 feet road.	Sq. yds. 30,000	Sq. yds. ..	Rs. ..	Rs. ..
3	..	4, Fort Division.	THE COOPERAGE PLOT. (Deposited Plan "I") Bounded on the North by the Band Stand Circle; on the South by Warehouse Road; on the East by Cooperage Road and on the West by Queen's 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	..	..	..
4 (b)	..	709, Fort Division.	THE MARINE LINES MAIDAN. (Deposited Plan "J") 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 Mayo Road, 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 No. 4A (Marine Lines Estate) but excluding the sites of the Gokhale and Montagu Statues.	91,196	..	9,11,960	..

[Appendix I--contd.]

SCHEDULE AA.

(See Section 110D.)

ibid,
Schedule
B.

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;

[Appendix 1—*contd.*]

(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 ;

(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 floatation of loans ;

(4) making good the deficit, if any, in the General Accounts, 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 interests on securities in which the sinking fund balances are invested ;

[Appendix 1—*contd.*]

(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;~~ ^{IV of 1857.}

(3) *the difference between the net receipts from the tobacco duty levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857, and the sum of Rs. 3,91,588.* ^{IV of 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 ;

(6) ~~three 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)(6) 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~~ *the Corporation* 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.

(4) *There shall be debited to the General Account a sum of money equivalent to the sum which would have been payable by the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, if the City of Bombay Municipal Bom. (Amendment) Act, 1933, had not been passed, in respect of rates and taxes levied under this Act upon lands and buildings vested or vesting in the Corporation by reason of the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees.* ^{XVI of 1925.}

[Appendix I—*contd.*]

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, 1933, 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~~ *Standing* Committee shall determine.

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.

[Appendix 1—contd.]

SCHEDULE DD.

ibid,
Schedule
AA.

(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.

37 38. *Provision regarding pending cases.*—Notwithstanding anything *ibid*, contained in sections 90, 354S, 354T and 354U of the said Act, and in s. 66. 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 Bom. IV Improvement Trust Transfer Act, 1925, before the date on which this of 1898. Act comes into operation, the High Court shall continue to perform the Bom. XVI of 1925. functions assigned to it under the said *aforsaid* Acts and every such appeal shall, so far as may be, be decided in accordance with the provisions of the said *aforsaid* Acts as if this Act had not been passed.

38 39. *Further provision regarding pending references.*—All references, *ibid*, moneys, securities, properties, papers, documents, vouchers, books, s. 66A. records and proceedings transferred to the High Court under section 66A of the City of Bombay Improvement Trust Transfer Act, 1925, shall be Bom. XVI of 1925. disposed of by the High Court, as nearly as may be, in accordance 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 40. *Officers and servants of the Board to become municipal officers and servants.*—(1) From the date on which this Act comes into operation ss. 109 and 110. every officer and servant of the Board constituted under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Bom. IV of 1898. Trust Transfer Act, 1925, shall be deemed to be for all purposes a muni- Bom. XVI of 1925. cipal 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, Bom. III of 1888. 1888, and the provisions of the said Act and of any regulations made thereunder relating to municipal officers and servants shall apply to

[Appendix 1—*contd.*]

all such officers and servants as if they had been appointed under the said Act :

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.

ibid.,
s. 112.

(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.

Bom. XVI of 1925. (3) *Leave and provident fund of Chief Officer appointed Deputy Municipal Commissioner (Improvements).—The person holding the office of Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provision of sub-section (4) of section 56A, in all matters of leave and provident fund continue to be governed by the terms and conditions of his appointment as such Chief Officer and be entitled to the benefits thereof.*

(4) *If the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he shall, in all matters of leave and provident fund, be deemed to have been subject from the date of his appointment as Chief Officer to the rules to which he would have been subject had he been appointed on the said date a Deputy Commissioner under this Act and to be entitled to the benefits thereof.*

Bom. XVI of 1925. 41. *Transitory provisions.—Notwithstanding anything contained in the said Act, the Commissioner, in addition to the sum payable to the Board of Trustees for the Improvement of the City of Bombay under section 84 of the City of Bombay Improvement Trust Transfer Act, 1925, shall in the municipal accounts, under a separate heading, credit to the accounts of the property vested or vesting in the Corporation and of the 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 for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, and in the manner prescribed in section 123A of this Act :—*

(i) *a sum equal to the amount of the actual net realizations of the Corporation for the financial year 1932-33 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 ; and*

IV of
1857.

(ii) *a sum equal to the difference between the net receipt from the tobacco duty levied under the Tobacco Duty (Town of Bombay) Act, 1857, from the 19th day of March 1932 until the 31st day of March 1934 (both days*

[Appendix 1—contd.]

inclusive) and a sum calculated at the rate of Rs. 3,91,588 per annum *ibid*, s. 4. for the aforesaid period.

40 42. *Repeal*.—The enactments specified in the Appendix are hereby repealed to the extent mentioned in the fourth column thereof;

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.

(c) all appointments, rules, orders and by-laws made, notifications and notices issued ~~tents~~ *rents*, 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.

(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. IV
of 1898.
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, 1933, 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, 1933, and to the Municipal Corporation of the City of Bombay respectively. Bom. XVI
of 1925.
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 1—concl'd.]

APPENDIX.

ENACTMENTS REPEALED.

(See Section 40 42.)

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 I the words "and Improvement Trust Transfer."
1931 ..	XXIV	The City of Bombay Improvement Trust Transfer (Second Amendment) Act, 1931.	Section 3. The whole.

APPENDIX 2.

BILL No. XIX OF 1933.

A Bill further to amend the Bombay Irrigation Act, 1879.

(As published in the "Bombay Government Gazette" of the 26th July 1933.)

Bom. VII of 1879.
5 & 6 Geo V, c. 61.

WHEREAS it is expedient further to amend the Bombay Irrigation Act, 1879, for the purposes hereinafter appearing; 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:—

1. *Short title.*—This Act may be called the Bombay Irrigation (Amendment) Act, 1933.

Bom. VII of 1879.

2. *Amendment of section 91 of Bom. VII of 1879.*—In section 91 of the Bombay Irrigation Act, 1879, hereinafter called the said Act—

(1) in clauses (ii) and (iii) of sub-section (2) for the words "land concerned" the words "the land and the owner or owners of the water-course" shall be substituted; and

(2) sub-section (3) shall be deleted.

[Appendix 2—*contd.*]

3. *Amendment of section 92 of Bom. VII of 1879.*—In section 92 of the said Act—

(1) in sub-section (1)—

(a) the words “in pursuance of the provisions of the last preceding section” shall be deleted,

(b) for the words “the Canal-officer”, where they occur for the first time, the words “any Canal-officer not inferior in rank to an Executive Engineer” shall be substituted,

(c) after the words “in place of any existing water-courses” the words “or of any existing sources of water supply” shall be inserted and

(d) in the proviso, the word “new” shall be deleted;

(2) in sub-section (2)—

(a) after the words “construct any” the word “such” shall be inserted,

(b) after the word “water-course” the words “under the option given to such holder or holders in the proviso to sub-section (1)” shall be inserted,

(c) the words “in this behalf” shall be deleted, and

(d) for the words “the same or reconstruct the whole or any part thereof” the words “or reconstruct the same in whole or in part” shall be substituted;

(3) in sub-section (4)—

(a) for clauses (a) and (b) the following shall be substituted, namely:—

“(a) *costs of construction of new water-courses in local areas.*—It shall be competent to the Canal-officer to fix the boundaries of local areas within which water-courses have been or are to be constructed in whole or in part under the provisions of sub-section (1) or (2) and to determine the cost or estimated cost, as the case may be, of such water-courses within such areas and the sums to be recovered from holders of land irrigated or to be irrigated therefrom, as their share of the cost thereof. The estimated cost of such water-courses to be constructed within a local area shall be determined by the Canal-officer on the basis of the actual cost of such water-courses constructed within the local area before the 30th day of September 1933.

(b) *Distribution of costs of construction over irrigated lands.*—When the Canal-officer has determined the cost of the construction of water-courses in any local area in accordance with the provisions of clause (a), he shall distribute such cost proportionately over the lands irrigated or to be irrigated therefrom and shall declare the amount payable on account of such cost in respect of the land constituting each survey number as defined in the Bombay Land Revenue Code, 1879, and the amount so determined shall be deemed Bom. V
of 1879.

[Appendix 2—contd.]

a charge upon such land and shall be payable in the manner hereafter provided, by the holder for the time being of such land and no such survey number shall be sub-divided so long as the amount so determined with interest remains unpaid :

Provided that in distributing such cost in accordance with the provisions of this clause land belonging to Government on the first day of August 1933 shall be assessed to such cost at twice the rate of occupied land.

Provided further that when the holder or holders of land have constructed a part only of a water-course under the option given by the proviso to sub-section (1) and the Canal-officer has constructed the remaining part of such water-course there shall be credited to such holder or holders the cost of the construction of the part constructed by them, such cost being based upon and proportionate to the cost of the construction of water-courses by the Canal-officer within the local area as determined by the Canal-officer in accordance with the provisions of clause (a).” ;

(b) in clause (c)—

(i) after the word “determining” the words “and declaring” shall be inserted,

(ii) the word “thus” shall be deleted,

(iii) for the words “the water-course”, where they occur for the first time, the words “or reconstructing a water-course in accordance with the provisions of clause (a) or (b)” shall be substituted,

(iv) for the word “the” occurring after the words “thereof to” the word “such” shall be substituted,

(v) for the words “such sum” the words “the sum payable on account of such cost” shall be substituted,

(vi) for the words “him or them” the words “such holder or holders” shall be substituted,

(vii) for the words “he or they” the words “such holder or holders” shall be substituted,

(viii) for the words “twenty equal annual instalments” the words “twenty equal instalments payable either annually or at such lesser intervals as may be convenient to such holder or holders” shall be substituted, and

(ix) the words “Provided that no such instalment shall be less than five rupees” shall be deleted ;

(c) in clause (d)—

(i) after the word “payment” the words “of any sum due under clause (c)” shall be inserted ; and

(ii) the word “said” shall be deleted ; (4) in sub-section (5)—

(a) for the words “every holder” the words “the holder or holders” and for the words “an owner” the words “the owner or owners” shall be substituted,

(b) the Explanation following the said sub-section shall be deleted ; and

[Appendix 2—concl'd.]

(5) after sub-section (6), the following sub-section (7) and Explanation shall be inserted, namely :—

“(7) If after the construction of any water-course under the provisions of this section the Canal-officer finds that any further alterations in the alignment or construction of the said water-course are necessary it shall be lawful for him with the previous sanction of the Collector to carry out such alterations at the expense of Government.

Explanation.—For the purposes of this section ‘the cost of constructing a water-course’ shall include the cost of aligning the water course and of such preliminary operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation.”

STATEMENT OF OBJECTS AND REASONS.

It has been found in practice that certain of the provisions of section 92 are unworkable and it has been considered necessary to replace these provisions by other provisions which experience shows are likely to be workable and are more clearly expressed. Advantage has been taken of this amendment to remove certain ambiguities and discrepancies in the drafting of the Amending Act of 1931 and it is with this end in view that sub-section (3) of section 91 has been transferred to section 92 as sub-section (7) and various other verbal amendments have been made.

(Signed) R. D. BELL.

APPENDIX 3.

BILL No. VIII OF 1933.

A Bill to amend the law relating to the punishment of whipping in the Presidency of Bombay.

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. VIII of 1933 (A Bill to amend the law relating to the punishment of whipping in the Presidency of Bombay) have the honour to report as under :—

We have carefully considered the provisions of the Bill. We considered the question of limiting the extension and operation of the Bill to the City of Bombay only, but we came to the conclusion that it would not be in the public interest to deprive the Governor in Council

*Note.—The signatures of Mr. Mahomed Suleman Cassum Mitha and Dr. J. A. Collaco will be notified when received.

Dr. B. R. Ambedkar's signature could not be obtained as he left for England for the Round Table Conference.

[Appendix 3—contd.]

of the power to extend the provisions of the Bill to other places in the Presidency in case of need and we considered the two notifications which the provisions of the Bill require before its provisions can be brought into operation in the Presidency as a sufficient safeguard against its hasty or ill-judged application; and so far as the City of Bombay itself is concerned we considered the notification bringing the provisions of the Bill into operation to afford in like manner a sufficient safeguard. We therefore made no change in clause 1.

So far as clause 2 is concerned, we are of the opinion that abetment for the purposes of the clause should be of a more restricted character than abetment as defined in section 107 of the Indian Penal Code. We have, therefore, restricted abetment for the purposes of this Bill to the first and third clauses only of section 107.

We have also excluded "attempts" from the purview of the Bill as we think the term too wide for a penal provision of this nature.

As rioting involves the use of violence we do not think it proper to restrict the punishment of whipping to rioting armed with deadly weapons, because grave injury and damage might be inflicted by rioters not so armed.

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) R. D. BELL,
 („) W. ELLIS JONES,
 („) G. DAVIS,
 („) G. K. CHITALE
(subject to a minute of dissent),
 („) SHAIKH ABDUL MAJID
(subject to a minute of dissent),
 („) M. A. KHUARO
(subject to a minute of dissent),
 („) R. S. ASAVALE,
 („) P. G. SOLANKI,
 („) PESTONSHAH N. VAKIL,
 („) H. M. RAHIMTOOLA,
 („) R. M. MAXWELL,
 („) SYED MUNAWAR,
 („) ABDUL LATIF HAJI HAJRAT KHAN,
 („) D. R. PATIL
(subject to a minute of dissent),
 („) B. S. KAMAT
(subject to a minute of dissent).

[Appendix 3—contd.]

*(Joint minute of dissent by Rao Bahadur G. K. Chitale, M.L.C.,
Mr. Shaikh Abdul Majid, M.L.C. and Khan
Bahadur M.A. Khuhro, M.L.C.)*

We regret that we are unable to agree to the conclusions arrived at by the majority of the members of the Select Committee.

The Bill is not so altered as to deserve our acceptance.

We are clearly of opinion that the Act should not apply to the Presidency except Bombay City for the present.

So far as clause 3 is concerned we hold the view that abetment for the purposes of the clause should be omitted altogether.

We further do think it proper that the punishment of whipping should be restricted to rioting armed with deadly weapons only.

(Signed) G. K. CHITALE,

(„) S. A. MAJID,

(„) M. A. KHUHRO.

15th May 1933.

(Minute of dissent by Dewan Bahadur D. R. Patil, M.L.C.)

I am not in favour of extending the scope of the Bill beyond the City of Bombay. The punishment of whipping is inhuman but I give my consent to it having regard to the consequences arising out of riots that occurred in Bombay. It is quite essential to have a check upon hooligans who are very reckless in their actions done by them during the riotous times in Bombay. Places other than the City of Bombay do not require the operation of this Bill as the Police force there is quite adequate to cope with any riotous situation that may arise in future. In the face of these circumstances I want to confine the operation of this Bill to the City of Bombay only. The Bombay Legislature will be quite ready in making the punishment of whipping applicable to other places if an urgent necessity for such purposes arises in future.

(Signed) D. R. PATIL, M.L.C.

Bhusaval, 19th May 1933.

(Minute of dissent by Mr. B. S. Kamat, M.L.C.)

I am unable to agree with the majority view that it is necessary to provide for extension of the operation of the Bill to places or areas in the Presidency outside the City of Bombay. The object of the Bill, as stated in the Statement of Objects and Reasons, is to have more effective powers than are at present available to suppress quickly and effectively hooliganism. It has no doubt been shown during the first reading of the Bill that riots have occurred in recent times in several places in the Presidency. To my mind this alone does not make out a case for the extension of the Bill to the mofussil. The real point is

[Appendix 3—*contd.*]

whether hooliganism of the type in Bombay City is a common feature of other towns in the Presidency, in other words whether there is outside Bombay City that class of hooligan to whom whipping is the only deterrent punishment. I have no reasons to believe, nor has a convincing case been made out, that the Bombay type of *Mawali*, a hardened criminal who generally can live and thrive in big cities, is also prevalent in other towns of the Presidency. On this ground it does not appear to me imperatively necessary to give the Governor in Council power to extend the provisions of the Bill to the mofussil. Nor are the previous notifications referred to, in the Report of the Select Committee a sufficient safeguard in my opinion, since these are likely to be based on the information and judgment of District Officers, unlike the notification required in the case of Bombay City where the Governor in Council is undoubtedly in a better position to judge of any riot situation from closer quarters.

2. Even for the Bombay City an additional safeguard in the law which I consider to be necessary is to have an express provision that in cases of conviction for rioting, first offenders should not be sentenced to whipping. The majority of the Members of the Select Committee turned down an amendment to this effect. I am unable to agree with them. They held that in this respect we should trust the discretion of Magistrates. If matters are wholly to be left to the discretion of the Magistracy no safeguards would be needed in any law. While it is generally true that Magistrates exercise their powers with commendable discretion, cases are not wanting of undue severity of sentences being rectified in appeals by the better discretion of appellate courts. It is unsafe to take chances in the matter of a sentence of whipping and I am of opinion that the object of this enactment would not be defeated by an express provision in this regard in favour of first offenders convicted of rioting.

(Signed) B. S. KAMAT.

BILL No. VIII OF 1933.

A Bill to amend the law relating to the punishment of whipping in the Presidency of Bombay.

(As amended by the Select Committee.)

Preamble. 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:—

5 & 6
Geo. V,
c. 61.

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

[Appendix 3—concl'd.]

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 *by instigating or by intentionally aiding* IV of *by any act or illegal omission*, abets, ~~commits or attempts to commit~~ 1909. the offence of rioting or rioting armed with deadly weapons as defined respectively in sections 146 and 148 of the Indian Penal Code, or *whoever* XLV of *commits the offence of rioting as defined in the said sections of the said* 1860. Code, may be punished with whipping in addition to or in lieu of any other punishment to which he may for such offence or such abetment or attempt be liable under the said Code.

APPENDIX 4.

BILL No. XIV OF 1933.

A Bill further to amend the Bombay Children Act, 1924.

(As published in the "Bombay Government Gazette" of the 29th May 1933.)

WHEREAS it is expedient further to amend the Bombay Children Act, 1924, 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 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 Children (Amendment) Act, 1933.

2. *Amendment of section 3 of Bom. XIII of 1924.*—In clause (b) of section 3 of the Bombay Children Act, 1924, hereinafter referred to as "the said Act", after the word "years", where it occurs for the second time, the words "and when used with reference to a young person sent to a certified school applies to such young person during the whole period of his detention, notwithstanding that such young person may have attained the age of sixteen years" shall be inserted.

3. *Amendment of section 7 of Bom. XIII of 1924.*—In section 7 of the said Act,—

(a) in sub-section (3) after the word "child" where it occurs for the second time, the words "or young person" shall be inserted;

[Appendix 4—*contd.*]

(b) for sub-sections (4), (5) and (6) the following sub-section shall be substituted, namely :—

“(4) If the Court is satisfied on the inquiry that such person is a child or young person and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the Court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the Court (such relative or other person being willing to undertake such care) until such child or young person attains the age of eighteen years or for any shorter period”; and

(c) sub-sections (6A) and (7) shall be renumbered as sub-sections (5) and (6), respectively.

4. *Amendment of section 8 of Bom. XIII of 1924.*—In section 8 of the said Act, after the word “child” wherever it occurs, the words “or young person” shall be inserted.

5. *Amendment of section 15 of Bom. XIII of 1924.*—In section 15 of the said Act,—

(1) In clause (c) of sub-section (1) for the word “sixteen” the word “eighteen” shall be substituted; and

(2) In sub-section (6)—

(a) the words “In the case of a child” shall be omitted; and

(b) after the word “child” where it occurs for the second and third time, the words “or young person” shall be inserted.

6. *Amendment of section 21 of Bom. XIII of 1924.*—In sub-section (1) of section 21 of the said Act, the words “where a child” where they occur for the second time and the words “and the person so charged or brought before the court is a child” shall be omitted.

7. *Amendment of section 23 of Bom. XIII of 1924.*—In sub-sections (1) and (2) of section 23 of the said Act, after the word “child”, wherever it occurs, the words “or young person” shall be inserted.

8. *Amendment of section 28 of Bom. XIII of 1924.*—In sub-section (1) of section 28 of the said Act, after the word, “child” where it occurs for the first time, the words “or young person” shall be inserted.

9. *Amendment of section 30 of Bom. XIII of 1924.*—In sub-sections (1), (3), (4) and (6) of section 30 of the said Act, after the word “child” wherever it occurs, the words “or young person” shall be inserted.

10. *Amendment of section 31 of Bom. XIII of 1924.*—In clause (a) of section 31 of the said Act, after the words “child or” where they first occur, the words “young person or.” shall be inserted.

11. *Amendment of section 32 of Bom. XIII of 1924.*—In section 32 of the said Act, after the word “child” the words “or young person” shall be inserted.

[Appendix 4—*contd.*]

12. *Amendment of section 33 of Bom. XIII of 1924.*—In sub-section (1) and in clause (c) of sub-section (2) of section 33 of the said Act and in the proviso to the said sub-section (2), after the word “child” the words “or young person” shall be inserted.

13. *Amendment of section 33A of Bom. XIII of 1924.*—In section 33A of the said Act,—

(i) in sub-section (1), for the word “sixteen” the word “eighteen” shall be substituted, and

(ii) in sub-section (2), after the word “child” the words “or young person” shall be inserted.

14. *Amendment of section 34 of Bom. XIII of 1924.*—In sub-sections (1) and (2) of section 34 of the said Act, after the word “children” the words “young persons” shall be inserted.

15. *Amendment of section 39 of Bom. XIII of 1924.*—In the first proviso to section 39 of the said Act, after the word “children” the words “or young persons” shall be inserted.

16. *Amendment of section 41 of Bom. XIII of 1924.*—In section 41 of the said Act, after the word “child” the words “or young person” and after the word “children” the words “or young persons” shall be inserted.

17. *Amendment of section 42 of Bom. XIII of 1924.*—In section 42 of the said Act, after the word “children” the words “or young persons” shall be inserted.

18. *Amendment of section 44 of Bom. XIII of 1924.*—In section 44 of the said Act, after the word “child”, wherever it occurs, the words “or young person” shall be inserted.

19. *Amendment of section 47 of Bom. XIII of 1924.*—In section 47 of the said Act,—

(1) in sub-section (1) after the word “child”, wherever it occurs, the words “or young person” shall be inserted; and

(2) for sub-section (5) the following shall be substituted, namely:—

“(5) Where a child is boarded out, or where a child, young person or youthful offender is permitted by licence to live with any other person, the manager of the school shall so far as is practicable select for this purpose a person of the same religion as the child, young person or youthful offender, as the case may be, or a person who gives a satisfactory undertaking that the child, young person or youthful offender shall be brought up in accordance with the religion of such child, young person or youthful offender.”

20. *Amendment of section 51A of Bom. XIII of 1924.*—In section 51A of the said Act—

(1) after the word “order” where it occurs for the first time the words “or supervision order” shall be inserted; and

[Appendix 4—concl.]

(2) for the words "and in respect of" the words "or supervisor, the period of duration and" shall be substituted.

21. *Amendment of section 52 of Bom. XIII of 1924.*—In sub-section (2) of section 52 of the said Act—

(1) in clause (f), after the word "offenders" the words "young persons" shall be inserted, and

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

"(p) the boarding out of children and the licensing and supervision of children, young persons and youthful offenders and the submission of reports regarding them,"

STATEMENT OF OBJECTS AND REASONS.

Under sections 7 (4), 8, 15 (6) and 23 (1) and (2) of the Bombay Children Act, 1924, the Court is empowered to send a child but is not empowered to send a young person to a certified school. It has been represented to Government that it is necessary in the interests of young persons particularly those who are destitute that the Court should in suitable cases have this power. The amendments in clauses 3 (a), (b), 4, 5 (2), 6, 7, 8, 10 to 12, 13 (ii), 14 to 19 and 21 are intended to give effect to this proposal. The amendments in clauses 2 and 3 (c) are consequential.

Under section 32 a child or youthful offender can, if the Court thinks proper, be detained in a certified school, until he attains the age of eighteen years. Under sections 7 (5) and (6) and 15 (1) (c), a child or young person can be committed to the care of a relative or other fit person only until he has attained the age of sixteen years. It has been represented to Government that it is desirable that the age up to which a child or young person can be kept under the care of a relative or other fit person should be extended to eighteen years. The amendments in clauses 3 (b), 5 (1) and 13 (i) are intended to carry out this suggestion.

Under section 30, managers of certified schools may place out on licence a child or youthful offender detained in such school. It has been suggested to Government that it is necessary in the interests of young persons that managers of certified schools should be empowered to place out on licence not only children and youthful offenders but also young persons. The amendment in clause 9 is intended to carry out this suggestion. Consequential amendments are contained in clauses 10, 19 and 21.

Section 7 (7) of the Act contemplates the making of two different orders by a Court, namely, a custody order and a supervision order, while section 51A of the Act authorises the Court to amend the custody order only. It is therefore proposed to amend section 51A so as to make it accord with the provisions of section 7 (7) by empowering Courts to amend not only custody orders but also supervision orders. The amendment in clause 20 is intended to give effect to this proposal.

24th April 1933.

(Signed) R. D. BELL.

APPENDIX 5.

BILL No. XV OF 1933.

A Bill to amend the Bombay Co-operative Societies Act, 1925.

(As published in the "Bombay Government Gazette" of the 7th June 1933.)

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925, for the purpose hereinafter appearing; And where-
as the previous sanction of the Governor-General required under 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:—

Bom. VII of 1925.
5 & 6 Geo. V, c. 61.

1. *Short title.*—This Act may be called the Bombay Co-operative Societies (Amendment) Act, 1933.

2. *Insertion of new section 72A in Bom. VII of 1925.*—After section 72 of the Bombay Co-operative Societies Act, 1925, the following section shall be inserted, namely:—

Bom. VII of 1925.

"72A. *Construction of references to Co-operative Societies Act, 1912, in enactments.*—All references to the Co-operative Societies Act, 1912, occurring in any enactment made by any authority in British India and for the time being in force in the Presidency of Bombay shall, in the application, to the said Presidency, of any such enactment, be read and construed as references to this Act and anything done or any proceeding commenced in pursuance of any such enactment on or after the date on which this Act shall have come into operation shall be deemed to have been done or to have been commenced and to have had effect as if the reference in such enactment to the Co-operative Societies Act, 1912, had been the reference to this Act, and no such thing or proceeding shall be deemed to have been invalid on the ground that such enactment did not refer to this Act."

II of 1912.
II of 1912.

STATEMENT OF OBJECTS AND REASONS.

Under clause (e) of section 3 of the Land Acquisition Act, 1894, as amended by section 2 of the Land Acquisition (Amendment) Act, 1919, the expression "company" includes a registered society within the meaning of the Co-operative Societies Act, 1912. This Act in so far as it applied to the Bombay Presidency was repealed by the Bombay Co-operative Societies Act, 1925, and accordingly co-operative societies in the Bombay Presidency are now registered under the latter Act. Recently a society registered under the Bombay Co-operative Societies Act, 1925, applied for acquisition of land on its behalf under the provisions of the Land Acquisition Act, 1894; and when proceedings for acquisition were taken, objection was raised by the owners of the land that the proceedings were invalid on the ground that the society was not registered under the Co-operative Societies Act, 1912. This contention

[Appendix 5—*contd.*]

was upheld by the Bombay High Court in First Appeal No. 272 of 1929 (Sheth Chinubhai Lalbhai and others *v.* the Secretary of State for India in Council). The above decision of the High Court renders it necessary to amend the Bombay Co-operative Societies Act, 1925, by inserting a new section which is designed to obviate any difficulty likely to be experienced in the working of all such enactments as contain a reference to the Co-operative Societies Act, 1912. It is also necessary that the amendment should be given retrospective effect.

29th April 1933.

(Signed) S. T. KAMBLI.

APPENDIX 6.

BILL No. XVI OF 1933.

A Bill to amend the Bombay Maternity Benefit Act, 1929.

(As published in the "Bombay Government Gazette"
of the 22nd June 1933.)

Bom. VII of 1929.
5 & 6
Geo. V,
c. 61.

WHEREAS it is expedient to amend the Bombay Maternity Benefit Act, 1929, 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 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 Maternity Benefit (Amendment) Act, 1933.

Bom. VII of 1929.

2. *Amendment of section 3 of Bom. VII of 1929.*—After clause (c) of section 3 of the Bombay Maternity Benefit Act, 1929, hereinafter called the said Act, the following shall be inserted, namely:—

"(d) 'wages' includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance."

3. *Amendment of section 5 of Bom. VII of 1929.*—In section 5 of the said Act—

(a) in sub-section (1), after the word "day" the words, figures and brackets "in the cities of Bombay, Ahmedabad and Karachi, and elsewhere at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6, or at the rate of eight annas a day, whichever is less" shall be inserted;

(b) in the proviso to sub-section (1),—

(i) for the word "six" the word "nine" shall be substituted; and

[Appendix 6—*contd.*]

(ii) for the words “notifies her intention” the words “gives notice” shall be substituted; and

(c) in sub-section (2), for the words “seven” and “three” the words “eight” and “four” respectively shall be substituted.

4. *Amendment of section 6 of Bom. VII of 1929.*—For sub-section (3) of section 6 of the said Act, the following shall be substituted, namely:—

“(3) Maternity benefit shall be paid by the employer to the woman entitled thereto in any one of the following three ways, namely:—

(i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child; or

(ii) for the period up to and including the day of delivery—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—punctually four weeks after the production of such certified extract from a birth register; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production within six weeks of her delivery of a certified extract from a birth register stating that she has given birth to a child;

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.”

5. *Amendment of section 14 of Bom. VII of 1929.*—In sub-section (2) of section 14 of the said Act, for clause (a) the following shall be substituted, namely:—

“(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 35 of the Indian Factories Act, 1911.”

XII of
1911.

6. *Amendment of section 15 of Bom. VII of 1929.*—In section 15 of the said Act,—

(a) for the words “A copy” the words “An abstract” shall be substituted;

[Appendix 6—*contd.*]

(b) for the word "place" the word "manner" shall be substituted ;
and

(c) after the word "every" the words "part of a" shall be inserted.

7. *Savings*.—Nothing in sections 2, 3 and 4 of this Act shall apply for a period of six months from the date when this Act comes into force to any woman who shall have been employed on the said date and who shall continue to be employed by the same employer for a period of six months thereafter.

STATEMENT OF OBJECTS AND REASONS.

It has been represented to Government that the Bombay Maternity Benefit Act, 1929, requires amendment in certain respects. The Royal Commission on Labour have also dealt with the question of maternity benefit in their report. It is accordingly proposed to make the following changes in the Act :—

(1) Section 5 of the Act prescribes a uniform rate of maternity benefit. The wages of women workers, however, vary from place to place and in the mofussil the average wage of a woman is less than eight annas a day. The rate of eight annas a day appears appropriate only in the cities of Bombay, Ahmedabad and Karachi. It is, therefore, proposed to amend section 5 of the Act so as to provide for a rate of eight annas a day in the cities of Bombay, Ahmedabad and Karachi and to provide in other places for a rate of eight annas a day or the rate equal to the average daily earnings of a woman, whichever is less. In calculating the average earnings it is proposed that the day on which a woman worker gives notice under section 6 (I) of the Act shall be taken as the end of the period over which wages shall be calculated, and the money value of any earned grain concession shall be taken into consideration in calculating wages and any money paid to cover the high cost of living but not the good attendance bonus earned during the period and that the daily wage shall be worked out to the nearest quarter of an anna.

(2) It is proposed to raise the maximum period for which a woman shall be entitled to maternity benefit from seven weeks to eight weeks in accordance with the recommendations of the Royal Commission on Labour.

(3) It is proposed to raise the period of employment necessary to qualify for maternity benefit from six months to nine months in accordance with the recommendations of the Royal Commission on Labour.

(4) Under the Act, maternity benefit is payable in three instalments, the first on the production of a certificate of birth and the second and third at the end of each fortnight thereafter. It is proposed to provide that maternity benefit shall be paid either in two instalments, the first within 48 hours of the production of a certificate that the woman is expected to be confined within a month or of a certificate of birth and the second at the end of four weeks after the production of a certificate of birth, or in one lump sum if within six weeks after

[Appendix 6—concl'd.]

child-birth a woman has not claimed the benefit in either of the other two ways.

(5) There is at present no time limit within which the benefit under the Act may be claimed. It is proposed to prescribe a time limit of six months after child-birth.

(6) Clause (a) of section 14 (2) provides that a rule can be made requiring the owners of factories to maintain a muster roll in which the particulars required for the purposes of the Act are to be entered. The owners of factories find it inconvenient to maintain a separate muster roll for the purpose. They have to maintain a register or a muster roll under section 35 of the Indian Factories Act, 1911. Some mills have been exempted under the section from keeping any register. It is therefore proposed to amend the clause by providing for the maintenance of a muster roll or a register or a combined muster roll and register and for entering additional particulars in the register kept or deemed to have been kept under section 35 of the Indian Factories Act.

(7) Section 15 of the Act requires that a copy of the provisions of the Act and the rules thereunder in the local vernacular shall be exhibited in a conspicuous place by the employer in every factory in which women are employed. In order to give wider publicity to the provisions of the Act, it is proposed to require all factories employing women to post an abstract of the Act and the rules in all parts of the factories where women are employed.

(8) The Bill proposes changes in the qualifying period, rate of benefit etc., and it has therefore been provided that the new conditions shall not be applied until after the lapse of six months (i.e., the present qualifying period) to women who are in employment at the time of the passing of the Bill and who remain with the same employer throughout the six months.

2nd May 1933.

(Signed) R. D. BELL.

APPENDIX 7.

BILL No. XVII OF 1933.

A Bill further to amend the Bombay District Police Act, 1890.

(As published in the "Bombay Government Gazette"
of the 23rd June 1933.)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1933.

[Appendix 7—*contd.*]

2. *Amendment of section 61 of Bom. IV of 1890.*—In section 61 of the Bombay District Police Act, 1890,—

(1) for the word “Commissioner” the words “Magistrate of the district” shall be substituted,

(2) after the word “time”, where it occurs for the second time, the words “and subject to the orders of the Commissioner” shall be inserted, and

(3) sub-clause (a) of clause (1) shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

It is proposed to invest the District Magistrate, subject to the orders of the Commissioner, with the power now vesting in the Commissioner of extending the provisions of section 61 of the Bombay District Police Act, 1890, to any local area within his control, as the District Magistrate is usually the best judge of the conditions which may necessitate the extension of the section or any of its provisions to a local area. Sub-clauses (1) and (2) of clause 2 of this Bill are intended to carry out this object.

2. In view of the provisions of sections 39 (1) (n) and 65 of the Act, section 61 (1) (a) is now superfluous, and it is therefore proposed by sub-clause (3) of clause 2 of the Bill to repeal section 61 (1) (a).

9th June 1933.

(Signed) R. D. BELL.

APPENDIX 8.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 1. *Expenditure in connection with the deputation of Dr. B. N. Uppal, Plant Pathologist to the Government of Bombay, to foreign countries to study virus diseases of plants.*

The Imperial Council of Agricultural Research sanctioned a Virus Research Scheme in May 1931 to be conducted by the Bombay Department of Agriculture. Subsequently the Imperial Council postponed the scheme for financial reasons and the question arose whether advantage of this postponement should be taken to depute the officer, who would be responsible for directing the scheme when it materializes, abroad to study the latest advances in scientific knowledge pertaining to the virus diseases of plants. The Imperial Council then sanctioned a scheme for the deputation of Dr. B. N. Uppal, Plant Pathologist to the Government of Bombay, to foreign countries to study virus diseases of plants at a cost not exceeding £500. This amount is required to meet the

[Appendix 8—*contd.*]

cost of passages between India and foreign countries and other incidental charges to be incurred in connection with the study, including subsistence allowance of 12 shillings a day in the United Kingdom and 30 shillings a day in America. Dr. Uppal has been granted leave on average pay for eight months followed by leave on half average pay for four months from 12th June 1933 and the financial liability of the Government of Bombay will be limited to the payment to Dr. Uppal of such leave salary as may be due to him. As the expenditure in question 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.

“ 34-Agriculture—Transferred.”

Rs. 24,08,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 24th May 1933.

APPENDIX 9.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 2. *Expenditure in connection with the experimental consignment of mangoes to England.*

Last year the Imperial Council of Agricultural Research financed a scheme at a cost of Rs. 4,000 for the experimental consignment of mangoes to England in co-ordination with the Empire Marketing Board, London. The consignment was arranged by the Horticulturist to Government and the result of the experiment was submitted to the Imperial Council. The Council has now sanctioned the repetition of the experiment during the current year with a grant of Rs. 5,100. This amount will cover the expenses in connection with the purchase of the fruit, packing cases, freight charges, agency commission and travelling expenses, etc. The Bombay Legislative Council sanctioned a token grant of Rs. 10 at its October 1932 session in respect of the experiments conducted last year. The sanction of the Legislative Council is requested to a similar token grant of Rs. 10 in respect of the experiments of the current year.

Demand voted and now increased.

“ 34-Agriculture—Transferred.”

Rs. 24,08,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 9th June 1933.

APPENDIX 10.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 3. *Entertainment of Government Inspecting, clerical and menial establishment for the Dadu District.*

Remarks.—Owing to the formation of the new Dadu District the total number of districts in Sind has increased from seven to eight. Government have considered whether it is necessary to maintain a separate Government Educational establishment for the new District or whether the inspection work in connection with it could be done by redistribution of work amongst the existing Senior Assistant Deputy Educational Inspectors. They have come to the conclusion that the latter arrangement is not feasible. Since the transfer of control, the Government Inspecting staff has been reduced to one Government Inspecting officer for each District and Government cannot allow their staff to fall below this standard, which is already barely adequate. Sanction has been accorded therefore to the entertainment, with effect from the 1st June 1933, of inspecting, clerical and menial staff and for incurring the recurring and non-recurring expenditure on its account as indicated below :—

	Annual cost.
<i>Recurring.</i>	Rs.
(1) One Senior Assistant Deputy Educational Inspector in the scale of Rs. 70—5—120—efficiency bar—5—140—10—200 (average cost Rs. 134 × 12)	1,608
(2) One qualified clerk in the scale of Rs. 30—5/2—60 (average cost Rs. 49 × 12)	588
(3) One peon on Rs. 15 per mensem	180
(4) Travelling allowance	700
(5) Contract contingency	200
(6) Rent for office at Rs. 30 per mensem	360
(7) Service postage and telegrams	75
Total recurring cost	3,711
<i>Deduct</i> probable savings in the budget allotments of other Districts owing to the formation of the Dadu District	615
Net recurring cost	3,096 or 3,100
	in round figures.
<i>Non-recurring.</i>	
Initial charges for furniture and other office equipments	500
Total recurring and non-recurring cost	3,600

[Appendix 10—*contd.*]

The actual expenditure on this account during the current year is estimated at Rs. 4,086 exclusive of probable savings but inclusive of the non-recurring expenditure of Rs. 500 and will be met from the anticipated savings in the provisions made under the respective primary units in the current year's budget under the head "31-Education—E—General—Inspection." As the expenditure in question 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.

"31-Educational—Transferred."

Rs. 1,68,58,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 10th July 1933.

APPENDIX 11.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 4. *Scheme for an economic enquiry into the cost of production in the principal cotton and sugarcane tracts in India.*

Remarks.—The Imperial Council of Agricultural Research has undertaken a scheme for an economic enquiry into the cost of production of crops in the principal cotton and sugarcane tracts in India in co-operation with the Indian Central Cotton Committee. The enquiry will be conducted in the Madras Presidency, Bombay Presidency, United Provinces, Punjab, Central Provinces, Bihar and Orissa and some Indian States. The enquiry in the Bombay Presidency will comprise four districts of Surat, East Khandesh, Poona and Dharwar, with six villages in each district and in Sind there will be two centres in each of the districts of Thar Parkar, Nawabshah and Hyderabad. The organisation for the enquiry will consist of a village investigator in each village or centre, and a district supervisor for each district. In addition to the above staff there will be a Provincial Officer under the direct orders of the Director of Agriculture. The enquiry is to last for a period of three crop years only and the whole cost will be shared equally by the Imperial Council of Agricultural Research and the Indian Central Cotton Committee. The Imperial Council has sanctioned a grant of Rs. 71,610 for the Bombay

[Appendix 11—contd.]

Presidency and of Rs. 16,030 for Sind spread over a period of 3½ years for the details shown below :—

Presidency proper.

	Rs.
1 Provincial Officer at Rs. 200 per mensem ..	2,400
1 Peon at Rs. 20 per mensem ..	240
Travelling allowance to Provincial Officer at Rs. 500 per annum ..	500
4 District Supervisors at Rs. 100 per mensem each.	4,800
Travelling allowance to 4 District Supervisors at Rs. 60 per mensem ..	2,880
24 Village investigators at Rs. 30 per mensem each.	8,640
Contingencies ..	1,000
	20,460
Cost for 3½ years ..	71,610

Sind.

	Rs.
1 District Supervisor at Rs. 100 per mensem ..	1,200
Travelling allowance to the District Supervisor at Rs. 60 per mensem ..	720
6 Village investigators at Rs. 30 per mensem each.	2,160
Contingencies ..	500
	4,580
Cost for 3½ years ..	16,030

The probable expenditure during the current year will be Rs. 19,120 for the Presidency proper and Rs. 4,400 for Sind. As under the account rules, the necessary provision is required to be made in the budget estimates of this Presidency, and as 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.

“ 34-Agriculture—Transferred.”

Rs. 24,08,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 20th July 1933.

APPENDIX 12.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 5. *Scheme for additional training at the Government Law College, Bombay.*

In 1932 the Board of Visitors of the Government Law College, of which the Honourable the Chief Justice is the President, submitted to Government a scheme for additional training to students at the Government Law College. The scheme involved an increase of 10 lectures per week (from 30 to 40) and an increase in fees paid by students from Rs. 60 to Rs. 65 per term. It was also proposed to increase the pay of the part-time Professors from Rs. 350 to Rs. 375 per mensem and of the Principal from Rs. 450 to Rs. 500 per mensem. Government approved the scheme as from the academic year beginning with June 1933. The scheme was self-supporting as, against an additional expenditure of Rs. 3,800 per year, an increase in fee receipts of Rs. 5,250 per year was anticipated.

The Board of Visitors had also suggested as part of the scheme the creation of a post of Registrar in the place of the existing post of Librarian, the creation of a post of Head Clerk on Rs. 105—5—140 *plus* the usual compensatory allowance and the creation of two posts of peons on Rs. 20 per mensem. Government considered, however, that there was a case for postponing the creation of additional posts, until they were satisfied through experience that unless the additional staff was entertained the success of the scheme would be seriously jeopardised by the heavy strain which it would lay on the existing staff of the College.

The Board of Visitors further represented to Government that all the proposals put forward by them were to be taken together as part and parcel of the whole scheme and that they were absolutely necessary for its proper and efficient working. They pointed out that neither the Principal nor the Professors being part-time officers had the time to direct the studies of the students except in the lecture room and that a responsible officer with legal qualifications was absolutely essential to direct the library reading of the students, at all hours. The Board of Visitors further recommended that if Government found themselves unable to accept their proposals *in toto* it was much better that the whole scheme should be scrapped as no useful purpose would be served by merely increasing the lecture-hours. The Director of Public Instruction has supported their view and the Government are convinced after the experience of one year during which a part of the scheme has been in force and after local inquiry that the view of the Board of Visitors is well-founded and that it is essential, if the students are to benefit at all by the additional training, that there should be a full-time officer with

[Appendix 12—*contd.*]

legal qualifications who can devote most of his time to the task of guiding and directing the students generally. By the abolition of the post of Librarian moreover, additional work of a clerical nature will devolve on the existing two clerks. They have therefore sanctioned—

- (1) the abolition of the post of Librarian at the College on a pay of Rs. 150—5—200 per mensem *plus* compensatory allowance; and the creation of a post of Registrar on Rs. 220—10—300 without compensatory allowance.
- (2) creation of a post of clerk on Rs. 30—5/2—60 per mensem *plus* the compensatory allowance which will be admissible under the rules.
- (3) creation of a post of peon on Rs. 20 per mensem *minus* 2 annas cut in the rupee with concession regarding freequarters.

In view of the urgency of bringing the full scheme into force at the beginning of the current academic year as desired by the Honourable the Chief Justice and the Board of Visitors, they have approved that the abovementioned proposals should come into effect from June 1933 in anticipation of the sanction of the Legislative Council.

The average expenditure involved in the creation of the posts referred to above after taking account of the abolition of the post of Librarian is Rs. 1,730. The expenditure during the current year is estimated at Rs. 2,484 but the saving on account of the simultaneous abolition of the post of Librarian will amount to Rs. 1,935. As the excess expenditure can be met from the anticipated savings within the demand, the sanction of the Council is requested to a grant of a token sum of Rs. 10.

Demand voted and now increased.

“31-Education—Transferred.”

Rs. 1,68,58,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 15th July 1933.

APPENDIX 13.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. R. D. BELL.

RESERVED 6. *Raising and Strengthening Kasimpur-Nabishah Bund, mile 15/5 to 25/5.*

The Kasimpur-Nabishah Bund was taken over by Government for maintenance in the year 1927 and necessary repairs were then carried out. Subsequently, owing to the abnormally high inundation in the

[Appendix 13—*contd.*]

year 1929, it was found necessary to raise the bund to full 4 ft. freeboard above the H. F. L. of that year. During the abkalani of 1932 water stood against the bund for a long period at a higher level than that reached in 1929. There were two leaks in it in miles 18/0 and 18/7, and the bund showed signs of yielding. It was therefore found necessary to raise and strengthen it still further to bring it to the full standard section. Should this bund fail, important villages, including the Taluka town of Pano-Akil, would be subjected to serious flood damage together with the cultivated tract which the bund is designed to protect. In the circumstances it was absolutely necessary that this emergent work should be completed before the current abkalani. The Secretary, Indus River Commission, was accordingly authorised in May last to put it in hand. The work is classified under the head '15-Other Revenue Expenditure financed from ordinary revenues' and is expected to be completed at a cost of Rs. 32,290. The requisite expenditure will be met by reappropriation from savings in the current year's voted grant under the heads 'XIII' and '15.' As, however, the expenditure in question 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'.

Rs. 72,95,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 15th July 1933.

APPENDIX 14.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. R. D. BELL.

RESERVED 7. *Constructing an escape sluice at mile 0/5 of the Emergency Loop (mile 8/0 of Tori Bund).*

The Gouspur Loop Compartment of the Kashmir Bund, which comprises an area of about 36 square miles between the Tori Bund and Gouspur Loop, has been very inadequately flooded in the past through five small sluices in the Begari Canal Right Bank. These five sluices were weak and a source of grave danger to the safety of the Tori Bund. One of them collapsed in the abkalani of 1932 resulting in a large breach in that Bund. It has in consequence been decided that all the five sluices shall be abandoned and demolished. One sluice of large discharging

[Appendix 14—contd.]

capacity has recently been constructed at mile 0/6 of Tori Bund in part replacement of these five sluices but a second sluice, of three spans of 10 feet each, at the upper end of the compartment is also required in order to provide for complete flooding. It is essential that the compartment should be flooded to full river level as soon as the Indus rises at commencement of the abkalani. There would otherwise be a sudden rush of water entailing serious risk of breaches in the Tori Bund and Gouspur Loop which would be subjected to a dangerous strain. A breach through these lines of defence would almost inevitably result in flooding practically the whole of the intensively cultivated area commanded by the Begari and Unharwah canals. The important towns of Shikarpur and Jacobabad, besides several smaller towns and villages would also be threatened. The loss of Government property and revenue would probably not be less than Rs. 10 lakhs, while the loss to the people on account of damage to crops and property might be of the order of one crore of rupees. In the circumstances, it was absolutely necessary to provide the additional sluice referred to before the current abkalani and the Secretary, Indus River Commission, was accordingly authorised to commence its construction in April last. The work is classified under the head '15-Other Revenue Expenditure financed from Ordinary Revenues' and is expected to be completed at a cost of Rs. 12,632. The requisite expenditure will be met by reappropriation from savings in the current year's voted grant under the heads 'XIII' and '15'. As, however, the expenditure in question relates to a new service, the sanction of the Legislative Council is requested to the demand for a grant of 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. 72,95,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 26th July 1933.

APPENDIX 15.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Dewan Bahadur S. T. KAMBLI.

TRANSFERRED 8. *Expenditure in connection with the cold storage research scheme for fresh fruit subsidised by the Imperial Council of Agricultural Research.*

With the aid of a grant from the Imperial Council of Agricultural Research, experiments are being conducted by the Department of Agriculture on consignments of mangoes to England with a view to

[Appendix 15—*contd.*]

securing an export market for the fruit, and the time has come when it would be possible to make available a large quantity of high class fruit for export if the overseas markets could be opened up. Before this can be done it is necessary to investigate a series of problems underlying the technique of export. Preliminary investigations carried out under makeshift arrangements indicate that the export of superior varieties of mangoes has been brought within the range of practical politics. The consignments hitherto sent were carried to London by sea in the Purser's Cool Room in which the temperature is round about 36°—45°F. One of the consignments reached London in very ripe condition with some of the fruit spoiled. This shows what an important part the maturity of the fruit at the time of export taken together with the temperature in the cold room plays in governing the operation. Before the export of mangoes can be placed on a satisfactory basis it is necessary to replace the empirical shipping arrangements hitherto adopted by a plan which provides the best possible conditions for successful export. The Horticulturist to Government accordingly prepared a carefully planned cold-storage research scheme. It purports to solve a group of problems bearing upon the commercial storage life of fresh fruit, the solution of which is a pre-condition of placing the export of fresh fruit on a scientific basis. The mango will be the principal fruit used in this research scheme but it will include the orange also with the co-operation of the Central Provinces Department of Agriculture. The problems to be solved are summarised as follows :—

(1) What are the best temperatures in the cold storage chamber for securing the longest "commercial storage life" of fruit picked at different stages of maturity ?

(2) Which varieties yield fruit possessing the longest "commercial storage life" ?

(3) Which localities produce fruit possessing the longest "commercial storage life" ?

(4) To what extent is the "commercial storage life" of fruit affected by exposure to different atmospheric temperatures ?

(5) To what extent is the "commercial storage life" of the fruit affected by the use of different wrappers and packing materials ?

2. The research operations will be required for a period of three years. They will be carried on in a building in the Ganeshkhind Botanical Gardens and they will cover mangoes from other provinces, especially Madras, United Provinces and Bihar and Orissa. They require the provision of a group of cold storage chambers in each of which the temperature is under control. The plant will be worked by electricity to be supplied by the Poona Electric Supply Company. The electric power is expected to be available in December next and it is expected to start the regular experimental work from 1st March 1934. The capital cost for machinery, etc., is estimated at Rs. 38,875. The scheme will be

[Appendix 15—*contd.*]

under the direction of the Horticulturist and he will be given the following staff :—

One Senior Research Assistant on Rs. 245—15—275 per mensem.

One Junior Research Assistant on Rs. 150 per mensem.

One Senior Mechanic on Rs. 150—10—170 per mensem.

One Junior Mechanic on Rs. 75 per mensem.

One Junior Mechanic on Rs. 75 per mensem for six months.

Two Laboratory Assistants on Rs. 50 per mensem each for six months.

Two coolies on Rs. 30 per mensem each for six months.

One cooly on Rs. 30 per mensem for full year.

One peon on Rs. 18 per mensem.

One boy peon on Rs. 11 per mensem for six months.

It has been subsequently decided with the concurrence of the Imperial Council of Agricultural Research that the rates of pay should be the same as those already obtaining in the Agricultural Department. The following rates of pay will be granted in the case of the staff mentioned below in lieu of the rates specified above :—

One senior assistant of the rank of graduate assistant on Rs. 220—10—300.

One junior assistant of the rank of graduate assistant on Rs. 150—5—200.

Two laboratory assistants of the rank of non-graduate assistants on Rs. 30—5/2—80.

One senior mechanic on Rs. 130—10—250.

Two junior mechanics on Rs. 48—7/2—90.

If experienced men from the Agricultural Department are selected for appointment to these posts, they will be started on the minima of the above grade and, in the case of persons newly recruited, the rates will be subjected to a cut of two annas in the rupee. The total cost for a three-years' period amounts to Rs. 92,654 made up of Rs. 38,875, non-recurring, and Rs. 53,779 recurring as shown below :—

	Amount for three years.
	Rs.
Pay of establishment	29,376
Travelling allowance	3,000
Contingencies	21,403
Total ..	53,779

The cost on account of the pay of establishment will be reduced to Rs. 25,662 on account of the adoption of the revised rates.

[Appendix 15—concl'd.]

3. The non-recurring cost of Rs. 38,875 includes Rs. 2,500 for incidental structural alterations in the buildings, viz., conversion of a verandah in the Ganeshkhind Botanical Gardens into machinery shed, including new frame work, raised roof, side walls and ceiling, etc., which is to be met from Provincial revenues. With the exception of this item the whole expenditure will be met from funds to be provided by the Imperial Council of Agricultural Research. The Imperial Council will receive the receipts, if any, realised by sale of fruit, etc. The Imperial Council has sanctioned a total grant of Rs. 90,154. It is proposed to start the scheme in the mango season of 1934-35. In the meantime it is necessary to fit up the plant and electric connections. The probable expenditure during the current year will be Rs. 36,375 for machinery, etc., and a further sum of Rs. 2,761 for establishment and contingencies and Rs. 2,500 for additions and alterations in the buildings in the Ganeshkhind Botanical Gardens to be met from the grant under "41, Civil Works". As 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.

"34-Agriculture—Transferred."

Rs. 24,08,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 27th July 1933.

APPENDIX 16.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Diwan Bahadur S. T. KAMBLI.

TRANSFERRED 9. *Scholarship for Mr. C. P. Halkatti for the study of Textile Technology.*

The Director of Industries and the Principal of the Victoria Jubilee Technical Institute, Bombay, have very strongly recommended the application of Mr. C. P. Halkatti, till recently a student of the Victoria Jubilee Technical Institute, for a scholarship in Textile Technology for study in Great Britain. The applicant would normally have been eligible for a scholarship if the scheme of foreign scholarships prepared by Government were in operation, but on account of financial stringency that scheme has been held in abeyance. Government are however satisfied that Mr. Halkatti's record at the Victoria Jubilee Technical Institute would justify their awarding him a scholarship as a special case for a period of three years for the study of Textile Technology.

[Appendix 16—*contd.*]

Mr. Halkatti belongs to the Intermediate classes. The scholarship in all respects will be in accordance with the rules for the award of State Scholarships, and the amount of stipend and other conditions will be regulated according to those rules. As however no regular provision exists in the budget for the purpose, the sanction of the Legislative Council is now being asked. Details of expenditure during the current year are as follows :—

	Rs.
Scholarship for 6 months of the current financial year	
at the rate of £216 per annum	1,440
2nd Class B passage	720
Tuition fees and travelling expenses	800
	<hr/>
Total ..	2,960

As the expenditure will be met from anticipated savings within the demand, namely, partly from "35-Industries" and partly from the provisions at the disposal of the High Commissioner for India, the sanction of the Council is requested to a grant of a token sum of Rs. 10.

Demand voted and now increased.

"35-Industries (transferred)."

Rs. 3,60,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 27th July 1933.

APPENDIX 17.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Sir RUSTOM VAKIL, Kt.

TRANSFERRED 10. *Quarters for the graduate assistants at the Agricultural Research Station, Sakrand.*

The work at the Agricultural Research Station, Sakrand, is progressing rapidly under the scheme of Agricultural development in the Lloyd Barrage area. In the absence of suitable accommodation six of the graduate assistants at the Station are housed in cooly lines and have to undergo much hardship. The climate of Sakrand is very trying and the present unsatisfactory arrangements have an adverse effect on the men's work. It is therefore very necessary that residential quarters should be provided without any delay. The scheme which has been approved by Government provides for the construction of four blocks at a total estimated cost of Rs. 25,512, each block containing

[Appendix 17—*contd.*]

accommodation for 2 graduate assistants. In view of the present financial stringency, however, Government propose to construct during the current financial year only three such blocks at a cost of Rs. 20,820 (while sanctioning the estimate in detail the cost per block has been raised to Rs. 6,940 against Rs. 6,378 originally approved). The requisite funds will be made available by Government out of the anticipated savings in the current year's grant under the head 41, Civil Works—Provincial. As the expenditure relates to a new service, sanction of the Legislative Council is requested to the demand for the grant of a token sum of Rs. 10. The remaining block of quarters will be taken up as funds permit.

Demand voted and now increased.

“41-Civil Works—Provincial (Partly Reserved and Partly Transferred).”

Rs. 1,24,69,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 28th July 1933.

APPENDIX 18.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. R. D. BELL.

RESERVED 11. *Expenditure under “25-Jails and Convict Settlements”.*

REMARKS.—On the renewal of the Civil Disobedience Movement in 1932 four temporary prisons, viz. the Yeravda Extension Camp Prison, the Visapur Temporary Prison, the Nasik Road Extension Camp Prison and the Worli Temporary Prison were opened. Except the Temporary Prison at Visapur, these were closed before the 31st March, 1933. As there were still a considerable number of prisoners the Visapur Temporary Prison had to continue but as it was uncertain how long it would have to remain open after the end of the last financial year, no provision for the purpose was made in the current year's budget. As this prison is still open it is necessary to make a provision for it.

Government also propose to convert the Temporary Prison at Visapur into a permanent prison with effect from the 1st September 1933 for the following reasons : The Jail textile industry has nearly been killed owing to the present trade depression and it is imperative to explore new avenues for remunerative jail labour. The existence of clay suitable for bricks and lime on Government land in the vicinity of the prison offers a remunerative field for the employment of jail labour. Orders for brick

[Appendix 18—*contd.*]

and lime making have already been received and a considerable profit is anticipated for many years out of this industry. Gardening on a large scale and poultry farming have already been started in the prison and promise a steady income.

To compensate the expenditure involved in the permanent retention of the Visapur Prison, Government propose to reduce the District Prisons at Karwar and Ratnagiri, into subsidiary jails. The Visapur jail by itself will be practically self-supporting and the scheme as a whole will yield a substantial saving.

The probable expenditure of the temporary prison from the 1st April to the 31st August 1933 is estimated at Rs. 74,771, as shown in the accompanying statement A and that of the permanent one from 1st September 1933 to the 31st March 1934 at Rs. 65,543 as shown in the accompanying statement B. The expenditure for the first five months is higher than that for the later seven months as the jail establishment in the temporary prison is based on a population of 2,000 while in the permanent prison it is based on a population of 800. Moreover there will be a considerable saving in allowances which are granted only to the special temporary establishment.

The Legislative Council is, in these circumstances, requested to sanction the permanent retention of the Visapur Temporary Prison, the reduction of District Prisons at Karwar and Ratnagiri into subsidiary Jails with effect from 1st September 1933, and a supplementary grant of Rs. 1,40,314 for the Visapur Prison.

Demand voted and now increased.

Rs. 20,88,000 + Rs. 1,40,314.

FINANCE DEPARTMENT :

Bombay Castle, 2nd August 1933.

[Appendix 18—contd.]

A

Statement showing the estimated expenditure for the Temporary Prison at Visapur from 1st April to 31st August 1933 (inclusive).

25-Jails and Convict Settlements. " District Prisons "—Voted.	Estimated expenditure.	Total.	Remarks.
1. Pay of Officers— 1 Superintendent ..	Rs. 2,966	Rs. 2,966	NOTE :—The amounts provided under pay are calculated after deducting the emergency cut.
2. Pay of Establishment— 3 Jailors 3 Clerks 2 S. M. S. Officers 1 Compounder 97 Jail Guards	2,703 1,003 1,802(a) 283(a) 13,584	19,375		(a) Includes duty allowance.
3. Allowances and Honoraria— (i) Travelling and conveyance allowance— Travelling allowance to Gazetted Officers.	260		400		Chiefly for T. A. paid to non-official visitors.
Travelling allowance to Non-Gazetted Officers.	140		
(ii) House rent and other allowances— Local allowance to Superintendent.	600	5,120	*Includes cost of medicine and medical comforts and appliances. †Includes pay of the Motor Driver. ‡Includes cost of repairs and additions and alterations to Jail buildings.
Do. to Jailors ..	390		
Do. to Clerks ..	210		
Do. to S.M.S. Officers	150		
Do. to Compounder ..	30		
Do. to Jail Guards ..	3,096		
Clothing allowance to Jailors..	69		
House rent to Jailer ..	46		
Deferred pay to Convict Officers.	129		
	4,720		
4. Contingencies— Dietary charges Hospital charges Clothing and bedding charges. Sanitation charges Charges for moving prisoners. Miscellaneous Services and Supplies. Contingent charges	23,000 3,500* 10 2,800 3,000 5,000† 5,000‡	43,810	
Extraordinary charges ..	1,500		
5. Jails Manufactures— Raw material	3,500	3,500	This includes tools and plant.
Grand total	74,771	

[Appendix 18—concl'd.]

B

*Statement showing the estimated expenditure for the Permanent Prison
at Visapur from 1st September 1933 to 31st March 1934.*

25-Jails and Convict Settlements. "District Prisons"—Voted.	Estimated expenditure.	Total.	Remarks.
	Rs.	Rs.	
1. <i>Pay of Officers—</i>			
1 Superintendent ..	3,016	3,016	
2. <i>Pay of Establishment—</i>			
2 Jailors ..	2,120		
3 Clerks ..	1,043		
2 S. M. S. Officers ..	1,864(a)		These amounts are calculated after deducting the emergency cut. (a) Includes duty allowance.
1 Compounder ..	285(a)		
*23 Armed Guards ..	2,778		
40 Unarmed Guards ..	5,912		
		14,002	
3. <i>Allowances and Honoraria—</i>			
(i) <i>Travelling and Convey- ance allowance—</i>			
Travelling allowance to Gazetted Officers. to	260		Chiefly T. A paid to non-official visitors. (b) Required for transfers of Jail Guards on account of the reduction of the prisons at Kar- war and Ratnagiri to Sub-Jails.
Travelling allowance to non-Gazetted Officers. to	1,500(b)		
	1,760		
(ii) <i>House rent and other allowances—</i>			
Clothing allowance to Jailors. ..	45		
Deferred pay to convict officers. ..	200		
		2,005	
	245		
4. <i>Contingencies—</i>			
Dietary charges ..	24,000		
Hospital charges ..	2,000		
Clothing and bedding ..	20		
Sanitation charges ..	3,000		
Charges for moving prisoners ..	3,000		
Miscellaneous Services and Supplies. ..	8,000		
Contingent charges ..	2,000		
Extraordinary charges ..	1,000		
		43,020	
5. <i>Jails Manufactures—</i>			
Raw Material ..	3,500		
		3,500	
Grand Total ..		65,543	

APPENDIX 19.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 12.—The Honourable Dewan Bahadur S. T. KAMBLI.

Expenditure in connection with the Dryfarming Research Scheme for the Bombay Deccan.

Since the year 1915, the Department of Agriculture in this Presidency had noticed that, progress in such matters as the application of dry-farming methods to unirrigated areas where the rainfall was light, was hampered by the want of knowledge of the soil and that it could only be remedied by a thorough survey of the soil with reference to its geological formation and a systematic study of soil physics. Accordingly, dry-farming research was started in a small way on the Manjri Farm some years ago, with a small establishment consisting of an officer, one Graduate Assistant, one clerk, one laboratory boy and 2 peons. The equipment consisted of a piece of land measuring 5 acres and a small laboratory. The research work done on this experimental station indicated great possibilities of turning the available rainfall to better account in an average year and of making grain production a practicable proposition in a bad year when it would ordinarily fail. The value of the increased gross yield which a cultivator could obtain by adopting the dry-farming methods may be estimated at Rs. 5 per acre. Hitherto owing to the limited resources of the Agricultural Department for this research, attention has been confined to comparatively simple investigations, but very little intensive fundamental research has so far been possible. It is however, a matter of first class importance to undertake a comprehensive research in this kind of work.

2. A scheme for conducting such fundamental investigations was placed by the Agricultural Department before the Imperial Council of Agricultural Research and was entrusted by that body to a committee of experts. The Committee considered that in order to be certain of securing the best results the principal station should be located at a place having not less than 20 inches rainfall per annum. The work to be done under the scheme falls into three divisions, *viz.* (1) soil, (2) plant, (3) field. In the soil divisions, the problems which demand intensive study are (a) soil classification and (b) disposal of the rain-water in different soils receiving different treatments under varying conditions of topography. In the plant division the problems which demand similar intensive study relate to (a) the water requirements of different crop-plants with special reference to transpiration and the quantity of water required to produce a pound of dry matter; (b) the root-systems of different crop-plants; (c) the meteorological factors including winds, humidity, temperature and sunshine, and the reactions of crop-plants to these factors. In the field division, the problems to be solved include (a) conserving the maximum quantity of the rain-water in typical soils under varying environments with special reference to surface gradients; (b) finding the implements best calculated to achieve the objects of

[Appendix 19—*contd.*]

dry-farming; (c) ascertaining the best treatment for different crops grown under the dry-farming system with special reference to seed-rates, spacings and manures; and (d) adjusting dry-farming methods to the economics of the farm. This field work can be done at several centres representative of the famine zone.

3. It is proposed to set up a temporary organisation to conduct the investigations on the lines indicated above. The vicinity of Sholapur has been considered most suitable for the main centre where researches on soil and plant will be conducted while the field research will be undertaken at a place to be selected in the Bijapur District. The following staff will be required :—

Principal Centre.

(1) A Chief Investigator of the rank of officers in Class I of the Bombay Agricultural Service.

(2) An Officer in Class II of the Bombay Agricultural Service.

(3) One Senior Assistant of the rank of Graduate Assistants—1st grade.

(4) Two Senior Assistants of the rank of Graduate Assistants—2nd grade.

(5) One Junior Assistant of the rank of Graduate Assistant—3rd grade.

(6) Three Non-Graduate Assistants on Rs. 30—5/2—80.

(7) One Laboratory boy on Rs. 18—1—20.

(8) One Clerk (Accountant) on Rs. 85—5/2—100.

(9) One Junior Clerk on Rs. 30—5/2—80.

(10) One Naik on Rs. 20 per mensem.

(11) Two peons on Rs. 18 per mensem.

Sub-Centre.

One Senior Assistant of the rank of Graduate Assistant—2nd grade.

One Junior Assistant of the rank of Graduate Assistant—3rd grade.

One Non-graduate Assistant on Rs. 30—5/2—80.

4. The total cost for a five year period amounts to Rs. 2,94,471 made up of Rs. 46,817 non-recurring and Rs. 2,47,654 recurring, details of which are shown below :—

	Non-recurring Expenditure.		
	Rs.	Rs.	Rs.
(1) Buildings ..		18,130	
(2) Equipment as under—			
(a) Laboratory Fittings ..	10,300		
(b) Live and Dead Stock ..	3,550		
(c) Fencing ..	4,437		
(d) Land Improvement ..	1,800		
(e) Lysimeters ..	7,000		
(f) Books and Furniture ..	1,600		
	28,687		46,817

[Appendix 19—contd.]

				Recurring Expenditure.
				Rs.
(1) Pay of Officers	..	..	..	77,400
(2) Pay of establishment	..	..	..	91,104
(3) Allowances and Honoraria	..	..	..	28,500
(4) Contingencies	..	..	..	52,650
				2,47,654

The present staff and budget of the Manjri Farm will be made available as a Provincial contribution to the scheme. The Agricultural Department will thus contribute an amount of Rs. 59,210, the balance of the expenditure being met from the funds of the Imperial Council of Agricultural Research.

5. The Imperial Council of Agricultural Research has sanctioned the scheme on the understanding that its liability towards it will be limited to a total expenditure of Rs. 2,35,000 spread over a period of five years and that all receipts realised from the research stations are credited to it. These conditions have been accepted by Government. The scheme will be worked in co-operation with a similar scheme which has been sanctioned by the Imperial Council of Agricultural Research in the Madras Presidency. The scheme is intended to be brought into effect from 1st October 1933. The total expenditure on this account during the current year is estimated to amount to Rs. 71,281. Of this an amount of Rs. 5,070 will be met by reappropriation from the sanctioned grants for the Manjri Farm under the head "34, Agriculture—Agricultural Research and Propaganda". The balance of Rs. 66,211, which is made up of Rs. 46,517—non-recurring and Rs. 19,694—recurring, will be made available by the Imperial Council of Agricultural Research. As the expenditure in question 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.

"34A, Agriculture—(Transferred)"

Rs. 24,08,000 plus Rs. 10.

FINANCE DEPARTMENT,
Bombay Castle, 8th August 1933.

APPENDIX 20.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 13. The Honourable Mr. R. D. BELL.

Conversion of the office of the Official Assignee, Bombay, into a Government Office.

The High Court Funds Enquiry Committee, which was appointed in 1930, suggested the transfer of the funds held by the Official Assignee, Bombay, to the local Government and also recommended that the Official Assignee should, as soon as possible, be made a regular Government

[Appendix 20—*contd.*]

Officer and his salary and the cost of his office staff should be placed on the Provincial Budget Estimates. A Bill to amend the Presidency-towns Insolvency Act, 1909, with a view to provide for the transfer of the funds held by the Official Assignee, Bombay, has been introduced in the current session of the Legislative Council. When the Bill is passed, the whole cost of the Official Assignee's office will have to be paid from the Provincial Revenues and not from the funds held by him as has been done hitherto.

The present strength of the Official Assignee's office, with the existing scales of pay, and the revised strength, with the new scales of pay, are shown in columns 1 and 2 and 4 and 5 of the appended statement. Government have decided that a revised strength as shown in column 4 of the statement should be made permanent from 1st September 1933, when the Bill referred to above is expected to become law, and the present incumbent of the post of the Official Assignee, Bombay, who is a retired Government servant, should be continued on his present pay of Rs. 2,500—50—2,750 (without pension) and the questions regarding the pay of that post for his successors and their position as regards pension should be considered later.

The extra cost on account of the conversion of the Official Assignee's office staff into a Government office staff with effect from 1st September 1933 will amount to about Rupees 52,000 during the current year as shown in column 7 of the appended statement. The average annual recurring expenditure on account of the establishment is estimated approximately at Rs. 1,03,333. Additional contingent and other expenditure amounting to Rs. 2,650 will also be required during the period for the Official Assignee's office as shown below :—

Rs. 2,300 for contingencies.

Rs. 350 for sectioners.

Rs. 2,650

The total extra cost during the current financial year will thus amount to about Rs. 54,650. As no provision has been made in the current year's budget under the head "24, Administration of Justice" on this account, the sanction of the Legislative Council is requested to a supplementary grant of Rs. 54,650.

Demand voted and now increased.

"24—Administration of Justice."

Rs. 60,21,000 + Rs. 54,650.

Finance Department,
Bombay Castle, 8th August 1933.

[Appendix 20—contd.]

Statement showing the present strength and pay and the revised strength and pay of the staff of the Official Assignee, Bombay.

Present strength.	Present grade.	Salary for the month of September 1933.	Revised strength.	Revised grade.	Salary for the month of September 1933.	Extra/cost during 1933-34 from 1st September 1933.	Remarks.
Officers.	Rs.	Rs.		Rs.	Rs.	Rs.	
Official Assignee, Bombay.	2,500—50—2,750.	2,750	Official Assignee, Bombay.	*	2,750	10,500	*The present incumbent of the post is a retired Government servant and he is to remain on the existing scale of pay (without pension). The pay of the post for his successors will be decided later.
Deputy Official Assignee, Bombay.	1,000	1,000	Deputy Official Assignee, Bombay.	750—25—875	900	5,400	The present incumbent is to be given a personal pay of Rs. 25 per month for the first year, Rs. 75 for the second year and Rs. 125 for the third year.
First Assistant to the Official Assignee.	400—20—500.	440	First Assistant to the Official Assignee.	350—20—450	440	2,660	The present holder of the post is to get a personal pay of Rs. 10 till it is merged in the next increment in the revised grade.
Second Assistant to the Official Assignee.	250—10—320	260	Second Assistant to the Official Assignee.	250—10—320	260	1,560	
		4,450				4,350 Deduct 5 per cent. cut in salaries.	26,120 —1,300
							24,814
<i>Superintendents and Clerks.</i>			<i>Superintendents and Clerks.</i>				
Chief Superintendent.	300—16—375	360	Chief Superintendent.	300—16—375	360	2,160	....
4 Superintendents.	225—10—275.	970	3 Superintendents.	200—10—250	735	4,440	The present incumbents of these posts are to get a personal pay of Rs. 6 per month each.
5 Assistant Superintendents.	110—10—200	880	4 Assistant Superintendents.	110—10—200	770	4,820	..

[Appendix 20—contd.]

Present strength.	Present grade.	Salary for the month of September 1933.	Revised strength.	Revised grade.	Salary for the month of September 1933.	Extra Cost during 1933-34 from 1st September 1933.	Remarks.
	Rs.	Rs.		Rs.	Rs.	Rs.	
21 Clerks ..	60—5— —180	2,040	23 Clerks ..	50—3— 95 5—100 Em- ciency Bar- 5—160 75—5— 160	2,350	14,123	....
Shorthand Typist.	125—5 150.	135	Shorthand Typist.		100	600	....
		4,385				4,315 Deduct 5 per cent. cut in sal- aries.	25,948 —1,297
<i>Menials.</i>			<i>Menials.</i>				24,646
1 Havildar ..	27	27	1 Havildar ..	26	27	162	The present holder of the post is to be allowed a personal pay of Re. 1 per month.
5 Peons ..	22 each.	110	2 Peons ..	22 each.	44	204	....
8 Peons ..	18 each.	144	3 Peons. ..	21 each	66	396	The holders of these posts are to be allowed a personal pay of Re. 1 Per month each.
3 Peons ..	18 each.	54	1 Peon. ..	21	21	126	....
			10 Peons.	20 each.	100	1,200	....
House-Rent allowance to 14 peons.	7 each.	98	House-Rent Allowance to 14 peons.	4 each.	50	330	
House-Rent allowance to 3 peons.	3 each.	9	House-Rent allowance to 3 peons.	1 each.	3	18	
		442					2,502
				Grand Total ..		51,962	

APPENDIX 21.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

The Honourable Mr. R. D. BELL.

RESERVED 14. *Opening of a Drainage Division and four sub-divisions thereunder in Sind.*

1. The Barrage Project provided for a Special Circle to deal with the question of drainage and for construction of possible drainage works. The work of investigation of drainage problems has, however, up to date been left to the Superintending Engineers to formulate proposals for their

[Appendix 21—*contd.*]

respective Circles. The question of water-logging and drainage in Sind has for some time past engaged the attention of the Chief Engineer in Sind and this has now become a problem requiring the closest investigation and the devising of immediate measures to deal with the rise in sub-soil water level in both Barrage and non-Barrage areas in Sind. In the towns of Khairpur Mirs and Lukman, in Khairpur State, damage to house property has resulted from this cause. Water-logging has also appeared contiguous to the Rohri Canal in the Khairpur State territory, and there has been an appreciable rise in the sub-soil water level in parts of the Rice Canal tract and near Jacobabad in the Begari Canals District. It is accordingly essential that special investigation of subsoil conditions shall be made over the whole area threatened. A special drainage sub-division was opened for the purpose on 1st April 1933, with headquarters at Sukkur particularly in Khairpur State and the upper reach of the Rohri Canal. Subsequently two more sub-divisions had also to be opened one from 5th July 1933 and the other from 12th July 1933—for other areas. Mr. C. G. Hawes, Executive Engineer, Development and Research Division, has been employed on directing and controlling these investigations and has made very thorough detailed investigations of local conditions. It is now evident that the water-logging problems will have to be dealt with on the other canal systems besides the Rohri Canal where the sub-soil water table is already high. Regular drainage schemes will have to be worked out for all such areas and this work cannot be given the requisite attention by the regular Public Works Department establishment. The following are details of the work undertaken so far :—

(a) 1750 permanent observation pipes have been fixed over an area of 15,000 square miles and fluctuations of sub-soil water level are being observed and recorded in these, as also in 650 wells, every two months.

(b) Precise information has been and is being collected in regard to rainfall, discharges of the old inundation canals and irrigation commands of those, as well as of the new Barrage Canals.

(c) About four lakhs acres of "kalar" land have been investigated and innumerable samples of soils, sub-soil water, etc., have been analysed with a view to compare conditions now, and after the Barrage Canals have operated.

(d) Information has been and is being collected with a view to formulate proposals for reclaiming "kalar" areas and preventing water-logging.

It will thus be seen that the activities of the Development and Research Division have expanded to such a degree that it is no longer possible for one Executive Engineer to give the requisite attention to this work.

2. In these circumstances it is proposed to now open, during the current financial year (from 1st November 1933), a Drainage Division with headquarters at Sukkur, comprising four sub-divisions. The three sub-divisions which have already been opened will be absorbed in the

[Appendix 21—contd.]

proposed new sub-divisions and the provision for the following temporary establishment is accordingly made :—

(a) Pay of officers—

	Rs.
1 Executive Engineer at Rs. 1,350 p.m. for 4 months. (non-voted)	5,400
<i>Deduct</i> —Emergency cut at 5 per cent. ..	—270
Non-voted.	5,130
4 Sub-divisional Officers—	
1 on Rs. 380 p.m. for 4 months	} 9,770
1 on Rs. 350 p.m. for 11 months	
1 on Rs. 305 p.m. for 8 months	
1 on Rs. 245 p.m. for 8 months	
<i>Deduct</i> —Emergency cut at 5 per cent. ..	—488
Voted ..	

(b) Pay of establishment.—

	Rs.
13 Overseers—	
1 on Rs. 150 p.m. for 11 months	} 10,250
2 on Rs. 100 p.m. each for 11 months	
6 on Rs. 100 p.m. each for 8 months	
4 on Rs. 100 p.m. each for 4 months	
1 Accountant at Rs. 150 p.m. for 4 months ..	600
1 Head Clerk at Rs. 150 p.m. for 4 months ..	600
1 Clerk at Rs. 105 p.m. for 4 months	420
2 Clerks at Rs. 87½ p.m. each for 4 months ..	700
2 Clerks at Rs. 55 p.m. each for 11 months ..	1,210
9 Clerks at Rs. 40 p.m. each (4 for 8 months and 5 for 4 months)	2,080
1 Store-keeper at Rs. 87 p.m. for 4 months ..	348
1 Draftsman at Rs. 105 p.m. for 4 months ..	420
1 Assistant Draftsman at Rs. 60 p.m. for 4 months ..	240
1 Tracer at Rs. 40 p.m. for 4 months	160
3 Darogas at Rs. 30 p.m. each for 11 months ..	990
30 Menials.—	
1 at Rs. 18 p.m. for 11 months	} 3,478
4 at Rs. 20 p.m. each for 8 months	
10 at Rs. 18 p.m. each for 8 months	
15 at Rs. 20 p.m. each for 4 months	
1 Post-runner at Rs. 18 p.m. for 11 months ..	198
5 Khalasis for Assistant Engineers and Overseers at Rs. 18 p.m. each for 11 months	990
	22,684
<i>Deduct</i> —Emergency cut at 5 per cent.	840
	21,844

[Appendix 21—contd.]

(c) Allowances.—

			Rs.
Travelling allowances—non-voted	..	..	300
		voted	.. .. 8,250
(d) Contingencies ..	..	..	2,800
			<hr/>
			47,606
		Non-voted	.. 5,430
		Voted	.. 42,176

The cost of the new Division and the works under it is debitable to the Lloyd Barrage and Canals Construction Project under the head “55-Construction of Irrigation, Navigation, Embankments and Drainage Works” and it will be possible, so far as can be foreseen now, for this to be met fully from anticipated savings on the total estimate of Rs. 20·03 crores for the Project. The provision for “IV-Drainage and Protective Works” in the Project amounts to Rs. 59 lakhs and the approximate expenditure thereon to end of 1932-33 is Rs. 36 lakhs. The cost of the Division as now provided for is estimated at Rs. 1,15,800 per annum. The extra cost during the current year will amount to about Rs. 47,606. It will probably be possible to meet this from the total grants placed at the disposal of the Chief Engineer for the Lloyd Barrage Project in the current year. If, however, it is subsequently found that it is not possible to so meet the cost, the Legislative Council will be approached for funds during its next session. The item being of the nature of a new service the sanction of the Legislative Council is required to the present demand for the grant of a token sum of Rs. 10.

Demand voted and now increased.

“55-Construction of Irrigation Works—Reserved—Lloyd Barrage and Canals Construction.”

Rs. 52,30,000+Rs. 10.

FINANCE DEPARTMENT :
Poona, 10th August 1933.

APPENDIX 22.

BILL No. XXII OF 1932.

A Bill to amend the Bombay Port Trust Act, 1879.

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. XXII of 1932 (A Bill to amend the Bombay Port Trust Act, 1879), have the honour to report as under :—

We have carefully considered the Bill. We think that the existing disqualification should be removed—

(1) in the case of a representative of a trade union registered under the Indian Trade Unions Act, 1926, and

*Note—The signature of Mr. R. R. Bakhale, M.L.C., will be notified when received.

[Appendix 22—*contd.*]

(2) in the case of a person who is an agent, officer or member of an association, whether a registered trade union or not, formed for the purpose of promoting the interests or welfare of any class of officers or servants of the board or any class of persons employed by or on behalf of the board.

We do not consider it desirable in a statute to specify unions by name as did the original clause. We have, therefore, redrafted the clause on general lines.

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 and Urdu in the *Bombay Government Gazette*.

(Signed) R. D. BELL.

(„) J. H. GARRETT.

(„) G. DAVIS.

(„) S. K. BOLE.

(„) SYED MUNAWAR.

(„) G. L. WINTERBOTHAM.

(„) B. S. KAMAT.

(„) P. G. SOLANKI.

BILL No. XXII OF 1932.

A Bill to amend the Bombay Port Trust Act, 1879.

(As amended by the Select Committee.)

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, 1932.

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 of the particular class of Port Trust Employees whose Union or Society he represents as aforesaid.~~

Bom. VI
of 1879.

In section 14-B of the Bombay Port Trust Act, 1879,

(a) after the word “authority” a comma shall be inserted and the word “or” shall be deleted; and

[Appendix 22—contd.]

(b) after the word "Company" the words "or a trade union registered under the Indian Trade Unions Act, 1926, or other than as agent, officer ^{XVI} of or member of an association formed for the purpose of promoting the ^{1926.} interests or welfare of any class of officers or servants of the Board or of any class of persons employed by or on behalf of the Board" shall be added.

APPENDIX 23.

BILL No. XLIV OF 1931.

A Bill to amend the City of Bombay Primary Education Act, XV of 1920.

(As introduced on the 2nd October 1931 and published in the *Bombay Government Gazette* of the 21st October 1931.)

WHEREAS it is expedient to amend the City of Bombay Primary ^{Bom.} Education Act in the manner hereinafter appearing; It is hereby enacted ^{XV of} as follows :— ^{1920.}

1. *Short title.*—This Act may be called the City of Bombay Primary Education (Amendment) Act, 1931.

2. *Amendment of section 2 of Bombay XV of 1920.*—In sub-section (2) of section 2, 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 jeopardises 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 24.

BILL No. XI OF 1933.

A Bill further to amend the Karachi Port Trust Act, VI of 1886.

(As introduced on the 16th February 1933 and published in the *Bombay Government Gazette* of the 7th March 1933.)

WHEREAS it is expedient further to amend the Karachi Port Trust ^{Bom. VI} Act, 1886, in the manner hereinafter appearing; And whereas the ^{of 1886.} previous sanction of the Governor-General under section 80A of the

[Appendix 24—contd.]

5 & 6
Geo. V,
c. 61.

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 Karachi Port Trust (Amendment) Act, 1933 .
2. *Amendment of section 5 of Bombay VI of 1886.*—In section 5 of the Karachi Port Trust Act, for the word “fourteen” the word “fifteen” shall be substituted.
3. *Amendment of section 7 of Bombay VI of 1886.*—In sub-section (1) of section 7 of the said Act—
 - (a) for the word “four” where it occurs for the second time, the word “five” shall be substituted.
 - (b) after the words “the North Western Railway” the words “and one shall be a representative of labour” shall be added.

STATEMENT OF OBJECTS AND REASONS.

The Report of the Royal Commission on Labour in India contains on pages 183–184 the following recommendations :—

“The important docks of India lie within the ports of Calcutta, Bombay, Rangoon, Karachi, and Madras. The control of these ports is vested in Port Trusts constituted under Provincial Acts and consisting of representatives of shipping and commercial interests and a few official and nominated members. In one or two ports the latter include a member representing labour interests, and we recommend that this practice be extended to all major ports.”

In the Bombay Presidency, Bombay and Karachi are the only major ports to which the above recommendation of the Royal Commission is applicable. The Bombay Port Trust (Amendment) Act No. XVI of 1929 already provides for the representation of labour on the Board of the Bombay Port Trust in the manner recommended by the Commission. This Bill, therefore, seeks to carry out the same recommendation in the case of the Karachi Port Trust by amending its Act in a similar manner.

(Signed) R. R. BAKHALE.

APPENDIX 25.

BILL No. XII OF 1933.

A Bill further to amend the City of Bombay Municipal Act, 1888.

(As introduced on the 16th February 1933 and published in the
● “Bombay Government Gazette of the 7th March 1933.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in the manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1933.

[Appendix 25—*contd.*]

2. *Amendment of section 39 of Bombay Act III of 1888.*—(a) In sub-section (I) (a) of section 39 of the City of Bombay Municipal Act, 1888, as amended by Bombay Act No. VIII of 1932, substitute the word “twenty” for the word “sixteen” in line 5.

(b) In line 8 of the same sub-section (I) (a) substitute the word “sixteen” for the word “twelve.”

STATEMENT OF OBJECTS AND REASONS.

Since the year 1920 the Bombay Municipal Schools' Committee has been composed of only sixteen members. The number of schools under the management of the Schools' Committee has considerably increased since then, and on the Committee there have been only twelve members elected from among the municipal Councillors.

The object of the Bill is to further democratise the constitution of this important Committee and enable it to have a bigger number of members on its sub-committees than at present. With the increase in the strength of the Corporation it is desirable that the membership of the Schools' Committee should also increase.

(Signed) SYED MUNAWAR, M.L.C.

APPENDIX 26.

BILL No. III OF 1933.

(A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi.)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider Bill No. III of 1933 (A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi), have the honour to report as follows :—

We have carefully considered the Bill, and have made therein certain changes which we hope will make for greater efficiency in practice. The reasons for the principal changes that we have made are shown against the clauses in which they occur. We heard the views of Mr. R. R. Bakhale representing Labour, Rev. R. S. Modak representing the Indian Christian community, and Mr. R. K. Sidhwa representing the Karachi Indian Merchants' Association.

**Note.*—The signatures of Khan Sahab Allahbaksh Khan Khudadad Khan Gabol, Mr. Haji Mir Mahomed Baloch, Khan Bahadur M. A. Khuhro, Mr. Syed Miran Mahomed Shah, Mr. Shaikh Abdul Majid, Mr. John Humphrey, Mr. Gover Rora, Mr. J. N. R. Mehta and Mr. S. S. Tolani will be notified when received.

[Appendix 26—contd.]

CHAPTER I.

Clause 5.—We have added two more definitions, namely of “ assessor ” and “ waste lands ” as these expressions occur in the body of the Bill and have special meaning.

We think that the Chief Executive Officer of the Karachi municipality should rather be called “ Chief Officer ” than “ Chief Administrative Officer ”. The present Chief Executive Officer of the municipality is called Chief Officer.

We have recast the definition of “ factory ” so as to bring it in accord with the definition of that word in the Indian Factories Act, 1911, with this change, that instead of fixing the number of the persons employed at 20 and 10 as in the Factories Act, we have mentioned no actual number but left the number to be determined by the Factories Act : this avoids any amendment of this Act whenever the number of persons employed in a “ factory ” under the Factories Act is changed by an amendment of the latter Act.

CHAPTER II.

Clause 8.—We consider that the Corporation of Karachi should consist of 64 instead of 58 councillors as provided in the original Bill, so as to give proper scope for representation on a population basis with weightage for minorities and for representation by nomination. We have increased the number of elected members from 46 to 49 as mentioned in Chapter I of Schedule I. We think that special representation should be given to the Trustees of the Port of Karachi constituted under the Karachi Port Trust Act, 1886, as a considerable portion of the City of Karachi vests in the Port Trust. The municipality is also represented on the Board of Trustees of the port of Karachi, and on the principle of reciprocity we think that the Port Trust should also be represented on the Corporation.

Similarly, we are of opinion that the District Local Board of Karachi, constituted under the Bombay Local Boards Act, 1923, should have a representative on the Corporation.

We have carefully considered the question of the representation of Labour on the Corporation of Karachi. We are of opinion that, in addition to a representative of Labour to be nominated by Government as provided in the original Bill, there should be an elected representative of Labour on the Corporation and that such elected representative of Labour should be elected by registered trade unions and should himself be a labourer. We have made the necessary provision in this clause.

Sub-clause (2) of this clause enables the Corporation, subject to the previous sanction of the Commissioner in Sind, to alter the number and boundaries of the wards and to re-distribute the councillors to be elected at ward elections as specified in Chapter I of Schedule I, but we think that in any case it should be made clear that the alterations that may be effected should not authorise any variation in the relative representation of communities as provided therein, and we have added a new sub-clause to clause 8 accordingly.

[Appendix 26—*contd.*]

Clause 9.—We consider that the 1st of May rather than the 1st of April would be the more convenient date for the members of the Corporation to come into office and to retire after they have been in office for three years. The official year ends on the 31st of March and certain other matters have to be attended to before the new Corporation comes into office. We understand that in practice all the committees of the municipality take office on the 1st of May and that this date has been found very convenient in practice. We have therefore substituted the 1st of May for the 1st of April in this clause.

Clause 10.—There is no provision for the taking of office by a person elected in a casual vacancy. We have made the necessary provision for it in this clause.

Clause 11.—We do not think that it is necessary to provide that resignations should not take effect until their acceptance, for acceptance may be unduly delayed. We have therefore provided that the resignation of a councillor should take effect from the date of his resignation and that of the Mayor or Deputy Mayor should take effect on the seventh day after the date of his resignation.

Clause 14, sub-clause (d).—We consider that, on the analogy of licensed plumbers and licensed surveyors, a licensed architect should also be disqualified from being a councillor. We are of opinion that it would, on the whole, be a salutary provision to prevent an officer or a servant of any other local authority from being a councillor also. We have further extended the disqualification to all other members of a firm of which a licensed plumber, a licensed surveyor or a licensed architect is a member.

Proviso (iv).—We consider that the power of extending the higher limit from Rs. 500 to Rs. 2,000 should vest exclusively with the Corporation, but that the Corporation should have also the power to lay down a limit higher than Rs. 2,000 with the previous sanction of Government.

Proviso (v).—We are similarly of opinion that the power of extending the higher limit from Rs. 200 to Rs. 500 should remain exclusively with the Corporation, but that the Corporation should also have the power of fixing a limit higher than Rs. 500 with the previous sanction of Government.

Proviso (vi).—We have redrafted this proviso so as to remove the disqualification arising from having any share or interest in any joint stock company, having a contract with, or being employed by or on behalf of, the Corporation. We have carefully considered the question of retaining the disqualification in respect of a Director, Secretary, Manager or a salaried officer of such a company, and we are on the whole of opinion that a Director, Secretary or officer of a joint stock company should not be disqualified if he acts as such either without remuneration or is remunerated only by salary or fees.

Clause 15 (1).—We have redrafted paragraph (b) of this sub-clause, so as to make it clear that absence for three successive months from the

[Appendix 26—*contd.*]

meetings of the Corporation should not lead to disqualification, if it is caused either by temporary illness or other cause to be approved by the Corporation.

We have inserted a new paragraph (c), to lay down a general disqualification that any person who is professionally interested or engaged in any case for or against the Corporation should be disqualified from continuing to hold office, irrespective of the question whether he acts as a councillor in that particular matter or not.

Paragraph (c).—The insertion of the new paragraph (c) renders it unnecessary to retain sub-paragraph (ii) of this paragraph.

Clause 17 (4).—We consider that the report to be submitted under this paragraph should be by the Chief Officer and not by the Corporation.

Clause, 19.—We are of opinion that the head of the Municipal Corporation of the City of Karachi, which is shortly going to be the capital of a separate Province and which is going to be governed by a separate Act of its own, should be styled as Mayor, and the duties to be performed by the Vice-President should be performed by an officer called Deputy Mayor. We have therefore throughout this Bill used the words Mayor and Deputy Mayor instead of President and Vice-President.

Clause 20, sub-clause (4).—We consider that the special meeting to be called under this sub-clause should be on a written requisition of not less than 12 councillors or of not less than 4 members of the Standing Committee, and that such meeting should be called within two weeks of receipt of the written requisition and not three weeks as provided in the original Bill. We have amended the sub-clause accordingly.

Sub-clause (5).—We have added a new sub-clause (5), so as to provide for the meetings of the Corporation being adjourned from time to time either on the same day or to any other day. The new sub-clause has been drafted on the lines of section 36 of the City of Bombay Municipal Act, 1888.

Sub-clause (10).—We have substituted the word “despatched” for the word “given” as we considered the latter word vague and as not sufficiently indicating the precise point of time from which notice should be reckoned.

Clause 21.—We have carefully considered the constitution of the Standing Committee. We do not think that the Mayor, who will hereafter be a presiding authority, should be either an *ex-officio* member or a Chairman of the Standing Committee. We have considered the question of nomination by the Commissioner in Sind to the Standing Committee, and are on the whole of opinion that it is not necessary to give this power of nomination to the Commissioner in Sind. Government have the power of nomination to the Corporation, and it should be possible for the most useful of the nominated members to be elected to the Standing Committee.

Clause 22.—We have very carefully considered the question of one-half of the members of the Standing Committee retiring by rotation, and are

[Appendix 26—contd.]

on the whole inclined to think that this method should not be adopted. We understand that other bodies where this system has been tried have not found it satisfactory, and we do not therefore recommend that the system should be adopted for elections to the Standing Committee of the Corporation. We think that the whole of the Standing Committee should go out of office at the end of the year, but that any member of the Standing Committee should be eligible for re-election. We have redrafted the clause accordingly.

Clause 23.—We have inserted a new clause to provide for the election of the Chairman of the Standing Committee, as the Chairman of the Standing Committee under the scheme we propose will be elected by the Standing Committee and will not be the President of the Corporation acting *ex officio*.

Clause 30, sub-clause (1).—We think that the provision that the minutes of the Standing Committee should be read at the beginning of a meeting will lead to waste of time, and we understand that in many cases the minutes of such meetings are printed and circulated. We therefore think it will suffice if it is provided that the minutes should be confirmed at the beginning of the next meeting and signed by the Chairman of that meeting as provided in the rules. We have redrafted this sub-clause accordingly.

Clause 31.—We think that a Chief Officer, whether he is a Government servant or not, should be removed from office after giving three months' notice in writing, if at a meeting of the Corporation not less than two-thirds of the total number of councillors vote in favour of a proposition to that effect. We also think it is necessary to reserve to Government the power to remove the Chief Officer, if it appears to them that he is incapable of performing the duties of his office, or has been guilty of misconduct or neglect which renders his removal necessary in the public interest. But we are of opinion that, before Government exercise this power, they should consult the Corporation and give reasonable notice to the Chief Officer concerned.

Clause 32.—We think that the Chief Officer should receive a monthly salary of not less than Rs. 1,000 and not more than Rs. 1,200 and should receive monthly allowances not exceeding Rs. 250. We have altered the clause accordingly.

CHAPTER IV.

Clause 42, sub-clause (1).—We think that provision should be made for the compulsory appointment of an auditor, who should be an officer of the Audit Department, if the services of an audit officer can be made available to the Corporation by Government. We have inserted the necessary provision in this sub-clause accordingly.

Sub-clause (2).—We think that the period of probation of officers appointed under this clause should be limited to twelve months. We have modified the proviso to this sub-clause accordingly.

[Appendix 26—*contd.*]

Clause 46, sub-clause (1).—We think that any municipal officer or servant, whose emoluments exceed Rs. 100 appointed by the Chief Officer should not be dismissed by him without obtaining the previous approval of the Standing Committee, and that any officer or servant, whose monthly emoluments exceed Rs. 250 appointed by the Standing Committee should not be dismissed by them without obtaining the previous approval of the Corporation. We have added the necessary provisos to this sub-clause.

Clause 54, sub-clause (2).—We have redrafted this sub-clause in order to make it clear that the person aggrieved by an order passed by the Collector has a right to go to a civil court to have the order set aside, whether he has filed any appeals to higher revenue authorities against such order or not. We have also provided that such a suit must be instituted within one year from the date on which the person aggrieved or the Corporation has had notice of such order, and that such suit shall be dismissed if it is not so instituted, although limitation has not been set up as a defence. We have further provided for the delegation by the Collector of his powers under this clause to an Assistant or a Deputy Collector or a Survey Officer, as defined in the Bombay Land Revenue Code, 1879.

Clause 55.—We have excluded waste lands transferred to the Corporation by Government from the operation of this clause, as the disposal of such lands is regulated by rules which have been made by the municipality with the sanction of the Commissioner. We have inserted a new clause 56 for the management and disposal of such waste lands.

Clause 55, sub-clause (a).—We understand that the value of the grazing rights which are leased every year by the Corporation amounts to a very considerable sum, and we therefore think that the power of leasing such rights should vest in the Corporation itself, and not in the Chief Officer. We have therefore excluded the leasing of such rights from the purview of this sub-clause. We have deleted proviso (iii) to clause 55, as the provision with regard to waste lands transferred to the Corporation by Government has been made in new clause 56 which we have inserted.

Clause 56.—(See notes against clause 55.)

CHAPTER VI.

Clause 58, sub-clause (1).—We have deleted the words "Notwithstanding anything contained in the Local Authorities Loans Act, 1914," as we have made a separate provision in clause 73A wherein we provide that the Local Authorities Loans Act, 1914, shall apply to all loans borrowed under this chapter, so far as the said provisions are not inconsistent with the provisions in this chapter. We have also modified this clause, in order to make it clear that the sums borrowed under it may be for the purpose of defraying any costs or charges incurred or to be incurred for the various purposes mentioned in the clause.

Sub-clause (2) (b) provides that no portion of any sum borrowed under paragraph (a) of sub-clause (1) shall be applied for payment of salaries

[Appendix 26—*contd.*]

or allowances of municipal servants other than those which are *exclusively* employed upon works for the construction of which the money was borrowed. But we think that it should be open to the Corporation, with the previous sanction of Government, to pay out of the sum so borrowed part of the salaries or allowances of any municipal servant employed in part upon the construction of works for which the money was borrowed. We have added the necessary proviso to this sub-clause.

Clause 60, sub-clause (1).—We think that the loans borrowed by the Corporation should not at any time exceed double the annual value of the buildings and lands in the City as defined in sub-clause (2) of clause 95. We have herein followed the precedent in section 109 of the City of Bombay Municipal Act, 1888.

Clause 62.—We think that the coupons attached to debentures issued under this Act should be signed not only by the Chairman of the Standing Committee but also by the Chief Officer, who is in a large measure concerned, with the administration of the Corporation. We have made the necessary alterations in this clause.

Clause 64.—We have provided three more methods by which loans raised by the Corporation shall be paid, viz. (1) in the case of the loans borrowed before this Act comes into force, by annual drawings. We are not in favour of allowing repayments by annual drawings in the case of loans borrowed hereafter; (2) from any sum borrowed under clause 58 (c); or (3) partly from sinking fund established under clause 65 in respect of the loan and partly from money borrowed for the purpose under clause 58 (c). In respect of these three methods we are following the precedent of section 98 of the Calcutta Improvement Act, 1911.

Clause 74.—We have amplified the provisions of this clause and have redrafted it so as to enable the Chief Officer to give various details about the loans borrowed by the Corporation. Such statement should set out the loan position of the Corporation very clearly. We think that such statement should be published in the *Sind Official Gazette* and that a copy of it should be sent to Government and to the Accountant General.

CHAPTER VII.

Clause 76 (b).—We think that the balance standing to the credit of the Education Fund of the School Board on the day when this Act comes into force should form part of the Municipal Fund. We have accordingly inserted the necessary words in this clause.

Clause 88, sub-clause (1).—We have changed the date, the 10th of November, to the 10th of January, because it is not always possible to obtain the eight-monthly actuals before November, and it is not possible to make budget estimates by the date originally provided for in the Bill. We have therefore advanced the date by two months.

Sub-clause (2) (d).—We think it would be a salutary provision to insist that the cash balance at the end of any particular year should not be less than Rs. 2,00,000. We have therefore deleted the words which left the

[Appendix 26—*contd.*]

amount of the cash balance to be decided by Government from time to time, and have inserted the words "two lakhs of rupees" in their place.

Clause 94, sub-clause (1).—As we have provided for the compulsory appointment of an auditor under clause 42, we do not think it necessary to retain the last four lines of this sub-clause.

Sub-clause (3).—We think that an abstract of the municipal accounts signed by the municipal auditor should be published quarterly in the prescribed form in the *Sind Official Gazette*. We have accordingly inserted new sub-clause (3) in clause 94.

Clause 95, sub-clause (2).—In this new sub-clause we have provided for the report of the auditors to be published in the *Sind Official Gazette*.

Sub-clause (3).—We also think it desirable that the municipal auditor should be given the power to communicate directly to the Standing Committee any matter relating to the accounts of the Corporation or to the audit of the said accounts. This has necessitated the addition of a third sub-clause to clause 95.

CHAPTER VIII.

Clause 97, sub-clause (1) (c).—The drainage problem is one of the most important problems in the City of Karachi, and we therefore think that the water-tax to be levied under this clause might be utilised to meet the expenses of providing a drainage system for the City. We have therefore introduced the necessary words in this sub-clause.

Sub-clause (2).—We have redrafted the definition of "annual value" on the lines of the definition in section 3 (1) of the Bombay Municipal Boroughs Act, 1925.

Clause 98, sub-clause (1) (a).—We think that the exemption granted under this sub-clause should be confined to buildings and lands exclusively occupied for public charitable purposes only. We have therefore inserted the word "public" between the words "for" and "charitable".

Sub-clause (1) (b).—We think it is necessary to give the Corporation the power to exempt from general tax buildings and lands or portions thereof which may be used for educational purposes. We have therefore inserted a new paragraph (b) in sub-clause (1).

Clause 105 [old sub-clause (2)].—We do not think that the Chief Officer should be invested with the power, even with the sanction of the Standing Committee, to exempt from payment of any tax any person who by reason of poverty may be unable to pay the same. We have accordingly deleted what was formerly sub-clause (2) of clause 103.

Clause 105 (2) (i).—We see no reason why bicycles and tricycles, whether motor or otherwise, should be exempted from payment of taxes. We have therefore deleted these words from this clause and inserted the words "invalid chairs," in respect of which we think exemption should be granted.

[Appendix 26—*contd.*]

Clause 107 (2).—We think that it will not always be possible for the Chief Officer to hear all the appeals that might arise under this sub-clause. We therefore think it necessary to provide that the power under this clause may also be exercised by an officer specially appointed by the Corporation in this behalf.

Clause 107 (2) proviso.—We think it necessary to extend the period during which an appeal may be filed from fourteen days to one month, as it may not always be possible to file an appeal within the period originally provided in the Bill. We have altered the proviso accordingly.

Clause 108, sub-clauses (2) and (4).—We think that all buildings vesting in His Majesty, other than those used for residential purposes for which separate provision is made in clause 108 (1), whether used solely for public purposes or not, and whether used or intended to be used for profit or not, should pay to the Corporation, in lieu of property taxes, a sum ascertained in the manner provided in sub-clauses (3) and (4). We realise that a certain amount of loss will be caused to the municipality by allowing this special treatment to buildings vesting in His Majesty even though they may be used or intended to be used for purposes of profit, but we think that the new proviso that we have added to sub-clause (4) of clause 108 would very nearly counterbalance the loss caused to the municipality in this matter. In that proviso we have laid down that no remission or refund of the said sum or any part thereof shall be made on the ground that any of the said buildings were unoccupied.

Clause 109.—We have redrafted this clause on the lines of section 145 of the City of Bombay Municipal Act, 1888. But in sub-clause (4) of this clause we have provided the alternative of an agreement between the Corporation and the Karachi Port Trust, if such agreement can be made, and for the payment of such sum as may be mutually agreed upon, in lieu of the general tax and fire brigade tax ascertained under sub-clauses (1), (2) and (3) of this clause.

CHAPTER IX.

Clause 111.—We think it is reasonable to allow a period of twenty-one days to elapse before a warrant issues under this clause. We have therefore substituted the word "twenty-one" for the word "fifteen" in this clause.

CHAPTER X.

Clause 150.—We think the sanction of the Standing Committee should be required only if the compensation to be paid under this clause exceeds Rs. 500. We have substituted the word "five" for the word "one" in this clause.

CHAPTER XI.

Clause 162, proviso (1).—The proviso as originally drafted exempted the grants of permission under this clause from the payment of any fees. But we do not think it is necessary that even permission should be required

[Appendix 26—*contd.*]

for the slaughter of animals for sacrificial purposes on the occasion of any festival or ceremony.

Original clause 164.—We have deleted the whole of this clause, as we think it would involve considerable difficulty and lead to much abuse in actual practice.

Clause 181.—We think it desirable to make the provisions of this clause more stringent, and have therefore provided that no action should be taken under it except on the complaint of five or more inhabitants of the City residing in the vicinity of the house to which the complaint refers.

Clause 183, sub-clause (2).—Although we realise that it is necessary, in the interests of public safety, to destroy the sheds and huts wherever necessary, we desire to minimise as much as possible the inconvenience that may be caused to poor persons who would principally be affected by the destruction of such sheds and huts. We have therefore provided that such compensation as may be determined by the Chief Officer should be paid to such persons before the hut or shed is destroyed, as provided under sub-clause (1).

CHAPTER XII.

Clauses 188 (1) and 190 (1).—We think that in these matters the opinion of the Chief Officer should be conclusive, and have therefore altered the wording of these two sub-clauses so as to make his opinion final.

Clause 193, sub-clause (1).—We think the power to close the whole or any part of a street permanently might lead to very considerable public inconvenience. We therefore think that such power should be exercised only with the previous sanction of the Commissioner in Sind. We have inserted the necessary words in this sub-clause.

Clause 205.—We think that the compensation to be paid under this clause should be determined not by the Judge of the Karachi Small Causes Court, as provided in clause 246, but by the Collector or any other officer specially authorised by him in this behalf, as the latter procedure provides more speedy relief. We have altered the clause accordingly.

Clause 207, sub-clause (1).—We think the power to be exercised under this clause should not be exercised in respect of a building used for religious worship as, in many cases, it would arouse deep feeling on the part of the public affected by such interference. We have therefore excluded buildings used for religious worship from the operation of this clause.

Sub-clause (4).—We have modified this sub-clause on the lines of clause 205, and have provided that the compensation payable should be determined not by the Judge of the Karachi Small Causes Court but by the Collector or any officer specially authorised by him in this behalf.

Clause 208.—For the reasons stated against clause 207, we think that buildings used for religious worship should be exempted from the operation of this clause also.

[Appendix 26—*contd.*]

Clause 211, old sub-clauses (4), (5) and (6).—We do not think that the Corporation would in all cases be a fit tribunal to hear appeals from the orders passed by the Chief Officer under sub-clause (3) of this clause, and we think that the action taken by the Chief Officer under sub-clauses (1) and (3) or by the Standing Committee under sub-clause (2) should be final. We have accordingly deleted old sub-clauses (4), (5) and (6).

CHAPTER XIII.

Clause 212.—We think that the power to initiate improvement schemes should rest not with the Chief Officer alone, but that it should be open to the Standing Committee or one-fourth of the total number of councillors to make a representation to the Corporation for the preparation of improvement schemes. We have modified this clause accordingly.

Clauses 239 and 240.—We think that the rate of interest to be levied under these clauses should not be fixed at 9 per cent. per annum by statute, but that it should be the maximum rate of interest that might be levied under these two clauses. We have therefore inserted the words "at a rate not exceeding" before the words "nine per cent. per annum." in these two clauses.

CHAPTER XV.

Clause 270, sub-clause (2).—We think that the action taken by the Chief Officer under this clause should be brought immediately to the notice of the Standing Committee, and we have therefore provided that the Chief Officer should make a report as regards any action taken under sub-clause (1) to the Standing Committee forthwith.

CHAPTER XVII.

Clause 274.—We have redrafted this clause. We think that as originally provided in this clause, the Commissioner in Sind should have the power in certain cases, by order in writing, to suspend the execution of any resolution or order or to prohibit the doing of any act. But after such an order has been passed by the Commissioner in Sind and while such order of the Commissioner in Sind still remains in force, it should be open to the Corporation to consider it and to make any representation that it may wish to make in this behalf to the Commissioner in Sind; and that on receipt of such representation the matter should be referred by the Commissioner in Sind for the orders of Government, who may thereupon revise, modify or confirm the order of the Commissioner in Sind or make any other order which the Commissioner in Sind could have made under sub-section (1).

Clause 276, sub-clause (2).—We think that the officer deputed under this clause should not be below the rank of a Deputy Collector. We have inserted the necessary words in this sub-clause.

New clause 279.—We think that in every case in which the Commissioner in Sind takes action under clause 277 or 278, he should send a

[Appendix 26—*contd.*]

report to Government, and it should rest with Government to revise or modify any order made by the Commissioner in Sind or make in respect thereof any order which the Commissioner in Sind could have made. We have therefore inserted this new clause on the lines of section 214 of the Bombay Municipal Boroughs Act, 1925.

Clause 280.—We think that before Government exercise the extreme power given to them under this clause, the Municipal Corporation of Karachi should be given a reasonable opportunity to show cause why an order in exercise of that power should not be passed. We have therefore inserted the necessary words in this clause.

CHAPTER XVIII.

Clause 284, sub-clause (3).—We think that the power exercised by the Commissioner in Sind in making rules under this clause should be applicable to all places for the disposal of the dead and not to European cemeteries only. We have made the necessary changes in this clause accordingly.

Clause 286.—We have added several items in respect of which rules may be made under this clause, which have been necessitated by the alterations that we have made in the foregoing clauses of the Bill.

Clause 293, sub-clause (1).—We think that, if any dispute arises between the Corporation and any local authority as regards anything done or to be done under the Act, it should not be obligatory on the Corporation to refer the dispute for decision to Government only, but that it should be competent, if the Corporation and the local authority agree in writing so to do, to refer any such dispute to the decision of an arbitrator or arbitrators appointed under the Indian Arbitration Act, 1899, or to a civil court under section 90 of the Code of Civil Procedure, 1908. We have added the necessary proviso to this sub-clause.

SCHEDULE I.

CHAPTER I.

We have carefully considered the question of joint and separate electorates. The arguments for and against either system of representation are well known, and we do not think it necessary to recapitulate them here. We are on the whole of opinion that election by means of separate electorates, with representatives returned on population basis with weightage for minorities, should continue so far as the Municipal Corporation of Karachi is concerned. We think separate electorates should be given to Hindus, Mahomedans, Parsis, Jews and Christians. We do not think it necessary to have a separate electorate for the Sikhs, for we are of opinion that the interests of the Hindu community and the Sikh community are sufficiently identical to make separate representation unnecessary. We are also of opinion that Jews form a distinct community with separate problems of their own, and should have a representative

[Appendix 26—*contd.*]

elected by themselves on the Corporation. We have considered the question of giving separate electorates to Indian Christians, but have not found it feasible to distinguish between Indian and other Christians.

In allotting seats to the various communities, we have considered their numerical strength, and have given weightage to the three minorities, viz., Parsis, Jews and Christians. We therefore propose that there should be 20 seats for Hindus, 20 for Mahomedans, 3 for Parsis, 1 for Jews and 5 for Christians.

Coming to the reservation of seats in these electorates, we think that, among the 20 Hindu seats, seats should be reserved (1) for Mahrattas and allied castes and (2) for the Depressed Classes on a population basis. On the basis of population, the Depressed Classes would be entitled to a reservation of 3 seats. We have not been able to ascertain the exact population of Mahrattas and allied castes, but we are of opinion that on the basis of population they would not be entitled to more than 2 seats. This reservation is only provisional, subject to exact information being obtained by Government before the second reading is reached. If the exact number is found to be larger or smaller than we anticipate it to be, it may be necessary to increase the reservation for the Mahrattas and allied castes or to reduce it. The necessary amendment can be moved when the second reading is reached.

Distribution of seats among the various wards.—We referred the question of the distribution of seats as decided by us among the various wards to a sub-committee, consisting of Mr. Ewbank, Mr. Dow, Mr. Davis, Mr. Jamshed Mehta, Mr. Shaikh Abdul Majid, Mr. Tolani, Khan Saheb Gabol and Mr. Haji Mir Mahomed Baloch. The report submitted by the sub-committee was considered and adopted by us and is attached as an appendix to this report. The report gives the distribution of the seats to the various communities among the different wards and the reasons for such distribution. We have nothing to add to the reasons given in the sub-committee's report.

CHAPTER II.

Rule 1—Sub-rule (5).—As the date on which the Corporation comes into office has been altered by us from the 1st of April to the 1st of May, we have advanced all the dates mentioned for the preparation of electoral rolls by one month.

Sub-rule (8).—As was originally provided in this sub-rule, the person objecting had to give notice of the objection to the person against whom the objection had been lodged. We think the proper person to give such notice is the Chief Officer and not the person who has lodged the objection. We have made the necessary change in this sub-rule.

Sub-rule (17).—We think that an appeal should lie to the Standing Committee against the decision of the Chief Officer under clause (i) of sub-rule (17). If such an appeal is made, it should be made within 7 days of the decision of the Chief Officer, and that such appeals should be

[Appendix 26—*contd.*]

disposed of by the Standing Committee before the 15th day of February. As the publication of the final electoral rolls cannot be deferred until all the appeals are decided by the Standing Committee, we have provided that, if such appeals remain undecided after the 15th day of February, the decision of the Chief Officer appealed against shall be final.

CHAPTER III.

Rule 2.—We do not think it would be right, when the franchise for all electoral bodies is being lowered, to increase the qualification for the franchise to Rs. 5, as provided in the original Bill. We therefore propose that any person who occupies, for a period of six months, as owner or part-owner or a tenant or a sub-tenant, a building or part of a building separately occupied of which the monthly rental is not less than Re. 1, should be entitled to vote if he has attained the age of 21 years in the year preceding that for which the roll is being prepared.

We are further of opinion that any person who contributes to the municipal exchequer by the payment of any tax other than toll, octroi or terminal tax, should also be entitled to vote, if he satisfies the minimum residential qualification. In inserting this new qualification for franchise, we have followed the precedent of the Bombay District Municipal Act, 1901.

We also think that an Honorary Magistrate, a Fellow or a Graduate of any University, an Advocate or Pleader holding a *sanad* from the Court of the Judicial Commissioner in Sind, a juror or assessor should be entitled, on the score of these personal qualifications, to a vote, if he contributes to the municipal fund a sum of not less than Rs. 12 during the year preceding the 30th of October and also satisfies the minimum residential qualifications. Unless the persons described in this paragraph contribute something to the municipal exchequer, we see no reason why, purely by virtue of the position which they occupy, they should be entitled to a vote.

Rule 4.—We see no reason why representatives of special interests should continue to be councillors after they cease to hold the qualification by reason of which they have been elected to represent their special interest on the Corporation. We have added the necessary provision in rule 4.

Rule 5.—We have carefully considered the question of the election of a representative of Labour. We do not think it is desirable to adopt the system of electoral colleges such as exists in the City of Bombay. The number of members of registered trade unions is not very large, and we think it should be possible for members of registered trade unions to elect a representative direct to the Corporation. We think that any member of a registered trade union, who has for a period of six months preceding the date fixed for election been a member of a registered trade union and has paid the fees due to the union of which he is a member, should be entitled to vote at the election of a Labour representative.

[Appendix 26—contd.]

CHAPTER IV.

Rule 4 (2) (c).—We think it is very salutary to insist that every nomination paper should be accompanied by a cash deposit of Rs. 100 and that every person nominated as a candidate should signify his willingness to stand as such by signing the nomination paper. We are of opinion that the insistence on a deposit being made would discourage any frivolous candidature.

Rule 6—Sub-rule (o).—We have considered the question of the method of actual voting at elections. We are not in favour of the system of allotting distinct colours to different candidates, and we are of opinion that the system of allotting symbols which obtains in the Legislative Council elections should be adopted for the purpose of election to the Corporation of Karachi, and we make it optional whether the photographs of the candidates in addition to the symbols should be attached to the ballot boxes or not. In order to preserve the secrecy of voting, we do not think there should be anyone present when the ballot paper is inserted in the ballot box. We have modified the sub-rule accordingly.

Sub-rule (g).—We think that the Chief Officer should have in the counting of votes the assistance of such members as may be appointed by the Corporation. We have inserted the necessary provision in this sub-rule.

Rule 7.—We have inserted a new rule consequent upon the modification in rule 4 (2), in which we have adopted the system of requiring deposits with the nomination papers. In this rule we have made provision for the forfeiture and return of deposits on the lines of rule 12 of the Bombay Electoral Rules. The only change that we have made therein is that, in the case of forfeiture of deposits, we think that failure to secure at least one-fourth of the total number of votes polled divided by the number of members to be elected should entail forfeiture of deposit.

CHAPTER VI.

The changes made in this chapter are consequent on the change that we have made in clause 88 of the Bill.

SCHEDULE II.

We think that vehicles with solid tyres cause far greater wear and tear to the roads than vehicles with pneumatic tyres. We therefore think it equitable that the former should pay a surcharge of 50 per cent. in the case of vehicles mentioned in items Nos. 1 and 2 of the table in the schedule.

As camel carts are commonly used in the City of Karachi, we have made provision for them in items Nos. 6 and 7, by adding the necessary words. A similar change is made in item No. 8 of the table.

SCHEDULES III AND IV.

The changes made in these schedules are consequent on the change that we have made in clause 111, sub-clause (1).

[Appendix 26—*contd.*]

SCHEDULE VI.

CHAPTER II.

Rule 1 (1).—We think it should be open to the Chief Officer to supply water for other than domestic purposes by measurement or otherwise. We have accordingly inserted the words “or otherwise” in this rule.

CHAPTER V.

We think that the Corporation should have the power of licensing architects as it is proposed they should have the power of licensing surveyors and plumbers. It is as necessary to have competent architects as it is to have competent surveyors and plumbers. We have made the necessary changes in this chapter accordingly.

CHAPTER IX.

Rule 4 (3) (d).—We think it necessary to restrict the number of female relatives who shall be allowed to remain in such hospitals, and we therefore propose that female relatives not exceeding two in number may be permitted to remain in such hospitals, if there is accommodation for them therein.

CHAPTER X.

Rule 3.—We have deleted rule 3 and substituted in its place a new rule. We realise that there are places used for burying, burning or otherwise disposing of the dead of which it cannot be said any person has control or charge. The original rule therefore required modification in this respect. We further think that the disposal of the corpse should not be delayed until the person bringing the corpse produces a certificate of registration of death, as was provided for in the original rule. But we realise the necessity of a report being made to the Chief Officer, with such particulars as the Chief Officer may direct, regarding the fact of death and of the burying, burning, or disposal. We have therefore redrafted the rule accordingly.

Rule 6.—We have deleted paragraph (g) of rule 6, as the insistence on having a line marked out for digging a grave in any burial ground might cause unnecessary annoyance and delay in the disposal of the dead body.

Rule 7.—We have deleted this rule, consequent upon the changes that we have made in clause 284.

CHAPTER XI.

We think that it is not necessary that these rules should apply to buildings erected or to be erected by Government, as they have a competent staff for planning the buildings and supervising the construction thereof.

SCHEDULE VII.

PARTS III AND IV.

We think it should be open to the Corporation to exempt articles and trades from the requirements of these parts, under rules to be made by it in this behalf.

[Appendix 26—contd.]

SCHEDULE IX.

As there is considerable difference between the powers exercised by the President, the Vice-President and the Chief Officer under the existing Act and the powers to be exercised by the Mayor, the Deputy-Mayor and the Chief Officer under the present Bill, we propose that, on the day this Act comes into force, the President, the Vice-President and the Chief Officer under the existing Act should exercise only those powers which are conferred on the Mayor, the Deputy-Mayor and the Chief Officer, respectively.

SCHEDULE XI.

Rule 4.—We have redrafted rule 4. Rule 5 of this schedule provided for the continuance in office of all officers and municipal servants appointed under clauses 42, 43 and 44. There was no specific provision for the continuance in office of the Chief Officer. We have therefore provided that the person holding the office of Chief Officer under the existing Act shall, until the expiry of his contract of service, be deemed to be the Chief Officer under clause 31 of this Bill, and shall exercise the powers and perform the duties imposed by this Act on the Chief Officer. We think it only fair that the Chief Officer whose services are so continued should be entitled to the pay and allowances and conditions of service to which he is entitled under his contract with the municipality. On the expiry of his contract, the Chief Officer will cease to be in the service of the municipality, but will be eligible for re-appointment as Chief Officer under clause 31 of this Bill.

We recommend that the report of the Select Committee, with the minutes of dissent, if any, and the Bill as amended should be translated into Sindhi and the translations published in the *Sind Official Gazette*.

- (Signed) RUSTOM JEHANGIR VAKIL.
 (") GHULAM HUSSAIN HIDAYATALLAH.
 (") R. B. EW BANK.
 (") G. DAVIS.
 (") A. MASTER.
 (") J. MONTEATH.
 (") S. K. BOLE
(subject to a minute of dissent).
 (") R. R. KALE
(subject to a minute of dissent).
 (") R. S. ASAVALE
(subject to a minute of dissent).
 (") PESTANSHAH N. VAKIL.
 (") G. K. CHITALE.
 (") P. G. SOLANKI
(subject to a minute of dissent).
 (") H. DOW,

[Appendix 26—*contd.*]

(*Minute of dissent by Rao Bahadur S. K. Bole, M.L.C.*)

I am not in favour of proviso (vi) in clause 14 (chapter II). I think the disqualifying clause should apply without any distinction to all directors, secretaries or officers of any joint stock company which shall contract with or be employed by or on behalf of the Corporation.

(Signed) S. K. BOLE.

(*Minute of dissent by Rao Bahadur R. R. Kale, M.L.C.*)

It has been stated in the Statement of Objects and Reasons that the Government decided so long ago as 1918 that a separate Act should be drafted for the municipal government of Karachi on the lines of the City of Bombay Municipal Act, 1888. After 15 years the present Bill has been brought with clause 8 dealing with the constitution of the Corporation of Karachi. This clause, together with the Schedule I, has been amended in the Select Committee, but even as amended it is far different from sections 5 and 24 read with Schedule B of the City of Bombay Corporation Act. While there may be no objection to give to the two majority communities of Hindus and Mahomedans proper scope for representation on a population basis with weightage for minorities, I am of opinion that the constitution of separate electorates and the addition of reserved seats is highly objectionable and constitutes a departure from the provisions of the Bombay Municipal Corporation Act, 1888. With common electorates the two majority communities can get representation on a population basis with reservation of seats. In fact, this was agreed to at one stage of the Select Committee. The only drawback of not providing for the minority communities except by way of nomination could have been met by taking some seats from nomination and adding them to the seats allotted to the common electorates with reservation of seats for minority communities. No doubt even reservation is vicious in principle, but may be allowed to find a place for a transitional period.

The introduction of the system of separate electorates in the legislatures is no ground for introducing it in the municipal and other local bodies. In fact, the Montford Report says : " We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the self-governing principle. *The evils of any extension of the system are plain.*" The Government of Bombay had stated in 1918 in paragraph 11 of their letter dated the 21st February 1918 that communal representation was not acceptable to them. The Indian Central Committee of the Statutory Commission observed : " We are convinced that until Muslims and Hindus are brought together in common electorates, there is little prospect of the evolution of a spirit of common citizenship." The Reforms Inquiry Committee of 1924 were entirely opposed to the extension of the principle of separate electorates any further. The Government of Bombay have admitted in the Memorandum issued by them in 1928 that communal dissensions are worse now than they were in 1919. The whole

[Appendix 26—contd.]

history of the separate Mahomedan representation has been given in Appendix V attached to the Report of the Indian Statutory Commission, Vol. I.

In face of these responsible statements, the majority of the committee have not only extended the principle of separate communal representation to the important Corporation like the Karachi Corporation with reference to the Mahomedans but has further gone on to extend it to communities like the Parsis, Sikhs, Christians and Jews and reservation not only to the Depressed Classes but also the Marathas and allied castes which was hitherto unknown in any municipal body.

(Signed) R. R. KALE.

(Minute of dissent by Rao Bahadur R. S. Asavale, M.L.C.)

I do not agree with the majority view that an elected representative of labour should be elected by registered trade unions and should himself be a labourer. Under the present system adopted for the election of a labour representative on the Corporation of the City of Bombay not only a labourer is included but any member of the trade union whether himself a labourer or not is also included. I am therefore of opinion that the system of election of a representative of labour should be the same as it exists in the City of Bombay.

I also do not agree with the majority view that there should be separate electorates for all the communities as mentioned in the report.

I am of opinion that separate electorates should be given only to Mahomedans and non-Mahomedans with reservations of seats to Marathas and allied castes, Depressed Classes, Christians, Parsis and Jews on population basis with weightage for minority communities, viz. Parsis, Christians and Jews.

(Signed) R. S. ASVALE.

(Minute of dissent by Dr. P. G. Solanki, M.L.C.)

I sign the report of the Select Committee subject to the following minute of dissent :

Allotment and reservation of seats for the Depressed Classes and Christians :
The depressed classes residing in the Karachi City and the Karachi municipal area number more than 20,418 in population and is mainly comprised of the following several distinct castes :

(1) "Surtis" (Meyawat Rajpurs or Mahyawanshis), serving as domestic servants in the houses of the Europeans, Parsis and Christians, and also work as mechanics, such as turners, fitters etc., and some work as clerks in offices.

(2) Mahars.

(3) Meghwars.

(4) Chambhars.

(5) Mingwars.

(6) Bhangis.

[Appendix 26—*contd.*]

The Select Committee allotted 1 seat to 5,901 persons among the Hindus thus giving 20 seats to Hindus including the depressed classes. If we divide the total population of the depressed classes which is 20,418 and more by 5,901 we get a quotient of 3, i.e. 3 seats clear *plus* a fraction of 2,715 and more persons remaining without being represented at all. This fraction should give one more seat to the depressed classes as it is done in the case of Christians. Minority communities which do not count more than a thousand or five thousand and which according to the Select Committee ratio cannot get any seat, yet they are given seats with weightage with the consent of the Select Committee. As a special ward is to be created for the 5th seat for Christians, I am of opinion that a similar ward be created for the fraction of the population of the depressed classes which remains without representation. Wards Nos. IV, V and VII do get representation, while the remaining wards except the above three be constituted into one ward and give one more seat to the depressed. It is but just and fair that the depressed classes should get 4 seats instead of 3 and the extra seat should be taken from the Christians and given over to the depressed.

Christians.—Population, 7,852. As per ratio they cannot get more than 2 seats, yet the Select Committee gave them 5 seats. Christians include the Europeans, Goans and Indian Christians and Protestants. For the last many years only the Europeans and Goans were returned to the municipal seats. Indian Christians or Protestants had no opportunity nor any voice in the management of the civic affairs of the Karachi City. It is very necessary and highly desirable that at this juncture when Karachi City is getting a Bill to constitute and amend the law relating to municipal government of the City of Karachi, the Indian Christians or Protestants ought to have their legitimate share and voice in the municipal affairs of the City. I strongly support the claims of the Indian Christians and recommend that one seat out of the 4 seats I propose for them be reserved for the Indian Christians as it is done in case of the Marathas among Hindus.

(Signed) P. G. SOLANKI.

APPENDIX.

Report of the Sub-Committee on Allotment of Seats.

The full Committee have decided that the Hindus, including Sikhs, Jains and Buddhists should have a separate electorate, with 20 seats (with reserved seats for (1) Mahrattas and allied castes and (2) Depressed Classes, on a population basis); that Mahomedans should have a separate electorate with 20 seats; that Christians should have a separate electorate with 5 seats; that Parsis should have a separate electorate with 3 seats; and that Jews should have a separate electorate with 1 seat; and they

[Appendix 26—contd.]

referred the question of the distribution of those seats among the various wards of the Karachi city on the basis of population for the consideration of our Sub-Committee. We have carefully considered the question and have the honour to report as follows:—

Hindus.—The total population of Hindus (including Sikhs, Jains and Buddhists) is 1,18,033. The distribution of 20 seats among this population gives one seat for every 5,901. A table showing the population of each ward and the distribution of seats which would, in our opinion, be most equitable on the above basis is given below:—

	Population.	Seats.	
Ward No. I ..	16,325	3	
Ward No. II ..	14,348	2	
Ward No. III ..	20,295	3	
Ward No. IV ..	24,481	4	(including one seat reserved for Mahrattas and Allied Castes, and one for Depressed Classes).
Ward No. V ..	10,186	2	(including one seat reserved for Depressed Classes).
Ward No. VI ..	16,973	3	
Ward No. VII ..	9,188	2	(including one seat reserved for Depressed Classes).
Ward No. VIII ..	6,237 (including float- ing population).	1	(reserved for Mahrattas and Allied Castes).

We have also considered the question of the reservation of the seats for the Mahrattas and Depressed Classes.

Mahrattas.—We have not been able to ascertain the exact figure of the Mahratta and allied castes population in the Karachi city. Separate census figures are not available, but the majority of those of us who know Karachi are of opinion that the figure is round about 10,000. The Mahrattas and allied castes are therefore entitled to have 2 seats reserved for them among the 20 Hindu seats. From the information at our disposal, we think that these two seats should be reserved in Ward No. IV and Ward No. VIII.

Depressed Classes.—The population of the Depressed Classes in the Karachi city is 20,418, and on the basis stated above, the Depressed Classes are entitled to 3 reserved seats. We do not possess figures showing the distribution of this community by wards. But we are of opinion that these 3 seats should be reserved in Ward No. IV, Ward No. V and

[Appendix 26—*contd.*]

Ward No. VII, in which wards, we are informed, the Depressed Classes are to be found in preponderating numbers.

N.B.—The number of seats reserved and their distribution among the various wards in respect of the Mahrattas and allied castes and the depressed classes is provisional and subject to modification on exact information being obtained by Government hereafter.

Mahomedans.—The total population of Mahomedans in Karachi is 1,18,374, and the distribution of 20 seats among this population gives one seat for every 5,918. The Mahomedan population of each ward and the number of seats which should, in our opinion, be allotted to each ward on the above basis are as follows :—

	Population.	Seats.
Ward No. I	3,523	1
Ward No. II	3,307	1
Ward No. III	4,503	1
Ward No. IV	6,479	1
Ward No. V	58,080	9
Ward No. VI	23,639	4
Ward No. VII	7,902	1
Ward No. VIII	10,941	2
	(including floating population).	

Jews.—The total population of Jews in the city of Karachi is 925. We think that the whole city should constitute one ward for the election of the representative of the Jews.

Parsis.—The total population of Parsis in the city of Karachi is 2,408. Instead of dividing the three seats among the various wards, we think it would on the whole be better, in view of their small number, to constitute the whole city into one ward and allot 3 seats to it.

Christians.—The total population of Christians in Karachi is 7,852. The majority of these are to be found in Ward No. VI (3,144) and Ward No. VII (2,675). We therefore recommend that 2 seats should be allotted to Ward No. VI and 2 seats to Ward No. VII; and all the remaining wards should, for this purpose, constitute a third ward and elect one representative.

We have made consequential changes where necessary. We have also examined Chapter II of Schedule I relating to the municipal election roll, and the form of the voting paper in Chapter IV of Schedule I. The minor changes suggested by us therein would be explained to the Committee by the Remembrancer of Legal Affairs.

[Appendix 26—contd.]

BILL No. III OF 1933.

A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi.

(As amended by the Select Committee.)

WHEREAS it is expedient to make special legislative provision for, Preamble, and to consolidate and amend the law relating to, the municipal government of the City of Karachi; And Whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Govern- 5 & 6 ment of India Act and the previous sanction of the Governor required by Geo. V, section 80C of the said Act have been obtained for the passing of this c. 61. Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title.*—This Act may be called the City of Karachi Municipal Act, 1933. Cf. Bur. VI of 1922, s. 1 (1).
2. *Extent.*—(1) Except as hereinafter expressly otherwise provided, this Act extends only to the City of Karachi. Cf. Bur. VI of 1922, s. 1 (2) and (3).
 (2) *Commencement.*—It shall come into force on such date as Government may, by notification, appoint. Cf. Bom. III of 1888, s. 1.
3. *Act V of 1868 not to apply to powers under this Act.*—(1) The provisions of the Commissioner in Sindh (Delegation of Powers) Act, 1868, shall not apply to any powers hereby conferred upon Government. V of 1868, Cf. Bom. XVIII of 1925, s. 2.
 (2) *Saving of the provisions of the Karachi Tramways Act, 1883.*—Nothing in this Act shall be deemed to affect the provisions of the Karachi Tramways Act, 1883, and the agreement set forth in the schedule thereto. Bom. II of 1883.
4. *Repeals.*—The word “Karachi” in Schedule E to the Bombay District Municipal Act, 1901, and the words “other than the municipal district of Karachi,” in sub-section (1) of section 4 of the Bombay Municipal Boroughs Act, 1925, shall be repealed: Cf. Bur. VI of 1922, s. 2.
 Provided that— Bom. III of 1901. Bom. XVIII of 1925. Bom. III of 1901.
 (1) any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued or imposed under the Bombay District Municipal Act, 1901, so far as it relates to the Municipality of Karachi and is still in force shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been respectively made, issued or imposed under the provisions of this Act, unless and until it is superseded under this Act;

[Appendix 26—*contd.*]

(2) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the Municipality of Karachi before this Act comes into force, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Corporation ;

(3) all rates, taxes and sums of money due to the Municipality of Karachi when this Act comes into force shall be deemed to be due to the Corporation ;

(4) all suits or other legal proceedings, civil or criminal instituted by or against the Municipality of Karachi may be continued by or against the Corporation ; and

(5) references in any other enactment or in any instrument to the Bombay District Municipal Act, 1901, municipal district and municipality, shall, unless a different intention appears, be construed in respect of the City as references to this Act, the City and the Corporation, respectively.

Bom. III
of 1901.

5. *Definitions.*—In this Act and in the schedules, unless there be something repugnant in the subject or context,—

Cf. Bur.
VI of
1922,
s. 3.

(1) “ *Assessor* ” means an officer appointed by the Corporation to determine under section 107 the annual value of buildings and lands for the purpose of assessment.

(1) (2) “ *authorized* ” means authorized by the Corporation either generally or specially ;

(2) (3) “ *bakery* ” means any place in which is baked, cooked or prepared in any manner whatsoever bread, biscuits or confectionery for purposes of sale or profit ;

(3) (4) “ *brothel* ” means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purpose of prostitution ;

(4) (5) “ *budget grant* ” means any sum entered on the expenditure side of a budget estimate which has been approved by the Corporation and includes any sum by which such budget grant may at any time be increased under section 87, 89 88 90, 92 or 91 93 ;

(5) (6) “ *building* ” includes any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose and also includes walls, verandahs, fixed platforms, plinths, door-steps and the like ;

(6) (7) “ *building line* ” means a line to which the main wall of a building abutting on a street may lawfully extend ;

(7) (8) “ *the chief administrative officer* ” means the chief administrative officer for the City appointed under section 31 and includes an acting chief administrative officer appointed under sub-section (3) of section 33 and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the chief administrative officer to the extent to which such officer is so empowered ;

Cf. Bom.
XI
of 1923,
s. 2.

[Appendix 26—contd.]

(8) (9) "the City" means the City of Karachi, as described in Schedule X ;

(9) (10) "closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith ;

(10) (11) "the corporation" means the Municipal Corporation of the City of Karachi constituted under section 8 ;

(11) (12) "councillor" means any person legally a member of the Corporation ;

Cf. Bom.
XVIII
of 1925.

(12) (13) "dangerous disease" means cholera, plague or small-pox and includes any other disease which the Corporation may by public notice declare to be a dangerous disease ;

(13) (14) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;

(14) (15) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises ;

(15) (16) the expression "erect or re-erect any building" includes—

(a) any material alteration or enlargement of any building ;

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation ;

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place ;

(d) the conversion of two or more places of human habitation into a greater number of such places ;

(e) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements or affects its stability ;

(f) the addition of any rooms, buildings, out-houses or other structures to a building ; and

(g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building ;

(16) "factory"—means—

(a) any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to the making, altering, repairing, ornamenting, finishing or otherwise adapting for use or for transport or for sale of any article or part of an article ; or

Cf. Act
XI of
1911,
s. 2-(3).

[Appendix 26—contd.]

~~(b) any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is or is not used in aid thereof, which have been declared by the Government, by notification in the Sind Official Gazette, to be a factory;~~

(17) "factory" means—

XII of
1911.

(a) any premises wherein, or within the precincts of which, on any one day in the year not less than the number of persons specified in clause (a) of sub-section (3) of section 2 of the Indian Factories Act, 1911, are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any process for or incidental to, the making, altering, repairing, ornamenting, finishing or otherwise adapting for use or for transport or for sale of any article or part of an article; or

XII of
1911.

(b) any premises wherein, or within the precincts of which, on any one day in the year not less than the number of persons specified in clause (b) of sub-section (3) of section 2 of the Indian Factories Act, 1911, are simultaneously employed and any such process is carried on whether any such power is or is not used in aid thereof, which have been declared by Government, by notification in the Sind Official Gazette, to be a factory;

A declaration under sub-clause (b) may be made in respect of any class of premises, or in respect of any particular premises;

(17) (18) "Judge" means the Judicial Commissioner of Sind, an Additional Judicial Commissioner of Sind, the District Judge, Joint Judge, Assistant Judge or the Judge of the Karachi Small Causes Court;

(18) (19) "keeper" means the person in charge of a lodging-house, and may include the owner for the purposes of any rules;

(19) (20) "land" includes land which is being built upon or is built upon or covered with water;

Cf. Bom.
III of
1888,
s. 3.

(20) (21) "licensed plumber" and "licensed surveyor" and "licensed architect" mean, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act;

(21) (22) "lodging-house" means a building or part of a building—

(a) which is let in lodgings; or

(b) which is occupied to any extent in common by members of more than one family, and the rent of which does not exceed one hundred rupees per mensem; or

(c) which is let as a human habitation for a period of less than a month;

Provided that this definition shall not include hotels or boarding houses where the daily charge for board and residence is not less than one rupee;

(22) (23) "market" includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, live-stock, or any other article of food;

[Appendix 26—*contd.*]

(23) (24) "municipal borough" means a municipal district included in Schedule I to the Bombay Municipal Boroughs Act, 1925, during the period of such inclusion ;

Bom.
XVIII
of 1925.

(24) (25) "municipal district" means a municipal district as defined in the Bombay District Municipal Act, 1901 ;

Bom. III
of 1901.

(25) (26) "municipal drain" means a drain vested in the Corporation ;

(26) (27) "municipal market" means a market vested in or managed by the Corporation ;

(27) (28) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation ;

(28) (29) "municipal tax" means any impost levied under the provisions of this Act by the Corporation ;

(29) (30) "municipal water-work" means a water-work vested in or managed by the Corporation ;

(30) (31) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property ;

(31) (32) "offensive matter" includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" ;

(32) (33) "official year" or "financial year" means the year commencing on the first day of April ;

(33) (34) "owner" when used in reference to any building or land includes the person who for the time being receives the rent of such building or land, whether on his own account or as agent or trustee, or who would so receive the rent thereof if the building or land were let to a tenant, but does not include Government ;

(34) (35) "prescribed" means prescribed by or under this Act or any rule ;

(35) (36) "private street" means a street which is not a public street ;

(36) (37) "public analyst" means any qualified person possessing the requisite skill and experience appointed to be a public analyst for the City for the purposes of this Act ;

(37) (38) the expression "public securities" means Government securities and any securities guaranteed by Government, securities of the Trustees for the Port of Karachi, securities issued by the Corporation, securities heretofore issued by the Municipality of Karachi and any other securities which Government may declare to be public securities for the purposes of this Act ;

(38) (39) "public street" means any street—

(a) over which the public have a right of way ; or

(b) heretofore levelled, paved, metalled, channelled, sewered, or repaired out of municipal or other public funds ; or

(c) which under the provisions of section 202 203 is declared to be, or under any other provision of this Act becomes, a public street ;

[Appendix 26—*contd.*]

XVI of
1926.

(40) "*registered trade union*" means a trade union registered under the Indian Trade Unions Act, 1926.

(39) (41) a person is deemed to reside in any dwelling which he uses or some portion of which he uses from time to time as a sleeping apartment, and a person is not deemed to cease "to reside" in any such dwelling, if there is the liberty of returning and no abandonment of the intention of returning thereto, even though he is absent therefrom or has elsewhere another dwelling in which he resides ;

(40) (42) "*rubbish*" includes dust, ashes, broken bricks, mortar, broken-glass, garden or stable refuse and refuse of any kind which is not "*offensive matter*" or "*sewage*" ;

(41) (43) "*rules*" includes rules and forms contained in the Schedules annexed to this Act and rules made under any other provision of this Act ;

(42) (44) "*sewage*" includes night soil and other contents of water-closets, latrines, urinals, privies and cess-pools, and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places ;

(43) (45) "*sewage-connection*" includes any drain connecting any water-closet, latrine, urinal, privy, bath-room, sink, sullage-tray, manhole or trap, with any drain set apart by the Corporation for sewage and other offensive matter ;

(44) (46) "*street*" means any road, footway, square, court, alley or passage, whether a thoroughfare or not, which is accessible to the public whether permanently or temporarily ; and includes every vacant space, notwithstanding that it may be private property and obstructed wholly or partly by any gate, post, chain or other barrier, if buildings abut thereon and if it is used by any persons, whether occupiers of such buildings or not, as a means of access to or from any public place or thoroughfare, but does not include any part of such vacant space which the occupier of any such building has a right at any time to prevent all other persons from using as aforesaid ;

(45) (47) "*street line*" means a line dividing the land comprised in and forming part of a street from the adjoining land ;

(46) (48) "*vehicle*" means a wheeled conveyance capable of being used on a street ; .

(49) "*waste lands*" mean waste lands within the City of Karachi, for the management and disposal of which special rules have been sanctioned by the Commissioner in Sind ;

(47) (50) "*water-closet*" means closet accommodation used or adapted or intended to be used in connection with municipal water-works, and comprising provision for the flushing of the receptacle by means of a water-supply, and having connection with a sewer ;

(48) (51) "*water-connection*" includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Corporation ; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe ;

[Appendix 26—*contd.*]

(49) (52) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes ;

(50) (53) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying, or used for supplying, water ;

(51) (54) "workshop" means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilized in aid of or incidental to any process for the following purposes :—

(i) the making of any article or part thereof ; or

(ii) the altering, repairing, ornamenting or finishing of any article ;

or

(iii) the adapting for sale of any article.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

6. *Municipal authorities charged with the execution of this Act.*—The municipal authorities charged with carrying out the provisions of this Act are :—

Cf. Bom.
III of
1888,
s. 4.

(a) a Corporation ;

(b) a Standing Committee ;

(c) a Chief Administrative Officer.

7. *School Board.*—The powers conferred and the duties imposed on the Corporation by this Act and the Bombay Primary Education Act, 1923, in regard to all matters relating to education shall, subject to such conditions and limitations as may be prescribed, and to the general control of the Corporation, be exercised or performed, as the case may be, by the School Board duly constituted under the Bombay Primary Education Act, 1923, and in all such matters the Corporation shall seek and consider the advice of the School Board.

Cf. Bur.
VI of
1922,
s. 5.
Bom. IV
of 1923.
Bom. IV
of 1923.

The Corporation.

8. *Constitution of Corporation.*—(1) The Corporation shall consist of 58 councillors as follows :—

Cf. Bom.
III of
1888,
s. 5, and
Karachi
Municipal
Rules.

(a) 46 elected at ward elections,

(b) 2 elected by the Karachi Chamber of Commerce,

(c) 1 elected by the Karachi Indian Merchants' Association,

[Appendix 26—contd.]

(d) ~~1 elected by the Karachi Buyers and Shippers Chamber and,~~

(e) ~~8 appointed by the Government, of whom one shall be appointed to represent the labouring classes.~~

8. (1) *The Corporation shall consist of 64 councillors as follows:—*

(a) *49 elected at ward elections in the manner provided in Chapter I of Schedule I,*

(b) *2 elected by the Karachi Chamber of Commerce,*

(c) *1 elected by the Karachi Indian Merchants Association,*

(d) *1 elected by the Karachi Buyers and Shippers Chamber,*

(e) *1 elected by the trustees of the Port of Karachi constituted under Karachi Port Trust Act, 1886,*

(f) *1 elected by the district local board of Karachi constituted under the Bombay Local Boards Act, 1923,*

(g) *1 elected by registered trade unions who shall be a labourer, and*

(h) *8 appointed by Government, of whom 1 shall be appointed to represent the labouring classes.*

(2) The Corporation, subject to the previous sanction of the Commissioner in Sind, may by notification in the *Sind Official Gazette* from time to time alter or vary the number and boundaries of the wards and redistribute the councillors to be elected at ward elections among the wards.

Nothing in this Act or the rules shall be deemed to authorise any variation in the relative representation of communities as now provided in Chapter I of Schedule I.

(3) The Corporation shall by the name of "The Municipal Corporation of the City of Karachi" be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

9. *Term of office of councillors.*—All members of the Corporation constituted as aforesaid shall come into office at noon on the first day of ~~April~~ *May* following the date of their election or appointment and shall retire from office at noon on the first day of ~~April~~ *May* three years after they have taken office, which day is in this Act referred to as the day for retirement.

10. *Casual vacancies how to be filled up.*—In the event of non-acceptance of office by a person elected or appointed to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the expiry of his term of office, there shall be deemed to be a casual vacancy in such office, and such vacancy shall be filled within two months by the election or appointment, as the case may be, of a person thereto, who shall ~~hold office~~ *take office forthwith and shall hold such office* so long only as the councillor in whose place he is elected or appointed would have been entitled to hold office if such vacancy had not occurred :

Provided that a councillor who has ceased under section 15 to hold office as such shall, if his disability has ceased, be eligible for re-election or re-appointment, as the case may be.

Bom. VI
of 1886.

Bom. VI
of 1923.

Cf. Bur.
VI of
1922,
s. 8.

Cf. Bom.
III of
1888,
s. 9.

Cf. Bom.
XVIII of
1925,
s. 29.

[Appendix 26—contd.]

11. ~~Resignation.~~ ~~Any councillor may resign his office by giving notice in writing to that effect to the president, and the president may resign his office by giving notice in writing to that effect to the Commissioner in Sind; and on the date of acceptance of the resignation the office shall become vacant.~~ Cf. Bom. III of 1901, s. 15A.

11. *Resignations.*—Any councillor may resign his office by giving notice in writing to that effect to the Mayor and thereupon his office shall become vacant as from the date of his resignation.

The Mayor and Deputy Mayor may resign their respective offices by giving notice in writing to that effect to the Commissioner in Sind and thereupon their respective offices shall become vacant as from the seventh day after the date of their resignations.

12. *Publication of names of councillors in the Sind Official Gazette.*—The names of all persons elected or appointed to be councillors shall be published by the Chief Administrative Officer, as soon as conveniently may be, in the *Sind Official Gazette*. Cf. Bom. III of 1888, s. 10.

13. *Qualifications of electors and councillors.*—No person shall vote for, or stand for election as, a councillor unless he possesses the qualifications prescribed for an elector or councillor, as the case may be. Cf. Bur. VI of 1922, s. 10.

14. *Disqualifications from being a councillor.*—A person shall be disqualified from being elected or appointed and from being a councillor if such person— Cf. Bur. VI of 1922, s. 12.

(a) (i) 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, such sentence not having been subsequently reversed or quashed, if and so long as such sentence has not expired,

(ii) has been removed from office under sub-section (2) of section 15, and five years have not elapsed from the date of such removal,

(iii) has been convicted of an offence under section 171E or 171F of the Indian Penal Code or has been disqualified from exercising any electoral right for a period of not less than five years on account of malpractices in connection with an election and five years have not elapsed from the date of such conviction or disqualification, unless he has, by an order which the Government is hereby empowered to make in this behalf, been relieved from the disqualification so arising ; or

(b) is less than twenty-one years of age ; or

(c) is an uncertificated bankrupt or an undischarged insolvent ; or

~~(d) is a municipal officer or servant or a licensed plumber or a licensed surveyor ; or~~

(d) is a municipal officer or servant, an officer or servant of any other local authority or a licensed plumber, or a licensed architect, or a licensed surveyor, or a member of a firm of which such plumber, architect, or surveyor is a member ; or

(e) is a Judge ; or

[Appendix 26—*contd.*]

(f) has directly or indirectly, by himself or by any partner, any share or interest in any work done by order of the Corporation, or any contract or employment with, by, under or on behalf of, the Corporation :

Provided that no person shall be deemed to have incurred the disqualification under clause (f) by reason of his having any share or interest—

(i) in any lease, sale, exchange or purchase of any immoveable property or in any agreement for the same ; or

(ii) in any agreement for the loan of money or in any security for the payment of money only ; or

(iii) in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted ; or

~~(iv) in the occasional sale to the Corporation of any article in which he regularly trades, or in the purchase from the Corporation of any article, up to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the Corporation, with the sanction of the Government may fix in this behalf ; or~~

~~(v) in the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the Corporation, with the sanction of the Government, may fix in this behalf ; or~~

~~(vi) in any incorporated company which shall contract with or be employed by or on behalf of the Corporation, otherwise than as a director, secretary, manager or salaried officer of such company~~

(iv) in the occasional sale to the Corporation of any article in which he regularly trades, or in the purchase from the Corporation of any article, up to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the Corporation may fix in this behalf or such amount exceeding two thousand rupees as the Corporation may fix with the sanction of Government ; or

(v) in the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in any official year two hundred rupees, or such higher amount not exceeding five hundred rupees as the Corporation may fix in this behalf or such amount exceeding five hundred rupees as the Corporation may fix with the sanction of Government ; or

(vi) in any joint stock company which shall contract with or be employed by or on behalf of the Corporation, or being a director, secretary or officer of such company without remuneration or remunerated only by salary or fees.

[Appendix 26—*contd.*]

15. *Cessation of office of councillors.*—(1) A councillor shall cease to hold office as such—

Cf. Bur.
VI of
1922,
s. 13.

(a) on his becoming disqualified for office by reason of the provisions of section 14,

(b) if he

(i) ~~without being prevented by illness, or~~

(ii) ~~without being granted leave of absence by the Corporation absents himself from all meetings of the Corporation for a period of three consecutive months and the Corporation recommends that he shall cease to hold office,~~

(c) ~~if he acts as a councillor in any matter—~~

(i) ~~in which he is professionally interested on behalf of a client, principal or other person, or~~

Cf. Bom
III of
1901,
s. 15.

(ii) ~~in which he is engaged at the time in any case against the Corporation, or~~

(d) ~~if he departs beyond the limits of the province of Sind with the declared or known intention of absenting himself continuously for a period exceeding six months, or~~

(e) ~~if he fails to pay within three months any arrears of any kind due by him to the Corporation after a special notice in this behalf has been served upon him.~~

(b) *if he absents himself during three successive months from the meetings of the Corporation except from temporary illness or other cause to be approved by the Corporation.*

(c) *if he is professionally interested or engaged in any case for or against the Corporation,*

(d) *if he acts as a councillor in any matter in which he is professionally interested on behalf of a client, principal or other person,*

(e) *if he departs beyond the limits of the province of Sind with the declared or known intention of absenting himself continuously for a period exceeding six months, or*

(f) *if he fails to pay within three months any arrears of any kind due by him to the Corporation after a special notice in this behalf has been served upon him by the Chief Officer.*

(2) The Corporation may by a vote of not less than two-thirds of its members and after due inquiry (in which the councillor accused of misconduct shall have been given a reasonable opportunity of being heard) recommend that any councillor who has been guilty of misconduct in the discharge of his duties may be removed from office and the Government may, if it thinks fit, remove him accordingly.

16. *Questions as to disqualification to be determined by the Judge of the Karachi Small Causes Court.*—Whenever it is alleged that any councillor has become disqualified for office for any reason specified in sub-section (1)

Cf. Bur.
VI of
1922,
s. 14.

[Appendix 26—*contd.*]

of section 15 and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor or the Corporation may apply to the Judge of the Karachi Small Causes Court; and the said Judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified from being a councillor, and his decision shall be final.

Cf. Bur.
VI of
1922,
s. 15.

17. *Election petitions to be heard and disposed of by the Judge of the Karachi Small Causes Court.*—(1) If the order of the Chief Administrative Officer as to the validity of the nomination of any candidate for election as a councillor or as to the qualification of any person declared to be elected a councillor, is disputed, or if the validity of any election is questioned by reason of material irregularity in the election proceedings, bribery, corruption, personation, treating, undue influence or any other thing materially affecting the result of the election, any person whose name is entered in the register of electors for the ward or the community concerned may, at any time within ten days after the result of the election has been declared, apply to the Judge of the Karachi Small Causes Court for an adjudication in the matter. If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although, not declared elected, were duly nominated for election to the seat in question and proceed against the candidate who has been declared to be elected.

(2) If the said Judge, after making such inquiry as he deems necessary, finds that the objection is not sustained, he shall confirm the declared result of the election. If he finds that the person whose election is objected to was at the time of the election not qualified to be elected as a councillor or was disqualified from being a councillor, he shall declare the election of such person to be null and void and shall declare to be elected the candidate, if any, out of the candidates not declared to be elected in whose favour the next highest number of votes was recorded and against whose election no cause of objection is found. If the said Judge finds that the election is not a valid election, he shall set it aside.

(3) The order of the said Judge shall be final.

(4) If there is no person who may be declared to be elected under subsection (2), the Corporation Chief Officer shall submit a report of the circumstances to the Commissioner in Sind, and the Commissioner in Sind shall direct the Corporation to appoint another a day and to hold a fresh election to fill the vacancy on which a fresh election to fill the vacancy shall be held.

Cf. Bur.
VI of
1922,
s. 16.

18. *Bar of suits, etc., relating to elections.*—No suit, application or appeal shall lie to any court in respect of any matters relating to or arising from representation and election, unless such suit, application or appeal is expressly authorised by this Act.

[Appendix 26—contd.]

~~19. President and vice president of the Corporation.—(1) The Corporation shall at its first meeting after the general elections elect from amongst the councillors a person to be its president for three years and at its first meeting in each official year another person to be its vice president for one year.~~ Cf. Bom. III of 1888, s. 37.

19. *Mayor and Deputy Mayor of the Corporation.—(1) The Corporation shall at its first meeting in the month of May in each year elect from amongst the councillors one of their number to be the Mayor and another to be the Deputy Mayor. The Mayor and Deputy Mayor shall hold office until the first meeting of the Corporation in the month of May of the next following year, unless the councillors in the meantime retire from office when the Mayor and Deputy Mayor shall hold office until the day for retirement.*

Provided that if the councillors retire from office during the term of office of the ~~president Mayor~~ or the ~~vice-president Deputy Mayor~~, the ~~president Mayor~~ and the ~~vice-president Deputy Mayor~~ shall continue in office until the day for retirement from office of the ~~president Mayor~~ or ~~vice-president Deputy Mayor~~ respectively.

(2) Any councillor who ceases to be ~~president the Mayor~~ or ~~vice-president Deputy Mayor~~, as the case may be, shall be eligible for re-election as such.

(3) If any casual vacancy occurs in the office of ~~president or vice-president of the Corporation the Mayor or Deputy Mayor~~, the Corporation shall, as soon as it conveniently can after the occurrence of such vacancy, ~~choose elect~~ one of the councillors to fill such vacancy and every ~~president or vice-president Mayor or Deputy Mayor~~ so ~~chosen elected~~ shall continue in office so long only as the person in whose place he is ~~appointed elected~~ would have been entitled to hold office if such vacancy had not occurred.

~~20. Proceedings of the Corporation.—(1) The Corporation shall meet for the transaction of business at least once in each month and, unless it adjourns, shall continue its deliberations from day to day until the subjects on the agenda have been disposed of.~~ Cf. Bur. VI of 1922, s. 18.

20. *Proceedings of the Corporation.—(1) The Corporation shall meet for the transaction of business at least once in each month.*

(2) The first meeting in the month following a general election shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the Chief Administrative Officer, or if not held on that day, then on some subsequent day to be fixed by the Chief Administrative Officer. Cf. Bom. III of 1888, s. 36 (b).

(3) The day, time and place of meeting shall in every other case be fixed by the ~~president of the Corporation Mayor~~, or, in the event of the office of ~~president the Mayor~~ being vacant or of his being incapable of acting, by the ~~vice-president Deputy Mayor~~. Cf. Bom. III of 1888, s. 36 (c).

[Appendix 26—*contd.*]

Cf. Bom.
III of
1888,
s. 36 (d).

(4) The ~~president of the Corporation~~ *Mayor* or, in any such event as aforesaid the ~~vice-president~~ *Deputy Mayor*, may, whenever he thinks fit, call a special meeting, and shall be bound to do so within ~~three~~ *two* weeks of the receipt of a written requisition signed by not less than ~~ten~~ *twelve* councillors or by not less than ~~three~~ *four* members of the Standing Committee.

(5) *Any meeting of the Corporation may, with the consent of a majority of the councillors present be adjourned from time to time either on the same day or to any other day ; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the adjourned meeting.*

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(5) (6) Every meeting shall be open to the public :

Provided that a majority of the councillors present thereat may decide by a resolution that any inquiry or deliberation pending before the Corporation shall be held in private. . Such resolution shall be put by the presiding authority of its own motion or at the request of any councillor, without previous discussion :

Provided also that the presiding authority may at any time cause any person who interrupts the proceedings to be removed.

Cf. Bom.
III of
1888,
s. 36 (f).

(6) (7) If at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present including the presiding authority falls short of fifteen, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting whether at such meeting there is or is not a quorum as aforesaid.

Cf. Bom.
III of
1888,
s. 36 (g).

(7) (8) Every meeting shall be presided over by the ~~president~~ *Mayor* if he is present ~~at the time appointed~~ for holding the same, and by the ~~vice-president~~ *Deputy Mayor* if the office of ~~president~~ *the Mayor* is vacant or if the ~~president~~ *Mayor* is absent and by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion if both the ~~president~~ *Mayor* and the ~~vice-president~~ *Deputy Mayor* are absent.

Cf. Bur.
VI of
1922,
s. 18 (4).

(8) (9) The presiding authority shall have a second or casting vote in case of an equality of votes.

Cf. Bom.
XVIII of
1925,
s. 35 (3).

(9) (10) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be ~~given~~ *despatched* to each of the councillors, and shall also be posted up at the municipal office within the said time :

Provided that if the notice has been duly posted at the municipal office, the validity of a meeting shall not be called in question merely because any of the councillors did not receive the prescribed notice.

[Appendix 26—contd.]

(10) (11) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the Corporation at a meeting shall be recorded in a book to be kept for the purpose and shall be signed within seven days by the presiding authority of the meeting of the Corporation at which such minute is confirmed, and a copy thereof shall be submitted to the Commissioner in Sind as soon thereafter as may be convenient.

Cf. Bur.
VI of
1922,
s. 18 (6).

(11) (12) A councillor shall not vote on or take part in the discussion of any matter in which he has, directly or indirectly, by himself or by any partner, any share or interest by way of any contract, grant or employment with, by or on behalf of, the Corporation :

Cf. Bur.
VI of
1922,
s. 19 &
Bom. III
of 1888,
s. 36 (p).

Provided that no councillor shall be deemed to have any share or interest in such contract, grant or employment by reason only of his having any share or interest in—

(a) any agreement for the loan of money or any security for the payment of money only ; or

(b) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ; or

(c) any joint stock company which shall contract with or be employed by the Chief Administrative Officer on behalf of the Corporation ; or

(d) the occasional sale to the Chief Administrative Officer on behalf of the Corporation ; up to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

(12) (13) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any councillor is ordered to withdraw a second time within 15 days, the presiding authority may suspend the councillor from attending the meetings of the Corporation for any period not exceeding 15 days and the councillor so directed shall absent himself accordingly :

Provided that the presiding authority may remit the period of suspension on apology being made to its his satisfaction by the councillor under suspension :

Provided also that such suspension from the service of the Corporation shall not prevent any councillor from serving on any committee.

The presiding authority may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

(13) (14) *Presence and powers of Chief Administrative Officer at meetings of the Corporation and Committees.*—The Chief Administrative Officer shall have the same right of being present at a meeting of the Corporation or any committee, and of taking part in the discussions thereat, as a councillor or a member of such committee and may at any time make a statement or explanation of facts ; but he shall not be at liberty to vote upon, or to move, any proposition at any such meeting.

Cf. Bur.
VI of
1922,
s. 21.

[Appendix 26—contd.]

The Standing Committee.

Cf. Bom.
III of
1888,
ss. 42 &
43.

21. Constitution of Standing Committee.—The Standing Committee shall consist of 12 councillors. The president shall be ~~ex officio member and chairman~~; eight members shall be elected by the Corporation at its first meeting in the month following a general election and three members shall be appointed by the Commissioner in Sind within one week after such election by the Corporation.

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

22. Members of the Standing Committee to retire by rotation.—Subject to the provisions of section 25—

(1) One half of the elected members of the Standing Committee shall retire from office at noon on the first day of April next following the date of their election.

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

(3) The members of the Standing Committee appointed by the Commissioner in Sind shall retire from office in the following manner, namely:—

(a) one such member shall retire at noon on the first day of April following the date of his appointment;

(b) the remaining two of such members shall retire at noon on the first day of April next following the date of retirement of the member mentioned in clause (a).

(4) The selection of member who shall retire under sub-section (1) and clause (a) of sub-section (3) shall be made by lot at such time previous to the first day of March and in such manner as the Chairman shall determine.

22. Election of Standing Committee.—(1) The Corporation shall at its first meeting in the month of May of each year elect twelve out of its number to be members of the Standing Committee. Members of the Standing Committee shall, subject to the provisions of section 25, hold office until the first meeting of the Corporation in the month of May of the next following year.

(2) Any councillor who ceases to be a member of the Standing Committee shall be eligible for re-election as such.

Cf.
Bom.
III of
1888,

23. Election of members of Standing Committee to replace those who retire.—(1) the Corporation shall at its ordinary meeting in the month of March elect fresh members of the Standing Committee to fill the offices of those previously elected by it who retire from time to time as provided in section 22; and within one week after any such election by the Corporation the Commissioner in Sind shall appoint a new member or members to fill the office of the member or members who were previously appointed by him and who retire as aforesaid.

[Appendix 26—contd.]

(2) ~~Any councillor who ceases to be a member of the Standing Committee shall be eligible for re-election or re-appointment as such.~~

23. *Election of the Chairman of Standing Committee.*—(1) *The members of the Standing Committee shall at their first meeting elect one of their number to be Chairman of the Standing Committee until a new Standing Committee is constituted.*

(2) *A Member of the Standing Committee who ceases to be Chairman shall be eligible for re-election as such.*

(3) *If any casual vacancy occurs in the office of Chairman, the Standing Committee shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of its number to fill the vacancy and every Chairman so elected shall continue in office so long only as the person in whose place he is elected would have been entitled to continue, if such vacancy had not occurred.*

24. *Absence from meetings of Standing Committee.*—(1) *Any member of the Standing Committee who absents himself from all meetings of the Standing Committee during two consecutive months shall cease to be a member of the Standing Committee, and his office as such member shall be deemed to be vacant :*

Provided that such member may be re-elected by the Corporation or re-appointed by the Commissioner in Sind.

(2) *Casual vacancies in the Standing Committee how to be filled up.*— Cf. Bom. III of 1888, s. 47.
In the event of non-acceptance of office by a councillor elected to be a member of the Standing 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, or of his office becoming vacant under sub-section (1), the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have been entitled to hold office if the vacancy had not occurred.

25. *Each Standing Committee to continue in office till a new committee is constituted.*— Cf. Bom. III of 1888, s. 48.
The Standing Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Standing Committee is constituted under section 21 22, notwithstanding that the members of the said committee, or some of them, may no longer be councillors.

Special Consultative Committees.

26. *Election of special committees for consultative purposes.*—(1) *The Corporation shall at its first meeting in the month of April May in each year elect the following committees, each consisting of not less than five and not more than nine councillors, namely :—*

(a) a "public works committee" to which may be referred for inquiry and report, or for opinion, any matter connected with roads, buildings, lighting, water-supply, drains and public parks and gardens ; and

[Appendix 26—*contd.*]

(b) a "public health and markets committee" to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation, markets, slaughter-houses, vaccination, the disposal of rubbish and offensive matter, and the regulation of dangerous and offensive trades.

Cf. Bom.
III of
1888,
s. 38.

(2) The Corporation may also elect from time to time special committees not exceeding seven in number and consisting of such number of councillors as it shall think fit, and may refer to such committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act.

Validity of Proceedings.

Cf. Bur.
VI of
1922,
s. 22.

27. *Vacancy in Corporation, etc., not to invalidate its proceedings.*—No act or proceeding of the Corporation or of any committee appointed under this Act shall be questioned on account of any vacancy in its membership.

Cf. Bur.
VI of
1922,
s. 23.

28. *Proceedings of Corporation, etc., not vitiated by disqualification, etc., of members thereof.*—No disqualification of, or defect in the election or appointment of, any person acting as a councillor or as the *president Mayor* or presiding authority of the Corporation, or as the chairman or as a member of any committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the bodies aforesaid in which such person has taken part, provided that the majority of the persons who were parties to such act or proceeding were entitled to act.

Cf. Bur.
VI of
1922,
s. 24.

29. *Proceedings of meetings to be deemed to be good and valid until the contrary is proved.*—Until the contrary is proved,

(a) every meeting of the Corporation or of any committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and

(b) where the proceedings are proceedings of the Standing Committee, such committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

Cf.
Bom.
XVIII
of 1925,
s. 25.

30. *Minute Book*—(1) ~~Minutes of the proceedings of the Standing Committee or of any other committee shall be entered in a book to be called the minute book and shall be read at the beginning of the next meeting and signed by the chairman of that meeting.~~

(1). 30. *Minute Book.*—(1) *Minutes of the proceedings of the Standing Committee or of any other committee shall be entered in a book to be called the minute book and shall be confirmed at the beginning of the next meeting and signed by the chairman of that meeting as provided in the rules.*

(2) The minute book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

[Appendix 26—contd.]

31. Appointment and removal of Chief Administrative Officer— Cf. Bom.

(1) ~~The Chief Administrative Officer for the Corporation shall from VI of time to time be appointed by the Corporation subject to the approval 1922, of Government and shall hold office for a period of not less than five s. 27. years subject, in the case of a Government servant lent to the Corporation, to the exigencies of the public service, of which Government shall be the sole judge.~~

(2) ~~He shall, however, be liable to be removed from office by Government after being given three calendar months' notice in writing, if at a meeting of the Corporation not less than three fifths of the total number of councillors constituting the Corporation for the time being shall vote in favour of a proposition in this behalf; and he may be removed by Government at any time without notice and without a vote of the Corporation as aforesaid, if it shall appear to Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.~~

31. Appointment and removal of Chief Officer.—(1) *The Chief Officer for the Corporation shall, from time to time, be appointed by the Corporation, subject to the approval of Government and shall, subject to the provisions of sub-section (2) hold office for a period of not less than five years.*

(2) *A Chief Officer shall be removed from office, after being given three calendar months' notice in writing, if at a meeting of the Corporation not less than 2/3rds of the total number of councillors constituting the Corporation for the time being shall vote in favour of a proposition in this behalf; and he may be removed by Government at any time after reasonable notice has been given to him and after consultation by Government with the Corporation if it shall appear to Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal necessary in the public interest :*

Provided that the Chief Officer who is a Government servant lent to the Corporation shall be liable to be removed by Government at any time in the exigencies of the public service of which Government shall be the sole Judge.

32. Salary of Chief Administrative Officer to be fixed by the Corporation.—~~The Chief Administrative Officer shall receive such monthly salary not being less than rupees fifteen hundred one thousand and not exceeding rupees two thousand twelve hundred and such monthly allowances not exceeding rupees five hundred two hundred and fifty as the Corporation shall from time to time with the approval of Government determine, in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force :~~ Cf. Bom. III of 1888, s. 55.

Provided that he may at any time

(a) *be nominated by Government as a trustee of the port of Karachi,*

[Appendix 26—contd.]

(b) with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

Cf. Bom.
III of
1888,
s. 59.

33. *Grant of leave of absence to Chief Administrative Officer.*—(1) Leave of absence for a period not exceeding one year may be granted from time to time to the Chief Administrative Officer by the Corporation.

(2) The leave salary to be paid to the Chief Administrative Officer while so absent on leave shall be of such amount, not exceeding the salary of the Chief Administrative Officer, as shall be fixed by the Corporation :

Provided if the Chief Administrative Officer is a Government officer, the amount of such allowance shall be that to which he may be entitled under any general or special orders of Government applicable to Government servants transferred to foreign service.

(3) During any absence on leave of the Chief Administrative Officer, the Corporation may appoint a person to act as Chief Administrative Officer :

Provided that any appointment for a period exceeding three months shall require the previous approval of Government.

Every person so appointed shall exercise the powers conferred and perform the duties imposed on the Chief Administrative Officer by this Act or by any other enactment for the time being in force and shall be subject to the same liabilities, restrictions and conditions to which the Chief Administrative Officer is liable and shall receive such monthly salary not exceeding the minimum prescribed in section 32 as the Corporation shall determine :

Provided that in cases where the acting appointment is subject to the previous approval of Government, the maximum and minimum limits of salary prescribed in section 32 shall apply.

CHAPTER III.

DUTIES AND POWERS OF MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

Cf. Bur.
VI of
1922,
s. 25.

34. *Matters to be provided for by the Corporation.*—The Corporation shall make adequate provision, by any means or measures which it is lawfully competent for it to use or take, for each of the following matters, namely :—

(1) the construction or laying out of drains for effectually draining the City, and the maintenance, flushing and cleansing of all municipal drains ;

(2) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public, and the maintenance and cleansing of the same ;

(3) the collection, removal, treatment and disposal of sewage-offensive matter and rubbish ;

[Appendix 26—*contd.*]

(4) the watering, scavenging and cleansing of all public streets in the City and the removal of all sweepings therefrom ;

(5) the management and maintenance of all municipal water-works and the construction or acquisition of new works necessary for a sufficient supply of suitable water for public and private purposes ;

(6) the reclamation of unhealthy localities, the removal of vegetation and generally the abatement of all nuisances ;

(7) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;

(8) the registration of births and deaths ;

(9) public vaccination in accordance with the provisions of the ^{Bom. IV} Karachi Vaccination Act, 1879, or of any other law for the time being of 1879. in force ;

(10) the prevention and checking of disease ;

(11) the construction or acquisition of markets and the maintenance of all municipal markets ;

(12) the regulation of all markets, lodging houses, camping grounds and rest-houses in the City ;

(13) the construction or acquisition of slaughter-houses and the maintenance and cleansing of municipal slaughter-houses ;

(14) the regulation of offensive and dangerous trades ;

(15) the maintenance of a fire-brigade and of suitable appliances for the extinction of fires and the protection of life and property against fire ;

(16) the prevention and checking of actual or threatened emergencies likely to involve damage to property or danger to human or animal life ;

(17) measures for the securing or the removal of dangerous buildings and places ;

(18) the construction, levelling, maintenance (including metalling or paving and channelling) and improvement of public streets and the construction and maintenance of public bridges, culverts, causeways and the like ;

(19) the lighting of all public streets and municipal markets and of buildings vested in the Corporation ;

(20) the removal of obstructions and projections in and upon streets, bridges and other public places ;

(21) the naming and numbering of streets and the numbering of buildings and lands ;

(22) the construction or acquisition, improvement and maintenance, of offices and buildings required for municipal purposes, and the maintenance of all public monuments and other property vested in the Corporation ;

(23) the construction or acquisition and maintenance of hospitals for the treatment of contagious or infectious diseases ;

(24) the expenses of pauper lunatics and pauper lepers sent to public asylums from the City ;

[Appendix 26—*contd.*]

(25) the maintenance of public parks, gardens, recreation grounds and open spaces which were in existence on the date on which this Act comes into force and are by this Act vested in the Corporation ;

(26) (i) the establishment of vernacular primary schools ; the management, visiting and maintenance of all vernacular schools so established or vested in the Corporation and in this Act hereinafter referred to as municipal vernacular schools ; the construction and repair of all buildings connected therewith and the pay and appointment of the teaching staff in such schools ;

(ii) the recognition, control, visiting and aid of vernacular schools under private management ; and

(27) fulfilling any obligation imposed by this Act or any other law for the time being in force.

Cf. Bom.
XVIII
of 1925,
s. 69.

35. Provision for anti-rabic treatment of indigent persons.—The Corporation shall, out of the municipal property and fund, make payments at such rates and subject to such conditions as Government from time to time by general or special order prescribes for the maintenance and treatment in any institution, which Government declares by notification to be suitable for such purpose either within or without the City, and for other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institution :

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other necessary expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person, previous to his admission thereto, has been resident in the City for at least one year.

Cf. Bom.
XVIII
of 1925,
s. 70.

36. Provision for lunatics and lepers.—The Corporation shall also, out of the municipal property and fund, make payments at such rates as Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or other house, whether within or without the City, which Government declares by notification to be suitable for such purpose,—

(a) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, and

(b) of lepers,

resident within, or under any enactment for the time being in force removed from, the City :

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper, immediately previous to his admission thereto, has been resident in the City for at least one year :

Provided further that before making any order for the payment of the cost of maintenance and treatment of any lunatic under this section,

[Appendix 26—*contd.*]

the court making such order shall give the Corporation an opportunity to show that the lunatic has an estate applicable to his maintenance, or that there is a person legally bound to maintain such lunatic and ~~having~~ has the means to maintain him, or that such lunatic has not been resident in the City for at least one year as aforesaid or that the cost of maintenance and treatment of such lunatic should be borne by a State in India or by a local authority other than the Corporation to the jurisdiction of which the lunatic belongs or by Government.

The officer in charge of any asylum to which lunatics are admitted and for whose maintenance and treatment the Corporation is liable under this section shall maintain a clear account of the cost of maintenance and treatment incurred on account of each lunatic detained in the asylum and shall furnish a copy thereof to the Corporation on application.

37. *Matters which may be provided for by the Corporation at its discretion.*—The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely :—

Cf. Bur.
VI of
1922,
s. 26.

(1) the organisation, maintenance or management of—

(a) institutions within or without the City, for the care of the sick or incurable, or for the care and training of the blind or other partially helpless persons or children ;

(b) maternity homes or shelters, dispensaries, hospitals and milk depots for infants ;

(c) chemical or bacteriological laboratories (within or without the City) for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health ;

(d) public wash-houses, bathing places and other institutions designed for the improvement of public health ;

(e) dairies or farms within or without the City, for the supply of milk or milk products for the benefit of public health or profit to the Corporation or for the purpose of experiments in the breeding of cattle or in the cultivation of crops ;

(2) the furtherance of educational objects other than those mentioned in clause (26) of section 34 ;

(3) the building or purchase and maintenance of—

(a) dwellings for municipal officers or servants ;

(b) suitable dwellings for the poor and working classes ;

(c) sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine ;

(4) the construction, purchase, organisation, maintenance or management of tramways, trackless trams, or motor transport facilities for the conveyance of the public ;

[Appendix 26—*contd.*]

(5) the laying out, or the maintenance of public parks, gardens or recreation grounds, and the planting and care of trees on road-sides and elsewhere ;

(6) the construction and maintenance in the public streets of drinking fountains for human beings and water-troughs for animals ;

(7) the laying out in areas (whether previously built on or not) of new public streets ; and the construction of buildings to abut on such streets ;

(8) the establishment and maintenance of libraries, museums, art-galleries, botanical or zoological collections and the purchase or construction of buildings therefor ;

(9) the holding of agricultural, industrial or scientific fairs or exhibitions or of athletic sports ;

(10) the promotion of public health or infant welfare ;

(11) the organisation or maintenance in times of scarcity of shops or stalls for the sale of necessaries of life ;

(12) the prevention of cruelty to animals, including the construction or maintenance of infirmaries under sub-section (2) of section 6 of the Prevention of Cruelty to Animals Act, 1890 ;

(13) the destruction of birds, or of any animals causing a nuisance, or of vermin, or the confinement or destruction of stray or ownerless dogs ;

(14) contributions towards any public fund raised for the relief of human suffering within or without the City ;

(15) music in public places or places of public resort ;

(16) public ceremonies or entertainments, including the presentation of addresses to persons of distinction ;

(17) the promotion, formation, extension or assistance of any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poor and working classes by any or all of the following means :—

(a) the acquisition of land with a view to selling or leasing the same to such society ; or

(b) the making of grants or loans thereto ; or

(c) subscription for any share-capital therein ; or

(d) guaranteeing the payment of interest on money borrowed by such society or of any share-capital issued by such society ;

(18) the maintenance of an ambulance service ;

(19) the construction of any encampment ;

(20) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interests of the public ;

[Appendix 26—contd.]

(21) the formation and maintenance of a fire insurance fund for the protection of municipal property ;

(22) the formation and maintenance of a workmen's compensation fund ;

(23) the acquisition of immoveable property for any of the purposes abovementioned, or the cost of surveys or the examination of such property, or the construction or adaptation of buildings necessary for such purposes ;

(24) any other measure not specified in section 34, likely to promote public safety, health and convenience.

38. (1) *Functions of the several municipal authorities.*—The functions of the several municipal authorities shall be such as are specifically prescribed in this Act. Cf. Bom. III of 1888, s. 64.

(2) *Municipal Government of the City vests in the Corporation.*—Except as is in this Act otherwise expressly provided, the municipal government of the City vests in the Corporation.

(3) *Special functions of Chief Administrative Officer.*—Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or of the Standing Committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Chief Administrative Officer, who shall also—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act ;

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, and, subject to the rules for the time being in force under sub-section (5) of section 284 286, dispose of all questions relating to the services of the said officers and servants and their pay, privileges and allowances ;

(c) on the occurrence of any accident or unforeseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, take such immediate action as the emergency shall appear to him to justify and require, reporting forthwith to the Standing Committee or the Corporation, when he has done so, the action he has taken and his reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action, and not covered by a current budget-grant.

(4) *Municipal officers may be empowered to exercise the powers of Chief Administrative Officer.*—Any of the powers, duties or functions conferred or imposed upon or vested in the Chief Administrative Officer by this Act may be exercised, performed or discharged, under the Chief Administrative Officer's control and subject to his superintendence and to such conditions and limitations, if any, as he shall think fit to prescribe,

[Appendix 26—contd.]

by any municipal officer whom the Chief Administrative Officer, with the approval of the Standing Committee, may generally or specially empower in writing in this behalf.

Cf. Bom.
III of
1888,
s. 65.

39. Corporation may call for extracts from proceedings, etc., from the Standing Committee.—The Corporation may at any time call for an extract from any proceeding of the School Board, or of any committee constituted under this Act, and for a return, statement, account or report concerning or connected with any matter with which any such committee is empowered by this Act to deal; and every such requisition shall be complied with by the Board or committee, as the case may be, without unreasonable delay.

Cf. Bom.
III of
1888,
s. 66.

40. Corporation may require Chief Administrative Officer to produce documents and furnish returns, reports, etc.—(1) The Corporation may at any time require the Chief Administrative Officer—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Chief Administrative Officer, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the City;

(c) to furnish a report by himself, or to obtain from the head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the municipal government of the City.

(2) Every such requisition shall be complied with by the Chief Administrative Officer without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Chief Administrative Officer in pursuance of any such requisition.

(3) Provided that if, on any such requisition being made, the Chief Administrative Officer shall declare that immediate compliance herewith would be prejudicial to the interests of the Corporation or of the public it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Chief Administrative Officer inexpedient to comply therewith, he shall make a declaration to that effect. Thereupon it shall be lawful for the Corporation to form a committee consisting of the ~~president of the Corporation~~ Mayor, one councillor chosen by the Corporation and one member elected by the Standing Committee from among its members which shall engage to keep secret the existence and purport of all such documents and matters as may be disclosed to them except as

[Appendix 26—contd.]

hereinafter provided. The Chief Administrative Officer shall be bound to make known and to disclose to the said committee, all writings and matters within his knowledge or under his control or otherwise available to him and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before it shall determine, by a majority of votes, whether the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof. At such meeting the Chief Administrative Officer, when called on to do so by the Corporation, shall be prepared to produce any documents and to make any report or statement that may be required in order to give effect to the decision of the committee.

41. *Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.*—If the exercise by any municipal authority of any power conferred, or the performance by it of any duty imposed, by or under this Act is likely to involve expenditure, such exercise or performance shall, except in the cases specified in the proviso to section 84 86, be subject to the following provisions, namely:—

Cf. Bom.
III of
1888,
s. 67.

(a) that such expenditure, so far as it is to be incurred in the financial year in which such power may be exercised or duty performed, shall have been provided for under a current budget-grant; and

(b) that, if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said financial year, liability for such expenditure shall not be incurred without the sanction of the Corporation.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS GENERALLY.

42. *Heads of Departments.*—(1) The Corporation shall appoint fit persons possessing such qualifications as may be prescribed by it the Corporation may, with the prior approval of the Commissioner in Sind prescribe to be—

Cf. Bur.
VI of
1922,
s. 29.

(a) Health Officer and.

(b) Chief Engineer or Engineer in charge of a separate Department of municipal works.

(c) *An auditor, who shall when his services can be made available by Government be an officer of the Audit Department.*

(2) Each of the said officers shall—

(a) be subordinate to the Chief Administrative Officer;

(b) devote his whole time and attention to the duties of his office:

[Appendix 26—*contd.*]

Provided that, with the sanction of the Corporation, he may undertake other duties for the furtherance of any object of local importance or interest ;

(c) receive such monthly salary as the Corporation shall determine ; and

(d) be removable at any time from office or be suspended, fined, reduced or admonished, on the vote of two-thirds of the whole number of councillors :

(3) ~~Provided that~~ The Corporation may, in its discretion, appoint such person on probation for a ~~limited~~ period *not exceeding twelve months only* to any of the said offices.

Cf. Bur.
VI of
1922,
s. 31.

43. *Appointment of other officers and servants.*—The Corporation shall appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act and shall assign to them such duties, and pay them such salaries, allowances, pensions and gratuities, and make on their behalf such payments to provident or annuity fund, as it determines by rules made in this behalf under sub-section (5) of section 284 286, subject to the condition that no appointment the salary of which exceeds five hundred rupees per month shall be created without the sanction of the Commissioner in Sind :

Provided that—

(1) the power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary is not less than five hundred rupees, shall vest in the Corporation ;

(2) the power of appointing municipal officers and servants, whether temporary or permanent, whose minimum monthly salary is not less than two hundred rupees but is less than five hundred rupees shall vest in the Standing Committee ;

(3) the power of appointing all other municipal officers and servants shall, subject to the rules made under sub-section (5) of section 284 286, vest in the Chief Administrative Officer.

Cf. Bur.
VI of
1922,
s. 32.

44. *Acting appointments.*—(1) Any municipal authority may, where necessary, appoint any fit person to act in the place of any officer (other than the Chief Administrative Officer) or servant absent on leave :

Provided that where the acting period exceeds two months, the acting officer shall possess the qualifications prescribed by rules, if any, for that particular post.

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers as the said officer or servant is bound to perform or may exercise and be subject to the same liabilities, restrictions and conditions to which the said officer or servant is liable ; and shall receive such pay and allowances as the Corporation ~~thinks fit~~ *may be provided in the rules.*

[Appendix 26—contd.]

45. *Municipal officer or servant not to be interested in any contract with the Corporation.*—(1) Any person who— Cf. Bur. VI of 1922, s. 33.

(a) has directly, or indirectly, by himself or by any partner, any such share or interest as is described in clause (f) of section 14 other than an interest in land held on a lease from the Corporation, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest, or

(b) has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid,

shall be disqualified from being a municipal officer or servant.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or by his partner any such share or interest as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract, grant or employment with, by, or on behalf of, the Corporation as is permissible for a councillor to have under the proviso to section 14, without his being thereby disqualified from being a councillor.

46. *Power of suspending punishing, and dismissing in whom to vest.*— Cf. Bur. VI of 1922, s. 34.

(1) Any municipal officer or servant other than the Chief Administrative Officer and officers appointed under section 42 may be fined, reduced, suspended or dismissed, or the increment to the salary of such officer or servant may be withheld for any specified period for any breach of discipline or departmental rules or for carelessness, incompetence, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed :

Provided that no municipal officer or servant whose monthly emoluments exceed one hundred rupees appointed by the Chief Officer shall be dismissed by the Chief Officer without the previous approval of the Standing Committee.

Provided further that no municipal officer or servant whose monthly emoluments exceed two hundred and fifty rupees appointed by the Standing Committee shall be dismissed by the Standing Committee without the previous approval of the Corporation.

~~(2) Orders passed under sub-section (1) shall be subject to appeal in such cases and to such authorities as may be prescribed in this behalf by rules made under sub-section (5) of section 284.~~

(2) Subject to the provisions of sub-section (1) orders passed under the said sub-section shall be subject to appeal in such cases and to such authority as may be prescribed in this behalf by the rules.

47. *Extraordinary pension in case of officer or servant injured or killed in execution of his duty.*—The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules— Cf. Bur. VI of 1922, s. 35.

(a) to any municipal officer or servant injured in the execution of his duty ; or

[Appendix 26—*contd.*]

(b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty or who dies during service.

ESSENTIAL OFFICERS AND SERVANTS.

Cf. Bom.
VI of
1922,
s. 36.

48. *Essential officers and servants.*—(1) Every essential officer and servant shall be entitled to one month's notice before discharge or to one month's pay and allowance in lieu thereof, unless he is discharged for misconduct or has completed the specified term of service for which he was engaged.

(2) No essential officer or servant shall—

(a) unless he is authorised in that behalf by the terms of his contract, resign his appointment or quit his employment without giving one month's notice to the authority appointing him; or

(b) absent himself from duty otherwise than on leave duly granted and not subsequently cancelled; or

(c) neglect or refuse to perform any of his duties or wilfully perform them in an inefficient manner.

(3) The expression "essential officer or servant" includes every person employed in the municipal fire-brigade or in connection with the municipal air compressor or pumping stations or employed in connection with the drainage, conservancy or water-supply of the City and any such other municipal officer or servant as may be prescribed in this behalf.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Cf. Bur.
VI of
1922,
s. 37.

49. *Powers of Corporation as to acquisition of property.*—The Corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property or any interest therein, whether within or without the limits of the City.

Cf. Bom.
III of
1888,
s. 88.

50. *Transfer to Corporation of property of municipality of Karachi.*—All such immoveable and other property within or without the limits of the City as is held by or in trust for, or has been granted by the Government to the Municipality of Karachi, shall, upon and after the day on which this Act comes into force, vest in the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same.

Cf. Bur.
VI of
1922,
s. 39.

51. *Property of public institutions managed by municipal authority to be held in trust.*—(1) All property, endowments and funds belonging to any public institution with the management, control and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowments and funds may lawfully be applied.

[Appendix 26—*contd.*]

(2) The Corporation may, with the sanction of the Government, transfer to His Majesty any property, endowments and funds so vested in it in trust under sub-section (1) :

Provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

52. *Acquisition of immoveable property or easement by agreement.*— Cf. Bom. III of 1888, s. 90 and Bur. VI of 1922, s. 41.
 (1) Whenever it is provided by this Act that the Chief Administrative Officer may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Chief Administrative Officer shall acquire, any immoveable property, such property may be acquired by the Chief Administrative Officer on behalf of the Corporation by agreement on such terms and at such rates or prices, or at rates or prices not exceeding such maxima, as shall be approved by the Standing Committee, either generally for any class of cases or specially in any particular case.

(2) Whenever under any provision of this Act the Chief Administrative Officer is authorized to agree to pay the whole or any portion of the expenses of acquiring any immoveable property, he shall do so on such terms, and at such rates or prices, or at rates or prices not exceeding such maxima, as shall have been approved by the Standing Committee :

Provided that no agreement for the acquisition of any immoveable property under sub-section (1) or (2) at a price exceeding one thousand rupees shall be valid until such agreement has been approved by the Corporation.

(3) The Chief Administrative Officer may on behalf of the Corporation acquire by agreement any easement affecting any immoveable property vested in the Corporation, and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

53. *Procedure when immoveable property or easement cannot be acquired by agreement.*—(1) Whenever the Chief Administrative Officer is unable under section 52 to acquire by agreement any immoveable property or any easement affecting any immoveable property vested in the Corporation, or whenever any immoveable property or any easement affecting any immoveable property vested in the Corporation is required for the purposes of this Act, the Commissioner in Sind may in his discretion, upon the application of the Chief Administrative Officer made with the approval of the Standing Committee, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. Bom. III of 1888, s. 91. I of 1894.

(2) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, be forthwith paid by the Chief Administrative Officer, and thereupon the said property or easement shall vest in the Corporation.

54. *Decision of claims to property by or against the Corporation.*— Cf. Bom. XVIII of 1925, s. 64.
 (1) Where any immoveable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person

[Appendix 26—contd.]

as against the Corporation, it shall be lawful for the Collector after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

Bom. V of 1879. (2) ~~Any suit instituted in any Civil Court to set aside any order passed by the Collector under sub-section (1), or if one or more appeals have been made against such order within the period of limitation, then any order passed by the final appellate authority, as determined according to sections 203 and 204 of the Bombay Land Revenue Code, 1879, shall be dismissed (although limitation has not been set up as a defence) if the suit is instituted after the expiration of one year from the date on which the plaintiff had due notice of the order sought to be set aside or if the relief claimed is inconsistent with such order.~~

Bom. V of 1879. (3) (a) ~~The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer as defined in the Bombay Land Revenue Code, 1879.~~

X of 1876. (2) *Bom. V of 1879.* *The Corporation or any person aggrieved by an order passed by the Collector under sub-section (1) may, notwithstanding anything contained in the Bombay Revenue Jurisdiction Act, 1876, the Bombay Land Revenue Code, 1879, or any other law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.*

If any such suit is instituted after the expiration of one year from the date of which the notice of such order has been given such suit shall be dismissed although limitation has not been set up as a defence.

Bom. V of 1879. (3) (a) *The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a survey officer as defined in the Bombay Land Revenue Code, 1879.*

(b) *The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.*

(c) *A person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government.*

Cf. Bur. VI of 1922, s. 42 and Bom. III of 1888, s. 92. 55. *Provisions governing the disposal of municipal property.*—With respect to the disposal of property belonging to the Corporation other than waste lands transferred to the Corporation by Government the following provisions shall have effect, namely:—

(a) *the Chief Administrative Officer may, in his discretion, dispose of by sale or otherwise any moveable property belonging to the Corporation not exceeding in value five hundred rupees, or grant a lease of any immoveable property belonging to the Corporation, including any right of fishing or of gathering and taking fruit, flowers, grass and the like (excluding grass or grazing rights) for any period not exceeding twelve months at a time:*

[Appendix 26—contd.]

Provided that every such lease granted by the Chief Administrative Officer shall be reported by him, within fifteen days after the same has been granted, to the Standing Committee;

(b) with the sanction of the Standing Committee, the Chief Administrative Officer may dispose of, by sale or otherwise, any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees, or grant a lease of any immoveable property belonging to the Corporation, including any such right as aforesaid, for any period not exceeding three years at a time;

(c) with the sanction of the Corporation, the Chief Administrative Officer may lease, sell or otherwise convey any property, moveable or immoveable, belonging to the Corporation;

(d) the sanction of the Standing Committee or of the Corporation under clause (b) or (c) may be given either generally for any class of cases or specially in any particular case; and

(e) the aforesaid provisions of this section shall apply, respectively, to every disposal of property belonging to the Corporation made under or for any purpose of this Act:

Provided that—

(i) no property vesting in the Corporation in trust shall be leased, sold or otherwise conveyed in such a manner that any trust subject to which such property is held is thereby affected;

~~(ii) every sale, lease or other conveyance of property vesting in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force:~~

~~(iii) every lease for a term exceeding seven years, sale or other transfer by the Corporation of waste lands transferred to it by Government shall require the previous sanction of the Commissioner in Sind, and~~

~~(iv) in the case of land [other than the waste lands referred to in proviso (iii)] such sanction shall be required only if the land exceeds ten thousand rupees in value.~~

(v) *No land exceeding ten thousand rupees in value shall be sold, leased or otherwise conveyed without the previous sanction of the Commissioner in Sind and every sale, lease or other conveyance of property vesting in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.*

56. *Management and disposal of waste lands.—(1) The management and disposal of waste lands transferred to the Municipality of Karachi by Government shall be in accordance with the rules which have been made by the said Municipality with the sanction of the Commissioner in Sind.*

[Appendix 26—contd.]

(2) *The Corporation may, with the previous sanction of the Commissioner in Sind, from time to time, add to, vary or rescind the rules made under sub-section (1).*

Cf. Bur.
VI of
1922,
s. 43.

56 57. *Resumption by Government.*—Government may resume any immoveable property transferred to the Corporation by Government or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Corporation for such transfer and the market value at the date of resumption of any buildings or works subsequently erected or executed thereon by the Corporation with the intention that such buildings or works should be permanent :

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

CHAPTER VI.

LOANS.

Cf. Bur.
VI of
1922,
s. 44,
IX of
1914.

57 58. *Power of Corporation to borrow money.*—(1) ~~Notwithstanding anything contained in the Local Authorities Loans Act, 1914, but~~ Subject to the provisions of section 59 60, the Corporation may, from time to time in pursuance of a resolution passed at a special meeting convened for the purpose, borrow ~~or re-borrow~~ and take up at interest by way of debenture or otherwise on the security of any immoveable property vested in the Corporation or of all or any of the taxes, duties, tolls, fees and dues authorised by this Act, any sums ~~of money which may be required~~ *necessary for the purpose of defraying any costs, charges or expenses, incurred or to be incurred*

(a) for the execution of any work authorised by this Act, or

(b) for the acquisition of land for the purposes of this Act, or

(c) ~~to repay for the repayment of~~ a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable :

Provided that—

Cf. Bom.
III of
1886,
s. 109 (a).

(i) no loans shall be raised for the execution of any work other than a permanent work, which expression shall include any work of which the cost should, in the opinion of the Government, be spread over a term of years ;

(ii) no loan shall be raised without the previous sanction of Government ;

(iii) the terms upon and the method by which the loan is to be raised and repaid shall be subject to the sanction of Government ;

(iv) save in the case of a loan granted by Government, no loan exceeding in amount twenty-five lakhs of rupees shall be raised

[Appendix 26—contd.]

unless the terms, including the date of floatation, of such loan have been approved by the Governor-General in Council; and

(v) the period within which the loan is to be repaid shall in no case exceed sixty years.

(2) When any sum of money has been borrowed ~~or re-borrowed~~ under sub-section (1)—

(a) no portion thereof shall, without the previous sanction of Government, be applied to any purpose other than that for which it was borrowed ~~or re-borrowed~~, and

(b) no portion of any sum of money borrowed ~~or re-borrowed~~ under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants other than those who are exclusively employed upon the works for the construction of which the money was borrowed ~~or re-borrowed~~ :

57. *Provided that with the previous sanction of Government, part of the salaries or allowances of any municipal officer or servant employed in part upon the construction of such work may be paid out of the sum so borrowed.*

(3) The amount of the loan, the period within which it shall be repaid, and the terms upon and the method by which the loan is to be raised and repaid shall be duly notified by Government.

58 59. *Power of Corporation to open credit cash account with a Bank.*— Cf. Bur.

(1) Notwithstanding anything contained in section 57 58, whenever the borrowing of any sum has been sanctioned under the said section the Corporation may, on such terms as may be sanctioned by Government, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit from any Bank on a cash account to be kept in the name of "the Municipal Corporation of the City of Karachi" to the extent of such sum or part and, with the previous sanction of Government, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment with interest of the amount of such credit or of the sums advanced from time to time on such cash account. VI of 1922, s. 45.

(2) The provisions of sub-section (3) of section 57 58 shall apply to such sum or part.

59 60. *Limit of borrowing powers.*—(1) The borrowing powers of the Corporation shall be limited so that the total loan charges payable by the Corporation in any year shall not at any time exceed ~~thirteen per cent.~~ Cf. Bur. VI of 1922, s. 46. of double the annual value of the buildings and lands in the City as defined in sub-section (2) of section 95 97.

(2) For the purposes of sub-section (1) the total loan charges shall include the sums annually payable for interest and for the maintenance of sinking funds and, if any loans are repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the sums annually payable for such payments or drawings.

[Appendix 26—*contd.*]

Cf. Bur.
VI of
1922,
s. 47.

60 61. *Form of debentures.*—(1) All debentures issued under this Act shall be in such form as the Corporation may, in the case of a loan raised out of India with the previous sanction of the Governor-General in Council and in every other case with the previous sanction of Government, from time to time determine.

(2) The holder of any debenture in any form duly authorised under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorised.

(3) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(4) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Cf. Bur.
VI of
1922,
s. 48.

61 62. *Coupons attached to debentures to bear signature of the Chairman of the Standing Committee and the Chief Officer.*—All coupons attached to debentures issued under this Act shall be signed by the Chairman of the Standing Committee and the Chief Officer on behalf of the Corporation and such signature may be engraved, lithographed or impressed by any mechanical process.

Cf. Bur.
VI of
1922,
s. 49.

62 63. *Debentures issued to two or more persons jointly.*—Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872,

IX of
1872.

(1) when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors ;

(2) when two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

Cf. Bur.
VI of
1922,
s. 50.

63 64. *When and how loan shall be repaid.*—Every loan raised by the Corporation under section 57 58 shall be repaid within the time approved under proviso (iii) to sub-section (1) of the said section and by such of the following methods as may be approved under the said proviso, namely :—

(a) by payment from a sinking fund established under section 64 65 in respect of the loan, or

(b) by equal payments of principal and interest, or

(c) by equal payments of principal, or

[Appendix 26—contd.]

(d) ~~by annual drawings in the case of loans borrowed before this Act comes into force, by annual drawings, or~~

(e) from any sum borrowed under section 57 58 (1) (c), or

(f) partly from a sinking fund established under section 64 65 in respect of the loan and partly from money borrowed for the purpose under section 57 58 (1) (c).

64 65. *Maintenance of sinking fund.*—Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (iii) to sub-section (1) of section 57 58, the Corporation, shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved :

Cf. Bur.
VI of
1922,
s. 51.

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then, with the permission of Government, further payments into such fund may be discontinued.

65 66. *Power of Corporation to consolidate loans.*—(1) Notwithstanding anything to the contrary contained in this Act, the Corporation may consolidate all or any of its loans, and for that purpose may invite tenders for a new loan to be called “ the Karachi Municipal Consolidated Loan, 19 ”, and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

Cf. Bur.
VI of
1922,
s. 52.

(2) The terms of every such consolidated loan and the rates at which exchange into such consolidated loan shall be permitted, shall, save in the case of a loan granted by Government, be subject to the previous sanction of the Governor-General in Council.

(3) Save in the case of a loan granted by Government, the period for the extinction of any such consolidated loan shall not, without the sanction of the Governor-General in Council, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan.

(5) The provisions of section 64 65 shall apply to each sinking fund established under sub-section (4) :

Provided that, in calculating the sum to be paid into any such sinking fund in pursuance of section 64 65, any sums transferred to that fund in pursuance of the proviso to section 68 69 shall be taken into account.

66 67. *Investment of sinking fund.*—(1) All money paid into a sinking fund shall as soon as possible be invested by the Corporation in

Cf. Bur.
VI of
1922,
s. 53.

(a) Government securities, or

(b) securities guaranteed by Government, or

(c) Karachi Municipal debentures, or

(d) debentures issued by the trustees for the port of Karachi.

[Appendix 26—*contd.*]

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(4) When any part of a sinking fund is invested in Karachi Municipal debentures or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (1).

(5) The Corporation may from time to time vary any investment made under sub-section (1) or transfer from one sinking fund to another any investment made under sub-section (1) :

Provided that the former sinking fund is reimbursed the value of such investment at the time when the transfer is made.

Cf. Bur.
VI of
1922,
s. 54.

67 68. *Corporation may invest in its own debentures.*—(1) For the purposes of any investment (including sinking funds) which the Corporation is authorised to make by this Act, the Corporation may reserve and set apart for issue at par, to and in the name of the Municipal Corporation of the City of Karachi, any portion of the debentures to be issued on account of any loan :

Provided that the intention so to reserve and set apart such debentures shall have been specified as a condition of the loan in the notification issued in respect thereto under sub-section (3) of section 57 58.

(2) The issue of any such debentures to the Corporation as aforesaid 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.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation of any debenture issued by the Corporation 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. Bur.
VI of
1922,
s. 55.

68 69. *Application of sinking funds towards the discharge of the loan.*—The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and until such loan or part is wholly discharged, shall not apply the same for any other purpose :

Provided that when any loan, or part thereof, is consolidated under section 65 66 the Corporation shall transfer to the sinking fund established for such consolidated loan the sum standing to the credit of the sinking fund of the original loan, or, if part only of a loan is consolidated,

[Appendix 26—contd.]

then such part of the sum standing to the credit of the sinking fund of such loan as is proportionate to the part of the original loan which is included in the consolidated loan.

69 70. *Provisions for loans raised by the Municipality of Karachi.*— Cf. Bur. VI of 1922, s. 56.
In the case of all loans raised by the Municipality of Karachi before this Act comes into force the following provisions shall apply :—

(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) all securities and cash held by the Municipality of Karachi in sinking funds established for the repayment of such loans shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i) ;

(iii) the provisions of section 64 65 shall apply to such sinking funds ;

(iv) 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 or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(v) the provisions of section 71 72 shall apply to such loans.

70 71. *Annual examination of sinking funds.*—(1) All sinking funds established under this Act shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the current value of the securities to the credit of such funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom. Cf. Bur. VI of 1922, s. 57.

(2) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant General may certify to be deficient, unless the Governor-General in Council by general or special order sanctions a gradual readjustment.

(3) If any dispute arises as to the accuracy of any certificate issued by the Accountant General under sub-section (2), the Corporation may, after making the payment, refer the matter to Government, whose decision shall be final.

71 72. *Attachment of municipal fund in default of repayment of loan.*— Cf. Bur. VI of 1922, s. 58.
(1) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, Government if it has itself given the loan may and in other cases shall, on the application of the lender, attach the municipal fund or a portion thereof.

(2) After such attachment no person, except an officer appointed in this behalf by Government, shall in any way deal with the attached fund or portion thereof ; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done

[Appendix 26—contd.]

if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the fund or portion thereof attached was previously pledged in accordance with law ; and all such prior charges shall be paid out of the proceeds of the fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Cf. Bur.
VI of
1922,
s. 59.

72 73. *Attachment of municipal fund in default of the Corporation paying into the sinking fund the deficit amount.*—If the Corporation fails to make any payment as required by sub-section (2) of section 70 71, Government may attach the municipal fund or any portion thereof; and the provisions of sub-section (2) of section 71 72 shall, with all necessary modifications, be deemed to apply.

Cf. Bur.
VI of
1922,
s. 60.

73. *Annual statement to be prepared by Chief Administrative Officer.*—(1) ~~The Chief Administrative Officer shall, at the end of each year, prepare a statement showing—~~

~~(a) the amount which has been invested during the year under section 66,~~

~~(b) the date of the last investment made previous to the submission of the statement,~~

~~(c) the aggregate amount of the securities then in the hands of the Corporation, and~~

~~(d) the aggregate amount which has up to the date of the statement been applied under section 68 in or towards repaying loans.~~

~~(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the Sind Official Gazette.~~

74. *Annual statement to be prepared by Chief Officer.*—(1) *The Chief Officer shall at the end of each year, prepare a statement showing,*

(a) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and showing the annual loan charges,

(b) in the case of every loan for which a sinking fund has been established under section 65 the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year,

(c) the loans repaid in the year and in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year and the balance due at the close of the year,

(d) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the Sind Official Gazette and a copy of such statement shall be sent to Government and to the Accountant General.

[Appendix 26—contd.]

75. *Application of the Local Authorities Loans Act, 1914.*—The provisions of the Local Authorities Loans Act, 1914, shall apply to all loans borrowed under this Chapter so far as the said provisions are not inconsistent with the provisions herein contained. IX of 1914.

CHAPTER VII.

REVENUE AND EXPENDITURE.

Funds and Accounts.

74 76. *Constitution of the municipal fund.*—(a) All moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force or under any contract, Cf. Bom. III of 1888, s. 111.

(b) the balance standing to the credit of the municipal fund of the Municipality of Karachi and of the Education fund of the School Board on the day when this Act comes into force,

(c) the annual contribution paid by the trustees for the Port of Karachi under the provisions of section 28A of the Karachi Port Trust Act, 1886, Bom. VI of 1886.

(d) all fines levied by any magistrate in respect of any offences against the provisions of this Act, or in respect of any offence under section 61 of the Bombay District Police Act, 1890; committed in the City or in respect of municipal property, or in respect of offences under any other enactment the fines under which shall have been or may be ordered by Government to be paid to the municipal fund, Bom. IV of 1890.

(e) all proceeds of the disposal of property by, or on behalf of, the Corporation,

(f) all rents accruing from any property of the Corporation,

(g) all moneys raised by any tax levied for the purposes of this Act,

(h) all fees and fines payable and levied under this Act,

(i) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(j) all moneys received by, or on behalf of, the Corporation from Government or private individuals by way of grant or gift or deposit, and

(k) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation,

shall be credited to a fund, which shall be called "the municipal fund", and which shall be held by the Corporation for the purposes of this Act, subject to the provisions herein contained :

Provided that nothing in this section shall in any way affect any obligations accepted by or imposed upon the Municipality of Karachi by any declarations of trust executed by or on behalf of the said Municipality, or by any scheme settled under the Charitable Endowments Act, 1890, for the administration of any trust. VI of 1890.

[Appendix 26—*contd.*]

Cf. Bur.
VI of
1922,
s. 62.

75 77. *Application of municipal fund.*—The moneys from time to time credited to the municipal fund shall be applied in the following order of preference :—

first, in making due provision for the repayment of all loans repayable by the Corporation under the provisions of chapter VI ;

secondly, in discharge of all liabilities imposed on the Corporation by proviso (2) to section 4 ;

thirdly, in payment of all sums, charges and costs necessary for the purposes specified in sections 34 and 37 and for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(a) the cost of auditing the municipal accounts ;

(b) the expenses of every election of councillors held under this Act ;

(c) the salaries, allowances and contributions to pensions and leave salaries of the Chief Administrative Officer and of any other officer whose services may, at the request of the Corporation, be placed by Government at its disposal ;

(d) the salaries and allowances of all municipal officers and servants, and all pensions, gratuities, contributions and compassionate allowances payable under the provisions of this Act ;

(e) the salaries and fees of experts for service or advice in connection with any matter arising out of the administration or undertakings of the Corporation ;

(f) all expenses and costs incurred by the corporation or by any municipal officer on behalf of the Corporation in the exercise of any power conferred, or the discharge of any duty imposed, on it or him by this Act, including moneys which the Corporation is required or empowered to pay by way of compensation ; and

(g) every sum payable—

~~(i) under sub-section (1) of section 277 or section 201 by order of the Commissioner in Sind or Government ;~~

(i) *under sub-section (1) of section 278 by order of the Commissioner in Sind or under section 293 by order of Government, or under an award made under the Indian Arbitration Act, 1899, or a decree or order of a civil court, as the case may be,*

(ii) *under a decree or order of a civil or criminal court passed against the Chief Administrative Officer ex-officio ;*

(iii) *under a compromise of any suit or other legal proceeding or claim.*

IX of
1899.

Cf. Bur.
VI of
1922,
s. 63.

76 78. *The education fund.*—(1) All moneys received by the School Board for or in the discharge of its functions under this Act shall be credited to a fund which shall be called “ the education fund ”.

[Appendix 26—contd.]

(2) The education fund shall, subject to the control of the Corporation and to the provisions of the Bombay Primary Education Act, 1923, be administered by the School Board and shall be applied to all expenditure incurred in the payment of salaries, fees and allowances (including provident fund contributions) and pensions of all officers and servants employed under such Board and any other expenses incurred by the Board in exercising any power or discharging any duty conferred or imposed on it by section 7. Bom. IV
of 1923.

77 79. *Receipt and disposal of payments on account of the municipal fund or the education fund.*—All moneys payable to the credit of the municipal fund or of the education fund shall be received by the Chief Administrative Officer and shall be forthwith paid into the Imperial Bank of India or into any other bank or co-operative society approved in this behalf by the Corporation and sanctioned by Government to the credit of an account which shall be styled "The account of the municipal fund of the City of Karachi" or "The account of the education fund of the City of Karachi", as the case may be. Cf. Bom.
III of
1888.
s. 113.

78 80. *How the funds shall be drawn against.*—(1) Subject to the provisions of section 277 278, no payment shall be made by any bank or society as aforesaid out of the municipal fund or education fund except upon a cheque signed in the prescribed manner. Cf. Bom.
III of
1888,
s. 113.

(2) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount, may be made by any officer authorized in that behalf in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

(3) Payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by the officer aforesaid by cheque only.

79 81. *Deposit of portion of municipal fund outside Karachi.*—Notwithstanding anything contained in section 77 79 or 78 80, the Chief Administrative Officer, with the previous approval of the Standing Committee, may, from time to time, remit any portion of the municipal fund to a bank or other agency approved in this behalf by the Corporation and sanctioned by Government and carrying on business at any place beyond the City at which it may be desirable for the Corporation to have funds in deposit; and any money payable to the credit of, or chargeable against, the municipal fund which may, in the opinion of the Chief Administrative Officer, be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid. Cf. Bom.
III of
1888,
s. 114.

80 82. *Investment of surplus moneys.*—Surplus moneys to the credit of the municipal fund, which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder, may from time to time be deposited in the Imperial Bank of India or in any other bank or co-operative society approved in this behalf by the Cf. Bom.
III of
1888,
s. 122.

[Appendix 26—contd.]

Corporation and sanctioned by Government or may be invested in public securities.

Cf. Bom.
III of
1888,
s. 123.

81 83. *Accounts to be kept in a form approved by the Standing Committee.*—Accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such form as the Standing Committee may approve.

Cf. Bom.
XVIII of
1925,
s. 211.

82 84. *Transmission of accounts to Government.*—The Corporation shall, as soon as the accounts of the past year have been finally passed by it, transmit to Government an account in such form as the Commissioner in Sind may from time to time direct.

Cf. Bur.
VI of
1922,
s. 69.

83 85. *Preparation of annual administration report and statement of accounts.*—The Chief Administrative Officer shall, as soon as may be after the first day of July in each year, cause to be prepared a detailed report of the municipal administration of the City during the previous year, together with a statement showing the accounts of the receipts and disbursements credited and debited to the municipal fund and education fund during the previous financial year and the balance to the credit of each fund at the close of the said financial year.

Budgets.

Cf. Bom.
III of
1888,
s. 115.

84 86. *Only sums covered by a budget-grant to be expended from the municipal fund.*—Except as hereinafter provided, no payment of any sum shall be made by the Chief Administrative Officer out of the municipal fund unless the expenditure of such sum is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 87 89 or 90 92 :

Provided that the following items shall be excepted from this prohibition, namely :—

(a) sums of which the expenditure has been sanctioned by the Standing Committee under section 89 91 ;

(b) refunds of taxes and other moneys which the Chief Administrative Officer is by this Act authorized to make ;

(c) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(d) sums which the Chief Administrative Officer is by this Act required or empowered to pay by way of compensation ;

(e) sums payable in any of the circumstances mentioned in clause (g) of paragraph *thirdly* of section 75 77 ;

(f) expenses incurred by the Chief Administrative Officer in the exercise of the powers conferred on him by section 181 182 ;

(g) costs incurred by the Chief Administrative Officer under clause (c) of sub-section (3) of section 38.

[Appendix 26—contd.]

85 87. *Expenditure under certain of these exceptions to be reported by* Cf. Bur. Chief Administrative Officer to Standing Committee.—Whenever any sum is expended by the Chief Administrative Officer under clause (d) (e), (f) or (g) of the proviso to section 84 86, he shall forthwith communicate the circumstances to the Standing Committee which shall take such action under section 87 89 or recommend to the Corporation to take such action under section 88 90 as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure. VI of 1922, s. 70 (3).

86 88. *Preparation of budget estimates.*—(1) The Chief Administrative Officer shall each year cause to be prepared and laid before the Standing Committee, on or before the tenth day of ~~November~~ January and in such form and such manner as the Standing Committee may approve, having regard to all the requirements of this Act, budget estimates of the income and expenditure of the municipal and education funds for the next financial year. Cf. Bur. VI of 1922, s. 71.

(2) Such estimates shall—

(a) provide for the repayment of all loans with interest due thereon, for the repayment of which the Corporation is liable ;

(b) provide for the discharge of liabilities imposed on the Corporation by proviso (2) to section 4 ;

(c) provide for the payment in convenient instalments from the municipal fund of an amount equal to the grant assigned to the education fund ;

(d) allow for a cash-balance at the end of the said year of not less than ~~the amount which Government may, from time to time, fix in this behalf~~ two lacs of rupees.

(3) The Standing Committee shall, on or as soon as may be after the tenth day of ~~November~~ January, consider the budget estimates prepared by the Chief Administrative Officer and make such modifications and additions thereto as it shall think fit and submit the same to the Corporation not later than the fifteenth day of ~~December~~ February.

(4) The Corporation shall finally adopt the budget estimates before the beginning of the year to which they relate and shall forthwith submit copies thereof to Government.

87 89. *Reduction or transfer of budget-grants.*—(1) The Standing Committee may, if it thinks necessary, at any time during the financial year transfer or add the amount or a portion of the amount of one budget-grant to the amount of any other budget-grant under the same major head in the budget estimate : Cf. Bom. III of 1888, s. 133.

Provided that—

(1) due regard shall be had when making any such reduction or transfer to all the requirements of this Act ;

(2) every such reduction or transfer shall be brought to the notice of the Corporation at its next meeting.

[Appendix 26—*contd.*]

(2) If any such reduction or transfer is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the Standing Committee and the Chief Administrative Officer to give effect to the said order.

Cf. Bom.
III of
1888,
s. 131.

88 90. *Corporation may increase amount of budget-grants and make additional grants.*—The Corporation may, from time to time during a financial year, transfer the amount or a portion of the amount of one budget-grant from one major head to another in the budget estimate, or increase the amount of any budget-grant, or make an additional budget-grant, for the purpose of meeting any special or unforeseen requirement arising during the said year, but not in such a way as to bring the estimated cash-balance at the close of the year below the amount fixed under clause (d) of sub-section (2) of section 86 88.

Cf. Bom.
III of
1888,
s. 132.

89 91. *Rule as to unexpended budget-grants.*—If any portion of a budget-grant remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget estimates of the next following year, the Standing Committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object for which the budget-grant was made, but not upon any other purpose or object.

Cf. Bom.
III of
1888,
s. 134.

90 92. *Readjustment of income and expenditure to be made by the Corporation during the course of the financial year whenever necessary.*—(1) If it shall at any time during the financial year appear to the Corporation that, notwithstanding any reduction of budget-grants that may have been made under section 87 89, the income of the municipal fund in the said year will not suffice to meet the expenditure sanctioned in the budget estimates for the said year, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for adjusting the year's income to the expenditure.

(2) For this purpose the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible to do so, with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation.

(3) Whenever the Corporation determines to have recourse to such supplementary taxation, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, or by adding to the number of articles, if any, on which terminal tax is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regard to such tax.

Cf. Bur.
VI of
1922,
s. 76.

91 93. *Powers of School Board with regard to education fund.*—The School Board may in regard to the education fund exercise, subject to the control of the Corporation, all the powers vested in the Corporation

[Appendix 26—contd.]

or in the Standing Committee in regard to the municipal fund under sections 87 89, 88 90, 89 91 and 90 92. But the School Board shall not be deemed to be a corporate body for the purposes of this Act or the Bombay Primary Education Act, 1923.

Bom. IV
of 1923.

Audit.

92 94. *Monthly abstract of accounts.*—(1) The Chief Administrative Officer shall prepare monthly an abstract of the receipts and expenditure of the month last preceding and such abstract shall be examined and signed by the municipal auditor appointed under section 42 and approved by the Standing Committee. The municipal auditor shall be specially appointed by the Corporation and shall possess such qualifications as may be prescribed in rules made under section 284. Cf. Bur. VI of 1922, s. 77.

(2) For this purpose the Standing Committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Chief Administrative Officer shall forthwith furnish to the Standing Committee any explanation concerning receipts and disbursements which it may call for.

(3) *The abstract of the municipal accounts signed by the municipal auditor appointed under section 42 shall be published quarterly in the prescribed form in the Sind Official Gazette.*

93 95. *Audit of municipal accounts.*—(1) the municipal accounts shall be examined and audited in accordance with the procedure approved by Government in this behalf. The auditors shall forthwith report to the Standing Committee any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts. Cf. Bur. VI of 1922, s. 78.

(2) *The annual report of the auditors of the municipal accounts under sub-section (1) shall be published in the Sind Official Gazette.*

(3) *The municipal auditor appointed under section 42 shall have the right to communicate to the Standing Committee at any time any matter relating to the accounts of the Corporation or to the audit of the said accounts.*

CHAPTER VIII.

MUNICIPAL TAXATION.

Taxes.

94 96. *Taxes to be imposed under this Act.*—(1) For the purposes of this Act the Corporation shall impose taxes on property. Cf. Bom. XVIII of 1925, s. 73.

(2) In addition to the taxes mentioned in sub-section (1), the Corporation may, for the purposes of this Act, impose any of the following taxes, namely :—

(a) a tax at rates not exceeding those specified in Schedule II on all vehicles and animals used for riding, draught or burden and kept for habitual use within the City ;

[Appendix 26—*contd.*]

(b) a terminal tax at rates prescribed by the Corporation with the approval of the Commissioner in Sind on goods imported into or exported from the terminal tax limits ;

(c) a tax on dogs kept within the City ;

(d) any other tax which is scheduled as exempted from the provisions of sub-section (3) of section 80A of the Government of India Act by rules made under clause (a) thereof subject to the proviso that Government may require that the proposal to impose any such tax in any particular case shall be submitted for sanction before such proposal is carried into effect ;

(e) any other tax to the nature, rate and object of which the approval of Government and of the Governor-General in Council shall have been obtained prior to its imposition.

5 & 6.
Geo. V,
c. 61.

Cf. Bur.
VI of
1922,
s. 80.

95 97. *Property-taxes.*—(i) For the purposes of sub-section (1) of section 94 96 the following taxes hereinafter called “ property taxes ” shall, subject to the limitations hereinafter provided, be levied on buildings and lands in the City, namely :—

(a) a general-tax of not less than seven and not more than twelve per cent. of their annual value, to which may be added a fire brigade tax at such percentage not exceeding two per cent. of their annual value as will, in the opinion of the Corporation, suffice to provide for the expenses necessary for fulfilling the duties of the Corporation arising under clause (15) of section 34 ;

(b) a conservancy-tax at such percentage of their annual value as will, in the opinion of the Corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all sewage, offensive matter and rubbish and for efficiently constructing, maintaining and repairing municipal drains for the reception and conveyance of any such matter ; and

(c) a water-tax at such percentage of their annual value as in the opinion of the Corporation shall suffice to meet the expenses of providing a water supply *and drainage* for the City :

Provided that the Chief Administrative Officer with the approval of the Standing Committee may direct that instead of levying the water-tax in respect of any buildings or lands liable thereto under sub-clause (c) the water supplied for domestic or non-domestic purposes to such buildings or lands shall be paid for by measurement at such rates per thousand gallons as do not exceed by more than ten per cent. the actual average cost to the Corporation of supplying one thousand gallons of water in the City, and on such terms and conditions as he may deem reasonable :

Provided also that in cases in which water is paid for by measurement the Chief Administrative Officer, with the approval of the Standing Committee, may compound with the owner or occupier of any such building or land for the payment of a lump sum for any period not exceeding one year at a time in lieu of any amount which such owner

[Appendix 26—contd.]

or occupier would otherwise have been liable to pay on account of the water so supplied.

(2) ~~In this chapter "annual value" means the gross annual rent (less a deduction of ten per cent.), for which buildings other than dwelling houses and lands liable to taxation may reasonably be expected to let, from year to year, and, in the case of dwelling houses, the rent aforesaid for which they may be expected to let unfurnished.~~

(2) *In this chapter "annual value" means the annual rent (less a deduction of ten per cent.) for which any building or land, exclusive of furniture or machinery contained or situate therein or thereon might reasonably be expected to let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to his tenancy.*

96 98. *General-tax on what properties to be levied.—(1) The general property-tax shall be levied in respect of all buildings and lands except—* Cf. Bur. VI of 1922, s. 51.

(a) buildings and lands or portions thereof solely and exclusively occupied for public worship or for *public* charitable purposes ;

(b) *buildings and lands or portions thereof used for educational purposes and exempted by the Corporation.*

(b) (c) buildings and lands vested in the Corporation ;

(e) (d) lands used as places for the disposal of the dead.

(2) Unless the Corporation, with the sanction of the Commissioner in Sind, in any particular case for any special reasons otherwise directs, the following buildings and lands or portions thereof shall not be deemed to be solely and exclusively occupied for public worship or for *public* charitable purposes within the meaning of clause (a) of sub-section (1), namely :—

(a) those in which any trade or business is carried on ; and

(b) those in respect of which rent is derived, whether such rent is or is not applied solely and exclusively to religious or charitable purposes.

(3) When any portion of any building or land is exempt from the general property-tax by reason of its being solely and exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purposes of municipal taxation.

97 99. *Conservancy-tax on what property to be levied.—(1) The conservancy-tax shall be levied only in respect of buildings and lands—* Cf. Bur. VI of 1922, s. 84.

(a) situated in any portion of the City in which, after public notice given to that effect by the Chief Administrative Officer, the removal of sewage, offensive matter and rubbish is undertaken by municipal agency ; or

(b) in which, whether situated in the City or not, there is a connection for the removal of sewage to a municipal drain.

[Appendix 26—*contd.*]

(2) In any portion of the City in which under-ground sewers are provided by the Corporation, the conservancy-tax may be levied at a higher percentage than in other portions of the City.

Cf. Bur.
VI of
1922,
s. 85.

§§ 100. *Water-tax on what property to be levied.*—(1) The water-tax shall be levied only in respect of buildings and lands—

(a) which are connected by means of communication pipes with any municipal water-works; or

(b) which are situated in any portion of the City in which the Corporation, after public notice given to that effect by the Chief Administrative Officer, has arranged to supply water from municipal water-works in quantity sufficient to meet the reasonable demands of the occupiers of all buildings and lands in the said portion for their domestic purposes.

(2) The water-tax shall be levied in respect of buildings and lands which are liable under clause (b) of sub-section (1) at a lower rate than in respect of buildings and lands which are liable under clause (a).

Cf. Bom.
III of
1888,
s. 146.

§§ 101. *Responsibility for payment of property-taxes.*—(1) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from Government or from the Corporation.

(2) Otherwise, the said taxes shall be primarily leviable as follows, namely:—

(a) if the premises are let, from the lessor;

(b) if the premises are sub-let, from the superior lessor; and

(c) if the premises are unlet, from the person in whom the right to let the same vests.

(3) But if any land has been let to a tenant for any term exceeding one year and such tenant has built upon the land, the property-taxes, assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

(4) The liability of the owner and occupier of any building or land for payment of property-taxes or any instalment thereof payable during the period of actual occupation shall be joint and several.

(5) In the absence of any agreement to the contrary between the owner and occupier of any building or land, any general property-tax, in which is included the fire brigade tax, if any, paid by the occupier shall be recoverable by him from the owner, and any conservancy-tax or water-tax paid by the owner shall be recoverable by him from the occupier.

(6) Any sum recoverable under sub-section (5) by the occupier from the owner may be deducted from the rent due or payable by him to the owner, without prejudice to any other right of recovery open to him.

[Appendix 26—contd.]

100 102. *Notice to be given to Chief Administrative Officer of demolition or removal of a building.*—(1) When any building or any portion of a building liable to the payment of a property-tax is demolished or removed otherwise than by order of the Chief Administrative Officer, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Chief Administrative Officer. Cf. Bom. III of 1888, s. 153.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed:

Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen or been destroyed by fire.

Exemptions.

101 103. *Exemptions from property-taxes other than general property-tax.*—The Corporation may, for special reasons, exempt any building or land of the nature described in clauses (a), (b), and (c) and (d) of subsection (1) of section 96 98 from all or any of the property-taxes other than the general property-tax. Cf. Bur. VI of 1922, s. 81 (4).

102 104. *Remission or refund of property-taxes on account of vacancies.*—When any building or land, or any portion of any building or land treated as a separate property for the purpose of assessment under any provision of this Act, has been neither occupied nor productive of rent for a period of at least sixty consecutive days, the Chief Administrative Officer shall, subject to and in accordance with the terms and conditions prescribed by the Corporation in rules made in this behalf,— Cf. Bur. VI of 1922, s. 88

(a) remit two-thirds of the general property-tax, which includes the fire brigade tax, if any, and the whole of the water-tax and conservancy-tax, payable in respect of such building or land during such period, or

(b) if any tax or instalment thereof has been paid and application for refund has been made within six months of such payment, refund the amount which might have been remitted under this section.

Explanation.—For the purposes of this section, a building furnished and reserved by its owner for his own occupation whenever required shall be deemed to be occupied, whether it is actually occupied by such owner or not.

103 105. *Exemption from taxation in certain cases.*—(1) The Corporation may, with the previous sanction of ~~Government~~ the Commissioner in Sind, exempt in whole or in part from the payment of any tax any person or class of persons, or any property or description of property, animals or vehicles. Cf. Bur. VI of 1922, s. 90.

(2) ~~The Chief Administrative Officers, with the sanction of the Standing Committee, may exempt in whole or in part, for any~~

[Appendix 26—contd.]

~~period not exceeding one year, from the payment of any tax imposed under this Act, any person who by reason of poverty may in his opinion be unable to pay the same.~~

Cf. Bom. III of 1888. s. 181. (3) (2) The tax on vehicles and animals shall not be leviable in respect of—

(a) any vehicle or animal certified by the Chief Administrative Officer or the Superintendent of Police, Karachi and Tatta Districts, as the case may be, to be employed by the owner thereof for municipal or police purposes ;

(b) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses ;

XI of 1881. (c) any horse which any person, exempted by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep ;

XLVIII of 1920. XLIX of 1920. (d) any horse, motor bicycle, motor car, or other means of conveyance exempt from municipal taxation under section 16 of the Indian Territorial Force Act, 1920, or section 34 of the Auxiliary Force Act, 1920 ;

(e) vehicles and animals belonging to His Majesty or to the Corporation ;

Bom. II of 1883. (f) vehicles and animals which belong to the persons to whom the right of working street-tramways in the City is granted by the Karachi Tramways Act, 1883, and which are exempted from municipal taxation by the said Act ;

(g) vehicles kept by *bona fide* dealers in vehicles for sale merely, and not used ;

(h) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway ;

(i) hand-barrows having one wheel only, *invalid chairs*, ~~bicycles~~ ~~tricycles~~, ~~other than motorbicycles and tricycles~~ and children's perambulators.

Powers of Government in respect of taxes.

Cf. Bom. XVIII of 1925. s. 102. 104 106. *Power of Government to suspend levy of objectionable taxes.*— If it shall at any time appear to Government that any tax leviable by the Corporation is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, it may require the Corporation, within such period as Government shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax ; and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of Government, it may, by notification in the *Bombay Government Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

Government may at any time by a like notification, rescind any such suspension.

[Appendix 26—*contd.*]

Assessments and Appeals.

105. 107. *Appeals against valuations.*—(1) The Assessor shall, in Cf. Bur. accordance with the principle prescribed under sub-section (2) of section VI of 95, 97 determine the annual value of buildings and lands for the purpose s. 91. of assessment.

(2) An appeal against any determination made by the Assessor under sub-section (1) shall lie to, and be heard and determined by, the Chief Administrative Officer or any other officer specially appointed by the Corporation in this behalf :

Provided that no such appeal shall be heard by the Chief Administrative Officer unless a notice in writing of the intention to appeal has been left at the office of the Corporation within ~~fourteen days~~ one month from the date of the receipt of the aforesaid order by the appellant.

(3) When any question arises as to the liability of any building or land to assessment, or as to the basis or principle of assessment, an appeal shall lie from the decision of the Chief Administrative Officer or the officer appointed under sub-section (2) to the Judge of the Karachi Small Causes Court, whose decision shall be final.

(4) Effect shall be given by the Chief Administrative Officer to the decision of the said Judge under sub-section (3).

(5) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax or instalment thereof payable in respect of any building or land according to the order of assessment under appeal ; but, if by the final decision in the appeal it is determined that such tax or instalment ought not to have been levied in whole or in part, the Chief Administrative Officer shall refund to the person from whom the same has been levied the amount of such tax or instalment or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

106. 108. *Payment to be made to the Corporation by Government in Cf. Bom. lieu of property-taxes on Government buildings.*—(1) Government shall XVIII of 1925, pay to the Corporation on buildings vesting in His Majesty which are s. 74. used for residential purposes and for which rent is received by Government property-taxes at the ordinary rates.

(2) On other buildings vesting in His Majesty ~~used solely for public purposes and not used or intended to be used for purposes of profit~~ Government shall pay to the Corporation annually in lieu of property-taxes a sum ascertained in the manner provided in sub-sections (3) and (4).

(3) The annual value of the buildings referred to in sub-section (2) shall be fixed by a person from time to time appointed in this behalf by Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this chapter concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and

[Appendix 26—contd.]

reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of such buildings in the City materially increases or decreases.

(4) The sum to be paid annually to the Corporation by Government in respect of buildings of which the annual value is fixed under sub-section (3) shall be four-fifths of the amount which would be payable by an ordinary owner of buildings in the City on account of property-taxes on buildings on an annual value of the same amount as that fixed under sub-section (3) :

Provided that no remission or refund of the said sum or any part thereof shall be made on the ground that any of the said buildings were unoccupied.

Cf. Bom.
III of
1888,
s. 145.
Bom. VI
of 1886.

107. 109. Amendment of section 28A of Bom. VI of 1886.—For section 28A of the Karachi Port Trust Act, 1886, the following section shall be substituted, namely :—

“ 28A. (1) ~~The Board shall pay annually on the thirtieth day of September to the Municipal Corporation of the City of Karachi in lieu of property taxes otherwise imposable under section 95 of the City of Karachi Municipal Act 193 ; hereinafter in this section referred to as ‘the said Act’ and leviable from the Board, by the said Corporation in respect of the property or some portion of the property vested in the Board, a sum ascertained in the manner provided in sub-sections (2)-(3)-(4) and (5).~~

~~(2) The Board shall within three months from the passing of the said Act furnish the Corporation with a complete list of buildings and lands vested in or in the charge of the Board, and the Corporation shall thereupon fix the annual value of these buildings and lands entered therein in respect of which the said taxes would otherwise be primarily leviable from the Board under section 99 of the said Act.~~

~~The said value shall be estimated by the Corporation with a general regard to the provisions contained in chapter VIII of the said Act concerning the valuation of property assessable to the said taxes, at such amounts as the Corporation shall deem to be fair and reasonable. The Corporation shall transmit the said valuation to the Board within two months after the receipt of the aforesaid list of property, and shall consider any objections which the Board, within one month of the receipt thereof, may make to the said valuation, and the Corporation, if they deem the objections (if any) of the Board valid, shall modify their estimate accordingly.~~

[Appendix 26—contd.]

(3) ~~If within seven months of the passing of the said Act, the Board and the Corporation shall be unable to agree with regard to the estimate or any portion of the estimate of the annual value of the aforesaid property, the Board shall, within seven days of the expiry of this period, submit to the Commissioner their objections to the valuation made by the Corporation and the Commissioner shall decide the question. Before coming to a decision the Commissioner may call on the Board and the Corporation each to appoint a delegate to aid him in making the said valuation, and the Board and the Corporation shall each appoint a delegate accordingly.~~

~~The Commissioner shall not be bound by the opinion of the delegates, and his decision shall be final.~~

(4) ~~Every decision as to such annual value, whether arrived at under sub-section (2) or under sub-section (3), shall hold good for five years, but shall, if in the meantime the number or extent of the buildings or lands vesting in or in the charge of the Board materially increases or decreases, be varied proportionately, and shall, in the manner hereinbefore prescribed, so far as the same may be applicable, be revised from time to time for the purpose of such proportionate variation, and shall be entirely revised in the fifth year and every fifth year following.~~

(5) ~~The sum to be paid annually to the Corporation by the Board in lieu of property taxes imposable under section 95 of the said Act shall be nineteen twentieths of the amount which would be payable by an ordinary owner of buildings or lands in the City on an annual value of the same amount as that fixed under sub-section (2) or sub-section (3).~~

(6) ~~Notwithstanding anything contained in this section or in the said Act or in any rules made thereunder, all the terms of the agreement set forth in Schedule D shall, as between the Board and the Corporation, have the same force and effect as if they were contained in this Act or in the said Act and all sums which are or may become by virtue of that agreement payable by the board to the Corporation in respect of water supplied or to be supplied thereunder shall be in lieu of any water tax which might otherwise be imposed and leviable in respect of such supply :~~

Provided that—

(a) ~~The Board and the Corporation may with the sanction of the Commissioner, from time to time vary or add to the terms of the said agreement and every variation or addition so sanctioned shall be published in the Sind Official Gazette~~

[Appendix 26—*contd.*]

~~and shall thereupon have the same force and effect as if it were contained in the Schedule hereto: and~~

~~(b) in case of any difference of opinion arising between the Board and the Corporation with reference to the construction of the said agreement, the question shall be referred to the Commissioner, whose decision thereon shall be final.~~

“28-A. *Special provisions as to the liabilities of the Board to the Corporation.*—(1) The Board shall pay annually on the thirtieth day of September to the Municipal Corporation of the City of Karachi in lieu of the general-tax and fire brigade tax, if any, leviable by the said Corporation in respect of the property or some portion of the property vested in the Board which would otherwise be liable to be assessed to the said taxes a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The annual value of the buildings and lands in the City of Karachi (as defined in the City of Karachi Municipal Act, 1933) vesting in the Board in respect of which the said taxes would be leviable from the Board shall be fixed from time to time by Government. The said value shall be fixed with a general regard to the provisions contained in the City of Karachi Municipal Act, 1933, concerning the valuation of property assessable to property taxes, at such amount as Government shall deem fair and reasonable. Every such decision of Government shall hold good for a term of five years subject only to proportionate valuation, if in the meantime, the number or extent of the buildings and lands vesting in the Board materially increases or decreases.

(3) The sum to be paid annually to the Municipal Corporation of the City of Karachi by the Board shall be nineteenth-twentieths of the amount which will be payable by an ordinary owner of buildings or lands in the City of Karachi on account of property taxes, on an annual value of the same amount as that fixed in sub-section (2).

(4) Notwithstanding anything contained in sub-sections (1) to (3), it shall be competent to the said Corporation and the Board to agree in writing that the Board shall pay to the said Corporation in lieu of the sum payable under sub-section (1), on such terms and conditions, as may be mutually agreed, a sum ascertained otherwise than as provided in sub-sections (2) and (3) and thereupon the Board shall pay to the said Corporation in lieu of the sum mentioned in sub-section (1) the sum so ascertained accordingly.

(7) (5) Except as hereinbefore in this section provided, nothing shall affect the liability of the Port Trust property to any tax which may be lawfully imposed in the City of Karachi.”

CHAPTER IX.

RECOVERY OF CORPORATION'S CLAIMS.

108 110. (1) *Presentation of bill for taxes.*—When any amount declared by or under the provisions of this Act to be recoverable in the manner

[Appendix 26—*contd.*]

provided in this chapter, or payable on account of any tax now imposed or hereafter to be imposed in the City, shall have become due, the Chief Administrative Officer shall, with the least practicable delay, cause to be presented to any person liable for the payment thereof a bill for the sum claimed as due.

(2) *Contents of bill.*—Every such bill shall specify the period for which and the property, occupation or thing in respect of which the sum is claimed, and shall also give notice of the liability incurred on default of payment and of the time within which an appeal may be preferred (as hereinafter provided) against such claim.

(3) *If bill not paid within fifteen days, notice of demand to issue.*—If the sum for which any bill has been presented as aforesaid is not paid within fifteen days from the presentation thereof, the Chief Administrative Officer may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of Schedule III, or to the like effect.

109 111. (1) *In what case warrant may issue.*—If the person on whom a notice of demand has been served under sub-section (3) of section 108 110 does not, within fifteen ~~twenty-one~~ days from the service of such notice, Cf. Bom. XVIII of 1925, s. 105.

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the Chief Administrative Officer why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 114 116 against the demand,

such sum together with all costs of the recovery may be levied, under a warrant signed by the Chief Administrative Officer in consultation with the ~~president~~ Mayor, in the form of Schedule IV or to the like effect, by distress and sale of the moveable property or by attachment and sale of the immoveable property of the defaulter :

Provided that where any precautionary or other measures in respect of any such property have been taken by Government for the recovery of any sum claimed by them, no proceedings shall be taken or continued under this chapter in respect of such property pending the settlement of the Government claim.

(2) *To whom warrant should be addressed.*—Where the property is in the City, the warrant shall be addressed to an officer of the Corporation ; where the property is in a municipal borough or municipal district, it shall be addressed to the Chief Officer in the municipal borough or to the vice-president in the municipal district, as the case may be ; where the property is in a cantonment, it shall be addressed to the Executive Officer of the Cantonment ; where the property is in the City of Bombay, it shall be addressed to the Registrar of the Court of Small Causes of Bombay ; and where the property is in none of such places, it shall be addressed to a Government officer not lower in rank than a Mahalkari :

[Appendix 26—*contd.*]

Provided that such chief officer, vice-president, executive officer, registrar or Government officer may endorse such warrant to a subordinate officer.

(3) *Power of entry under special order.*—It shall be lawful for any officer to whom a warrant issued under sub-section (1) is addressed or endorsed, to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make any distress directed in the warrant, if the warrant contains a special order authorising him in this behalf, and if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that he shall not enter or break open the door or window of any apartment appropriated for women, until he has given three hours' notice of his intention and has given the women an opportunity to remove themselves.

(4) *Warrant how to be executed.*—It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property or attach any immoveable property of the person named in the warrant subject to the following conditions, namely :—

(a) the following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood ;

(b) the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant ; and if any property has been distrained, which, in the opinion of the Chief Administrative Officer or of the person to whom the warrant was addressed, should not have been so distrained, it shall forthwith be returned to the defaulter ;

(c) the officer shall on distraining or attaching the property forthwith make an inventory thereof, and give to the person in possession thereof at the time of distraint or attachment a written notice in the form of Schedule V ;

(d) when the property is immoveable,

(i) the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge ;

(ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and

[Appendix 26—*contd.*]

a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the municipal office, and also, when the property is land paying revenue to Government, in the office of the Collector ;

(e) any transfer of or charge on the property attached or any interest therein made without the written permission of the Chief Administrative Officer shall be void as against all claims of the Corporation enforceable under the attachment.

110 112. (1) *Sale of goods distrained in special cases.*—When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value; the Chief Administrative Officer shall at once give notice to the person in whose possession the property was; when distrained, to the effect that it will be sold at once; and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Cf. Bom. XVIII of 1925, s. 106.

(2) *Sale of property distrained or attached; application of proceeds of sale.*—On the expiry of the time specified in the notice served by the officer executing the warrant, the property distrained or attached or, in the case of immoveable property, a sufficient portion thereof, if not sold at once under sub-section (1), may be sold by public auction under the orders of the Chief Administrative Officer, unless the warrant is suspended by him or the sum due is paid by the defaulter together with all costs incidental to the notice, warrant, distress, attachment or detention of the property, as the case may be. The sale proceeds or such part thereof as may be sufficient, shall be applied, first, in discharge of any sum due to Government in respect of such property and secondly, in discharge of the sum due to the Corporation and all such incidental costs as aforesaid. Where the sum due together with costs is paid by the defaulter as aforesaid, the attachment, if any, of immoveable property shall be deemed to have been removed. Sales of immoveable property under this sub-section shall be held in the manner laid down in the rules framed in that behalf.

(3) *Surplus, if any, how dealt with.*—The surplus, if any, shall be forthwith credited to the municipal fund, and notice of such credit shall be given at the same time to the person in whose possession the property was at the time of distraint or attachment. If such person shall claim the surplus by written application to the Chief Administrative Officer within three years from the date of the notice given under this sub-section, the Chief Administrative Officer shall refund the surplus to him. Any sum not claimed within three years from the date of such notice shall be the property of the Corporation.

111 113. *Sale outside the City.*—Where the warrant is addressed outside the city, the Chief Administrative Officer may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person

Cf. Bom. XVIII of 1925, s. 107.

[Appendix 26—*contd.*]

to sell the property and to do all things incidental to the sale in accordance with the provisions of section 110 112, and to exercise the powers and perform the duties of the Chief Administrative Officer under sub-sections (1) and (2) of section 110 112 in respect of such sale, except the power of suspending the warrant. Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Chief Administrative Officer, who shall dispose of the same in accordance with the provisions of section 110 112.

Cf. Bom.
XVIII
of 1925,
s. 108.

112 114. *Fees and costs chargeable.*—Fees for every notice or warrant issued, and for the maintenance of any live-stock seized, under this chapter shall be chargeable at the rates specified in this behalf in the rules of the Corporation and shall be included in the costs of recovery to be levied under section 100 111.

Cf. Bom.
XVIII
of 1925,
s. 109.

113 115. *Summary proceedings may be taken against persons about to leave the City.*—(1) If any sum recoverable under the provisions of this chapter is due or is about to become due from any person, and if the Chief Administrative Officer shall have reason to believe that such person is about to leave the City, the Chief Administrative Officer may direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person do not forthwith pay the said sum, the amount shall be leviable by distress and sale of his moveable property or by attachment and sale of his immoveable property in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon him any notice of demand and the Chief Administrative Officer's warrant for distress and sale may be issued and executed without any delay.

Cf. Bom.
XVIII
of 1925,
s. 110.

114 116. *Appeals to Magistrates.*—(1) Appeals against any notice of demand issued under sub-section (3) of section 108 110 may be made to any Magistrate or Bench of Magistrates by whom under the directions of the District Magistrate of Karachi such class of cases is to be tried.

(2) No such appeal shall be heard and determined unless—

(a) the amount claimed from the appellant has been deposited by him in the municipal office;

(b) the appeal is brought within fifteen days next after service of the notice of demand complained of; and

(c) in the case of a general-tax on buildings or on lands or on both an application in writing has been made to the prescribed authority against the annual value entered in the assessment list or against any alteration thereof in the manner prescribed in Schedule VIII; and

(d) in the case of any other tax or claim an application in writing stating the grounds on which the amount of the tax or claim is disputed has been made to the Standing Committee within fifteen days next after the presentation of the bill.

[Appendix 26—*contd.*]

115 117. *Decision in appeals to be final, subject to revision by court.*— Cf. Bom. XVIII of 1925, s. 111.
(1) Every decision passed in an appeal presented under this chapter shall be subject to revision, at the instance of either party, by the court to which appeals from the court which gave such decision ordinarily lie.

(2) Effect shall be given by the Chief Administrative Officer to every decision of the said Magistrate or Bench of Magistrates on any appeal or any decision in revision on such appeal.

116 118. *Liability of buildings, lands, etc., for taxes.*—All sums due on account of any tax imposed on buildings or lands or both shall, subject to prior payment of land-revenue, if any, due to His Majesty thereon, be a first charge upon the building or land in respect of which such tax is leviable and upon the moveable property, if any, found within or upon such building or land and belonging to any person liable for such tax: Cf. Bom. XVIII of 1925, s. 112.

Provided that no arrears of any such tax shall be recoverable from any occupier who is not the owner, if such arrears are for a period during which such occupier was not in occupation.

117 119. *Receipts to be given for all payments.*—For all sums paid on account of any tax under this Act a receipt, stating the amount and the tax on account of which it has been paid, shall be tendered by the person receiving such payments. Cf. Bom. XVIII of 1925, s. 113.

118 120. *Writing off irrecoverable taxes.*—The Chief Administrative Officer may, with the approval of the Standing Committee, from time to time, write off any sum due on account of any tax or of the costs of recovering any tax, which has, in his opinion, become irrecoverable. Cf. Bur. VI of 1922, s. 195.

CHAPTER X.

PUBLIC CONVENIENCES.

Municipal Drains.

119 121. *Cleansing drains.*—For the purpose of flushing and cleansing drains the Chief Administrative Officer may, when authorised by the Corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works as he shall from time to time deem necessary. Cf. Bur. VI of 1922, s. 94.

120 122. *Places for emptying of drains and disposal of sewage.*— Subject to the general control of the Standing Committee, the Chief Administrative Officer may cause all or any municipal drains to empty into the sea or any other place, whether within or without the City, and may dispose of the sewage at any place, whether within or without the City, and in any manner which he shall deem suitable: Cf. Bom. III of 1888, s. 245.

Provided that the Commissioner in Sind may prohibit the Chief Administrative Officer from causing any municipal drain to empty

[Appendix 26—*contd.*]

into any place, or from disposing of any sewage at any place, or in any manner, which he considers unsuitable.

Cf. Bom.
III of
1888,
s. 246.

121 123. *Provision of means for disposal of sewage.*—For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Chief Administrative Officer may, when authorised by the Corporation in this behalf—

(a) construct any work within or without the City

(b) purchase or take on lease any land, building, engine, material or apparatus, either within or without the City; and

(c) enter into an arrangement with any person, for a period not exceeding twenty years, for the removal or disposal of sewage within or without the City.

Cf. Bom.
III of
1888,
s. 224.

122 124. *Alteration and discontinuance of drains.*—The Chief Administrative Officer may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary:

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Chief Administrative Officer shall, as soon as may be, provide for his use some other drain as effectual as the drain which has been discontinued, closed up or destroyed.

Drainage of Premises.

Cf. Bom.
III of
1888,
s. 231.

123 125. *Drainage of premises situate within a hundred feet of a municipal drain.*—When any premises are, in the opinion of the Chief Administrative Officer, without sufficient means for their effectual drainage and a municipal drain or some place set apart by the Chief Administrative Officer for the discharge of drainage already exists or is about to be constructed within a distance not exceeding one hundred feet from some part of the said premises, the Chief Administrative Officer may, by written notice, require the owner or occupier of the said premises—

(a) to make a drain which will empty into such municipal drain or place so set apart;

(b) to provide and set up all such appliances and fittings as may appear to the Chief Administrative Officer to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith; and

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is, in the opinion of the Chief Administrative Officer, injurious to health.

Cf. Bom.
III of
1888,
s. 232.

124 126. *Drainage of premises not situate within a hundred feet of a municipal drain.*—When in any case not provided for in section 123 125 any premises are, in the opinion of the Chief Administrative Officer,

[Appendix 26—contd.]

without sufficient means for their effectual drainage, he may, by written notice, require the owner or occupier of the said premises—

(a) to construct a drain up to a point to be specified in such notice, but not more than one hundred feet distant from some part of the said premises ; or

(b) to construct a closed catch-pit or sump of such material, size and description, and in such position as he may direct, and a drain or drains emptying into such catch-pit or sump.

125 127. *New buildings not to be erected without drains.*—It shall not be lawful to erect or re-erect any building any part of which is within one hundred feet of a municipal drain or of some place set apart by the Chief Administrative Officer for the discharge of drainage, or to occupy any such building newly erected or re-erected, unless and until—

Cf. Bom. III of 1888, s. 234, Bur. VI of 1922, s. 100.

(a) a drain has been constructed which, in the opinion of the Chief Administrative Officer, shall be sufficient for the effectual drainage of such building to such municipal drain or place, and

(b) there have been provided for and set up in such building and in the premises appurtenant thereto all such appliances and fittings as may appear to the Chief Administrative Officer to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

126 128. *Sewage and rain-water drains to be distinct.*—Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Chief Administrative Officer may require that there shall be one drain for offensive matter and sewage and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the Chief Administrative Officer for the discharge of drainage or into other suitable places.

Cf. Bom. III of 1888, s. 239.

127 129. *Rights of owners and occupiers of premises to carry drains through lands belonging to other persons.*—(1) If it shall appear to the Chief Administrative Officer that the only means by which the owner or occupier of any building or land can conveniently cause his drain to empty into a municipal drain or other place set apart by the Chief Administrative Officer for the discharge of drainage is by carrying the same into, through or under any land belonging to or occupied by some person other than the said owner or occupier, the Chief Administrative Officer shall give such other person a reasonable opportunity of stating any objection, and if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, may by an order in writing authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

Cf. Bom. III of 1888, s. 230.

(2) Subject to all other provisions of this Act, on receipt of any such order bearing the signature of the Chief Administrative Officer the

[Appendix 26—*contd.*]

person in whose favour it is made or any agent or person employed by him for this purpose may, after giving to the owner or occupier of the land reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and execute the necessary work.

(3) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall—

(a) cause the work to be executed with the least practicable delay ;

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

(4) If any land in which work has been executed under sub-section (2) was unbuilt upon at the time of such execution, and if at any time thereafter the owner or occupier thereof shall desire to erect a building thereon and shall apply to the Chief Administrative Officer in this behalf, the Chief Administrative Officer shall, if the Standing Committee deem it necessary, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate, and make good the land as if the drain had not been carried into, through or under the same.

Cf. Bom.
III of
1888,
s. 236.

128 130. *Obligation of owner of drain to allow use of or joint ownership therein to others.*—Every owner of a drain connected with a municipal drain or other place set apart by the Chief Administrative Officer for drainage shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 130 132.

Cf. Bom.
III of
1888,
s. 237.

129 131. *How right of use or joint ownership of a drain may be obtained by a person other than the owner.*—Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner may make a private arrangement with the owner for permission to use his drain, or may apply to the Chief Administrative Officer for authority to use such drain or to be declared a joint owner thereof.

Cf. Bom.
III of
1888,
s. 238.

130 132. *Chief Administrative Officer may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.*—(1) Where the Chief Administrative Officer is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the Chief Administrative Officer shall give the owner of the drain a reasonable opportunity of stating his

[Appendix 26—*contd.*]

objection thereto, and, if no objection is raised or if the objection raised appears to him invalid or insufficient, may, with the previous approval of the Standing Committee, by an order in writing authorise the said owner or occupier to use the drain or declare the said owner to be a joint owner thereof, on such conditions as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating drain and to the respective responsibilities of the parties for maintaining, repairing, flushing and cleansing the joint drain.

(2) Every such order, bearing the signature of the Chief Administrative Officer, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset and subject to all the provisions of this Act to do all such things as may be necessary for—

- (a) connecting the two drains ; or
- (b) renewing, repairing or altering the connection ; or
- (c) discharging any responsibility attaching to the person in whose favour the Chief Administrative Officer's order is made for maintaining, repairing, flushing or cleansing the joint drains or any part thereof.

(3) In respect of the execution of any work under sub-section (2) the person in whose favour the Chief Administrative Officer's order is made shall be subject to the same restrictions and liabilities as are specified in sub-section (4) of section 127 129.

~~131~~ 133. *Power of Chief Administrative Officer to drain premises in combination.*—(1) If any part of a block or group of premises is situated within one hundred feet of a municipal drain already existing or about to be constructed or of a place set apart by the Chief Administrative Officer for the discharge of drainage, and if the Chief Administrative Officer is of opinion that such group or block can be drained more economically or advantageously in common than separately, he may give the owners of all the premises a reasonable opportunity of stating any objection, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, may then, with the previous approval of the Standing Committee, cause such group or block to be drained by such method as appears to him to be most suitable therefor, and the expenses incurred by him in so doing shall be paid by the owners of such premises in such proportions as the Standing Committee may think fit.

Cf. Bom. III of 1888, s. 232A.

[Appendix 26—*contd.*]

(2) Not less than fifteen days before any work under this section is commenced, the Chief Administrative Officer shall by written notice intimate to the owners of all the premises to be drained—

- (a) the nature of the intended work ;
- (b) the estimated expenses thereof ; and
- (c) the proportion of such expenses payable by each owner.

Cf. Bur.
VI of
1922,
s. 107.

~~132~~ 134. *Connecting drains to be constructed at the expense of owners of premises.*—(1) In the case of premises abutting on a public street in which there is a municipal drain and in the case of premises drained in pursuance of the provisions of section ~~123~~ 125 or ~~131~~ 133, the Chief Administrative Officer shall construct at the expense of the owner of the said premises such portion of the drain of the said premises as it shall be necessary to lay under any part of a public street.

(2) The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Chief Administrative Officer as a municipal drain.

(3) The remainder of every drain constructed, erected, set up or continued for the sole use and benefit of any premises shall—

- (a) vest in the owner of such premises ;
- (b) be maintained and kept in repair by the owner or occupier of such premises ; and
- (c) be from time to time flushed, cleansed and emptied under the orders of the Chief Administrative Officer at the cost of the municipal fund :

Provided that, where several premises are drained in common under section ~~131~~ 133 such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Chief Administrative Officer under the said section.

Cf. Bom.
III of
1888,
s. 233.
Bur. VI
of 1922,
s. 108.

~~133~~ 135. *Chief Administrative Officer may close or limit the use of existing private drains.*—(1) When a drain is not in the opinion of the Chief Administrative Officer adapted to the general drainage system of the City or of that part of the City in which such drain is situated, the Chief Administrative Officer with the previous approval of the Standing Committee may, after giving not less than four days' written notice to the occupiers of the premises,—

(a) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ; or

(b) direct that such drain shall, from such date as he prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water or for offensive matter and sewage.

[Appendix 26—*contd.*]

(2) No drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage may be closed, discontinued or destroyed by the Chief Administrative Officer under sub-section (1) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Chief Administrative Officer thinks fit; and the expenses of construction of any drain so provided by the Chief Administrative Officer and of any work done under clause (a) of the said sub-section shall be paid from the municipal fund.

134 136. *Affixing of pipes for ventilation of drains.*—(1) For the purpose of ventilating any drain, whether belonging to the Corporation or to any other person, the Chief Administrative Officer may, after giving not less than four days' written notice to the occupiers of the premises, erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as shall appear to him necessary, and may cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection, and may lay in, through or under any land such appliances as may in the opinion of the Chief Administrative Officer be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

Cf. Bom. III of 1888, s. 244.

(2) Any shaft or pipe so erected or affixed shall—

(a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom;

(b) if the same be affixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves; and

(c) be removed by the Chief Administrative Officer to some other place, if at any time the owner of the aforesaid premises, building or tree is desirous of effecting any change in his property which cannot without unreasonable inconvenience be carried out unless the shaft or pipe is removed.

(3) If the Chief Administrative Officer declines to remove a shaft or pipe under clause (c) of sub-section (2) the owner of the aforesaid premises, building or tree may apply to the Judge of the Karachi Small Causes Court, and the said Judge may, after such enquiry as he thinks fit to make, direct the Chief Administrative Officer to remove the shaft or pipe, and it shall be incumbent on the Chief Administrative Officer to obey such order.

(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain intended to be ventilated, the Chief Administrative Officer shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land at the cost of the municipal fund.

135 137. *Right of Corporation to drains constructed at charge of municipal fund.*—Unless the Corporation otherwise directs, all drains and fittings thereof (including ventilation shafts and pipes) constructed or set up at the cost of the municipal fund shall vest in the Corporation.

Cf. Bom. III of 1888, s. 242. Bur. VI of 1922, s. 110.

[Appendix 26—contd.]

Scavenging and Cleansing.

Cf. Bur. VI of 1922, s. 111. 136 138. *Deposit of rubbish and offensive matter.*—For the purpose of collecting, treating and removing rubbish and offensive matter the Chief Administrative Officer shall provide public receptacles and places for the temporary deposit or final disposal thereof:

Provided that the Commissioner in Sind may prohibit such final disposal in any specified place or manner.

Cf. Bur. VI of 1922, s. 112. 137 139. *Collection and removal of sewage, etc.*—When the Chief Administrative Officer has given public notice under clause (a) of sub-section (1) of section 97 99 that the collection and removal of sewage, offensive matter and rubbish from the buildings and lands in any portion of the City will be undertaken by municipal agency, he shall forthwith take measures for the due collection and removal of such matter from any buildings and lands situated in the said portion of the City.

Cf. Bur. VI of 1922, s. 113. 138 140. *Least practicable nuisance to be caused.*—In carrying out the duties imposed on the Corporation by clauses (1), (2) and (3) of section 34 or exercising the powers conferred upon it by sections 119, 120, 121, 122, 134, 136 and 137 121, 122, 123, 124, 136, 138 and 139 the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

Water supply.

Cf. Bur. VI of 1922, s. 114. 139 141. *Water supply.*—Where the Chief Administrative Officer has, under clause (b) of sub-section (1) of section 98 100, given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply of water for domestic purposes, he shall forthwith take measures to ensure the supply of such water.

Cf. Bom. III of 1888, s. 261. 140 142. *General powers for supplying the City with water.*—For the purpose of providing a supply of water proper and sufficient for public and private purposes, the Chief Administrative Officer, when authorised by the Corporation in this behalf, may either within or without the City—

(a) construct and maintain water-works and do all acts which may be necessary or expedient in connection with such construction or maintenance;

(b) purchase or take on lease any water-work or any water or right to store water or to take and convey water, or

(c) enter into any arrangement with any person for a supply of water.

Cf. Bom. III of 1888, s. 263. Bur. VI of 1922, s. 116. 141 143. *Power of access to municipal water-works.*—For the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-works the Chief Administrative Officer or any person appointed by Government in this behalf may at all reasonable times—

(a) enter upon and pass through any land, whether within or without the City, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest;

[Appendix 26—*contd.*]

(b) after giving not less than four days' written notice to the occupiers, cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

142 144. *Prohibition of erection of any building which would injure sources of water supply.*—Except with the permission of the Corporation, no person shall— Cf. Bur. VI of 1922, s. 117.

(a) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which a supply of water is derived for a municipal water-work; or

(b) remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

143 145. *Prohibition of bathing in, or polluting, water.*—Except as hereinafter provided, no person shall— Cf. Bur VI of 1922, s. 118.

(a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered;

(b) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance;

(c) cause or suffer to enter into the water in such work any animal;

(d) throw or put anything into or upon the water in such work;

(e) bathe in or near such work; or

(f) wash or cause to be washed in or near such work any animal or thing.

SANITARY PROVISIONS.

Regulation of Public Bathing, Washing, etc.

144 146. *Prohibition of corruption of water by steeping therein animal or other matter, etc.*—No person shall— Cf. Bom. III of 1888, s. 389.

(a) steep in any tank, reservoir, stream, well, trough or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious, infectious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well or trough, or any part of the seashore.

145 147. *Occupier of premises to be primarily liable for certain offences against the Act.*—If it shall be shown that an offence against any provision of this chapter or against any rule for the time being in force relating to water-supply has been committed on any premises to which a private supply of water is furnished by the Corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises. Cf. Bom. III of 1888, s. 286.

[Appendix 26—*contd.*]

*General provisions with reference to drainage, water-supply
and water and other mains.*

Cf. Bur.
VI of
1922,
s. 120.

146 148. *Power of carrying wires, pipes, drains, etc.*—Subject to the provisions of any law for the time being in force, the Chief Administrative Officer may 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 or any place laid out as or intended for a street, and also, after giving reasonable notice in writing to the owner or occupier, through, across, under, over or alongside any building or land whatsoever within or without the City, and may place and maintain on any immoveable property in the City or outside the City any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights, and may do all acts necessary or expedient for repairing, maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

Cf. Bom.
III of
1888,
s. 268.

147 149. *Buildings not to be erected without permission over drains or water, gas or air-mains.*—(1) Without the written permission of the Chief Administrative Officer, no building, wall or other structure shall be erected or re-erected, and no street, railway, tramway, electric or telephone line, or similar other structure shall be constructed, over any municipal drain or water, gas or air-main.

(2) If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the Chief Administrative Officer, with the previous approval of the Standing Committee and subject to the provisions of any law for the time being in force, may remove the same or otherwise deal with ~~them~~ it as he shall think fit. The expenses incurred by him under this sub-section shall be paid by the person offending.

Cf. Bur.
VI of
1922,
s. 122.

148 150. *Compensation for damage.*—If in the exercise of any of the powers conferred by section 141 143 or 146 148, any damage or inconvenience is caused which in the circumstances could reasonably have been avoided, the Corporation or Government shall pay compensation according as the damage or inconvenience is caused by the Corporation or by the person appointed by Government :

Provided that the payment of compensation by the Corporation shall be subject to the previous approval of the Standing Committee in cases where the amount of compensation claimed exceeds one five hundred rupees.

[Appendix 26—contd.]

CHAPTER XI.

PUBLIC HEALTH AND SAFETY.

Regulation of Factories and Trades.

149 151. *Factory not to be established, etc., without permission of Standing Committee.*—No person shall— Cf. Bur. VI of 1922, s. 123.

(1) newly establish, or

(2) remove from one place to another, or

(3) re-open or renew after discontinuance for a period of not less than three years, or

(4) enlarge the area or dimensions of

any factory, workshop or bakery in any area other than an area set apart for the accommodation of industries by any Act for the time being in force or by any local authority except with the permission of the Standing Committee and in accordance with the terms and conditions stated in such permission :

Provided that no such permission shall be required in the case under clause (3) if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

150 152. *Sanitary regulation of factories, etc.*—(1) Whenever it shall appear to the Standing Committee that any factory, workshop or work-
place or any building or place in which steam, water or other mechanical
power is employed, Cf. Bom. III of 1888, s. 392.

is not kept in a cleanly state, or

is not ventilated in such a manner as to render harmless (as far as practicable) any gas, vapour, soot or other impurity generated in the course of the work carried on therein, or

is so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons so employed, or

that any machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb,

the Standing Committee by written notice may require the owner thereof to take such order therewith as it shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the Indian Factories Act, 1911. V of 1923. XII of 1911.

151 153. *Prohibition of use of steam-whistle or steam-trumpet without permission of the Standing Committee.*—(1) Without the written permission of the Standing Committee no person shall use or employ any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed therein. Cf. Bom. III of 1888, s. 393.

[Appendix 26—*contd.*]

(2) On giving one month's notice to the person using the same, the Standing Committee may at any time revoke any permission given under sub-section (1) :

Provided that no such notice need be given if the permission is suspended or revoked for any reason specified in sub-section (5) of section 229 230.

Cf. Bur.
VI of
1922,
s. 124.

152 154. *Regulation of dangerous and offensive trades.*—Except in accordance with the provisions of this Act, no person shall—

(a) store or keep in any premises any articles which are prescribed as dangerous or offensive, or as being, or likely to be, a nuisance to the public, or dangerous to life, health or property ;

(b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease ; or

(c) carry on or allow to be carried on in any premises any trade, manufacture, industry or operation which is prescribed as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same may be carried on :

IV of
1884.
VIII of
1899.

Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884, or the Indian Petroleum Act, 1899.

Cf. Bom.
III of
1888,
s. 394.

153 155. *Certain things not to be kept and certain trades and operations not to be carried on, without a licence.*—(1) Except under and in conformity with the terms and conditions of a licence granted by the Chief Administrative Officer in accordance with general or special orders issued by the Standing Committee in that behalf no person shall—

(a) carry on within the City the trade or operation of a farrier ;

(b) keep in or upon any premises, for any purpose whatever, any article specified in Part I of Schedule VII, or any article specified in Part II thereof in excess of the quantity therein prescribed as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a licence ;

(c) keep in or upon any premises, except for domestic use, any article specified in Part III of Schedule VII ;

(d) keep in or upon any building used or intended to be used as a dwelling-house or within fifteen feet of such building, any quantity of cotton exceeding four hundred-weights ;

(e) keep or allow to be kept in or upon any premises any four-footed animal—

(i) for sale,

(ii) for letting out on hire,

(iii) for any purpose for which any charge or remuneration is made or received, or

(iv) for the sale of any produce thereof ;

[Appendix 26—*contd.*]

(f) carry on or allow to be carried on in or upon any premises—

(i) any of the trades specified in Part IV of Schedule VII or any operations connected therewith ;

(ii) any trade or operation which in the opinion of the Chief Administrative Officer is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same may be carried on.

Explanation 1.—A person shall be deemed to have known that a trade or operation is, in the opinion of the Chief Administrative Officer, dangerous or likely to create a nuisance within the meaning of this paragraph, after written notice to that effect signed by the Chief Administrative Officer has been served on such person or affixed to the premises to which it relates.

Explanation 2.—A person shall be deemed to carry on a trade or operation or to allow it to be carried on within the meaning of this paragraph if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, master or servant or in any other similar capacity.

(2) It shall be in the discretion of the Chief Administrative Officer to grant a licence for any of the purposes referred to in sub-section (1) subject to such restrictions or conditions as he shall think fit to prescribe, or to refuse to grant such licence.

(3) Every person to whom a licence is granted by the Chief Administrative Officer under sub-section (2) shall keep such licence in or upon the premises, if any, to which it relates.

(4) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other mill or factory which the Chief Administrative Officer with the previous approval of the Standing Committee may from time to time specially exempt from the operation thereof.

154 156. *Prohibition of corruption of water by chemicals, etc.*—(1) No person engaged in any trade or manufacture specified in Schedule VII shall—

No Cf. Bom.
III of
1888,
s. 395.

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for storing water belonging to the Corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid, or

(b) wilfully do any act connected with any such trade or manufacture whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for storing water is fouled or corrupted.

(2) After giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control

[Appendix 26—*contd.*]

of any works, pipes or conduits connected with any such manufacture or trade as is referred to in sub-section (1), the Chief Administrative Officer may lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it shall appear that the provisions of sub-section (1) have been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses incurred in laying open and examining them and in adopting any other measure which the Chief Administrative Officer may consider necessary for removing the cause of such contravention shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the contravention has occurred.

But if it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the Chief Administrative Officer.

Cf. Bom.
III of
1888,
s. 396.

155 157. *Inspection of premises used for manufactures, etc.—*(1) Subject to the rules made by the Corporation in this behalf, the Chief Administrative Officer may, at any time, by day or by night, and without notice, enter into or upon any premises used for any of the purposes mentioned in section 153 155, or upon any premises in which a furnace is employed for the purpose of any trade or manufacture, or into any bakery, in order to satisfy himself that there is no contravention of any provision of this Act or any rule made thereunder or of any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.

(2) No claim for compensation shall lie against any person for any damage which may unavoidably be caused by any such entry or by the use of any force necessary for effecting such entry :

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence is being committed against some provision of this Act or some rule made thereunder.

Cf. Bom.
III of
1888,
s. 397.

156 158. *Regulation of washing of clothes by washermen.—*(1) The Chief Administrative Officer may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

(2) *Washing places to be provided by Chief Administrative Officer for washermen.—*The Chief Administrative Officer shall provide suitable places for the exercise of their calling by washermen, and may require the payment of such fees for the use of any such place as he shall from time to time determine with the previous approval of the Standing Committee.

[Appendix 26—contd.]

Markets and Slaughter-houses.

157 159. *Power of Corporation to permit opening of private markets.*— Cf. Bom. III of 1888, s. 402.

(1) The Corporation shall from time to time determine whether the establishment of private markets shall be permitted in the City or in any specified portion thereof.

(2) Except with the sanction of the Corporation no person shall establish a private market for the sale of animals intended for human food or of any article of human food.

(3) When the establishment of a private market has been sanctioned by the Corporation, it shall cause a notice thereof in the English, Sindhi, Hindi, Urdu and Gujarati languages to be affixed to some conspicuous spot on or near the building or place where such market is to be held.

158 160. *Private markets not to be kept open without a licence.*—(1) Cf. Bom. III of 1888, s. 403. Except under and in conformity with the terms of a licence granted by the Chief Administrative Officer, in accordance with the general or special orders issued by the Standing Committee in that behalf, no person shall keep open, establish, remove from one place to another, reopen or re-establish after discontinuance for a period exceeding one year, or enlarge the area or dimensions of a private market :

Provided that the Chief Administrative Officer shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act or condition of his licence after his attention has been drawn to such failure.

(2) When the Chief Administrative Officer has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice thereof in the English, Sindhi, Hindi, Urdu and Gujarati languages to be affixed to some conspicuous spot on or near the building or place where such market is held.

159 161. *Selling animals, meat, etc., outside a market without a licence.*—(1) Without a licence from the Chief Administrative Officer no person shall sell or expose for sale any four-footed animal, or any meat or fish intended for human food, in any place other than a municipal or licensed market. Cf. Bur. VI of 1922, s. 126.

(2) Nothing in sub-section (1) shall apply—

(a) to meat or fish sold in any hotel or eating house for consumption on the premises, or

(b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to the City after being caught at sea or in the river, or

(c) to the hawking of fish.

160 162. *Prohibition of establishment of slaughter-houses.*—Except with the permission of the Chief Administrative Officer and in accordance with the terms and conditions of such permission, no person shall Cf. Bur. VI of 1922, s. 127.

[Appendix 26—*contd.*]

slaughter or cause or permit to be slaughtered at any place other than a municipal slaughter-house any four-footed animal the flesh of which may be used as human food :

Provided that notwithstanding the provisions of sub-section (3) of section 220, the Corporation shall not charge any fee for the grant of permission *no permission shall be necessary* for the sacrificial slaughter, on the occasion of any festival or ceremony, of animals the flesh of which is not intended for sale ; and

Provided further that the slaughter of animals shall not be carried out within the sight of the public.

Cf. Bur.
VI of
1922,
s. 128.

161 163. *Inspection of places for illicit slaughter of animals and seizure of carcasses so slaughtered.*—(1) If there are reasonable grounds for believing that any animal has been or is being or is likely to be slaughtered in contravention of the provisions of section 160 162, any municipal officer authorised in this behalf may, at any time by day or night, enter into and inspect any such place or premises, and may seize any animal or the carcass of any slaughtered animal found therein.

(2) The officer so authorised may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal seized under sub-section (1), and shall place in deposit in the municipal fund the proceeds of any such sale.

(3) If the owner of any animal or carcass so seized fails to appear within one month from the date of such seizure and prove his claim to the satisfaction of the Chief Administrative Officer, or if such owner is convicted of an offence under this Act with respect to such animal or carcass, the proceeds of the aforesaid sale shall vest in the Corporation.

(4) If the owner of any animal or carcass so seized appears within one month from the date of such seizure and proves to the satisfaction of the Chief Administrative Officer his claim in respect thereof, and if he is either not prosecuted by the Chief Administrative Officer or after prosecution is acquitted or discharged, then the Chief Administrative Officer shall restore such animal or carcass to him or shall pay him the proceeds of the sale thereof, as the case may be.

Cf. Bur.
VI of
1922,
s. 129.

162 164. *Levy of charges in municipal markets and slaughter-houses.*—The Chief Administrative Officer may—

(a) from time to time, with the previous approval of the Standing Committee, fix stallages, rents and fees to be paid for the use or occupation of any stall, shop, shed, standing, pen or other building in a municipal market or municipal slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any municipal market ;

(b) farm the stallages, rents and fees leviable under clause (a) ; and

(c) put up to public auction the privilege of occupying or using any stall, shop, shed, standing, pen or other building in a municipal market or municipal slaughter-house for such period and on such conditions as he may think fit.

[Appendix 26—contd.]

Weights and Measures.

163 165. *Inspection of weights and measures.*—Any municipal officer Cf. Bur. VI of 1922, s. 130. authorised in this behalf may at all reasonable times enter into any place where weights or measures or weighing or measuring instruments are used or kept for the purposes of trade and inspect such weights or measures or weighing or measuring instruments.

Seizure of Animals.

164. ~~Inspection, seizure and destruction of animals.~~—(1) ~~Any~~ Cf. Bur. VI of 1922, s. 131. municipal officer authorised in this behalf may if he has reason to believe that any animal is being kept in any place or premises in contravention of section 159 or 160 enter into and inspect such place or premises at any time of the day or night and seize and remove any animal so kept therein.

(2) ~~If the owner of any animal seized under sub-section (1) fails to appear within one month from the date of such seizure and prove his claim to such animal to the satisfaction of the Chief Administrative Officer, he may sell such animal by auction or otherwise and the proceeds of the sale shall in that case be credited to the municipal fund.~~

(3) ~~If the owner of any animal so seized appears within one month from the date of such seizure and proves to the satisfaction of the Chief Administrative Officer his claim in respect thereof, and if he is either not prosecuted by the Chief Administrative Officer or after prosecution is acquitted or discharged, then the Chief Administrative Officer shall restore such animal to him without recovering from him any maintenance charges:~~

~~Provided that it shall be in the discretion of the Chief Administrative Officer to make such restoration before the prosecution (if any) is concluded on such conditions as he may think fit:~~

~~Provided further that in the event of the owner being convicted and of the animal not having been restored to the owner as aforesaid it shall be in the discretion of the Chief Administrative Officer either to restore the animal to the owner or to sell it and pay the proceeds of the sale to the owner, on recovering in either case such prescribed maintenance charges as may have been incurred.~~

Food, Drink and Drugs.

165 166. *Prohibition of sale of diseased animals or unwholesome articles intended for human food.*—No person shall sell, or offer, expose or Cf. Bur. VI of 1922, s. 132. keep for sale any animal, food, drink or drug intended for human consumption or medical treatment, or manufacture any such food, drink or drug which is diseased, unsound, unwholesome or unfit for human food.

[Appendix 26—*contd.*]

Cf. Ben.
III of
1923,
s. 140.

166 167. *Prohibition of adulterants in places where butter, ghee, etc., are manufactured or stored.*—(1) In any shop or place in which milk is stored or in any factory, shop or place, in which butter, ghee, wheat flour, mustard oil, tea, edible oil or fat, or any article notified by Government in this behalf is manufactured or stored, no person shall keep or permit to be kept any substance intended to be used for the adulteration of milk, butter, ghee, wheat flour, mustard oil, or such other article.

(2) The presence in any such factory, shop or place of any article capable of being so used shall raise a presumption that it was intended to be used for purposes of adulteration.

Cf. Bur.
VI of
1922,
s. 134.

167 168. *Standardised food and drugs.*—No person shall sell, or offer, expose, manufacture or store for sale any drug or article of food or drink to which Government has by notification applied this section unless it fulfils the conditions specified in such notification.

Cf. Bur.
VI of
1922,
s. 135.

168 169. *Substitutes.*—No person shall sell, or offer, expose, manufacture or store for sale, as being any specified drug or article of food or drink to which Government has by notification extended this section, any article (hereinafter referred to as a “substitute”) which resembles or purports to be such notified drug or article but differs therefrom in nature, substance or quality.

Cf. Bom.
III of
1888,
s. 412A.

169 170. *Licence required for dealing in milk, etc.*—Except under and in conformity with the terms of a licence granted by the Chief Administrative Officer in this behalf, no person shall, within the City,

(a) carry on the trade or business of a dealer in or importer, vendor or hawker of milk or milk-products; or

(b) use any place for the sale of milk, butter or other milk-products.

Cf. Bur.
VI of
1922,
s. 136.

170 171. *Provisions relating to prosecutions.*—In any prosecution under section 165, 166, 167, or 168 or 169—

(a) the court shall presume that any animal, food, drink, drug or substitute therefor found in the possession of any person who is or has been habitually selling that class of animal, or of manufacturing, storing or selling such food, drink, drug or substitute, was being kept, manufactured or stored for sale by such person;

(b) it shall be no valid defence for such person to plead that he was ignorant that the animal, food, drink, drug or substitute was diseased, unsound, unwholesome, unfit for human food or adulterated or did not fulfil the conditions specified or was a substitute, as the case may be;

(c) no offence shall be deemed to have been committed where such person proves to the satisfaction of the court that he obtained the food, drink, drug or substitute under a warranty from the manufacturer in or importer into the City that the food, drink, drug or substitute had not been adulterated, or that it fulfilled the conditions specified or that it was not a substitute, and that he had no reason to believe otherwise or had no reasonable ground for believing that the warranty no longer held good by lapse of time or otherwise.

[Appendix 26—*contd.*]

171 172. *Liability of warrantors.*—When any person has been discharged or acquitted of an offence on the ground mentioned in clause (c) of section 170 171 and the warranty proves to be incorrect or misleading the warrantor shall be presumed to have committed such offence. Cf. Bur. VI of 1922, s. 137.

172 173. *Inspection of place for sale of food or drink, and seizure of unwholesome articles or utensils found therein.*—(1) Any municipal officer authorised in this behalf may at any time enter into and inspect any market, building, shop, stall or place used for the sale of any animals, food, drink or drug intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing, manufacturing or containing any such food, drink or drug. Cf. Bur. VI of 1922, s. 138.

(2) If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfil the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state as to render any food, drink or drug prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with as hereinafter in this chapter provided.

(3) The authorised officer may, instead of removing any such animal food, drink, drug, utensil or vessel seized under sub-section (2), leave the same in such safe custody as the Chief Administrative Officer directs in order that the same may be dealt with as hereinafter in this chapter provided; and no person shall remove such animal, food, drink, drug, utensil or vessel from such custody or interfere or tamper with the same in any way while it is so detained.

173 174. *Destruction of animals and articles seized under section 172 173.*—(1) When any animal, food, drink, drug, utensil or vessel is seized under sub-section (2) of section 172 173 it may be destroyed by the officer making the seizure and with the consent of the owner or the person in whose possession it was found. Cf. Bur. VI of 1922, s. 140.

(2) The officer destroying any animal, food, drink, drug, utensil or vessel under sub-section (1) shall report such destruction to the Health Officer.

(3) If any food, drink or drug seized under sub-section (1) is of a perishable nature and is, in the opinion of the officer making the seizure, diseased, unsound, unwholesome or unfit for human consumption or medical treatment, it may with the previous sanction of the Health Officer be destroyed without such consent.

(4) The expenses incurred in taking any action under sub-sections (1) and (3) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure.

[Appendix 26—*contd.*]

Cf. Bur.
VI of
1922,
s. 141.

174 175. *Taking before magistrate of animals and articles seized under section 172 173.*—(1) Any animal, food, drink, drug, utensil or vessel seized under sub-section (2) of section 172 173 but not destroyed in pursuance of section 173 174 shall, subject to the provisions of sub-section (3) of section 172 173, be taken before a magistrate as soon as may be after such seizure.

(2) If it appears to the magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same to be forfeited to the Corporation or to be destroyed at the expense of the person in whose possession in it was found at the time of its seizure.

(3) If the magistrate is of the contrary opinion, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the magistrate may think proper.

Cf. Bur.
VI of
1922,
s. 142.

175 176. *Foods and drugs directed to be destroyed deemed to be the property of the Corporation.*—When any authority directs in exercise of any powers conferred by this chapter that any animal, food, drink or drug be destroyed or so disposed of as to prevent its being used as food or medicine, it shall thereupon be deemed to be the property of the Corporation.

Cf. Bur.
VI of
1922,
s. 144.

176 177. *Purchase or seizure of article of food, drink or drug for purposes of analysis.*—(1) Upon tendering the price for a quantity not more than is reasonably required for the purposes of analysis, any municipal officer authorised in this behalf may purchase any article of food or drink or any drug, kept or exposed for sale, or in course of import into or transport within the City, or of which the sale, import or transport is regulated by the provisions of this Act; and on demand being made by such officer in this behalf to the person in charge of such article or drug, such person shall be bound to sell it, if he has a right to do so.

(2) If such person has no right to sell as aforesaid, the authorised officer may seize such quantity as aforesaid and shall grant him a certificate stating the nature and quantity of the article seized, and the date and place of seizure, and shall pay to the owner the price of the article seized upon his making a claim for it.

(3) The authorised officer after purchasing or seizing any article under sub-section (1) or sub-section (2), and any private person purchasing any article with the intention of submitting the same to analysis, shall, after completing the purchase, forthwith notify to the person in charge of such article his intention to have the same analysed, and shall divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as the nature of the case will permit.

(4) The authorised officer and any such person as is mentioned in sub-section (3) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to the public analyst.

[Appendix 26—contd.]

Disposal of the Dead.

177 178. *Burials within places of worship and exhumations not to be made without the permission of Chief Administrative Officer.*—(1) Without the written permission of the Chief Administrative Officer under sub-section (2) no person shall—

Cf. Bom. 1888, s. 440.

(a) make any vault or grave or interment within the wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship ; or

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 178 179 ; or

(c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place not registered as a place for the disposal of the dead ; or

(d) exhume any body except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, from any place for the disposal of the dead.

V of 1898.

(2) Subject to such general or special orders as the Commissioner in Sind may from time to time make in this behalf, the Chief Administrative Officer may, in special cases, grant permission for any of the purposes aforesaid.

(3) An offence under this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure, 1898.

V of 1898.

178 179. *Commissioner in Sind may direct the closing of any place for the disposal of the dead.*—(1) If after personal inspection the Chief Administrative Officer is of opinion that any place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health, he may submit his opinion, with the reasons therefor, to the Corporation, and the Corporation shall forward the same with its opinion for the consideration of the Commissioner in Sind.

Cf. Bur. VI of 1922, s. 145.

(2) Upon receipt thereof the Commissioner in Sind, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published in the *Sind Official Gazette* and the local newspapers direct that such place be no longer used for the disposal of the dead.

(3) On the expiration of three months from the date of any such order of the Commissioner in Sind, the place to which the same relates shall be closed for the disposal of the dead.

179 180. *Commissioner in Sind may sanction the re-opening of places that have been closed for the disposal of the dead.*—(1) If after personal inspection the Chief Administrative Officer is of opinion that any place formerly used for the disposal of the dead, but closed under the provisions of section 178 179 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his opinion,

Cf. Bur. VI of 1922, s. 146 & Bom. III of 1888, s. 439.

[Appendix 26—*contd.*]

with the reasons therefor, to the Corporation, and the Corporation shall forward the same with its opinion for the consideration of the Commissioner in Sind.

(2) Upon receipt thereof the Commissioner in Sind, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published as aforesaid, direct that such place be re-opened for the disposal of the dead.

Brothels.

Cf. Bom.
XVIII
of 1925,
s. 189.

180 181. *Brothels.*—Any magistrate of the first class on receiving information that any house in the City is used as a brothel, may summon the owner or occupier of such house, and, on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it; and if within five days, such owner or occupier shall fail to comply with such order he may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used :

Provided that action under this section shall be taken only—

- (a) with the sanction or by an order of the District Magistrate, or
- (b) on the complaint of three five or more inhabitants of the City residing in the vicinity of the house to which the complaint refers.

Emergency Provisions.

Cf. Bur.
VI of
1922,
s. 148.

181 182. *Emergency measures on outbreak of any dangerous disease.*—If in the event of the City being at any time visited by or threatened with an outbreak of a dangerous or infectious disease amongst men or animals the Chief Administrative Officer is of opinion that the ordinary provisions of this Act or of any other law for the time being in force are insufficient for the purpose, he may with the previous sanction of Government take such special measures and by public notice prescribe such temporary regulations (to be observed by the public or by any person or class of persons) as he deems necessary to prevent the outbreak of such disease or the spread thereof.

Cf. Bur.
VI of
1922,
s. 149 &
Bom.
III of
1888,
s. 426.

182 183. *Destruction of huts and sheds when necessary.*—(1) If the Chief Administrative Officer is of the opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may give to the owner or occupier thereof previous notice of his intention and may take measures for having such hut or shed and the materials thereof destroyed.

~~(2) Compensation as may be determined by the Corporation shall be paid to any person who sustains loss by the destruction of any such hut or shed.~~

(2) Compensation as may be determined by the Chief Officer shall be paid to any person who will sustain loss by the destruction of any such hut or shed before such hut or shed is destroyed under sub-section (1).

[Appendix 26—contd.]

(3) No civil court shall entertain any suit to recover compensation for any loss or damage caused by the destruction of any hut or shed under this section.

183 184. *Power to destroy infected clothing, etc.*—In any case in which the Chief Administrative Officer is empowered to cause the disinfection of clothing, bedding or other articles which have become infected with disease, he may direct the destruction of such clothing, bedding or other article if he is of the opinion that despite the process of disinfection they are likely still to retain infection, and may, in his discretion give compensation for any article so destroyed. Cf. Bur. VI of 1922, s. 150.

184 185. *Action by Chief Administrative Officer to be reported.*—Whenever the Chief Administrative Officer takes any action under section 181, 182, 183 or 184 he shall immediately report to the Corporation the action he has taken, the reasons therefor, and the cost incurred thereby, and shall comply with any directions given to him by the Corporation in respect of such matter. Cf. Bur. VI of 1922, s. 152.

CHAPTER XII.

BUILDINGS AND STREETS.

Buildings.

185 186. *Prohibition of erection or re-erection of buildings without permission.*—No person shall— Cf. Bur. VI of 1922, s. 153 and Bom. III of 1901, s. 96.

(i) erect or re-erect any building; or

(ii) make any material external alteration in or addition to any existing building; or

(iii) construct or re-construct any projecting portion of a building in respect of which the Chief Administrative Officer is empowered by section 205 206 to enforce an alteration or demolition or is empowered to give permission to construct or reconstruct it—

(a) unless the Chief Administrative Officer has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building, or

(b) after the expiry of one year from the date of the said permission or from the end of the prescribed period, as the case may be.

186 187. *Completion certificates and permission to occupy or use buildings.*—(1) Every person who— Cf. Bur. VI of 1922, s. 154.

(i) erects or re-erects any building; or

(ii) makes any material external alteration in or addition to any existing building; or

[Appendix 26—*contd.*]

(iii) constructs or re-constructs any projecting portion of a building in respect of which the Chief Administrative Officer is empowered under section 205 206 to enforce an alteration or demolition or is empowered to give permission to construct or re-construct it ;

shall within one month of the completion of the work deliver to the Chief Administrative Officer at his office notice in writing of such completion and shall give to the Chief Administrative officer all necessary facilities for the inspection of such work.

(2) Within seven days after the receipt of the said notice the Chief Administrative Officer shall depute an officer to commence the inspection of such work.

(3) Within seven days from the date of commencement of such inspection, the Chief Administrative Officer shall—

(a) give permission for the occupation of the building erected or for the use of the part of the building re-erected, or

(b) refuse such permission in case such erection, re-erection, construction or re-construction is in contravention of any provision of this Act.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building—

(a) until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner, or

(b) unless the Chief Administrative Officer has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

Cf. Bur.
VI of
1922,
s. 155.

187 188. *Power of Chief Administrative Officer to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.*—(1) If any person contravenes any provision of section 186 187 or disobeys any direction of the Chief Administrative Officer made under that section the Chief Administrative Officer after giving twenty-four hours' notice shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof or constructing or re-constructing any projecting portion thereof or occupying or using such building or part thereof to remove themselves and shall take such measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission :

Provided that any person occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 186 187 shall not be so directed to remove himself unless one week's notice in writing requiring such person to vacate the same has been served on him by the Chief Administrative Officer :

[Appendix 26—*contd.*]

Provided also that *if in the opinion of the Chief Officer there is imminent danger to human life, in case of imminent danger* the Chief ~~Administrative~~ Officer may require such building or part thereof to be vacated immediately.

(2) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

188 189. *Provisions regarding buildings unfit for human habitation.*— Cf. Bur.

(1) If for any reason it shall appear to the Chief ~~Administrative~~ Officer that any building or part of a building intended or used for human habitation or human occupation for any purpose whatever is unfit for such habitation or occupation he shall give to the owner or occupier notice in writing, stating such reasons and signifying his intention to prohibit the further use of such building or part of a building for such purpose, and calling upon the owner or occupier to state in writing his objections (if any) to such prohibition within seven days after the receipt of such notice. If no objection is raised by such owner or occupier within the prescribed period, or if any objection which is raised appears to the Chief ~~Administrative~~ Officer to be invalid or insufficient, he may, with the previous approval of the Standing Committee, prohibit by an order in writing the further use of such building or part of a building for human habitation or occupation :

VI of
1922,
s. 156.

Provided that, before such order is given, the owner or occupier of the building shall be given an opportunity of appearing before the Standing Committee in person or by agent in support of his objection.

(2) Notice of such prohibition shall be served upon the owner of any building or part of a building affected thereby and also upon every occupier or user thereof, stating the fact of such prohibition and appointing a day (not being less than fourteen days after the date of such notice) before which every such person shall remove himself and his property from the said building or part thereof ; and if on the day so appointed any such person has failed to remove himself and his property as aforesaid, the Chief ~~Administrative~~ Officer may cause him and his property to be removed and may recover from him the cost of such removal.

(3) When a building or part of a building has been vacated under sub-section (2), the Chief ~~Administrative~~ Officer shall mark it in the prescribed manner and no person, except with the permission in writing of the Chief ~~Administrative~~ Officer and in accordance with the terms and conditions of such permission, shall enter into or remain in such building or part of a building.

(4) At any time after a building or part of a building has been vacated under sub-section (2), if the Chief ~~Administrative~~ Officer considers that it can be rendered fit for human habitation by structural alterations or repairs, he may by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs, as he deems necessary and if at the

[Appendix 26—*contd.*]

expiration of the aforesaid period such alterations or repairs have not been executed to his satisfaction, he shall issue to the said owner a notice in writing ordering the demolition of such building or part thereof within a period of thirty days from the date of receipt of such notice.

(5) If the Chief Administrative Officer considers it impracticable to render such building or part thereof fit for human habitation he may, with the previous approval of the Standing Committee, by notice in writing call upon the owner to demolish it within a period of thirty days from the receipt of such notice.

(6) If at the expiration of the period of thirty days an order to demolish a building or part of a building, issued under sub-section (4) or sub-section (5) has not been complied with, the Chief Administrative Officer may, with the previous approval of the Standing Committee, direct, by an order in writing, the demolition thereof by any municipal officer or servant or contractor. The materials of the building or part of the building so destroyed shall thereupon be sold by public auction and the proceeds of the sale shall first be appropriated towards the cost of such destruction and sale. The balance if any of the cost of such destruction and sale after such appropriation, shall be recovered from the owner :

Provided that, before such order is given, the owner of the building shall have an opportunity of appearing before the Standing Committee in person or by agent, and of showing cause why such order should not be given.

(7) For sufficient cause, the Chief Administrative Officer may extend the time allowed under, or prescribed by, sub-sections (4), (5) and (6).

(8) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

Cf. Bur.
VI of
1922,
s. 157.

180 190. *Removal of buildings in ruinous or dangerous state.*—(1) If in the opinion of the Chief Officer, any building, wall, structure or anything affixed thereto is in a ruinous or dangerous state, the Chief Administrative Officer may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made thereto as he considers necessary for the public safety; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

(2) Any expenses incurred by the Chief Administrative Officer under sub-section (1) shall be paid by the owner concerned.

(3) Except with the permission in writing of the Chief Administrative Officer no person shall enter into or remain in any building from which the occupier has been removed under sub-section (1).

[Appendix 26—contd.]

190 191. *Reclamation of low-lying sites.*—(1) If for any reason it appears to the Chief Administrative Officer that the level of the sites on which it is proposed to erect a building is so low that such building is likely to become insanitary or likely to create a nuisance, he shall give to the owner of the building proposed to be erected notice in writing, calling upon him to show cause in writing within thirty days after the receipt of such notice why the said site should not be reclaimed with such materials and raised to such a height and within such period, not being less than six months from the date of the notice, as he shall think fit and in the said notice shall specify the cost at which, if so desired by the owner, the required work can be performed by municipal agency.

Cf. Bur. VI of 1922, s. 158.

(2) If no objection is raised within such period as aforesaid, or if any objection which is raised appears to the Chief Administrative Officer to be invalid or insufficient, he may, with the previous approval of the Standing Committee, by notice in writing, direct such owner or occupier—

(a) to carry out such reclamation and raising of the height within the period prescribed ; or

(b) within thirty days after the receipt of the said notice to pay to the Chief Administrative Officer the estimated cost of performing the work by municipal agency.

(3) In any case in which the estimated cost of the reclamation has not been paid to the Chief Administrative Officer, if the aforesaid owner fails to commence the work of reclamation within three months after the receipt by him of the notice under sub-section (2), or if he thereafter fails to carry out the reclamation to the specified height and with the specified materials within a reasonable period, the Chief Administrative Officer may recover from him the estimated cost of the work as stated in the notice issued under sub-section (1), or so much thereof, as he may consider necessary to complete the work, and may carry out and complete the work by municipal agency.

191 192. *Power to prohibit re-erection of buildings on insanitary site.*—(1) If any building on a site in respect of which the Chief Administrative Officer may make an order under section 190 191 or any building which is situated in such a way as to be inaccessible to a fire-engine or to prevent a fire-engine from reaching other buildings is demolished or destroyed by fire or otherwise the Chief Administrative Officer with the previous approval of the Standing Committee by notice in writing addressed to the owner or occupier of such site or to the owner of such building may direct that no building shall be erected in its place until the said site has been raised to such height and with such materials as he may specify in such notice or that no building shall be erected which does not give a fire-engine access to itself or other buildings as the case may be.

Cf. Bur. VI of 1922, s. 159.

(2) No person shall erect or re-erect any building in contravention of such notice.

[Appendix 26—*contd.*]*Public Streets.*

Cf. Bur.
VI of
1922,
s. 160.

192 193. *Closing of public streets.*—(1) The Corporation may with the previous sanction of the Commissioner in Sind, permanently close the whole or any part of a public street :

Provided that no such street or part thereof shall be closed unless for one month at least before the meeting of the Corporation at which the matter is decided, a notice has been posted in the street or part thereof which it is proposed to close, informing the residents of the said proposal, and until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the Corporation :

(ii) ~~Where the site thereof was transferred to or placed at the disposal of the Corporation by Government for use as a street, the previous sanction of the Commissioner in Sind shall have been obtained in that behalf.~~

(2) Whenever any public street or part thereof is permanently closed under sub-section (1), the site of such street, or of the part thereof which has been closed, may be disposed of, subject to the provisions of section 55, as land vested in the Corporation.

Cf. Bur.
VI of
1922,
s. 162.

193 194. *Permission to lay tramways or railways on public streets to need the sanction of the Corporation and confirmation by the Commissioner in Sind.*—(1) Without the previous permission of the Corporation no person shall lay on, under or above any public street any railway or tramway, or erect any electric or telephone poles or the like, or operate the same ; and no such permission shall have validity until it is confirmed by the Commissioner in Sind.

XIII of
1885.
XI of
1886.
IX of
1890.
IX of
1910.

(2) Nothing in this section shall be deemed to affect the railway lines of the North-Western Railway which were already laid in or upon any public street on the day on which this Act comes into force, or any provision of the Indian Telegraph Act, 1885, the Indian Tramways Act, 1886, the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

Cf. Bur.
VI of
1922,
s. 163.

194 195. *Prohibition of projections upon streets.*—(1) Except with the previous permission of the Chief Administrative Officer and in accordance with such terms and conditions, including the payment of rent, as he may impose, no person shall erect, add to, set up or place against or in front of any premises any structure or fixture or obstruction, which will—

(a) overhang or project into or encroach upon or in any way obstruct the passage of the public along any street ; or

(b) project into or encroach upon or cover over any drain or open channel in any street, so as to interfere in any way with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

[Appendix 26—contd.]

(2) The Chief Administrative Officer may, by written notice, require the owner or occupier of any premises to take such order as he may direct with any structure, fixture or covering which has been erected, set up or placed against or in front of the said premises in contravention of this section or of section 92 of the Bombay District Municipal Act, 1901.

(3) Any occupier of the said premises who complies with the said notice shall be entitled to credit in account with the owner thereof for all reasonable expenses of such compliance, unless the structure, fixture, or covering in question was erected, set up, or placed by himself. Bom. III of 1901.

195 196. *Ground floor doors, etc., not to open outwards on streets.*—If any door, gate, bar or window on the ground floor of any premises opens outwards upon a street or upon any land required for the improvement of a street in such a manner as in the opinion of the Chief Administrative Officer to obstruct the safe or convenient passage of the public along such street, the Chief Administrative Officer may at any time by written notice require the owner of the said premises to have the said door, gate, bar or window altered so as not to open outwards. Cf. Bom. III of 1888, s. 311.

196 197. *Power to require removal of projection made before the Bombay District Municipal Act, 1901, came into force.*—(1) If any such structure, fixture or covering as is described in section 194 195 was erected, set up or placed against or in front of any premises at any time before the Bombay District Municipal Act, 1901, came into force, the Chief Administrative Officer may give notice under sub-section (2) of section 194 195 to the owner or occupier of the said premises. Cf. Bur. VI of 1922, s. 164. Bom. III of 1901.

(2) No compensation shall be paid to any person who sustains loss or damage by the removal or alteration of any such structure, fixture or covering which has been so erected, set up or placed at any time after the first day of April 1901.

Private Streets.

197 198. *Notice of intention to lay out new private street to be given to Chief Administrative Officer.*—Every person who intends to make or lay out a new private street shall give written notice of his intention to the Chief Administrative Officer and along with such notice shall submit plans and sections showing the intended level, direction and width and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof. Cf. Bom. VI of 1922, s. 165.

198 199. *Chief Administrative Officer may call for further particulars.*—If any notice given under section 197 198 does not supply all the information which the Chief Administrative Officer deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written order require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely :— Cf. Bom. III of 1888, s. 302A.

(a) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one

[Appendix 26—*contd.*]

inch to every twenty feet and a vertical scale of not less than one and a half inches to every ten feet, and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

(b) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths ;

(c) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(d) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Chief Administrative Officer shall consider necessary before applying to the Standing Committee for its approval thereto.

Cf. Bur.
VI of
1922,
s. 166.

199 200. *Level of new private streets to be determined by Chief Administrative Officer.*—The level, direction, width, and means of drainage of every new private street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the Chief Administrative Officer with the previous approval of the Standing Committee.

Cf. Bur.
VI of
1922,
s. 167.

200 201. *New private street not to be made and buildings on either side thereof not to be erected except in accordance with the direction or approval of Chief Administrative Officer.*—(1) No person shall make or lay out any new private street or erect any building on either side thereof otherwise than in accordance with the directions of the Chief Administrative Officer under section 199 200.

(2) If any such new private street be made or laid out, or if any building on either side of any such street be erected, by any person in contravention of this section, the Chief Administrative Officer may, by written notice, require the said person to make a statement in writing subscribed by him in that behalf and addressed to the Chief Administrative Officer and to show cause on or before such date as shall be specified in such notice why such street or building should not be altered to the satisfaction of the Chief Administrative Officer, or, if that is impracticable ; why the same should not be demolished or removed ; or may require the said person on such day and at such time and place as shall be specified in such notice to appear before the Chief Administrative Officer or the Standing Committee, as the case may be, either personally or by an agent, and to show cause as aforesaid.

(3) If such person shall fail to show the sufficient cause as aforesaid, the Chief Administrative Officer may cause the street or building to be so altered or demolished or removed and may recover the expenses thereof from the said person.

[Appendix 26—*contd.*]

201 202. *Levelling and draining of private streets.*—(1) If any private street be not metalled, paved, or lighted, *sewered, drained, channelled or flagged* to the satisfaction of the Chief Administrative Officer, he may, with the previous sanction of the Standing Committee, by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street or which will benefit by works executed under this section, to metal, pave, or light, *sewer, drain, channel or flag* the same in such manner as he shall direct. Cf. Bur. VI of 1922, s. 168.

(2) If such requisition be not complied with on or before the date specified in such notice, the Chief Administrative Officer may, with the sanction of the Standing Committee, cause the work to be done by municipal or other agency under his orders, and the expenses incurred by him in so doing shall be paid by the owners of the premises aforesaid in such proportions as the Standing Committee shall think fit.

(3) Not less than fifteen days before the commencement of any work under sub-section (2) the Chief Administrative Officer shall give written notice to all the said owners of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(4) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the Standing Committee under sub-section (2) is incorrect or unjust may appeal against such order to the Judge of the Karachi Small Causes Court.

(5) Effect shall be given by the Standing Committee to the decision of the said Judge under sub-section (4).

Conversion of Private into Public Streets.

202 203. *Power to declare private streets, when metalled, etc., public streets.*—When any private street has been metalled, paved and made good, *lighted, sewered, drained, channelled and flagged* to the satisfaction of the Chief Administrative Officer, he may, by notice put up in any part of such street, declare the same to be a public street with the consent of the owner or of the majority of the owners of such street; and he shall be bound to make such declaration if so requested by the owner or by the majority of the owners of such street. The said street shall thereupon become a public street. Cf. Bur. VI of 1922, s. 169.

Regulation of Buildings.

203 204. *Power to regulate future construction of certain classes of buildings in particular streets or localities.*—(1) The Chief Administrative Officer may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months, Cf. Bur. VI of 1922, s. 170.

- (a) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings thereafter

[Appendix 26—*contd.*]

erected shall, in respect of their architectural features, be such as the Standing Committee may consider suitable to the locality; or

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both, and that the land appurtenant to each building shall be of an area not less than that specified in such notice; or

(c) that in any localities specified in the notice the construction of more than a specified number of houses on each acre of land shall not be allowed; or

(d) that in any streets, portions of streets, or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings of a specified architectural character, or buildings designed for particular uses shall not be allowed without the special permission of the Standing Committee.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (2), with or without a statement of its opinion thereon, to the Commissioner in Sind.

(5) The Commissioner in Sind may pass such orders with respect to such declaration as ~~it~~ *he* may think fit:

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration, as confirmed or modified by the Commissioner in Sind, shall be published in the *Sind Official Gazette* and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

—Cf. Bom.
XVIII
of 1925,
s. 118.

204 205. *Chief Officer to prescribe street line and building line.—(1)*
Subject to the previous approval of the Standing Committee, the Chief Administrative Officer shall prescribe a street line and a building line on each side of every public street within the City, and may from time to time prescribe a fresh line in substitution for any line so prescribed or for any part thereof:

Provided that—

(a) at least one month before prescribing such line or such fresh line, as the case may be, the Chief Administrative Officer shall give public notice of the proposal in this respect inviting objections or suggestions

[Appendix 26—*contd.*]

in writing thereto within a specified period, and shall put up a special notice thereof in the street or part of a street for which such line or fresh line is proposed to be prescribed; and

(b) the Chief Administrative Officer shall comply with any orders that may be passed by the Corporation after considering any written objection or suggestion in regard to such proposal which has been delivered at the municipal office within the specified period.

(2) (a) No person shall construct or reconstruct any portion of any building within the street line without the permission of the Standing Committee under section 207 208.

(b) When the Standing Committee refuses permission to construct or reconstruct any building in any area within the street line, such area shall with the approval of the Corporation be added to the street and shall thenceforth be deemed to be part of the public street and shall vest in the Corporation.

(c) Compensation shall be paid by the Corporation to the owner of any land added to a street under clause (b) for the loss of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken or order passed by the Chief Administrative Officer under this sub-section. In the case of dispute the amount of such compensation shall be ascertained and determined by the Collector or any officer specially authorised by him in this behalf in the manner provided in section 245 prescribed :

Provided that no such compensation shall be payable in respect of buildings removed under section 180 190.

(3) The Chief Administrative Officer—

(a) may direct that the construction or reconstruction of any building in contravention of the provisions of sub-section (2) be stopped, and

(b) with the previous sanction of the Standing Committee, may by written notice require such building or part thereof to be altered or demolished in accordance with the directions contained in such notice.

205 206. *Erection or re-erection of building beyond street line* Cf. Bur. prohibited.—(1) No person shall erect or re-erect a building or part of a building so as to project beyond a street line fixed under section 205 206. VI of 1922, s. 172.

(2) Any owner of land who is prevented by the provisions of this section from erecting or re-erecting any building on his land may require the Corporation to make compensation for any damage which he may sustain by reason of such prevention and, upon the payment of compensation in respect of any land situated within such street line, such land shall become part of the said street and shall vest in the Corporation.

(3) The Chief Administrative Officer may require the alteration or demolition of any building or part of a building which may have been erected or re-erected in contravention of sub-section (1).

[Appendix 26—*contd.*]

Cf. Bom.
XVIII
of 1925,
s. 119.

206 207. *Setting back projecting buildings.*—(1) If any part of a building other than a building used for religious worship projects beyond the street line of a public street as prescribed under section 204 205 or beyond the front of the building on either side thereof, the Corporation may—

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or any material portion of such projecting part has been demolished or destroyed by fire or has fallen,

require by written notice that the part so projecting shall be removed or that such building when being re-built shall be set back to or towards the said line. The portion of the land added to the street by such removal or setting back shall thenceforth be deemed to be part of the public street and shall vest in the Corporation.

(2) *Acquisition of land which is within the street line and open or occupied by platforms, etc.*—If any land not vested in the Corporation, whether open or enclosed, lies within the street line and is not occupied by a building, or if a platform, verandah, step or such other external structure or a portion thereof is within the street line, the Chief Administrative Officer may take possession on behalf of the Corporation of the said land (together with its enclosing wall, hedge or fence), or of the said structure or any portion thereof, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, and, if necessary, may clear the same; and the land so taken possession of shall thenceforward be deemed to be part of the public street and vest in the corporation.

(3) Notwithstanding the provisions of sub-sections (1) and (2), no land or building vested in His Majesty or in any corporation incorporated by Royal Charter or by an Act of Parliament or by any Act of the Indian or local Legislature shall be taken possession of as aforesaid without the previous sanction of Government.

(4) *Compensation payable by the Corporation.*—Compensation, the amount of which in case of dispute shall be ascertained and determined in the manner provided in section 245 by the Collector or any officer specially authorised by him in this behalf in the prescribed manner shall be paid by the Corporation to the owner of any land added to a public street under sub-section (1) or taken possession of under sub-section (2) and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Corporation under either of the said sub-sections :

Provided that no such compensation shall be payable in respect of buildings removed under section 189 190.

[Appendix 26—*contd.*]

(5) When the amount of the compensation payable under sub-section (4) has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 189 190, the Corporation, after tendering the amount of the compensation, if any be payable, may take possession of the land so added to the street, and, if necessary, may clear the same.

207 208. *Setting forward of front to building line.*—(1) If the front of any building *other than a building used for religious worship* which abuts on a public street is behind a building line fixed under section 204 205 and it is proposed to erect or re-erect such building in any manner involving the removal of such building or of the front portion thereof to an extent exceeding one-half of such building or portion thereof above the ground level (such half to be measured in cubic feet), the Standing Committee may, in any order relating to the erection or re-erection of such building, permit or require the front of such building to be set forward to the building line. Cf. Bur. VI of 1922, s. 173.

(2) Except with the permission of the Standing Committee, no person shall erect or re-erect any building or any part of a building between a street line and a building line fixed under section 204 205.

208 209. *Setting forward to the street line.*—(1) The Standing Committee may, upon such terms as it thinks fit, allow any building to be set forward if the street line of the street in which such building is situated will be thereby improved. Cf. Bom. XVIII of 1925, s. 120.

(2) If any land which will be included in the premises of any person permitted to set forward a building under sub-section (1), vests in the Corporation the permission of the Standing Committee to set forward the building shall be a sufficient conveyance, subject to the provisions of section 55, to the owner of the said building; and the price to be paid to the Corporation by the said owner for such land and any other terms and conditions of the conveyance shall be set forth in the said permission.

209 210. *Buildings at corner of streets.*—(1) The Standing Committee may require any building intended to be erected at the corner of two streets to be rounded or splayed off to such height and in such manner as it may determine. Cf. Bur. VI of 1922, s. 174.

(2) The owner of the site of such building may require the corporation to compensate him for the loss of any portion of such site resulting from any requirement under sub-section (1), and on payment of compensation therefor such portion of the site shall vest in the Corporation.

210 211. *Preparation of standard plans for division of lands into building sites.*—(1) The Chief Administrative Officer, by notice in writing, may require the owner of any land which is intended for division into building sites to prepare and submit for his approval, within a period to be specified in such notice, a plan, drawn to some convenient scale to be specified in such notice, and signed in token of having been prepared by Cf. Bur. VI of 1922, s. 175.

[Appendix 26—*contd.*]

him or under his supervision by a licensed surveyor, and showing the streets which such owner proposes to construct on such land and the position and boundaries of the building sites into which he proposes to divide such land.

(2) On receipt of any plan prepared as aforesaid, the Chief Administrative Officer shall submit it to the Standing Committee for approval thereof or for the direction of such alterations and amendments to be made therein as it shall think fit.

(3) If the said owner fails to submit the aforesaid plan within the period specified, the Chief Administrative Officer may cause such a plan as is prescribed in sub-section (1) to be prepared in accordance with the instructions of the Standing Committee, and shall cause a copy thereof to be delivered at the last known place of abode of such owner and to be affixed to some conspicuous position on the land.

~~(4) Such owner may appeal to the Corporation—~~

~~(a) against an order under sub-section (1); or~~

~~(b) against an order directing any alterations or amendments in a plan issued under sub-section (2); or~~

~~(c) against any plan prepared under sub-section (3); and the order of the Corporation on such appeal shall be final.~~

~~(5) Such appeals shall be made—~~

~~(a) within ninety days from the date of an order under sub-section (1) or sub-section (2); or~~

~~(b) within ninety days from the date on which a copy of the plan prepared under sub-section (3) has been delivered at the last known place of abode of such owner or has been affixed to a conspicuous place on the land, whichever is earlier.~~

~~(6) Any appeal made after the period prescribed in sub-section (5) may be summarily rejected by the Corporation.~~

(7) (4) When a plan has been approved by the Standing Committee under sub-section (2) or has been prepared under the instructions of the Standing Committee under sub-section (3), such plan, modified in accordance with the order, if any, of the Corporation under sub-section (4), it shall be known as the "standard plan" of such land and a copy thereof, signed by such person as may be authorised in this behalf, shall be deposited in the municipal office and another copy similarly signed shall be supplied on application to the owner of such land.

(8) (5) Except with the permission of the Standing Committee and in accordance with the terms and conditions of such permission, no person shall construct any street or erect any building on such land otherwise than in accordance with such "standard plan."

[Appendix 26—contd.]

CHAPTER XIII.

IMPROVEMENT SCHEMES.

~~211~~ 212. Corporation to take into consideration representations for improvement schemes.—When, as hereinafter provided, a representation is made by the Chief Administrative Officer or by the Standing Committee or by one-fourth of the total number of councillors to the Corporation—

Cf. Rom.
IV of
1898,
Ch. III.

(a) that in any part of the City—

(i) any area is insanitary, or

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

(iii) the construction of new streets or widening of existing streets or the laying out of new open spaces is necessary, or

(iv) accommodation is required for the poor and working classes, and

(b) that there is no other remedy except the framing of an improvement scheme,

the Corporation may, if it is satisfied of the correctness of the representation made and that an improvement scheme ought to be made in respect of such area, buildings, streets, open spaces or accommodation, as the case may be, pass a resolution directing that an inquiry be made by one or more of its officers or by a committee of councillors appointed for the purpose.

212 213. Official representation.—(1) An official representation for the purposes of this Act shall mean a representation made to the Corporation under section 212 by the Chief Administrative Officer.

(2) How to be made.—An official representation may be made by the Chief Administrative Officer either of his own motion or in the following cases :—

(i) in the case of the improvement of insanitary areas, or of buildings deemed unfit for human habitation—

(a) on the written complaint of twelve or more persons liable to pay any property-tax and residing within the ward comprising the area in respect of which the complaint is made, or

(b) on the written application of the Municipal Health Officer appointed under section 42 or on a resolution of the Standing Committee ;

(ii) in the case of any improvement necessitating the construction of new streets or the laying out of open spaces, on the application of any public authority, body, or association in the City ; and

(iii) in the case of accommodation to be provided for the poor and working classes, on the resolution passed at any public meeting held in that behalf or on the application of any association of labour or of any person employing members of the poor or working classes :

[Appendix 26—*contd.*]

Provided that before making ~~such~~ *an official* representation the Chief Administrative Officer may make such local inquiries as he may deem necessary.

213 214. *The Corporation may pass a resolution declaring that an improvement scheme is necessary.*—(1) On receipt of a report from the officer or officers or committee appointed under section 211 212 the Corporation may pass a resolution declaring that any specified area is insanitary, or that any specified building is unfit for human habitation, or that the construction of new streets or the laying out of open spaces or the widening of existing streets is required, or that dwellings for the poor and working classes should be constructed.

(2) The Corporation may at any time after such declaration proceed with the preparation of an improvement scheme for the carrying out of any of the said purposes :

Provided that any number of insanitary areas or buildings may be included in one improvement scheme and that a street scheme or an accommodation scheme may be included in any scheme for the improvement of insanitary areas or buildings.

Such scheme shall be called the preliminary improvement scheme.

214 215. *Areas which may be excluded from or included in a preliminary scheme.*—A preliminary improvement scheme made by the Corporation may exclude any part of the area in respect of which any official representation was made or may include any neighbouring land, if the Corporation consider that such exclusion or inclusion is expedient.

215 216. *Provision to be made in a preliminary improvement scheme.*—Every preliminary improvement scheme shall provide for all or any of the following matters, namely :—

(1) the laying out of all or any of the lands affected, including the construction or re-construction of buildings and streets,

(2) the draining and lighting of the streets so formed or altered,

(3) the construction of new streets or the widening of existing streets or the laying out of new open spaces,

(4) the erection of dwellings (including shops) for the accommodation of the poor and working classes,

(5) the acquisition of any land which in the opinion of the Corporation may be necessary for or affected by the carrying out of the scheme.

Cf. Bom.
IV of
1898,
s. 26.

216 217. *Regard to be had to future needs of the City.*—In making a preliminary improvement scheme for any area regard shall be had to the conditions of neighbouring parts of the City and of the requirements of the City as a whole and to the likelihood of improvement schemes or street schemes or accommodation schemes being required for other parts of the City.

[Appendix 26—contd.]

217 218. *Schemes to be publicly notified at the municipal office.*—(1) Cf. Bom. IV of 1898, s. 27.
Upon the completion of a preliminary improvement scheme, it shall be submitted for approval before a meeting of the Corporation at which not less than half the total number of councillors shall be present throughout. If a majority of the councillors present throughout the meeting vote for such scheme, the Chief Administrative Officer shall prepare a notification reciting the reasons for the making of the scheme and the exact limits of the area comprised therein and stating that all particulars of the scheme (including a map of the area affected and a statement specifying the land proposed to be acquired) may be seen at the municipal office during stated hours.

(2) The preliminary improvement scheme together with a copy of the said notification shall thereupon be submitted to the Commissioner in Sind for approval.

(3) If the Commissioner in Sind approves such scheme, he shall publish the said notification for four consecutive weeks in the *Sind Official Gazette* and in two or more of the English and vernacular newspapers circulating within the City and selected for the purpose.

(4) Within the thirty days next following the first publication of the said notification the Chief Administrative Officer shall serve a notice on every person whose name appears in the municipal assessment book as primarily liable for the payment of the property-taxes in respect of any land or building proposed to be acquired for the purpose of the said scheme.

(5) The notice shall require the said person to state within thirty days of the receipt thereof whether he assents to or dissents from the proposed acquisition and, if he does not assent, to give reasons for his dissent.

(6) Every such notice shall be signed by the Chief Administrative Officer and shall be served—

- (i) by delivery to the person or to his agent; or
- (ii) by leaving the same at the usual or last known place of abode or business of the person aforesaid; or
- (iii) if such person cannot be found after reasonable diligence, then by affixing the same to a conspicuous part of the land or building proposed to be acquired; or
- (iv) by registered post, addressed to the usual or last known place of abode or business of such person.

218 219. *Corporation to apply for the sanction of the Commissioner in Sind to the final scheme.*—(1) After compliance with the foregoing provisions with respect to the publication and service of notices and after considering any representations received and making such modifications in the preliminary improvement scheme as it may think fit, the Corporation shall consider the matter at a meeting at which not less than half the total number of councillors shall be present throughout. If a majority of the councillors present throughout the meeting are in favour of proceeding with the scheme, the Corporation shall apply to the Commissioner in Sind for sanction to the scheme.

[Appendix 26—*contd.*]

(2) *Particulars to be supplied with the application for sanction.*—The application for sanction shall be accompanied by:—

- (a) a full description of the scheme, including the reasons for any modifications made therein ;
- (b) complete plans and estimates of the cost of executing the scheme ;
- (c) a statement specifying the land to be acquired ;
- (d) any representations received *for or against* the scheme ; and
- (e) such other particulars as may be prescribed by the Commissioner in Sind by rules made in this behalf.

(3) After receiving such application the Commissioner in Sind, if he considers that the variations from the preliminary scheme notified under section 217 218 are material, may order a re-notification thereof under sub-section (3) of section 217 218 ; otherwise, the Commissioner in Sind may sanction the scheme with or without modification or subject to such conditions as he may think fit to impose, or may refuse sanction.

(4) When the Commissioner in Sind has given his sanction under sub-section (3), the preliminary improvement scheme shall become the final improvement scheme.

(5) When the Commissioner in Sind orders a re-notification under sub-section (3), the provisions of sub-sections (4), (5) and (6) of section 217 218 shall, so far as may be, apply to such revised scheme or portion thereof.

I of 1894. 219 220. *On receipt of sanction Corporation to take steps for acquisition of land.*—On receipt of the sanction of the Commissioner in Sind under section 218 219 the Corporation shall, as soon as practicable take steps for the acquisition of the land proposed to be acquired for the purposes of the final improvement scheme and apply to the Commissioner in Sind for the issue of a direction to the Collector to take order for the acquisition of the land under section 7 of the Land Acquisition Act, 1894, and the provisions of the said Act shall thereupon apply as if the notification issued under section 217 218 had been a declaration issued under section 6 of the Land Acquisition Act, 1894.

I of 1894. Cf. Bom. IV of 1898, s. 27A. 220 221. *Right of owner to demand acquisition on issue of notification when building operations are in progress.*—If the owner of any land included in any such scheme proves to the satisfaction of the Chief Administrative Officer that at the date of the notification issued under section 217 218 building operations were in progress on such land or on any part thereof and that the construction of the building was completed up to the first floor, the Corporation may, and on the requisition of the owner shall, take steps for the acquisition of the said land in the manner provided in section 219 220.

Cf. Bom. IV of 1898, s. 27B. 221 222. *Right of owner to demand acquisition or withdrawal by the Corporation after the lapse of one year from the date of the notification.*—(1) At any time after the expiry of one year from the date of the notification published under section 217 218 the owner of any land proposed to be acquired for the purposes of any scheme under this Act may by written notice require the Corporation to acquire such land.

[Appendix 26—*contd.*]

(2) On receipt of such notice the Corporation shall either decide to acquire such land or shall give the owner written notice that it has withdrawn from the proposed acquisition.

(3) If the Corporation decides to acquire the land, it shall forthwith take steps for the acquisition of the land in the manner provided in section 219 220 as if a declaration had been made under section 6 of the Land Acquisition Act, 1894, and the date of publication of the notification under section 217 218 shall be deemed to be the date of a declaration made under section 6 of the Land Acquisition Act, 1894 : I of 1894.

Provided that, when the Corporation has by written notice withdrawn from the proposed acquisition of any land under sub-section (2), such land shall not be included in any improvement scheme for acquisition until the expiry of two years from the date of the issue of written notice as aforesaid to the owner. I of 1894.

222 223. *Special provisions as to compensation.*—In a determination of the amount of compensation to be awarded for any land or building acquired under this chapter the following principles shall be followed in addition to those provided in the Land Acquisition Act, 1894, namely :— Cf. Bom. IV of 1898, s. 49. I of 1894.

(1) The Collector or Court shall take into consideration any increase in the value of any other land or building belonging to the person interested which is likely to accrue from the acquisition of the land or from the acquisition or 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 of a notification under section 217 218 relating to the land or building, such addition or improvement shall not be taken into consideration unless it was necessary for the maintenance of the building in a proper state of repair ; and when any interest has been acquired after the said date, a separate estimate of the value thereof shall not be made so as to increase the amount of compensation to be paid for the said land or building ;

(3) The rent of the said land or building shall not ordinarily be deemed to be greater than the rent declared in the last return made under rule 2 in Chapter II of Schedule VIII by the owner thereof within the twenty-four months next preceding the date of the publication of a notification under section 217 218 relating to the said land or building :

Provided that where any addition to or improvement of the said land or building has been made between the date of such last return and the date of the said publication, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement ;

(4) If in the opinion of the Collector or Court the rental of the land or building has been enhanced by reason of its being used for an illegal or immoral purpose or of its 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 without such illegal or immoral use or overcrowding ;

[Appendix 26—*contd.*]

(5) If in the opinion of the Collector or 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 building on its being put into a sanitary condition or reasonably good repair, less the estimated expense of putting it into such condition or repair ;

(6) If in the opinion of the Collector or Court a building 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 therefor shall not exceed the value of the materials thereof less the cost of demolition.

Cf. Bom.
IV of
1898,
s. 28 (3).

223 224. *Procedure when scheme provides for construction of dwellings for the labouring classes.*—When any improvement scheme includes provision for the construction of dwellings for the poor and working classes, the Corporation shall forthwith submit the plans and estimates thereof for the sanction of the Commissioner in Sind. When the said sanction has been received, the provisions of this chapter shall thereupon apply with all necessary modifications to the said construction as if that part of the scheme which deals with the said construction were the scheme itself.

Cf. Bom.
XVIII
of 1925,
s. 114 (2).

224 225. *Disposal of surplus land.*—Subject to the provisions contained in section 55, any surplus land remaining with the Corporation on completion of any improvement scheme (except a scheme for the accommodation of the poor) may be sold or otherwise disposed of by the Corporation, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

225 226. *Provision to be made in an accommodation scheme.*—Schemes for the accommodation of the poor may provide for the construction by the Corporation of dwellings on land—

(a) acquired by the Corporation or vesting in the Corporation absolutely or for not less than fifty years, or,

(b) vesting in an employer or in an association either absolutely or for a period of not less than fifty years :

Cf. Bom.
IV of
1898,
s. 32C.

Provided that the scheme shall not provide for the construction of dwellings on land alleged to vest in an employer or in an association until such employer or association, as the case may be, has proved to the satisfaction of the Corporation that the title to the land is good and sufficient for the purposes of the scheme.

Cf. Bom.
IV of
1898,
s. 32F.

226 227. *Deposit and notice.*—(1) In cases falling under clause (b) of section 225 226 the construction of dwellings shall not be commenced until the employer or association concerned :—

(a) has deposited with the Corporation a sum of money equal to the estimated market value of the land or twenty-five per cent. of the estimated cost of the scheme, whichever is greater ; or

(b) has submitted to the Corporation a proposal in writing that the land shall be transferred to the Corporation for the purpose of the

[Appendix 26—*contd.*]

scheme and until the Corporation shall have served a notice in writing upon the employer or association, as the case may be, signifying its acceptance of such proposal.

(2) On the service of the notice referred to in clause (b) of sub-section (1), all the estate, right, title and interest of the employer or association, as the case may be, in and to the land referred to in the proposal shall forthwith vest in the Corporation.

227 228. *Procedure on completion of scheme.*—(1) On the completion of an accommodation scheme the dwellings constructed by the Corporation shall either be rented by the Corporation to members of the poor or labouring classes or shall be leased by the Corporation for a period of not less than thirty years to the employer or association on whose motion the scheme has been executed or to any other employer or association.

(2) When the dwellings are rented to members of the poor and labouring classes by the Corporation, the Corporation shall refund, in the manner prescribed in sub-section (3) to the employer or association concerned any deposit made by such employer or association under section 226 227 or the value of any land transferred to it under that section.

(3) The deposit shall be refunded gradually by annual payments equal to the annual sinking fund charges on all moneys spent by the Corporation on the scheme in such manner as may be prescribed in rules made by the Corporation in this behalf.

(4) When the dwellings are leased to the employer or association on whose motion the scheme has been executed, the annual rental payable to the Corporation by the said employer or association shall be so calculated as to cover on the expiry of the lease the capital cost of the scheme together with interest and sinking fund charges less the amount of the deposit distributed over the period of the lease.

(5) The conditions of the lease shall be such as may be prescribed by rules made in this behalf by the Corporation with the sanction of the Commissioner in Sind.

CHAPTER XIV.

GENERAL PROVISIONS FOR THE CARRYING ON OF MUNICIPAL ADMINISTRATION.

Validity of Contracts.

228 229. *Contracts.*—(1) Every contract made by or on behalf of the Corporation shall be made in accordance with the provisions of Chapter VII of Schedule I. Cf. Bur. VI of 1922, s. 177.

(2) No contract shall be binding on the Corporation unless it has been made in accordance with the provisions of the said chapter.

[Appendix 26—*contd.*]

Licences and written permissions.

Cf. Bur.
VI of
1922,
s. 178.

229 230. *Licences and written permissions*:—(1) Wherever it is prescribed that the permission of the Corporation is necessary for the doing of any act, such permission shall (unless it is expressly provided otherwise) be in writing.

(2) A licence or permission given under this Act shall specify the period for which, and the conditions and limitations subject to which, it is granted, and shall be signed in the prescribed manner.

(3) For every licence or permission a fee may be charged at such rate as shall from time to time be fixed by the Chief Administrative Officer with the previous approval of the Standing Committee.

(4) Every person to whom a licence or permission has been granted shall produce it at all reasonable hours for inspection if required by the Chief Administrative Officer, or any officer authorized by him in this behalf.

(5) A licence or permission may at any time be suspended or revoked by the Chief Administrative Officer, if any one of its conditions or limitations is infringed or evaded by the person to whom it was granted, or if the said person is convicted, of an infringement of any of the provisions of this Act in any matter to which the licence or permission relates.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted has expired, the person to whom it was granted shall be deemed to be without a licence or permission:

Provided that, pending the receipt of orders on his application, an applicant for the renewal of a licence or permission shall be entitled to act as if it had been renewed.

(7) The acceptance by or on behalf of the Corporation of the fee for a licence or permission shall not entitle the person paying the fee to the licence or permission.

(8) Every application for a licence or permission shall be addressed to the Chief Administrative Officer.

(9) Save in cases falling under sections 149 151 and 152 154, if the orders of the Corporation on an application for a licence or permission which complies with the provisions of the foregoing sub-sections are not communicated to the applicant within six weeks from the date of receipt of the application by the Chief Administrative Officer, the applicant may act as if the licence or permission had been granted for the year or for any shorter period mentioned in the application.

Powers of Entry and Inspection.

Cf. Bur.
VI of
1922,
s. 179.

230 231. *Power of entry on premises for purposes of inspection, survey or execution of necessary work*.—Any municipal officer duly authorised to make inspections or surveys or to execute any works may enter into or

[Appendix 26—*contd.*]

upon any building or land, with or without assistants or workmen, whenever in his opinion such entry is necessary or expedient for the purposes of this Act :

Provided that, except where it is in this Act otherwise expressly provided—

- (i) no such entry shall be made after sunset and before sunrise ;
- (ii) no building used as a dwelling-house shall be entered, unless with the consent of the occupier thereof, without giving him at least six hours' previous notice in writing of the intended entry and (except where it is inexpedient to mention the purpose) of the purpose thereof ;
- (iii) no apartment in the actual occupancy of females shall be entered unless sufficient notice has been given to enable them to remove themselves ;

(iv) due regard shall be had to the social and religious usages of the occupants of the premises entered so far as may be possible according to the exigencies of the purpose for which the entry is made.

231 232. *Power of entry on lands adjacent to works.*—(1) Any municipal Cf. Bur. officer duly authorised to carry out works may deposit upon any land, VI of 1922, adjoining, or within one hundred yards of, any such works, any earth, s. 180. gravel, sand, lime, bricks, stone, or other materials necessary for such works.

(2) Such officer before depositing materials under sub-section (1), shall give the owner or occupier of the land reasonable notice of his intention and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in sub-section (1).

(3) In depositing materials under sub-section (1) as little damage as possible shall be done, and the Corporation shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

232 233. *Right of entry into and inspection of premises licensed for any purpose.*—(1) The Chief Administrative Officer or any municipal officer Cf. Bur. VI of 1922, authorised by the Corporation in that behalf may at any time by day or s. 181 & Bom. III of 1888, night and without notice enter into or upon any place or premises used or s. 413. intended to be used for any purposes for which any licence or permission is required by or under this Act or any rule in order to satisfy himself as to whether any provision of this Act or rule or any condition of any licence or permission granted or required under this Act or any rule is being contravened, and as to whether any nuisance is being created in or upon such place or premises.

(2) No claim for compensation shall lie against any person for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry :

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence has been or is being committed against some provision of this Act or of any rule.

[Appendix 26—contd.]

Enforcement of Orders to execute Works.

Cf. Bur.
VI of
1922,
s. 182.

233 234. *Execution of works which any person is required to execute by Chief Administrative Officer at such person's cost.*—(1) When any requisition or order is made under this Act or any rule by written notice issued by the Chief Administrative Officer or by any municipal officer duly empowered in this behalf, a reasonable period shall be prescribed in the notice for carrying the requisition or order into effect; and if within the period so prescribed such requisition or order or any portion thereof is not complied with, the Chief Administrative Officer may take such measures or cause such work to be executed or thing to be done as is in his opinion necessary for giving due effect to the requisition or order, and the expenses thereof shall be paid by the person or any one of the persons in default.

(2) When a person is required under any provision of this Act or any rule to supply any materials or fittings or to do any work, the Chief Administrative Officer at the request of such person in writing, may supply the necessary materials or fittings or cause the necessary work to be done on his behalf:

Provided that the said person deposits a sum which, in the opinion of the Chief Administrative Officer, will suffice to cover the cost of the said materials, fittings or work.

(3) When a person is required to execute any work under the provisions of this Act or any rule, the Chief Administrative Officer, instead of giving him an option of executing it, may, if he thinks fit, cause such work to be executed by municipal or other agency under his own supervision, and may recover the expenses incurred thereby from the person liable to execute the work:

Provided that the Corporation may by general or special order or resolution sanction the execution of such work at the cost of the Municipal fund.

Cf. Bur.
VI of
1922,
s. 183.

234 235. *In default of owner the occupier of any premises may execute required work and recover expenses from the owner.*—Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier of such building or land may execute the said work with the previous approval of the Chief Administrative Officer, and for doing so he shall be entitled to recover the reasonable expenses incurred therein from the owner and may without prejudice to any other right of recovery deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Cf. Bur.
VI of
1922,
s. 184.

235 236. *Limitation of liability of agent or trustee of owner.*—No person who receives the rent of any building or land as an agent or trustee only shall be liable to do anything which by this Act is required to be done by an owner if he proves to the satisfaction of the Chief Administrative Officer that he has not sufficient funds belonging to the owner to do the same:

[Appendix 26—*contd.*]

Provided that nothing in this section shall be deemed to prevent the Chief Administrative Officer from carrying out the necessary works and recovering the expenses so incurred from the actual owner.

Recovery of Expenses incurred by the Chief Administrative Officer.

236 237. Expenses recoverable under this Act to be payable on demand : Cf. Bom. III of 1888, s. 491.
and if not paid on demand, may be recovered as an arrear of property-tax.—(1) Whenever under this Act or any rule or regulation, the expenses of any work executed or measure taken or thing done are payable by any person, they shall be payable on demand.

(2) If not paid on demand, the said expenses, subject to the provisions of sub-section (2) of section 240 241, shall be recoverable by the Chief Administrative Officer by distress and sale of the goods and chattels of the defaulter as if the said amount were a property-tax due by the said defaulter.

237 238. *If the defaulter is the owner of premises in respect of which expenses are payable, the occupier may also be liable for payment thereof.—* Cf. Bom. III of 1888, s. 492.
 If the default referred to in the last preceding section is in connection with a building or land and the defaulter is the owner thereof, the sum due may be demanded from any person who at the time when the said expenses were incurred occupied the said building or land under or from the said owner. In the event of the occupier failing to pay the sum due it may be recovered by distress and sale of the goods and chattels of the said person as if the amount thereof were a property-tax due by him :

Provided that—

(a) if the occupier makes a true disclosure of the name and address of the person to whom the rent is due and proves to the satisfaction of the Chief Administrative Officer that the amount of rent payable by him to that person on the date of the demand for the payment of the said expenses was less than the amount of the said demand, then the occupier shall not be liable to pay on account of the said demand any sum greater than the amount payable as rent on the date aforesaid ;

(b) the occupier shall be entitled to credit in account with the owner for any sum recovered from him on account of the said expenses ;

(c) nothing in this section shall affect any agreement made between the occupier and the owner respecting the payment of expenses as aforesaid.

238 239. Chief Administrative Officer may receive payment in instalments.—Notwithstanding anything contained in section 236 237 or section 237 238, the Chief Administrative Officer, with the approval of the Standing Committee, may take an agreement from the person liable under the said sections to pay the sum due, together with interest thereon at a rate not exceeding nine per cent. per annum, in instalments of such amounts and at such intervals as will secure the payment of the whole amount within a period of not more than five years. Cf. Bur. VI of 1922, s. 186.

[Appendix 26—contd.]

Cf. Bur.
VI of
1922,
s. 187.

239 240. *Expenses incurred by Chief Administrative Officer may be declared improvement expenses and recovered by instalments.*—(1) Any expenses incurred by the Chief Administrative Officer under any provision of this Act in respect of, or for the benefit of, any building or land, may be declared to be improvement expenses, if the Chief Administrative Officer, with the approval of the Corporation, thinks fit so to declare them.

(2) Improvement expenses shall be a charge on the building or land in respect of which, or for the benefit of which, they have been incurred. They shall be recoverable in instalments of such amounts (not being less than twelve rupees per annum for each separate property) and at such intervals as will suffice to discharge them, together with interest thereon at ~~the rate of~~ a rate not exceeding nine per cent. per annum, within such period not exceeding thirty years as the Chief Administrative Officer, with the approval of the Corporation, may in each case, determine.

(3) The said instalments shall be payable by the owner or occupier of the building or land on which the expenses are charged.

(4) At any time before the expiration of the period for the payment of any improvement expenses the owner or occupier of the premises on which they are charged may redeem the charge by paying the unpaid balance to the Chief Administrative Officer.

Cf. Bur.
VI of
1922,
s. 188.

240 241. *In cases falling under section 236 237 disputes to be determined by the Judge of the Karachi Small Causes Court.*—(1) If a demand of the Chief Administrative Officer for the payment of any expenses under section 236 237 is disputed, or if, in the case of expenses incurred by the Corporation or by the Chief Administrative Officer in taking temporary measures in the interests of public safety under the provisions of this Act, the necessity for such temporary measures is disputed, the Chief Administrative Officer shall refer the case for the determination of the Judge of the Karachi Small Causes Court.

(2) Pending the Judge's decision, the Chief Administrative Officer shall defer further proceedings for the recovery of the sum claimed by him but shall not, by reason only of the pendency of any dispute or reference to the said Judge, defer the execution of any temporary measures which may be necessary under any provision of this Act.

Payment of Compensation by Corporation.

Cf. Bur.
VI of
1922,
s. 189.

241 242. *Compensation to owner for value of immoveable property deteriorated.*—(1) In any case in which immoveable property has deteriorated in value owing to the exercise of any power conferred by section 119, 120, 121, 122, 134, 136, 137 or 181 121, 122, 123, 124, 136, 138, 139 or 182, the Corporation may pay to the owner of the property reasonable compensation.

(2) On receipt of the compensation the owner of the property which has deteriorated in value shall be deemed to have granted to the Corporation a perpetual right to continue the exercise of its powers under any of the said sections in such a manner as not to create a greater nuisance or to

[Appendix 26—contd.]

cause greater damage than was being created or caused at the time when compensation was received.

242 243. *Procedure on complaint of injury.*—(1) Any person who is injuriously affected thereby may complain to the Commissioner in Sind that in the exercise of any power conferred by section 110, 120, 121, 122, 134, 136, 137 or 181 121, 122, 123, 124, 136, 138, 139 or 182 more than the least practicable nuisance or damage has been created or caused. Cf. Bur. VI of 1922, s. 190.

(2) Upon receipt of any such complaint the Commissioner in Sind shall may appoint an officer to enquire into the complaint, and such officer shall for the purpose of his enquiry have all the powers of a civil court trying a suit and shall submit his report to the Commissioner in Sind.

(3) Upon receipt of the report the Commissioner in Sind may, if he thinks fit, direct the Corporation—

(a) to take such measures as it shall deem practicable and reasonable for preventing, abating, removing or diminishing the nuisance or damage ;

(b) to pay to the complainant all reasonable costs of and relating to his complaint, which costs may include compensation for the complainant's loss of time in prosecuting the complaint.

(4) It shall be incumbent on the Corporation to obey every such order.

243 244. *Saving of right to claim damages for injury.*—Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by reason of any act done in the exercise of any power conferred by section 110, 120, 121, 122, 134, 136, 137 or 181 121, 122, 123, 124, 136, 138, 139 or 182 to recover damages. Cf. Bur. VI of 1922, s. 191.

244 245. *Payment of compensation.*—In any case not otherwise expressly provided for in this Act, the Chief Administrative Officer, with the previous approval of the Standing Committee, may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Chief Administrative Officer or in any municipal officer or servant. Cf. Bur. VI of 1922, s. 192.

245 246. *Amount of expenses or compensation to be determined in all cases of dispute by the Judge of the Karachi Small Causes Court.*—(1) Except in the cases referred to in section 236 237 and in cases relating to the acquisition of land under the Land Acquisition Act, 1894, the amount and apportionment of any compensation or expenses which the Corporation or any other person is required by or under this Act to pay shall be determined, in the case of dispute, by the Judge of the Karachi Small Causes Court on application made to him in this behalf within six months from the date on which such expenses or compensation first became claimable. Cf. Bur. VI of 1922, s. 193. I of 1894.

(2) If the amount of the expenses or compensation so determined is not paid on demand, it shall be recoverable as if it were due under a decree of the said court.

[Appendix 26—contd.]

Interference with Municipal Officers.

Cf. Bur. 246 247. *Corporation not to be prevented from exercising power of entry.*—No person shall prevent any person duly authorised in that behalf from exercising his power under this Act of entering into any building or on any land.

Cf. Bur. 247 248. *Prohibition of obstruction of contractor.*—No person shall obstruct or molest any person with whom the Chief Administrative Officer has entered into a contract on behalf of the Corporation in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act.

Cf. Bur. 248 249. *Prohibition of removal of mark.*—No person shall remove any mark set up for the purpose of indicating any lawful direction necessary to the execution of works authorised by this Act.

Legal Proceedings.

Cf. Bur. 249 250. *Decision of the Judge of the Karachi Small Causes Court.*—Notwithstanding anything contained in the Provincial Small Cause Courts Act, 1887, or in any other enactment for the time being in force, the Judge of the Karachi Small Causes Court shall exercise all the powers and jurisdiction expressly conferred on or vested in the said Judge by the provisions of this Act; and, unless it is otherwise expressly provided by this Act, his decision shall be final in any matter in respect of which he exercises such powers or jurisdiction.

Cf. Bur. 250 251. *Procedure in inquiries before civil courts.*—(1) For the purposes of any appeal, inquiry, or proceeding under this Act, the Court of the Judicial Commissioner of Sind or the Judge of the Karachi Small Causes Court may exercise all the powers conferred on them by the Code of Civil Procedure, 1908, the Provincial Small Cause Courts Act, 1887, or the Sindh Courts Act, 1866, as the case may be, and shall observe the procedure prescribed in the said enactments, so far as it is not inconsistent with the provisions of this Act.

(2) The costs of every such appeal, inquiry, or proceeding shall be payable by such parties and in such proportions as the court shall direct; and the amount thereof shall, if necessary, be recoverable as if it were due under a decree of the Court.

Cf. Bur. 251 252. *Fees in proceedings before civil courts.*—(1) Government may by notification prescribe what fee, if any, shall be paid—

(a) on any application, appeal, or reference made under this Act to a civil court; and

(b) for the issue of any summons or other process in any enquiry or proceeding of the court under this Act:

Provided that the fee to be prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fee at the time being levied in the court, on a claim or subject-matter of a like amount.

[Appendix 26—contd.]

(2) Government may, from time to time, by a like notification determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal, or reference shall be received by any court until the fee, if any, prescribed under clause (a) of sub-section (1) has been paid.

252 253. *Limitation of time.*—Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented, subject to the provisions of section 5 of the Indian Limitation Act, 1908, within thirty days after the date of the order in respect of or against which the application or appeal is made. Cf. Bur. VI of 1922, s. 202. IX of 1908.

Suits.

253 254. *Indemnity for acts done in good faith.*—No suit shall lie in respect of anything in good faith done or intended to be done under this Act against the Corporation or against any committee constituted under this Act or against the School Board or against a municipal officer or servant or against any person acting under and in accordance with the directions of any such authority, officer, or servant or of a magistrate. Cf. Bur. VI of 1922, s. 203.

254 255. *Protection of persons acting under this Act against suits.*—(1) No suit shall lie against the Corporation or against the Chief Administrative Officer or against any other municipal officer or servant in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act— Cf. Bur. VI of 1922, s. 204.

(a) unless it is commenced within six months next after the accrual of the cause of action; and

(b) until the expiration of one month after notice in writing has been, in the case of the Corporation, delivered or left at the chief municipal office and, in the case of the Chief Administrative Officer or of a municipal officer or servant, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) At the trial of any such suit—

(a) the plaintiff shall not be permitted to adduce evidence relating to any cause of action save such as is set forth in the notice delivered or left by him as aforesaid;

(b) the claim, if it be for damages, shall be dismissed if tender of sufficient amends was made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money, with costs, is paid into court.

(3) If the defendant in any such suit is the Chief Administrative Officer or any other municipal officer or servant, payment of any sum or part thereof payable by him in or in consequence of the suit may be made with the sanction of the Standing Committee from the municipal fund.

[Appendix 26—contd.]

CHAPTER XV.

PUNISHMENT OF OFFENCES.

Cf. Bur.
VI of
1922.
s. 205.

255 256. *Certain offences punishable with fine.*—Whoever—

(a) contravenes any provision of this Act mentioned in the first column of the following table, or

(b) fails to comply with any lawful direction or requisition under any of the said provisions,

shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, but are inserted merely to facilitate reference to the sections, sub-sections and clauses mentioned in the first column :—

Section, sub-section or clause.	Subject.	Maximum fine which may be imposed.
1	2	3
Section 123 125	Requisition by the Chief Administrative Officer to connect premises with municipal drain.	One hundred rupees.
Section 124 126	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	One hundred rupees.
Section 125 127	New buildings not to be erected without drains.	One thousand rupees.
Section 127 129, sub-section (1).	Owner of land to allow others to carry drains through the land.	Fifty rupees.
Section 128 130	Owner of drain to allow use thereof or joint ownership therein to others.	Fifty rupees.
Section 130 132	Resistance to order of the Chief Administrative Officer regarding use or joint ownership of a drain.	Fifty rupees.
Section 131 133	Resistance to the Chief Administrative Officer draining premises in combination.	Fifty rupees.
Section 132 134	Resistance to the Chief Administrative Officer constructing drains or failure to maintain and keep in repair portion of a drain vesting in an owner.	Fifty rupees.

[Appendix 26—contd.]

Section, sub-section or clause. 1	Subject. 2	Maximum fine which may be imposed. 3
Section 133 135, sub-section (1), clause (b).	Direction limiting use of drain or notice requiring the use of a distinct drain.	One hundred rupees.
Section 134 136 ..	Resistance to the Chief Administrative Officer affixing shafts or pipes for ventilation of drains.	Fifty rupees.
Section 147 149, sub-section (1).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Two hundred rupees.
Section 149 151 ..	Establishment, etc., of factory, etc., without permission of the Standing Committee.	One thousand rupees.
Section 152 154 ..	Storing dangerous or offensive articles, and carrying on dangerous or offensive trades.	Five hundred rupees.
Section 158 160, sub-section (1).	Keeping open a private market without permission.	Two hundred rupees.
Section 158 160, sub-section (1).	Establishment, removal, re-opening, re-establishment or enlargement of private market without permission.	One thousand rupees.
Section 159 161, sub-section (1).	Selling animals, meat, etc., outside market without a license.	One hundred rupees.
Section 160 162 ..	Slaughter of animals without permission outside municipal slaughter-house.	One hundred rupees.
Section 165 166 ..	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 166 167 ..	Keeping adulterants in places where butter, ghee, etc., are manufactured.	One hundred rupees.
Section 167 168 ..	Sale, etc., of notified article which is not of prescribed standard of purity.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 168 169 ..	Sale, etc., of substitutes ..	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.

[Appendix 26—contd.]

Section, sub-section or clause. 1	Subject. 2	Maximum fine which may be imposed. 3
Section 172 sub-section (3). 173,	Removing, interfering or tampering with animal, food, drink, drug, etc., seized and left in custody.	Two hundred rupees.
Section 176 sub-section (1). 177,	Sale or surrender of articles of food, drink or drug required for purposes of analysis.	Two hundred rupees.
Section 177 sub-section (1). 178,	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 185 186 ..	Prohibition of erection or re-erection of buildings without permission of the Chief Administrative Officer.	One thousand rupees.
Section 186 sub-section (1). 187,	Notice to be given to the Chief Administrative Officer of completion of building.	One hundred rupees.
Section 186 sub-section (4). 187,	Prohibition of occupation of new or re-erected building without permission of the Chief Administrative Officer.	One thousand rupees.
Section 188 sub-section (3). 189,	Entering into or remaining in a building which has been declared unfit for human habitation.	Five hundred rupees.
Section 189 sub-section (1). 190,	Requisition to repair or remove buildings in ruinous or dangerous state.	One hundred rupees.
Section 189 sub-section (3). 190,	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Two hundred rupees.
Section 191 sub-section (2). 192,	Erection or re-erection of building on site declared insanitary.	One thousand rupees.
Section 193 sub-section (1). 194,	Laying a tramway or railway on a public street.	One thousand rupees.
Section 194 sub-section (1). 195,	Prohibition of projections upon streets, etc.	Two hundred rupees.
Section 194 sub-section (2). 195,	Requisition to remove the same.	Two hundred rupees.

[Appendix 26—contd.]

Section, sub-section or clause.	Subject.	Maximum fine which may be imposed.
1	2	3
Section 195 196	Requisition to alter ground floor doors, etc., opening on roads or streets.	Twenty rupees.
Section 196 197, sub-section (1).	Requisition to remove projections upon streets, etc., made before Bom. III of 1901 came into force.	Two hundred rupees.
Section 200 201, sub-section (1).	Laying out a private street otherwise than in accordance with the directions of the Chief Administrative Officer.	One thousand rupees.
Section 203 204, sub-section (7).	Erection or re-erection of a building in contravention of a declaration published under section 203 204, sub-section (5).	One thousand rupees.
Section 204 205, sub-section (2).	Construction of a building within a street line without permission of Standing Committee.	One thousand rupees.
Section 205 206	Constructing a building beyond the street line.	One thousand rupees.
Section 207 208, sub-section (2).	Constructing a building within the regular line of street without permission.	One thousand rupees.
Section 210 211, sub-section (8).	Construction of street or erection of building otherwise than in accordance with standard plan.	One thousand rupees.

256 257. *Continuing offences.*—Whoever, after having been convicted—

Cf. Bur. VI of 1922, s. 206.

(a) of contravening any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any regulation or order lawfully made thereunder, or

(b) of failing to comply with any lawful direction or requisition under any of the said provisions, continues to contravene the said provision or to neglect to comply with the said direction or requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, shall be punished for each day that he continues so to offend with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table are not intended as definitions of the offences described in the sections,

[Appendix 26--contd.]

sub-sections, and clauses mentioned in the first column but are inserted merely to facilitate reference to the sections, sub-sections, and clauses mentioned in the first column :—

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 123 125	Requisition by the Chief Administrative Officer to connect premises with municipal drain.	Ten rupees.
Section 124 126	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	Ten rupees.
Section 125 127	New buildings not to be erected without drains.	Fifty rupees.
Section 127 129, sub-section (1).	Owner of land to allow others to carry drains through the land.	Five rupees.
Section 128 130	Owner of drain to allow use thereof or joint ownership therein to others.	Five rupees.
Section 130 132	Resistance to order of the Chief Administrative Officer regarding use or joint ownership of a drain.	Fifty rupees.
Section 131 133	Resistance to the Chief Administrative Officer draining premises in combination.	Fifty rupees.
Section 132 134	Resistance to the Chief Administrative Officer constructing drains or failure to maintain and keep in repair portion of a drain vesting in an owner.	Fifty rupees.
Section 133 135, sub-section clause (b).	Direction limiting use of drain or notice requiring the use of a distinct drain.	Ten rupees.
Section 134 136	Resistance to the Chief Administrative Officer affixing shafts or pipes for ventilation of drains.	Fifty rupees.
Section 147 149, sub-section (1).	Erection of buildings, etc., over-drains, water-mains, air-mains, etc., without permission.	Twenty rupees.
Section 149 151	Establishment, etc., of factory, etc., without permission of the Standing Committee.	One hundred rupees.
Section 152 154	Storing dangerous or offensive articles and carrying on dangerous or offensive trades.	Fifty rupees.
Section 158 160, sub-section (1).	Keeping open a private market without permission.	Twenty-five rupees.

[Appendix 26—contd.]

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 158 sub-section (1). 160,	Establishment, removal, re-opening, re-establishment or enlargement of private market without permission.	One hundred rupees.
Section 159 sub-section (1). 161,	Selling animals, meat, etc., outside market without a license.	Ten rupees.
Section 185 186 ...	Prohibition of erection or re-erection of buildings without permission of the Chief Administrative Officer.	One hundred rupees.
Section 189 sub-section (1). 190,	Requisition to repair or remove buildings in ruinous or dangerous state.	Ten rupees.
Section 189 sub-section (3). 190,	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Five rupees.
Section 191 sub-section (2). 192,	Erection or re-erection of building on site declared insanitary.	One hundred rupees.
Section 193 sub-section (1). 194,	Laying a tramway or railway on a public street.	One hundred rupees.
Section 194 sub-section (1). 195,	Prohibition of projections upon streets, etc.	Ten rupees.
Section 194 sub-section (2). 195,	Requisition to remove the same ..	Ten rupees.
Section 196 sub-section (1). 197,	Requisition to remove projections upon streets, etc., made before Bom. III of 1901 came into force.	Ten rupees.
Section 200 sub-section (1). 201,	Laying out private street otherwise than in accordance with the directions of the Chief Administrative Officer.	One hundred rupees.
Section 203 sub-section (7). 204,	Erection or re-erection of a building in contravention of a declaration published under section 203 204, sub-section (5).	One hundred rupees.
Section 204 sub-section (2). 205,	Construction of a building within a street line without permission of Standing Committee.	Ten rupees.
Section 205 206 ..	Constructing a building beyond the street line.	One hundred rupees.
Section 207 208 ..	Constructing a building within the regular line of street without permission.	One hundred rupees.
Section 210 sub-section (8). 211,	Construction of street or erection of building otherwise than in accordance with standard plan.	One hundred rupees.

[Appendix 26--contd.]

Cf. Bur.
VI of
1922,
s. 207.

257 258. *Punishment for certain offences.*—Whoever contravenes any provision of section 142, 143, 181, 216, 217 or 248 144, 145, 182, 247, 248 or 249 or of any order made thereunder, or fails to comply with any lawful direction or requisition under any of the said provisions, shall be punished for each such offence with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

Cf. Bur.
VI of
1922,
s. 208.

258 259. *Punishment of offences relating to the terminal tax.*—The law for the time being in force for the punishment of offences relating to the levy of payment of customs duties and the grant of drawbacks in connection therewith and for the reward of informers shall apply, so far as may be, to similar offences committed in respect of the levy, payment, or refund of any terminal tax which may be imposed under this Act; and any omission or misdescription in passing for export any goods in respect of which refund of such terminal tax may be claimable shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

Cf. Bur.
VI of
1922,
s. 209.

259 260. *Punishment for acquiring share or interest in contract, etc., with the Corporation.*—Any councillor, municipal officer, or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, not being a share or interest such as, under the proviso to section 14, it is permissible for a councillor to have without being thereby disqualified from being a councillor, shall be punishable with simple imprisonment for a term which may extend to one year or with fine or with both.

Cf. Bur.
VI of
1922,
s. 210.

260 261. *Punishment for essential officer leaving employment.*—Any essential officer or servant contravening any of the provisions of sub-section (2) of section 48 shall be liable to imprisonment for a term not exceeding two months.

Procedure in Municipal Prosecutions.

Cf. Bur.
VI of
1922,
s. 211.

261 262. *Offenders against this Act may in certain cases be arrested by the police and municipal officers or servants.*—(1) Any police officer may arrest any person who in his view commits any offence punishable under this Act, if the name and address of such person be unknown to him and if such person on demand declines to give his name and address, or gives a name and address which such officer or servant has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or, without the order of a magistrate, for any longer time, not exceeding forty hours from the arrest, than is necessary for bringing him before a magistrate.

Cf. Bur.
VI of
1922,
s. 212.

262 263. *Jurisdiction of City Magistrate.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act and committed outside the City may be tried by a magistrate having jurisdiction within the City as if such offence had been committed within the City, and such magistrate shall not be deemed

[Appendix 26—*contd.*]

to be incapable of taking cognizance of any such offence, or of any offence against the Bombay District Municipal Act, 1901, by reason only of the said magistrate being liable to pay any municipal tax or being benefited by the municipal fund to the credit of which any fine imposed by him is payable. Bom. III
of 1901.

263 264. *Procedure in prosecutions.*—(1) No Court shall take cognizance of any offence punishable under this Act except on a complaint signed by the Chief Administrative Officer. Cf. Bur.
VI of
1922,
s. 213.

(2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1898, it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complaint is presented in writing. V of 1898.

264 265. *Limitation of time for prosecution.*—(1) No magistrate shall take cognizance of any offence punishable under this Act unless complaint of such offence is made— Cf. Bur.
VI of
1922,
s. 214.

(a) within three months next after the date of such offence; or

(b) if such date is not known or the offence is a continuing one, within three months next after the date on which the commission or existence of such offence was first brought to the notice of the Chief Administrative Officer or of any officer or servant whose duty it is to report such offence to the Chief Administrative Officer.

(2) For the purpose of sub-section (1), failure to take out a license under this Act shall be deemed to be a continuing offence until the expiration of the period for which the license ought to have been taken out.

265 266. *Power of magistrate to hear cases in absence of accused.*— Cf. Bur.
VI of
1922,
s. 215. If any person summoned to appear before a magistrate to answer a charge of an offence punishable under this Act fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the magistrate and no sufficient cause is shown for the non-appearance of such person the magistrate may hear and determine the case in his absence.

266 267. *Report of Chemical Analyser to Government.*—Any document purporting to be a report under the hand of the Chemical Analyser to Government upon any article duly submitted to him for analysis may be used as evidence of the facts therein stated in any enquiry or prosecution under this Act. Cf. Bur.
VI of
1922,
s. 216.

267 268. *Compensation to be paid by offenders against this Act for any damage caused by them.*—(1) If on account of any act or omission any person has been convicted of an offence punishable under this Act and by reason of the same act or omission of the said person damage has occurred to any property of the Corporation, the said person shall be liable to the payment of compensation for the said damage in addition to any punishment to which he may have been sentenced for the said offence. Cf. Bur.
VI of
1922,
s. 217.

[Appendix 26—*contd.*]

(2) If the amount of compensation payable by the said person is disputed, it shall be determined by the magistrate before whom he had been convicted of the said offence; and in the case of non-payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted on the said person.

Cf. Bur.
VI of
1922,
s. 218.

268 269. *Recovery of license fees on conviction.*—(1) Whenever any person is convicted of an offence in respect of failure to obtain a license or permission required by the provisions of this Act or of any rules the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Corporation the amount of the fee chargeable for such license or permission.

(2) Recovery of the fee under sub-section (1) shall not entitle the person convicted to such license or permission.

Cf. Bur.
VI of
1922,
s. 219.

269 270. *Compounding offences against this Act.*—(1) The Chief Administrative Officer may accept from any person a sum of money by way of compensation for any offence under this Act committed or reasonably believed to have been committed by him; and on payment of such sum of money no further proceedings shall be taken against him on account of the offence so compounded.

(2) When any such sum has been received under sub-section (1), the Chief Officer shall forthwith make a report regarding the same to the Standing Committee.

CHAPTER XVI.

ALTERATION OF LIMITS OF THE CITY.

Cf. Bur.
VI of
1922,
s. 220.

270 271. *Notification of intention to alter limits of the City.*—(1) The Commissioner in Sind may notify his intention—

(a) after consulting the Corporation and with the previous approval of Government to exclude from the City any local area comprised therein and defined in the notification; and

(b) with the concurrence of the Corporation and in case of disagreement with the Corporation with the previous approval of Government to include within the city any local area defined in the notification:

Provided that, where such local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of such area without the previous sanction of the Governor-General in Council.

(2) The Corporation or any inhabitant of the City or of a local area in respect of which a notification has been published under sub-section (1), may submit to the Commissioner in Sind any objection in writing to the alteration proposed within six weeks from the publication of the notification, and the Commissioner in Sind shall take such objection into consideration.

[Appendix 26—*contd.*]

(3) When six weeks from the date of the publication of a notification under sub-section (1) have expired and the Commissioner in Sind has considered any objections submitted under sub-section (2), the Commissioner in Sind by a further notification may exclude from or include within the City any local area in respect of which the notification under sub-section (1) was issued, or any part thereof; and Schedule X shall be deemed to have been amended accordingly.

271 272. *Effects of exclusion of local area.*—(1) When a local area is excluded from the City under section 270 271—

Cf. Bur.
VI of
1922,
s. 221.

(a) this Act, and all rules, orders, directions, notices, and powers made, issued, or conferred thereunder, or in force throughout the City at the time when the local area is so excluded, shall cease to apply thereto; and

(b) the Commissioner in Sind after consulting the Corporation, and with the previous approval of Government, shall frame a scheme determining what portion of the balance of the municipal fund and other property vested in the Corporation shall vest in His Majesty for the benefit of such excluded area, and in what manner the liabilities of the Corporation in respect thereof shall be apportioned between the Corporation and the Secretary of State for India in Council; and, on the publication of the scheme in the *Sind Official Gazette*, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in His Majesty under sub-section (1) shall be applied, under the orders of Government, in the first place to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, and in the second place for the promotion of the safety, health, welfare, or convenience of the inhabitants of the said excluded area.

272 273. *Effects of inclusion of local area.*—When any local area is included in the City under section 270 271, this Act and (except as Government may by notification otherwise direct) all rules, orders, directions, and powers made, issued, or conferred thereunder and in force throughout the City at the time the local area is so included, shall apply in such area.

Cf. Bur.
VI of
1922,
s. 222.

CHAPTER XVII.

CONTROL.

273. ~~Power to Commissioner in Sind to suspend action under Act.—The Commissioner in Sind by order in writing may suspend the execution of any resolution or order of the Corporation or of any municipal authority or officer subordinate thereto, or may prohibit the doing of any act which is about to be done or is being done by or on behalf of the Corporation if in his opinion such resolution, order, or act is in contravention of or in excess of the powers conferred by this Act or any law for the time being in force or the~~

Cf. Bur.
VI of
1922,
s. 223.

[Appendix 26—*contd.*]

~~execution of the resolution or order or the doing of the act is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons.~~

274. *Power of Commissioner in Sind to suspend action under Act.—(1)* If the Commissioner in Sind is of opinion that the execution of any resolution or order of the Corporation or of any municipal authority or officer subordinate thereto, or the doing of any act which is about to be done or is being done by or on behalf of the Corporation, is in contravention of or in excess of the powers conferred by this Act or any law for the time being in force, or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Commissioner in Sind, by order in writing, may suspend the execution of such resolution or order, or prohibit the doing of any such act.

A copy of such order of the Commissioner in Sind shall thereupon be sent to the Corporation by the Commissioner in Sind.

(2) The Corporation may, notwithstanding anything contained in this Act or the rules, take the matter into consideration.

(3) If the Corporation after having taken the matter into consideration is of opinion—

(a) that the resolution, order or act in respect of which the Commissioner in Sind has passed order under sub-section (1) should not be executed or done they shall pass a resolution accordingly, or

(b) that the resolution, order or act is not in contravention of or in excess of the powers conferred by this Act, or any law for the time being in force, or the execution of the resolution or the doing of the Act is not likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Corporation shall pass a resolution accordingly and shall send a copy of the said resolution together with a copy of the proceedings relating to the said resolution to the Commissioner in Sind.

(4) The Commissioner in Sind shall thereupon report the matter to Government and shall, with his report send a copy of the resolution passed by the Corporation under clause (b) of sub-section (3) together with a copy of the proceedings relating to the said resolution.

(5) Government may thereupon revise, modify or confirm the order of the Commissioner in Sind passed under sub-section (1) and make any other order which the Commissioner in Sind could have made under sub-section (1).

274 275. *Power of Commissioner in Sind to call for extracts from proceedings.—*The Commissioner in Sind may at any time call upon the Corporation to furnish him with any extract from any proceedings of the Corporation or of the School Board or of the Standing Committee or of any other Committee constituted under this Act, and the Corporation shall furnish it without unreasonable delay.

[Appendix 26—*contd.*]

275 276. *Power of Commissioner in Sind for purposes of examination and inspection.*—(1) The Commissioner in Sind may require the Chief Administrative Officer to submit—

Cf. Bur. VI of 1922, s. 225.

- (a) any return, statement, estimate, statistics, or other information regarding any matter under the control of any municipal authority;
- (b) a report on any such matter;
- (c) a copy of any document in his charge or under his control.

(2) The Commissioner in Sind on receipt of any information or otherwise, may depute an officer ~~or officers~~ *not below the rank of a Deputy Collector* to make any inspection or examination of any department, office, service, work, or thing under the control of any municipal authority and to report to the Commissioner in Sind the result of such inspection or examination.

(3) Any officer ~~or officers~~ so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of the City, and may require the Chief Administrative Officer—

- (a) to produce any record, correspondence, plan or other document which is in his possession or under his control or which is recorded or filed in his office or in the office of any municipal officer or servant;
- (b) to furnish any report, return, plan, estimate, statement, account or statistics.

(4) Every requisition made under this section shall be complied with by the Chief Administrative Officer without unreasonable delay.

276 277. *Power of Commissioner in Sind to require municipal authority to take action.*—If, on receipt of any report submitted or of any document furnished under section 275 276, the Commissioner in Sind is of opinion—

Cf. Bur. VI of 1922, s. 226.

(a) that any of the duties imposed on any municipal authority by this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient, or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty;

he may, by an order in writing, direct the municipal authorities or any of them, within a period to be specified in the order, to make arrangements to his satisfaction for the proper performance of the duties mentioned in clause (a), or to make financial provision to his satisfaction for the performance of any such duty, as the case may be:

Provided that, the Commissioner in Sind, before making an order under this section, shall give the municipal authority an opportunity of showing cause why such order should not be made unless he considers that immediate execution thereof is necessary.

277 278. *Power of Commissioner in Sind when municipal authority fails to take action.*—(1) If any order made under section 276 277 is not complied with within the period specified therein, the Commissioner in Sind may by order—

Cf. Bur. VI of 1922, s. 227.

- (a) appoint some person to take the action so directed;
- (b) fix the remuneration to be paid to such person; and

[Appendix 26—contd.]

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and, if necessary that any one or more of the taxes authorised by chapter VIII shall be levied or increased, but not so as to exceed any maximum prescribed by that chapter.

(2) For the purpose of taking the action directed as aforesaid, the person appointed under sub-section (1) may exercise any of the powers conferred on any municipal officer by this Act which may be specified in this behalf in the aforesaid order, including the power to draw cheques on the account of the municipal fund.

(3) Any bank or society having the custody of any account referred to in sub-section (2) shall be bound to honour cheques drawn as aforesaid on that account to the extent of the balance standing to the credit thereof.

(4) In addition to, or instead of, directing the levy or increase of any taxes under sub-section (1) the Commissioner in Sind may direct by notification that any sum of money which may in his opinion be required for giving effect to any order made under that sub-section be borrowed by way of debenture or on the security of all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment as may be specified in such notification.

(5) The provisions of chapter VI shall apply to any loan raised in pursuance of sub-section (4).

279. *Commissioner in Sind to report cases under sections 277 and 278 to Government and power of Government to revise or modify orders passed:—The Commissioner in Sind shall submit to Government a report of every case occurring under section 277 or 278 and Government may revise or modify any order made therein and make in respect thereof any order which the Commissioner in Sind could have made.*

Cf. Bur.
VI of
1922,
s. 228.

278 280. *Power to Government to dissolve Corporation in case of incompetency, persistent default or excess or abuse of powers.—(1) If at any time, upon representation made or otherwise, it appears to Government that the Corporation is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, Government may after having given an opportunity to the Corporation to show cause why such order should not be made issue an order directing that all the councillors shall retire from office as and from such date as may be appointed, and that general elections shall take place in accordance with the provisions of this Act so far as they may be applicable as if such date were the day for retirement within the meaning of section 9. Such order shall be published in the Sind Official Gazette together with the reasons for making it.*

(2) Notwithstanding anything contained in sections 9 and 19, all councillors shall vacate their office from the date mentioned in any order under sub-section (1). All the powers and duties of the Corporation shall be exercised and performed by the Chief Administrative Officer

[Appendix 26—contd.]

from the aforesaid date until the date of the publication of the names of new councillors under sub-section (3).

(3) The councillors so elected and appointed shall come into office immediately after their names have been published in the *Sind Official Gazette* by the Chief Administrative Officer and shall retire from office at noon on the first day of April May next preceding the completion of a period of three years after they take office.

CHAPTER XVIII.

SCHEDULES AND RULES.

279 281. *Schedules to be part of the Act.*—The Schedules to this Act as amended from time to time in accordance with the provisions of this Act shall be deemed to be part of this Act, and all references in this Act to the said Schedules shall be construed as referring to such Schedules as so amended. Cf. Bur. VI of 1922, s. 229.

280 282. *Alteration of and addition to Schedules.*—The Corporation may add to Schedules I, VI (except Chapter X), VIII and IX rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedules) to provide for any of the matters dealt with in such Schedules, or for any of the purposes specified in section 284 286 and may, subject to the same limitation, amend, alter, or annual any rule in the said Schedules: Cf. Bur. VI of 1922, s. 230.

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment to be awarded under such altered or amended rule shall not exceed the maximum prescribed in section 283 285.

284 283. *Power to make rules subject to the sanction of the Commissioner in Sind and all rules to be published.*—(1) The power to make, add to, alter, or rescind any rules under section 280 282 is subject to the sanction of the Commissioner in Sind and to the condition of the rules being made after previous publication. Cf. Bur. VI of 1922, s. 232.

(2) All rules made under section 280 282 shall be finally published in the *Sind Official Gazette* and shall hereupon have effect as if enacted in this Act.

(3) In addition to the publication required by sub-sections (1) and (2) the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

282 284. *Power of Commissioner in Sind to make rules.*—(1) The Commissioner in Sind may at any time require the Corporation to make rules under section 280 282 in respect of any purpose or matter specified therein. Cf. Bur. VI of 1922, s. 233.

(2) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the Commissioner in Sind, he may after previous publication make such rules himself; and the rules

[Appendix 26—*contd.*]

so made shall on final publication in the *Sind Official Gazette* have effect as if enacted in this Act.

(3) The Commissioner in Sind after previous publication may make rules to provide for the regulation of ~~European~~ cemeteries and places for the disposal of the dead and the particulars to accompany an application for sanction to an improvement scheme under clause (e) of sub-section (2) of section 218 219 and, such rules shall on final publication have effect as if enacted in this Act.

Cf. Bur.
VI of
1922,
s. 234.

283 285. *Penalty for breach of rules.*—In making a rule under section 280 282 or sub-sections (2) and (3) of section 282 284, the Corporation or the Commissioner in Sind, as the case may be, may provide that any breach thereof shall be punishable—

(a) with fine which may extend to five hundred rupees, and in case of a continuing breach with fine which may extend to twenty rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of written notice from the Chief Administrative Officer to discontinue the breach.

Cf. Bur.
VI of
1922,
s. 235.

284 286. *Matters in respect of which rules may be made.*—In particular and without prejudice to the generality of the powers conferred by section 280 282 and sub-sections (2) and (3) of section 282 284, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely :—

(1) *Qualifications of councillors and electors.*—The qualifications to be possessed by an elector or councillor :

(2) *Elections.*—(a) the preparation, publication, correction, and revision of the register of electors ;

(b) the manner in which, the conditions under which, and the authority by which claims to, or objections against, registration may be made and decided ;

(c) the date on which the register of electors shall come into operation and the period for which it shall continue in operation ;

(d) the nomination of candidates and objections to such nominations ;

(e) the mode of voting in the case of companies, firms, or associations ;

(f) the date and time of elections, the mode of recording votes, the management of contested elections, and the procedure in case of equality of votes or in the event of one councillor being elected to represent more than one ward or interest ;

(g) the holding of elections to fill casual vacancies ;

(h) the division of the electorate into wards or communities and the allocation of councillors thereto ;

(i) any other matter relating to representation and election for which it may be expedient to provide :

(3) *Conduct of business.*—(a) the time and place of meetings of the Committees ;

[Appendix 26—*contd.*]

- (b) the manner in which notice of such meetings may be given ;
- (c) the quorum necessary for the transaction of business at meetings of any committee ;
- (d) the appointment and tenure of office or election of a chairman of any committee other than the Standing Committee ;
- (e) the filling of vacancies on any committee other than the Standing Committee ;
- (f) any other matter relating to the proceedings of the Corporation or of any committee, the holding and regulation of meetings, and the conduct of debate :
- (4) *Delegation of powers.*—the exercise by the Chief Administrative Officer or any other officer or any of the servants of the Corporation of the powers conferred upon the Corporation by this or any other Act for the time being in force, and the conditions and limitations subject to which such powers may be exercised :
- (5) *Municipal officers and servants.*—(a) the qualifications of persons to be appointed as Health Officer or Chief Engineer or Engineer in charge of a separate department of municipal works or as municipal auditor and the qualifications which shall ordinarily be required for appointment as a municipal officer or servant ;
- (b) the conditions of service of municipal officers and servants ;
- (c) the procedure to be followed in dismissing or removing from office or otherwise punishing or penalising any municipal officer or servant, and the cases in which and the authorities to which an appeal may be allowed ;
- (d) the amount and the nature of the security to be demanded from any municipal officer or servant from whom it may be deemed expedient to require security ;
- (e) the grant of leave to municipal officers and servants ;
- (f) the payment of leave salaries to be allowed to any municipal officers and servants whilst absent on leave ;
- (g) the remuneration to be paid to the person appointed to act for any of the said officers or servants during their absence on leave ;
- (h) the period of service of municipal officers and servants ;
- (i) the conditions under which municipal officers and servants, or any of them, shall, on retirement or discharge, receive pensions, gratuities or compassionate allowances ; and the grant of gratuities to the surviving relatives of any such officers or servants ;
- (j) the amount of conveyance allowance payable to municipal officers ;
- (k) the travelling allowance of municipal officers and servants ;
- (l) the rent to be paid by the Chief Administrative Officer or other municipal officers and servants for accommodation provided for them under sub-clause (a) of clause (3) of section 37 ;
- (m) the determination of what municipal officers and servants are “essential” for the purposes of section 48 :
- (6) *Provident or annuity fund.*—(a) the maintenance of a provident or annuity fund ;

[Appendix 26—*contd.*]

(b) the compelling of all or any municipal officers and servants, not being in the service of Government, to subscribe to such fund, and, if necessary, to submit to a deduction of such subscription out of the salaries or emoluments of such officers and servants ;

(c) the payment of contributions to such funds by the Corporation from the municipal fund ;

(d) the times, circumstances, and conditions at or under which payments may be made out of any funds established under this Act and the conditions under which such payments shall discharge the fund from further liability ;

(e) the settlement by arbitration or otherwise of disputes relating to such fund or to the payments or subscriptions thereto or to claims thereon arising between the Corporation and other persons or between persons claiming any share or interest therein :

(7) The manner in which notice of an enquiry or order shall be given under clause (c) of sub-section (3) of section 54 :

(8) *Transfer of property.*—The conditions and limitations under which immoveable property vested in the Corporation may be transferred or disposed of :

(9) *Publication of annual administration report and statement of accounts.*—(a) the form and contents of the report and statement to be prepared under section 73 74 ;

(b) the publication of the said report and statement ;

(c) the submission of a copy thereof by the Chief Administrative Officer to the Commissioner in Sind :

(10) *Contracts.*—(a) the manner in which and the persons by whom (subject to section 228 229) contracts may be executed ;

(b) the security to be demanded for the due performance of contracts ;

(c) the submission of estimates of works before contracts are entertained ;

(d) the examination and acceptance of tenders :

(11) *Signature of cheques, etc.*—(a) the manner in which and the person by whom payments may be made out of the municipal and education funds or cheques drawn upon the said funds may be signed ;

(b) the manner in which and the person by whom coupons attached to debentures issued under this Act may be signed :

(12) *The common seal.*—The custody of the common seal of the Corporation and the manner in which and the person by whom the common seal may be affixed :

(13) *Preparation of budget estimates.*—The manner in which the budget estimates shall be prepared :

(14) *Terminal tax.*—The classes of goods on which, and the rate at which, the terminal tax may be imposed :

(15) *Time and mode of collection of taxes.*—The regulation of the time and mode of collection of any tax which may be imposed, under sub-section (2) of section 94 96 :

[Appendix 26—contd.]

(16) *Assessment, collection, remission, refund and recovery of taxes.*—

(a) the date before which, and the rates at which municipal taxes to be levied shall be determined;

(b) the assessment, collection, composition, remission, refund, and recovery of taxes and the exemptions from such taxes;

(c) the dates on which, the place at which, the person to whom, and the manner in which, any tax or any instalment of any tax imposed under this Act shall be payable;

(d) the fees for notices of demand of any tax and for the execution of warrants of distress, and the rates to be charged for maintenance of any livestock distrained; and the persons authorised to receive payment of any sums so leviable;

(e) the manner in which the annual values of buildings and lands for the purposes of assessment shall be determined:

(17) *Drains.*—(a) the maintenance and improvement of existing drains;

(b) the construction of new drains;

(c) the alteration and discontinuance of drains;

(d) the flushing and cleansing of drains;

(e) the drainage of any building or land;

(f) the drainage of private streets;

(g) the construction and position of closet accommodation, water-closets, privies, urinals, and similar conveniences, public or private, and bathing and washing places and the prevention of nuisances arising therefrom;

(h) the construction and maintenance of a sufficient number of some or all of the aforesaid conveniences in all buildings;

(i) similar provision for the use of the public;

(j) the inspection of drains;

(k) the payment of the cost of works of drainage executed by municipal agency under the authority conferred by this Act:

(18) *Public latrines and washing places.*—(a) the maintenance and regulation of urinals, closet accommodation, water-closets, bathing and washing places, and premises appurtenant thereto, belonging to the Corporation;

(b) the regulation of urinals, closet accommodation, water-closets, and bathing and washing places, provided for the common use of the inhabitants of one or more buildings:

(19) *Scavenging and disposal of refuse.*—The scavenging of streets and the removal or disposal of sewage and rubbish from all buildings and lands within the City:

(20) *Water-works.*—(a) the maintenance and management of water-works;

(b) the inspection of water-works;

(c) the power of access to water-works;

(d) the protection of water-works from waste, injury, or contamination;

[Appendix 26—*contd.*]

- (e) the maintenance of fire-hydrants ;
- (f) the regulation or prohibition of boating, fishing, or bathing in any water-works ;
- (g) the terms and conditions of the supply of water to buildings and lands and the provision of meters ;
- (h) the cutting off of private water-supplies *and the regulation of water supply on account of shortage* ;
- (i) the prevention of fraud in connection with water-supply or the use of meters ;
- (j) prohibiting or regulating the digging or construction of any new well, tank, pond, cistern, or fountain ;
- (k) the prevention of the pollution of water within the City :
- (21) *Streets.*—(a) the maintenance and improvement of public streets ;
- (b) the prohibition and regulation of projections, obstructions, or encroachments and the issues of licenses and the conditions under which they may be issued, including the payment of rent or fees ;
- (c) the execution of works in or near public streets and the temporary occupation of public streets ;
- (d) the naming and numbering of streets and the numbering of houses ;
- (e) *the cleansing of private streets* ;
- (e) (f) the prohibition and regulation of bill-posting and sky-signs ;
- (f) (g) dealing with dangerous places ;
- (g) (h) the lighting of public streets ;
- (h) (i) the watering of public streets :
- (22) *Prohibition and regulation of use of barbed wire, etc.*—The prohibition and regulation of the use of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting on any street, pathway or place which the public are entitled to use or frequent :
- (23) *Hedges.*—The removal, trimming, and cutting of trees, shrubs, and hedges :
- (24) *Lodging houses.*—(a) the periodical regulation of the number of persons who may occupy a lodging-house and the licenses necessary for keepers of lodging-houses ;
- (b) the inspection of lodging-houses ;
- (c) the cleanliness and ventilation of lodging-houses ;
- (d) the lighting of common spaces and stair-cases in lodging-houses ;
- (e) the precautions to be taken in the case of any dangerous or infectious disease breaking out in a lodging-house ;
- (f) the general regulation and control of lodging-houses :
- (25) *Overcrowding.*—The prevention of overcrowding, by fixing, from time to time, the number of persons who may occupy any building :
- (26) *Rest-houses, etc.*—The inspection and proper regulation of stables, camping grounds, pounds, and rest-houses :
- (27) *Camping on public ground.*—The prohibition of the encamping or picketing of animals or the collection or parking of vehicles in any public place, or the use of such place for the halting of vehicles :

[Appendix 26—*contd.*]

(28) *Keeping of animals.*—(a) the prohibition and regulation of the keeping of animals in the City ;

(b) the prohibition and regulation of the importation of animals into the City and the transport of animals within the City ;

(c) the prohibition of the straying of any animals or, where any animal is likely to annoy or intimidate the public, of being at large in any street or public place ;

(d) the destruction and confiscation of swine and dogs found straying in the City ;

(e) the prevention of cruelty to animals ;

(f) the disposal of carcasses of animals dying in the City ;

(g) the destruction of any animals in the City which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely ;

(h) the prevention of the sale or use as human food of the carcasses of animals which die naturally or from disease ;

(i) the prohibition of importation into, or sale or disposal or use within, the City of any animal or of the hide or any portion of the carcass of any animal, dying or slaughtered on account of, or suffering from, any contagious or infectious disease ;

~~(j) the maintenance charges to be paid by owners of animals seized under section 164 ;~~

(29) *Wash-houses.*—the maintenance and regulation of public wash-houses and the prohibition of the exercise of their calling by washermen at places other than those appointed or approved by the Chief Administrative Officer :

(30) *Dangerous and offensive trades and factories.*—(a) (i) the articles to be included in the description contained in clause (a) of section ~~152~~ 154 ;

(ii) the prohibition or regulation by license or otherwise of the storage or keeping of such articles ;

(b) (i) the trades, manufactures, industries, or operations to be included in the description contained in clause (c) of section ~~152~~ 154 ;

(ii) the prohibition or regulation by license or otherwise of the exercise of such trades, manufactures, industries, or operations ;

(c) the supervision and sanitary regulation of factories and workshops :

(31) *The articles or quantity thereof and the trade or operations connected with trade which may be exempted under Parts III and IV of Schedule VII.*

~~(31)~~ (32) *Standard of water used in aerated waters, etc.*—The standard of water or other ingredients to be used in the manufacture or preparation of aerated water or of cordials :

~~(32)~~ (33) *Labels and inscriptions.*—the forms or kinds of labels to be attached to packages containing articles of food or drink or drugs

[Appendix 26—*contd.*]

or any mixture thereof and the inscription on the label of such particulars, directions, statements, information, or words as may be specified :

(33) (34) *Nuisances connected with industries.*—(a) the prevention and regulation of the discharge of smoke, steam, fumes, and noxious vapours ;

(b) the prohibition and regulation of the use of whistles, trumpets and noise-producing instruments operated by any mechanical means :

(34) (35) *Management of municipal markets, etc., and the supervision of the manufacture, storage and sale of food.*—(a) the prohibition of the sale of the flesh of any four-footed animal not slaughtered in a municipal slaughter-house and the prohibition and regulation of the importation into the City of the flesh of any such animal slaughtered without the City ;

(b) the prohibition of the sale of meat by any persons except under and in conformity with the terms and conditions of a license granted by the Chief Administrative Officer ;

(c) the management and sanitary condition of municipal slaughter-houses ;

(d) the management and sanitary condition of municipal markets ;

(e) the destruction of diseased animals ;

(f) the regulation of the manufacture for sale and the sale of articles of food and drink or drugs either by license or otherwise ;

(g) the qualifications of persons who may compound, mix, prepare, dispense, or sell any drug, and the certificates or permissions necessary ;

(h) the regulation of the hours and manner of importation into, or of transport within, the City of any articles of food and drink or drugs, by license for such importation or transport or otherwise ;

(i) the places at which articles of food and drink or drugs shall be produced for inspection prior to importation, transport, or exposure for sale ;

(j) the places in which articles of food and drink or drugs may or may not be manufactured, kept, sold, or exposed for sale ;

(k) the prescription of notice-boards to be exhibited by the vendors and labels to be affixed by them to adulterated articles of food and drink or drugs exposed for sale and the particulars which such notice-boards and labels shall contain ;

(l) the prohibition of the importation into, or transport within, the City of any articles of food or drink produced under such conditions as will make them or are likely to make them injurious to the health of persons consuming them ;

(m) the supervision and sanitary condition of bakeries, places where sweets are manufactured, public eating-houses, stalls, aerated water and ice factories, and dairies, stables, and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit ;

[Appendix 26—*contd.*]

(n) the prohibition and regulation of the exposure of goods for sale on streets and the levying of fees from persons setting up stalls or otherwise selling or exposing goods for sale on the streets ;

(o) the regulation of the manner in which food grain, whether intended for sale or for private consumption, may be stored ;

(p) the precautions to be taken for protecting milch-cattle, milk, and milk-products against infection or contamination ;

(q) requiring notice to be given of the outbreak of any contagious disease among animals, and prescribing precautions to be taken for preventing the spread of any such disease :

(35) (36) *Private markets.*—(a) the construction and structural and architectural features of private markets ;

(b) the drainage, water-supply, ventilation, lighting, sanitary condition, and regulation of private markets ;

(c) the prevention of cruelty, nuisances, obstruction, and overcrowding in, or in the approaches to, or in the passage of, private markets ;

(d) the supervision of private markets ;

(e) the appointment and dismissal of superintendents of private markets ;

(f) the days on which and the hours during which any private market may be held or kept open ;

(g) the prevention of undesirable or diseased persons from entering private markets ;

(h) the prohibition of all persons from selling in a private market in respect of which a license has been refused, cancelled, or suspended :

(36) (37) *Pawnbrokers.*—licenses for pawnbrokers and the determination, by public auction or otherwise, of the amount to be paid for such licenses :

(37) (38) *Registration of births and deaths, etc.*—the registration of all births, deaths, and marriages which take place within the City ; the taking of a census ; and the verification of deaths and the causes of deaths :

(38) (39) *Licensing of theatres, etc.*—(a) the regulation of the sanitation of theatres or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health, and convenience of persons employed in, or visiting, attending, or resorting to the same ;

(b) the licenses necessary for such exhibitions and entertainments :

(39) (40) *Construction of buildings.*—(a) the information and plans to be submitted with applications for the approval of sites for building and for permission to erect or re-erect any building thereon ;

(b) the period within which refusal to permit the erection of a building must be expressed ;

(c) the compulsory appointment of a person to supervise the work of erection or re-erection of buildings or of any specified class or classes of buildings and the qualifications which such person shall possess ;

[Appendix 26—*contd.*]

(d) the grant of completion certificates in respect of newly erected or re-erected buildings, and the cases in which, and the persons by whom, such certificates shall be granted ;

(e) the height of buildings, whether absolute or relative to the width of streets ;

(f) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure ;

(g) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist ;

(h) the height and slope of the roof above the upper-most floor upon which human beings are to live or cooking operations are to be carried on ;

(i) the space to be left about any building to secure the free circulation of air and to facilitate scavenging and to prevent fire ;

(j) the ventilation and drainage of buildings ;

(k) the means and appliances to be provided and maintained for egress from a building and protection of life in case of fire ;

(l) the materials to be used and the method of construction to be adopted for any building or class of buildings ;

(m) the position, materials, and methods of construction of fire-places, smoke-escapes, chimneys, staircases, water-closets, closet accommodation, and drains in buildings ;

(n) the parts or portions of building sites on which no building shall be erected, and the position thereof ;

(o) the paving of any passage between two buildings or appurtenant to any building ;

(p) the restrictions on the use of inflammable materials in buildings ;

(q) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in the work, and of securing the stability of the various parts of the structure and of the buildings and other property in the vicinity thereof, during the progress of the work or of any demolition or excavation thereof :

(40) (41) *Insanitary buildings.*—(a) the removal or improvement of insanitary buildings and buildings in a ruinous or dangerous condition ;

(b) the marking of vacant uninhabitable buildings ;

(c) the cleansing, lime-washing, or painting of such buildings and the keeping of them in proper repair ;

(d) the exercise of compulsion upon the owners or occupiers to take such order with abandoned, unoccupied, or neglected buildings or lands as the Chief Administrative Officer may direct ;

(e) the prohibition and regulation of the excavation of earth, stone, or other materials from any place ;

(42) *the assessment of compensation by the Collector under sections 205 and 207.*

(44) (43) the manner in which the deposit made under section 226-227 shall be refunded ;

[Appendix 26—contd.]

(42) (44) *Construction and working of lifts.*—(a) the regulation of the construction, maintenance, and working of passenger-lifts and all machinery and apparatus pertaining thereto ;

(b) the regulation of the construction, maintenance, fencing, and lighting of shafts, landings, hatches, and gates connected with passenger-lifts ;

(c) the entry upon, and inspection of any premises containing a passenger-lift by such person as the Chief Administrative Officer may authorise in this behalf ;

(d) the prohibition of the use of any lift where any rule made under this sub-section has not been complied with :

Provided that such rules shall not affect any provisions of the Indian Factories Act, 1911, or of the Indian Electricity Act, 1910, or any rules framed thereunder :

XII of
1911.
IX of
1910.

Explanation.—A lift actually used as a lift by passengers is, for the purposes of this sub-section, a “ passenger lift ” notwithstanding that it may not have been constructed for that purpose and that its use as a passenger-lift is not authorised by the owner or occupier :

(43) (45) *Precautions in demolition of buildings.*—(a) the precautions to be taken for the prevention of danger or injury to the public during, and to persons engaged in, the demolition of buildings or parts of a building and for the protection of other parts of the same building and of other buildings in the vicinity thereof ;

(b) the notice to be given by any persons intending to demolish a building or part of a building to the Chief Administrative Officer together with particulars of the proposed demolition and of the precautions to be taken during the progress of the work ;

(c) the prohibition of the commencement of demolition within a prescribed period except with the permission of the Chief Administrative Officer ;

(d) the prohibition of the commencement or continuance of the demolition until all precautions have been and are being taken in accordance with the rules and with any directions and requisitions in writing which the Chief Administrative Officer may issue to the person in charge of the work, or to the person who submitted the notice, if any, required under the rules :

(44) (46) *Holding of fairs, etc.*—The holding of fairs and industrial exhibitions in the City :

(45) (47) *Protection of property of the Corporation.*—The protection of the property of the Corporation from injury :

(46) (48) *Protection against fire.*—The prohibition and regulation of the stacking of inflammable materials and of the lighting of fires in any specified portion of the City :

(47) (49) *Charges for services by municipal authorities.*—The charges for services rendered by any municipal authority :

(48) (50) *Conditions of lease of dwellings in an accommodation scheme.*—The conditions on which dwellings in an accommodation scheme may

[Appendix 26—*contd.*]

be leased to an association or employer of labour under section 227 228 :

(49) (51) *Register of improvement charges.*—The maintenance of a register showing charges on buildings or lands for improvement expenses under section 230 240 :

(50) (52) *Mode of performance of acts not otherwise provided for.*—The person by whom and the time, place, and manner at or in which anything prescribed under this Act, shall be done, where no express provision has been made therefor :

(51) (53) *Inspection of municipal records.*—The cases in which inspection and copies of municipal records may be granted, and the procedure and the fees, for the grant of such inspection or copies :

(52) (54) *Licenses and notices.*—The form of licenses and notices issued under this Act and the authority entitled to sign or issue them : and

(53) (55) *General.*—generally for carrying out the purposes of this Act.

Cf. Bur. VI of 1922, s. 236. V of 1908.

285 287. *The Court of the Judicial Commissioner of Sind to make rules for regulating the procedure of the Small Causes Court.*—In accordance with the provisions of Part X of the Code of Civil Procedure, 1908, in so far as they may be applicable, and subject to the conditions and limitations prescribed therein, the Court of the Judicial Commissioner of Sind may make rules, consistent with the provisions of this Act for regulating the procedure of the Karachi Small Causes Court in the exercise of any powers or jurisdiction conferred on, or vested in, the said Court under the provisions of this Act.

CHAPTER XIX.

MUNICIPAL RAILWAYS.

Cf. Ben. III of 1923, s. 378.

286 288. *Power to Corporation to construct, lease and otherwise deal with railways.*—With the previous sanction of the Governor-General in Council, the Corporation may—

(a) upon any of the public streets in the City or upon any land within or without the City which is vested in the Corporation, construct or maintain any railway which may appear to it to be useful or necessary for the removal of rubbish and offensive matter or for any other purposes of this Act,

(b) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby,

(c) carry and convey passengers and goods upon any such railway,

(d) make such reasonable charges in respect of passengers or goods as the Corporation may from time to time determine,

(e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway within or without the City,

[Appendix 26—contd.]

(f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(g) lease any such railway to any person, upon such terms and under such conditions and restrictions as may be mutually agreed upon.

287 289. *Certain powers to lessee of Corporation's railway.*—Any Cf. Ben. person to whom a railway is leased under clause (g) of section 286 288 III of shall, subject to the terms, conditions, and restrictions of his lease, have s. 1923, the same powers for— s. 379.

(i) maintaining the railway,

(ii) using and employing thereupon locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby, and

(iii) carrying and conveying thereupon passengers and goods and making charges in respect thereof, as the Corporation would have had if the railway had not been so leased.

CHAPTER XX.

SUPPLEMENTAL PROVISIONS.

288 290. *Councillors to be deemed to be public servants.*—(1) Every Cf. Bur. councillor and every municipal officer or servant appointed under this VI of Act, and every contractor or agent for the collection of any municipal 1922, tax, and every servant or other person employed by such contractor s. 237. or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860

(2) For the purposes of sub-section (1) the word "Government" in Cf. Bom. the definition of "legal remuneration" in section 161 of the Indian XVIII of Penal Code shall be deemed to include the Corporation. 1925. s. 56 (2). XLV of 1860.

289 291. *Co-operation of police.*—(1) The District Superintendent of Cf. Bur. Police having jurisdiction in the City shall, as far as may be, co-operate VI of with the Chief Administrative Officer for carrying into effect the s. 238. provisions of this Act and for the maintenance of public health, safety and convenience in the City.

(2) It shall be the duty of every police officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit, or of the commission of, any offence against this Act and to assist the Chief Administrative Officer and any other municipal officer or servant reasonably demanding his aid in the lawful exercise of any power conferred on such municipal officer or servant under this Act.

[Appendix 26—contd.]

Cf. Mad.
IV of
1919,
s. 404.

(3) *Exercise of powers of police officers by municipal servants.*—The Commissioner in Sind may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Act.

Cf. Bur.
VI of
1922,
s. 239.

290 292. *Informalities and errors in assessments, not to be deemed to invalidate such assessments.*—(1) Any informality, clerical error, omission or other defect in any assessment made, or in any notice, bill, schedule, summons, or other document issued, under this Act, may at any time, as far as possible, be rectified.

(2) No such informality, clerical error, omission, or other defect shall be deemed to render the assessment, notice, bill, schedule, summons, or other document invalid or illegal, if the provisions of this Act have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission, or other defect shall be entitled to recover compensation.

Cf. Bur.
VI of
1922,
s. 240.

291 293. *Disputes between Corporation and local authorities.*—(1) If any dispute arises between the Corporation and any local authority as regards anything done or to be done under this Act, it shall be referred to Government for decision; and such decision may include an order as to the costs of any enquiry ordered by Government, and shall be final and binding on the parties and be given effect to:

Provided that it shall be competent to the Corporation and the local authority to agree in writing that any such dispute shall instead of being referred to Government for decision be referred to the decision of an arbitrator or arbitrators appointed under the Indian Arbitration Act, 1899, or to a civil court under section 90 of the Code of Civil Procedure, 1908.

IX of
1899.
V of
1908.

XI of
1881.

(2) ~~Provided that~~ Nothing in this section shall be deemed to affect the provisions of the Municipal Taxation Act, 1881.

Cf. Bur.
VI of
1922,
s. 242.

292 294. *Effect of the transitory provisions in Schedule XI.*—The provisions contained in Schedule XI for regulating matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

SCHEDULE I.

CHAPTER I.

DIVISION OF THE CITY INTO WARDS AND APPORTIONMENT OF COUNCILLORS AMONG THE WARDS.

1. For the purpose of elections to the Corporation the City shall be divided into wards as follows:—

Ward No. I (Coloured Red).

Comprising the whole of the Old Town and Napier Quarters.

Ward No. II (Coloured Burnt Sienna).

Comprising the Bunder, Market and Jail Quarters.

[Appendix 26—*contd.*]

Ward No. III (Coloured Yellow).

Comprising the Serai and Rambaugh Quarters.

Ward No. IV (Coloured Green).

Comprising the Runchore and Ramswamy Quarters.

Ward No. V (Coloured Sepia).

Comprising the whole of Machi Meani and Lyari Quarters.

Ward No. VI (Coloured Blue).

Comprising the Garden, Begarikhata, Soldier Bazar, Bhistiwara, New Jail, Preedy, and a portion of the Sadar Bazar.

Ward No. VII (Coloured Brown).

Comprising the Railway, Queen's Road, Civil Lines, Frere Town, Bath Island, Clifton, Ghizree, and the remaining portion of Sadar Bazar.

Ward No. VIII.

Comprising Keamari, Baba and Bhit.

2. The boundaries of the wards in the City shall be as follows, that is to say :

Ward No. I (Coloured Red).

From the north end of Rampart Row along Embankment Road in a north-easterly direction up to Napier Road junction, thence along Napier Road in a southerly direction to its junction with Duryalal Street. Thence along Duryalal Street up to Koondhan Chowk and from Koondhan Chowk along the Old Dispensary Road in a southerly direction up to its junction with Rampart Row. Thence along the Rampart Row to its northern end, the starting point.

Ward No. II (Coloured Burnt Sienna).

From the western end of the Bunder Road at its junction with Moolji Street along the Bunder Road in an easterly direction, up to its junction with Mission Road, thence in a northerly direction along Mission Road up to its junction with Lawrence Road. Along Lawrence Road to the westerly direction up to Napier Road. Thence in the southerly direction along Napier Road up to its junction with Duryalal Street. Along Duryalal Street in a westerly direction joining Old Dispensary Road. Thence along Old Dispensary Road in a southerly direction to its junction with Rampart Row. Along the Rampart Row in a westerly direction to its junction with Moolji Street. Along Moolji Street in a southerly direction joining Newnham Road. Thence along the Newnham Road in a westerly direction to Moolji Street. Along Moolji Street in a southerly direction to the starting point on Bunder Road.

Ward No. III (Coloured Yellow).

From Mereweather Tower in a north-easterly direction along Bunder Road up to its junction with Preedy Street and thence in a southerly

[Appendix 26—*contd.*]

direction along Preedy Street to the Cantonment Boundary Pillar No. 5. From Pillar No. 5 in a south-westerly direction along the Cantonment Boundary to Pillars Nos. 6, 7, 8, 9 and 10. Thence in a southerly direction along Burns Road up to Elphinstone Road junction and thence in an easterly direction along Elphinstone Road up to Havelock Road junction. Thence in a westerly direction along Havelock Road up to the junction of Kutchery Road and in a north-westerly direction along Kutchery Road to its junction with Mcleod Road and from there in a westerly direction along Mcleod Road up to Mereweather Tower joining the starting point on Bunder Road.

Ward No. IV (Coloured Green).

From the north end of Mission Road in a north-easterly direction along Lawrence Road up to its junction with Measham Lea Road and thence southerly along Measham Lea Road up to the corner of Begari-khata and thence easterly up to Pillar No. 31, thence southerly to Pillar No. 30, thence westerly along the Nullah to Barnes Street, thence southerly to Bunder Road, thence westerly along the Bunder Road to the junction of the Mission Road, thence northerly along Mission Road to the starting point at the junction of Lawrence Road.

Ward No. V (Coloured Sepia).

From the western end of Bunder Road along the Bunder Road in an easterly direction up to the junction of Moolji Street, along Moolji Street in a northerly direction to Newnham Road. Thence along Newnham Road in an easterly direction to Moolji Street and along Moolji Street to Rampart Row. Thence along Rampart Row in a northerly direction to Atmaram Pritamdas Road, thence extending to the whole of the Lyari Quarter.

Ward No. VI (Coloured Blue).

The whole of Garden Quarter, Begari-khata, Soldier Bazar, Bhistiwara and New Jail Quarters according to their respective boundaries, also the following area :—

From Karachi Municipal Pillar No. 29, on Government Garden Road westward to Pillar No. 30 and along the Nullah up to Barnes Street. Thence along Barnes Street in a southerly, direction up to Bunder Road, along Bunder Road in an easterly direction to Preedy Street. Thence along Preedy Street in a southerly direction to Karachi Municipal Pillar No. 5. Thence in an easterly direction along municipal boundary to Karachi Pillar No. 4 and thence in a southerly direction up to Karachi Municipal Pillar No. 3, i.e. junction of Preedy Street and Victoria Road. Thence along Victoria Road in a southerly direction up to Dundas Street. Thence along Dundas Street eastward up to Elphinstone Street and along Elphinstone Street northward up to Clarke Street. Along Clarke Street eastward to Napier Street and again along Napier Street southward to Wellington Street and thence along Wellington Street and Jamshedji Bharoocha Street up to Somerset Street. Thence southward to Blenkins Street and thence westward along Blenkins Street to

[Appendix 26—contd.]

Elphinstone Street. Along Elphinstone Street southward up to Inverarity Road and Karachi Municipal Pillar No. 21. From this pillar eastward along Inverarity Road to Karachi Municipal Pillar No. 22. Thence along the Municipal boundary through Boundary Pillars Nos. 23, 24, 25, 26, 27, 28 and 29.

Ward No. VII (Coloured Brown).

Comprising the Railway, Queens Road, Civil Lines, Frere Town, Bath Island, Clifton, Ghizree, and the remaining portion of Sadar Bazar not included in Ward No. VI.

Ward No. VIII.

Comprising Keamari, Baba and Bhit.

3. ~~The elective members of the Corporation shall be elected by the communities specified in column 1 of the appendix hereto from the wards grouped as shown in column 2 of the said appendix and the number of councillors to be elected by each such community and the apportionment of the councillors among the wards so grouped shall be as shown in column 3 of the said appendix:—~~

Appendix.

Community	Wards.	Numbers of councillors.
1. Hindu	.. Ward No. 1 ..	4
	Ward No. 2 ..	4
	Ward No. 3 ..	4
	Wards Nos. 4 and 6 ..	4
	Wards Nos. 5, 7 and 8.	2
2. Mohomedan	.. Ward No. 1 ..	2
	Ward No. 2 ..	2
	Ward No. 3 ..	2
	Ward No. 4 ..	2
	Ward No. 5 ..	4
	Ward No. 6 ..	3
	Wards Nos. 7 and 8 ..	2
3. Parsi	.. All wards together ..	3
4. Sikh	.. All wards together ..	1
5. Christian, — Jewish and other communities not included in Nos. —(1) to (4).	Wards Nos. 4, 7 and 8.	3
	All remaining wards ..	4

[Appendix 26—contd.]

Ward No. VIII.

Comprising Keamari, Baba and Bhit.

3. The elective members of the Corporation shall be elected by the communities specified in column 1 of the Appendix hereto on a population basis with seats reserved for depressed classes and Mahrattas from the wards grouped as shown in column 2 of the said Appendix and the number of councillors to be elected by each such community, the apportionment of the councillors among the wards so grouped and the number of reserved seats for depressed classes and Mahrattas shall be as shown in column 3 of the said appendix :—

Schedule I, Chapter I, Rule 3.

Appendix

1 Community	2 Wards	3 Number of seats of Councillors
Hindus and Jains, Buddhists Mahrattas and de- pressed classes.	Ward No. I ..	3
	Ward No. II ..	2
	Ward No. III ..	3
	Ward No. IV ..	4 (1 reserved for Mahrattas and 1 reserved for depressed classes).
	Ward No. V ..	2
	Ward No. VI ..	3 (1 reserved for depressed classes).
	Ward No. VII ..	2 (1 reserved for depressed classes).
	Ward No. VIII ..	1 (reserved for Mahrattas).
Muhammadans	Ward No. I ..	1
	Ward No. II ..	1
	Ward No. III ..	1
	Ward No. IV ..	1
	Ward No. V ..	9
	Ward No. VI ..	4
	Ward No. VII ..	1
Christians	Wards Nos. I to V and VIII.	1
	Ward No. VI ..	2
	Ward No. VII ..	2
Parsees	All wards together ..	3
Jews	All wards together ..	1

Explanation.—For the purposes of this rule depressed classes shall mean classes which Government may from time to time declare to be “depressed classes”, and Mahrattas shall mean such castes as are declared by Government to be Mahratta castes under the Bombay Electoral Rules.

[Appendix 26—contd.]

CHAPTER II.

MUNICIPAL ELECTION ROLL.

1. *Preparation and revision of list of persons qualified to vote.*—(1) Cf. Bur. VI of 1922, Sch. I, Ch. II.
 On or before the first day of November in each year the Chief Administrative Officer shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

(2) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the City is divided, and shall contain the names of persons entitled to be enrolled as voters of that ward classified according to such communities as are entitled to communal representation by election. The ward lists shall be arranged in alphabetical order.

(3) In preparing the ward lists, the Chief Administrative Officer shall enter therein the names of the persons who are entitled as aforesaid, whether such persons be individuals, companies, firms, undivided families, or other associations or bodies of individuals, and shall also enter the names of persons who are entitled as aforesaid as the trustees of any building or land.

(4) If individual members of any company, firm, undivided family, or other association or body so entered, or individual trustees whose names are so entered, are entitled as aforesaid on their own separate account, the Chief Administrative Officer shall enter their names in the list separately.

(5) The Chief Administrative Officer shall publish the preliminary list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office and on such other places as the Standing Committee may determine on or before the ninth day of ~~November~~ December and the copy shall be kept so fixed during the remaining days of ~~November~~ December. Printed copies thereof shall also be delivered to any person requiring them on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Chief Administrative Officer with the approval of the Standing Committee.

(6) On or before each tenth day of ~~November~~ December the Chief Administrative Officer shall give notice, by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(7) Every person whose name is not included in the list so published and who claims to have it inserted therein shall give notice in writing of his claim to the Chief Administrative Officer on or before the first day of ~~December~~ January.

(8) Every person whose name is included in the list may object to any other person as not being entitled to have his name retained therein. On or before the first day of ~~December~~ January every person so objecting shall give to the Chief Administrative Officer and also who shall then

[Appendix 26—*contd.*]

give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(9) If the name of any person is entered as a voter in more than one ward list, he may, by written notice to the Chief Administrative Officer on or before the first day of ~~December~~ *January*, choose for which one of those wards his name shall be entered.

(10) If the name of an undivided family or of any association or body of individuals, other than a company or firm, has been entered in any list, or if the names of two or more trustees, of any building or land have been so entered, any one member or individual duly authorised in this behalf by the members of such family, association or body or by such trustees may, by written notice to the Chief Administrative Officer on or before the first day of ~~December~~ *January*, apply to have his name entered in the list as the representative of such family, association, body or trustees.

(11) The Chief Administrative Officer shall revise the aforesaid list between the first and the ~~tenth~~ thirty-first day of ~~December~~ *January*.

(12) For this purpose he shall hear in public the claims, objections and applications which have been duly made as aforesaid after giving the persons concerned three clear days' written notice of the enquiry and after notifying it by posting on some conspicuous place in every municipal office.

(13) The Chief Administrative Officer shall insert in the list the name of every person who has duly claimed to have his name inserted therein and has proved his claim to the Chief Administrative Officer's satisfaction.

(14) The Chief Administrative Officer shall expunge from the list the name of every person proved to his satisfaction to be dead or not otherwise entitled to be entered therein, and may also correct any clerical error or omission in the list.

(15) Subject as aforesaid, the Chief Administrative Officer shall retain in the list the name of every person against whom objection has not been duly made.

(16) The Chief Administrative Officer shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorised by him in this behalf in support of the objection, or unless the Chief Administrative Officer has exempted him from appearing.

(17) (i) Where the objector appears, the Chief Administrative Officer shall require proof of the qualification of the person objected to. If such person's qualification is not proved to his satisfaction within such reasonable time as the Chief Administrative Officer, subject to the provision of sub-rule (1), fixes in this behalf, he shall expunge his name from the list.

(ii) *An appeal shall lie to the Standing Committee from the decision of the Chief Officer under clause (i) within a period of seven days and the*

[Appendix 26—contd.]

Standing Committee shall decide all such appeals not later than the fifteenth day of February.

If any such appeals remain undecided, after the aforesaid date, the decision of the Chief Officer shall be final.

(18) The Chief Administrative Officer shall not retain the name of any person in more than one ward list. If any person whose name has been entered in more than one ward list has not made his choice under sub-rule (9), the Chief Administrative Officer shall determine for which one of those wards his name shall be entered :

Provided that the names of individuals separately entered in the list under sub-rule (4) shall be retained on the list for one ward each, in addition to the names of the companies, firms, undivided families or other associations or bodies of which they are, respectively, members, or in addition to the names of the trustees, as the case may be, if such individuals or persons are entitled on their own separate account to have their names so retained.

(19) Except in the case mentioned in sub-rule (18), no person shall be entitled to more than one vote by reason of being qualified under more than one of the tests of the qualifications prescribed by Chapter III.

(20) If no individual has applied as aforesaid to have his name entered in the list as the representative of an undivided family or other association or body, not being a company or a firm or of two or more trustees of any building or land, the Chief Administrative Officer shall determine which individual shall be so entitled and shall enter his name in the list as the person qualified to be elected or to vote on behalf of the undivided family or other association or body or of the trustees, as the case may be.

(21) The Chief Administrative Officer may adjourn the hearing of any matter under this rule from time to time, but no adjourned hearing shall be held after the tenth day of ~~December~~ *January*.

2. *Completion of the municipal election roll.*—(1) When the list prepared as aforesaid has been revised by the Chief Administrative Officer a printed copy thereof signed by him shall be the municipal election roll and shall come into operation on the ~~tenth day of January~~ *last day of February* and shall continue in operation for twelve months beginning from that day.

(2) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed as hereinbefore provided, shall be called ward rolls. The ward rolls shall collectively be deemed to constitute the municipal election roll.

(3) Every person enrolled in the municipal election roll shall be entitled to vote at a ward election ; and no person not enrolled in the said roll shall be entitled to vote.

[Appendix 26—contd.]

(4) Printed copies of the municipal election roll shall be delivered to any person requiring them on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Chief Administrative Officer, with the approval of the Standing Committee.

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

CHAPTER III.

QUALIFICATIONS OF ELECTORS AND COUNCILLORS.

Cf. Bom.
III of
1888,
s. 11.

1. *Qualifications of voters at ward elections.*—A person shall not be entitled to vote at a ward election unless if he is enrolled in the municipal election roll as a voter of the ward for which the election is held.

~~2. A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward who on the 30th day of October in the year preceding that for which the roll is being prepared has not attained the age of 21 years and on the aforesaid date and for the period of six months immediately preceding has not occupied as owner or part owner or tenant or sub tenant in such ward a building or part of a building separately occupied, of which the monthly rental was not less than rupees five.~~

~~Provided that the value of any machinery, furniture or equipment contained in or situate upon any building shall not be included in estimating the rental value of such building :~~

~~Provided further that a person who occupies any dwelling house (other than a house in military or police lines) by virtue of any office, service, or employment shall if the dwelling house is not inhabited by his employer be deemed to occupy the dwelling house as a tenant.~~

2. *A person shall be enrolled in the municipal election roll as a voter of any ward who on the 30th day of October in the year preceding that for which the roll is being prepared has attained the age of 21 years, and*

(a) *has for a period of not less than 6 months immediately preceding the said 30th day of October as owner or part owner or tenant or sub-tenant occupied in such ward a building or part of a building separately occupied, of which the monthly rental was not less than one rupee ; or*

(b) *has paid rupees twelve in taxes other than toll, octroi or terminal tax to the Corporation during the year preceding the said 30th day of October and has resided within the limits of the City for a period not less than 6 months preceding the said 30th day of October ; or*

[Appendix 26—contd.]

(c) is an honorary magistrate, a fellow or graduate of any university, an advocate or pleader holding a sanad from the Court of the Judicial Commissioner, Sind, a juror or assessor and has contributed to the municipal fund a sum not less than twelve rupees during the year preceding the said 30th day of October and has also resided within the limits of the City during six months preceding the said 30th day of October.

Explanation (i).—For the purposes of calculating the monthly rental under clause (a), the value of any machinery, furniture or equipment contained in or situate upon any building shall not be included in estimating the rental value of any building.

Explanation (ii).—For the purposes of clause (a), a person who occupies a dwelling house (other than a house in military or police lines) by virtue of any office, service, or employment shall, if the dwelling house is not inhabited by the employer, be deemed to occupy the dwelling house as a tenant.

3. *Qualification for election as a councillor at a ward election.*—A Cf. Bom. person shall not be qualified to be elected a councillor at a ward election ^{III of} 1888, unless if he is enrolled at the municipal election roll as a voter of some s. 14. ward :

Provided that if any company (other than a joint stock company) or any body corporate or other association of individuals is enrolled in the municipal election roll, any member thereof or any person holding a general power-of-attorney therefrom shall be qualified for election as a councillor.

4. *Qualification for election by Karachi Chamber of Commerce, Karachi Indian Merchants' Association and the Karachi Buyers and Shippers Chamber, District Local Board of Karachi and Trustees of the port of Karachi.*—A person shall not be qualified for election by the Karachi Chamber of Commerce, the Karachi Indian Merchants' Association, or the Karachi Buyers and Shippers Chamber, the district local board of Karachi or the Trustees of the port of Karachi unless if at the time of the election he is a member of the said Chamber or Association, or the board or a Trustee, as the case may be.

If a person elected by the said Chamber, Association, Board or Trustees ceases to be a member of such Chamber, Association or Board or ceases to be a Trustee, he shall cease to be councillor.

5. *Qualification for election by registered trade unions.*—A person shall be qualified to be elected as a labourer by registered trade unions and to vote at such election if such person has been a member of a registered trade union for a period of six months preceding the day fixed for the said election under rule 2 in Chapter IV and has paid fees due to the union of which he is a member.

If a person elected by registered trade unions ceases to be a member of a registered trade union, he shall cease to be councillor.

[Appendix 26—contd.]

CHAPTER IV.

ELECTION OF COUNCILLORS

Cf. Bom.
III of
1888,
s. 22.

1. *Dates of elections.*—(1) General elections of councillors shall be fixed by the Chief Administrative Officer, subject to the provisions of rule 2, to take place triennially on such days in the months of February March and March April as he shall think fit.

(2) The first general election shall be held in the year *one thousand nine hundred and thirty-four*.

(3) Elections to fill casual vacancies shall be fixed by the Chief Administrative Officer to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Cf. Bom.
III of
1888,
s. 23.

2. *Order in which general elections are to be held.*—The dates for all general elections shall be fixed in the following order and with the following intervals, namely:—

First, the ward elections shall be fixed to take place simultaneously for all the wards ;

~~Secondly, the day for election by the Karachi Chamber of Commerce, the Karachi Indian Merchants' Association, and the Karachi Buyers and Shippers Chamber shall be fixed at an interval not exceeding twenty one days after the day fixed for the ward elections.~~

Secondly, the day for election by the Karachi Chamber of Commerce, the Karachi Indian Merchants' Association, the Karachi Buyers and Shippers Chamber, the district local board of Karachi, the Trustees of the Port of Karachi and registered trade unions shall be fixed at an interval not exceeding 21 days after the day fixed for the ward elections.

3. *Notice to be given of day fixed for ward elections.*—Notice of any ward election shall be given by the Chief Administrative Officer at least fifteen days before the day fixed for such election, by advertisement in the *Sind Official Gazette* and in the local newspapers, and by posting placards in conspicuous places in the ward concerned.

Cf. Bom.
III of
1888,
s. 26.

4. (1) *Candidates at ward elections must be nominated.*—Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained.

(2) *Provisions regarding nominations.*—With respect to such nominations the following provisions shall have effect, namely:—

(a) the Chief Administrative Officer shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the election, with as many forms as may be required free of charge ;

[Appendix 26—*contd.*]

(b) each nomination paper must state the name, address and description of the candidate in full, and be subscribed by two persons entitled to vote at the election, as proposer and seconder *and must bear the signature of the person nominated in token of his willingness to be so nominated* ;

~~(e) every nomination paper subscribed as aforesaid must be delivered at the office of the Chief Administrative Officer before five o'clock in the afternoon of the day fixed for the election ;~~

(c) *Every nomination paper subscribed and signed as aforesaid must be delivered at the office of the Chief Officer before 5 o'clock in the afternoon of the day fixed for the election and must be accompanied by a cash deposit of Rs. 100.*

(d) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may subscribe as many nomination papers as there are vacancies to be filled, but no more ;

(e) if any person nominated—

(i) is not enrolled in the municipal election roll as voter of a ward, or

(ii) is disqualified from being a councillor for any of the reasons set forth in section 14

the Chief Administrative Officer shall declare such person's nomination invalid ;

(f) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under sub-section (4) of section 17 ;

(g) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under sub-section (4) of section 17 ;

(h) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(i) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed " a contested election " :

Provided that if any candidate validly nominated signifies his intention in writing to the Chief Administrative Officer not less than three days before the day fixed for the election not to contest the election, and if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected ;

(j) in any case where two or more ward elections are held simultaneously for different wards and any person is deemed to be elected

[Appendix 26—*contd.*]

a councillor for more than one ward under clause (g) or clause (h), the Chief Administrative Officer shall send him written notice in this behalf calling upon him to signify his choice in writing within twenty-four hours of the receipt of the said notice. If after the expiry of the said term the choice has not yet been made, the Chief Administrative Officer shall declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void ;

(k) in any case where ward elections are held as aforesaid, and any person who is deemed to be elected a councillor for any one or more wards under clause (g) or clause (h) has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Chief Administrative Officer choose, by writing, signed by him and delivered to the Chief Administrative Officer, whether he shall serve for the ward for which he is elected, or if there are more than one such wards, for which of such wards he shall serve, or whether he will stand as a candidate at the contested election or elections for any other ward or wards. If after expiry of the said term the choice has not yet been made, the Chief Administrative Officer shall declare that he shall serve for the ward for which he is elected, or, where there are more than one such wards, for which of them he shall serve, and his nomination for any other ward shall be deemed to be null and void. If such person chooses by writing as aforesaid to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

Cf. Bom.
III of
1888,
s. 28.

5. (1) *Poll to be taken when a ward election is contested.*—When a ward election is contested, a poll shall be taken seven days after the day fixed for the election. At such poll the municipal election roll which was in operation on the day fixed for the election nomination shall be deemed to be the roll to which reference must be made for the purposes of the election.

(2) *Names of candidates validly nominated to be published.*—At least four days before the day of the poll, the Chief Administrative Officer shall cause the names of all the persons validly nominated, with their respective addresses and descriptions and the names of the persons subscribing their respective nomination papers as proposers and seconders, to be published in the *Sind Official Gazette* and in the local newspapers.

6. *Provisions respecting contested ward elections.*—With respect to contested ward elections, the following provisions shall have effect, namely:—

(a) one or more polling-places shall be provided by the Chief Administrative Officer for each ward, as he thinks fit, and he may

[Appendix 26—*contd.*]

appoint such and so many polling officers and other persons to assist at the poll as he shall think fit and shall pay them reasonable remuneration for their services as he shall determine with the approval of the Standing Committee ;

(b) the poll shall commence at ~~nine~~ eight o'clock in the forenoon and close at ~~six~~ seven o'clock in the afternoon of the same day ;

(c) the Chief Administrative Officer shall have voting papers printed in ~~such the form as he thinks fit~~ *prescribed in clause (m)*, and from eight ~~seven~~ o'clock in the forenoon to ~~six~~ seven o'clock in the afternoon on the day of the poll such voting papers shall be supplied free of charge at each polling place to persons entitled to vote ;

(d) at each ward election every voter shall be entitled to a number of votes equal to the number of councillors to be elected at such election for such ward, and may give all his votes to one candidate or may distribute them among the candidates as he thinks fit ;

(e) no vote shall be received for any candidate whose name has not been published by the Chief Administrative Officer, under sub-rule (2) of rule 5, as having been validly nominated ;

(f) no vote shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held ;

(g) when the name in the ward roll is that of a joint stock company, a vote on behalf of the said company may be received from its secretary, agent, or manager ;

(h) when the name in the ward roll is that of any company (other than a joint-stock company) or of any body corporate or other association of individuals, a vote on behalf of such company or body corporate or other association may be received from any person who produces to the polling officer a general power-of-attorney from such company or body corporate or other association ;

(i) if so required by two persons whose names are enrolled in the ward roll or by a candidate the polling officer shall put one or both of the following questions to any person offering to vote at the time of his presenting his voting paper, but not afterwards :—

(i) are you the person enrolled in the ward roll (read the whole entry from the roll) ?

(ii) have you already voted at the present election (add, in case of simultaneous elections in two or more wards) or at any election being at present held for any other ward ?

(j) a person to whom either of the said questions is put shall be bound to answer truly and his voting paper shall not be received until he has answered the question or questions so put to him ;

(k) except or aforesaid, no inquiry shall be permitted at a ward election as to the right of any person to vote thereat ;

[Appendix 26—contd.]

(l) the answer made by any person so questioned shall be recorded by the polling officer under his signature in writing, and such writing, together with the said person's voting paper, shall be forwarded by the polling officer at the close of the poll separately from the voting papers of the persons whose right to vote has not been challenged as aforesaid; and the polling officer shall direct the parties challenging to appear before the Chief Administrative Officer to substantiate the challenge within three days after the poll;

(m) when the polling officer has ascertained that the name of the voter coming before him appears on the official list of voters and has satisfied himself as to his identity, he shall hand him the officially stamped voting paper in the following form, take his signature or thumb-mark on the counterfoil, and initial the other foil in token of his having handed over the said paper to him.

The voting papers and counterfoils shall be in book form, each voting paper bearing a printed or stamped serial number corresponding with that printed or stamped on its counterfoil.

The form of voting paper shall be as follows:—

No.	No.
Voting paper for the election.	Voting paper for the election.
<u>Mahomedan</u> <u>Hindu</u> By the <u>Parsi</u> <u>Sikh Jew</u> <u>Christian, etc.</u>	<u>Mahomedan</u> <u>Hindu</u> By the <u>Parsi</u> <u>Sikh Jew</u> <u>Christian, etc.</u>
Community for	Community for
Electoral Ward No.	Electoral Ward No.
Ward Nos.	Ward Nos.
of the Corporation.	of the Corporation.
Signature or mark of voter in token of his having received from the polling officer the other foil of the voting paper under rule 6 (m) of Chapter IV of Schedule I.	Initials of the polling officer in token of his having handed over to the voter this foil under rule 6 (m) of Chapter IV of Schedule I.
} Remarks.	} Remarks.

(n) *No voting paper to be given to unidentified persons.*—No voting paper shall be given by the polling officer to any person who declines to establish his identity;

(o) the voter shall then alone take the voting paper to a place where there shall be kept as many boxes as there are candidates. The boxes shall be painted with distinct colours for each candidate and with be marked with slips bearing with the names of the candidates and their respective symbols and may also having have photographs of the candidates attached thereto and sealed with the municipal seal by the Chief Administrative Officer, or by such councillor or

[Appendix 26—contd.]

officer as the *President Mayor* may appoint in this behalf, in such a way that the box in which the voting paper is placed may not be known to any person in the polling station ~~other than the person whom the Chief Administrative Officer may appoint to be present in the ballot room to supervise the proper insertion of the voting paper in the ballot box.~~ The voter shall drop the voting paper into the box ~~bearing the~~ *marked with the name and symbol* and photograph, *if any*, of the candidate for whom he wishes to vote ;

(p) after the close of the poll the polling officer shall forthwith forward the said boxes with their seals intact, together with all counterfoils of voting papers and unused voting papers in his possession, to the Chief Administrative Officer or to such councillor or officer as the Chief Administrative Officer appoints in this behalf, together with a list of the cases, if any, in which a person's right to vote has been challenged ;

(q) the Chief Administrative Officer *shall with the assistance of such scrutineers as may be appointed by the Corporation count the votes and shall, as soon as may be, declare the results of the poll and the total number of valid votes given to each candidate.* He shall also, as soon as may be, hear and decide upon all challenges and other objections, if any, to or regarding the poll made to him in writing not later than five o'clock in the afternoon of the day after the poll, and shall, before declaring the results of the contested election, cause lists to be prepared for each ward, specifying the names of all candidates, ~~the names of all voters who voted,~~ the number of valid and rejected votes given to each candidate, and the reasons for rejection. In accordance with such rules as the Chief Administrative Officer may frame for the purpose and on payment of such fee as may be prescribed by him, a copy of such lists shall be supplied to any candidate of the ward, and shall be available for inspection to any voter of the ward. The said lists and the voting papers on which they are based shall be kept in the office of the Chief Administrative Officer for three months, unless called for in the meantime by the Judge of the Karachi Small Causes Court for the purpose of any appeal ;

(r) the persons, not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed declared to be elected :

Provided that in wards in which seats have been reserved for depressed classes and Mahrattas, the depressed class or Mahratta candidate, as the case may be, to whom the largest number of votes has been given shall first be declared to be elected.

(s) where there is an equality of votes between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be given shall be made by lot

[Appendix 26—*contd.*]

to be drawn in the presence of the Chief Administrative Officer in such manner as he shall determine ;

(t) if a candidate is elected a councillor for more than one ward, the Chief Administrative Officer shall send him written notice in this behalf calling upon him to signify his choice in writing within twenty-four hours of the receipt of the said notice. If after the expiry of the said term the choice has not yet been made, the Chief Administrative Officer shall declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive ;

(u) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, but for the said votes, would have been declared elected for such ward, shall be deemed to have been duly elected.

7. *Forfeiture and return of deposits.*—(1) *If a candidate by whom or on whose behalf the deposit referred to in rule 4 (2) (c) has been made withdraws his candidature, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made ; and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the persons by whom it was made.*

(2) *If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one member, one-fourth of the total number of votes polled or, in the case of a constituency returning two or more members, one-fourth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Corporation.*

(3) *For the purpose of sub-rule (2), the total number of votes polled shall be deemed to be the total number of ballot papers other than spoilt ballot papers, counted.*

(4) *The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (2), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the declaration of the result of the election ; and the deposit made in respect of a candidate who is elected shall also be returned.*

CHAPTER V.

QUALIFICATIONS OF HEALTH OFFICER AND CHIEF ENGINEER.

1. The minimum qualification for the appointment of a person as Health Officer under section 42 shall be the possession of a Diploma of Public Health of a University approved by Government in this behalf.

2. The minimum qualification necessary for the appointment of a person as Chief Engineer under section 42 shall be a recognised degree

[Appendix 26—contd.]

in Engineering of a University or institute approved by Government in this behalf.

CHAPTER VI.

PREPARATION OF BUDGET ESTIMATES.

1. *Estimates of Expenditure and income to be prepared by Chief Administrative Officer.*—The Chief Administrative Officer shall, on or before such date as may be fixed by the Corporation for that purpose the tenth day of January have prepared in each year and lay before the Standing Committee in such form as the said Committee shall from time to time approve—

Cf. Bom.
III of
1888,
s. 125.

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing financial year ;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the said year ;

(c) an estimate of the total sum required in the next ensuing financial year as contribution by the Corporation to the education fund together with the detailed financial proposals of the School Board for the said year ; and

(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 said year.

2. *Budget estimates to be prepared by Standing Committee.*—(1) The Standing Committee shall, on or as soon as may be after such date as may be fixed under rule 1 consider the estimate and proposals of the School Board and of the Chief Administrative Officer, and, after having obtained from them such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications or additions therein or thereto as it shall think fit, a budget estimate of the expenditure of the Corporation for the next financial year.

Cf. Bom.
III of
1888,
s. 126.

(2) In such budget the Standing Committee shall include the particulars and make the provisions required by sub-section (2) of section 86 88.

(3) The Chief Administrative Officer shall cause the budget estimate as finally approved by the Standing Committee to be printed, and not later than such date as may be fixed by the Corporation for that purpose shall forward printed copies thereof to each councillor.

(4) *Consideration of budget estimates by Corporation.*—At a meeting of the Corporation which shall be called for some day not later than the tenth day after a date fixed under sub-rule (3), the budget estimates prepared by the Standing Committee shall be laid before the Corporation, and the Corporation shall proceed to consider them:

Cf. Bom.
III of
1888,
s. 127.

[Appendix 26—*contd.*]

Cf. Bom.
III of
1888,
s. 128.

(5) *Fixing of rates of taxes.*—~~On or~~ Before the prescribed date, the Corporation shall determine, subject to the conditions and limitations prescribed in Chapter VIII of the Act, the rates at which municipal taxes shall be levied and the articles on which a terminal tax, if any, shall be levied.

(6) *Final adoption of budget estimates.*—At the meeting of the Corporation prescribed by sub-rule (4) the Corporation may refer the budget estimates back to the Standing Committee for further consideration or adopt the budget estimates or any revised budget estimates submitted to it, either as they stand or subject to such alteration as it may deem expedient :

Provided that the budget estimates finally adopted by the Corporation shall fully provide for the matters specified in clauses (a) and (b) of sub-section (2) of section 86 88.

CHAPTER VII.

CONTRACTS.

1. *Power of Chief Administrative Officer to enter into contracts.*—The Chief Administrative Officer on behalf of the Corporation, may enter into any contract—

(a) for the execution of any new work the estimated cost of which does not exceed one thousand rupees ;

(b) for repairs the estimated cost of which does not exceed three thousand rupees ;

provided that funds have been provided in a sanctioned budget.

2. *Power of Standing Committee to enter into contracts.*—The Standing Committee on behalf of the Corporation, may enter into any contract for the execution of any work or the supply of any materials or goods for which funds have been provided in a sanctioned budget and the estimated cost of which does not exceed five thousand rupees.

3. *Power of Standing Committee to determine whether works shall be executed by contract.*—The Standing Committee may determine either generally for any class of cases or specially for any particular case whether the Chief Administrative Officer shall execute any work by contract or otherwise.

4. *Tenders to be invited.*—(1) Unless in any case the Corporation directs otherwise the Chief Administrative Officer shall give notice of every contract for the execution of any *separate* work or the supply of any materials involving an expenditure exceeding two thousand rupees, by advertisement in the local newspapers inviting tenders for such contract.

(2) The power of selecting the tender to be accepted shall be vested—

(a) in the Chief Administrative Officer, if the estimated cost of the work or materials does not exceed five thousand rupees ;

[Appendix 26—contd.]

(b) in the Standing Committee, if the estimated cost exceeds five thousand rupees but does not exceed ten thousand rupees ;

(c) in the Corporation, in all other cases :

Provided that the authorities mentioned in sub-rule (1) shall not be bound to accept any tender submitted thereunder. Any such authority may, subject to the provisions of sub-rule (1), accept any of such tenders which appears, upon a view of all the circumstances, to be most advantageous, or reject all the tenders submitted.

5. Every contract entered into by or on behalf of the Corporation and involving an expenditure exceeding two thousand rupees shall be in writing and sealed with the common seal of the Corporation.

6. (1) Every contract under or for any purpose of this Act shall be made on behalf of the Corporation by the Chief Administrative Officer.

(2) No such contract for any purpose which the Administrative Chief Officer is not empowered by this Act to carry out without the approval or sanction of some other Municipal authority shall be made by him until or unless such approval or sanction has first of all been duly given.

7. In the case—

(a) of a lease for a period exceeding one year or of a sale or other transfer or contract for the purchase of any immoveable property ;

(b) of every contract which will involve expenditure not covered by a budget grant ;

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract ;

the sanction of the Corporation by a resolution passed at a general meeting is required.

8. *Plans and estimates to be furnished.*—No new work shall be commenced, and no contract in respect thereof shall be entered into, if the estimated cost of such work exceeds—

(a) one thousand rupees, until a plan and estimate therefor shall have been approved by the Standing Committee ;

(b) five thousand rupees, until a plan and estimate therefor shall have been approved by the Corporation.

9. *When security to be taken for performance of a contract.*—The Chief Administrative Officer shall take sufficient security for the performance of every contract involving an expenditure exceeding one thousand rupees.

10. *How common seal of the Corporation to be kept and affixed.*—The common seal of the Corporation shall remain in the custody of the Municipal Secretary Mayor or Deputy Mayor and shall not be affixed to any contract or other instrument except in the presence of the Chief Administrative Officer and one councillor.

[Appendix 26—contd.]

SCHEDULE II.

(See section 94 96.)

Tax on Vehicles and Animals.

Serial Number.	Description of vehicle or animal.	Maximum amount of tax per quarter.	
		For vehicles with rubber tyres.	For vehicles without rubber tyres.
		Rs. a. p.	Rs. a. p.
1	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers :—		
	Each 3 or 4-wheeled vehicle weighing up to 2 tons, empty	30 0 0	45 0 0
	Each 3 or 4-wheeled vehicle weighing up to 4 tons, empty	35 0 0	52 8 0
	Each 3 or 4-wheeled vehicle weighing up to 8 tons, empty	40 0 0	60 0 0
	Each 3 or 4-wheeled vehicle weighing up to 12 tons, empty	50 0 0	60 0 0
	Each 3 or 4-wheeled vehicle weighing over 12 tons, empty	60 0 0	60 0 0
2	Each vehicle drawn or intended to be drawn by any vehicle falling under serial No. 1 and used for commercial purposes (i.e., trailers) :—		
	Each 3 or 4-wheeled vehicle weighing up to 2 tons, empty	22 8 0	33 12 0
	Each 3 or 4-wheeled vehicle weighing up to 4 tons, empty	26 4 0	39 6 0
	Each 3 or 4-wheeled vehicle weighing up to 8 tons, empty	30 0 0	45 0 0
	Each 3 or 4-wheeled vehicle weighing up to 12 tons, empty	37 8 0	56 4 0
	Each 3 or 4-wheeled vehicle weighing over 12 tons, empty	45 0 0	60 0 0
	<i>N.B.—A surcharge of 50 per cent. shall be chargeable in the case of vehicles mentioned in serial Nos. 1 and 2, if such vehicles have solid tyres.</i>		
3	Each 4-wheeled vehicle impelled by machinery and used solely for carrying passengers :—		
	Weighing up to 10 cwt., empty	15 0 0	
	Do. do. 20 " "	20 0 0	
	Do. do. 30 " "	25 0 0	
	Do. do. 40 " "	30 0 0	
	Do. over 40 " "	40 0 0	
4	Each 3-wheeled vehicle impelled by machinery and used solely for carrying passengers	12 0 0	
5	Each 2-wheeled vehicle impelled by machinery	8 0 0	
6	Each 4-wheeled vehicle drawn by horses, ponies, mules, donkeys, or bullocks or camels :—		
	(a) labour carts		5 0 0
	(b) all other vehicles in this class	8 0 0	12 0 0

[Appendix 26—contd.]

Serial Number.	Description of vehicle or animal.	Maximum amount of tax per quarter.	
		For vehicles with rubber tyres.	For vehicles without rubber tyres.
		Rs. a. p.	Rs. a. p.
7	Each 2-wheeled vehicle drawn by horses, ponies, mules, donkeys, or bullocks or camels :— (a) labour carts with springs (b) other vehicles in this class*	6 0 0	3 0 0 6 0 0
8	Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks, or camels or machinery	2 0 0	2 0 0
		Rs. a. p.	
9	Each horse, pony or mule of a height of 12 hands or upwards	8 0 0	
10	Each horse, pony or mule of a height of less than 12 hands	4 0 0	
11	Each bullock or buffalo kept for draught or pack purposes	2 0 0	
12	Each donkey kept for draught or pack purposes or for riding	2 0 0	

*These would include labour carts without springs, and other vehicles, such as buggies with or without springs.

SCHEDULE III.

(See sub-section (3) of section 108 110.)

Form of Notice of Demand.

To *A. B.* residing at
 Take notice that the Corporation demand from
 the sum of
 due from on account of
 (Here describe the property, occupation or other thing in respect of which
 the tax is leviable.)
 leviable under rule No. for the period of
 commencing on the day of 19, and ending on the
 day of 19, and that if, within ~~fifteen~~ twenty-one days
 from the service of this notice, the said sum is not paid into the municipal
 office at, and sufficient cause for non-
 payment is not shown to the satisfaction of the Chief Administrative
 Officer, a warrant of distress or attachment will be issued for the recovery
 of the same with costs.
 Dated this day of 19
 (Signed)
 Chief Administrative Officer.

[Appendix 26—contd.]

SCHEDULE IV.

(See sub-section (1) of section 100 III.)

Form of Warrant.

(Here insert the name of the officer charged with the execution of the warrant.)

*Here describe the tax.

Whereas *A. B.* of _____ has not paid, _____ and has not shown satisfactory cause for the non-payment of, _____ the sum of _____ due for the *tax mentioned in the margin for the period commencing on the day of _____ 19 _____, and ending with the _____ day of _____ 19 _____, and leviable under rule No. _____ ;

And whereas ~~fifteen~~ *twenty-one* days have elapsed since the service on him of notice of demand for the same ;

This is to command you to ^{distrain}_{attach}, subject to the provisions of section 100 III of the City of Karachi Municipal Act, 1933 ^{the goods and chattels}_{any property} of the said *A. B.* to the amount of _____, being the amount due from him, as follows :—

On account of the said tax _____ Rs. a. p.

For service of notice _____

For issue of warrant _____

and forthwith to certify to me together with this warrant all particulars of the ^{goods distrained}_{property attached} by you thereunder.

Dated this _____ day of _____ 19 _____

(Signed)

Chief Administrative Officer.

SCHEDULE V.

(See clause (c) of sub-section (4) of section 100 III.)

Form of Inventory and Notice.

To

A. B., _____ residing at _____

Take notice that I have this day ^{distrained}_{attached} the ^{goods and chattels}_{property} specified in the inventory beneath this, for the value of _____ due for the

*Here describe the tax.

*tax mentioned in the margin for the period commencing with the day of _____ 19 _____ and ending with the day of _____ 19 _____ together with Rs. _____ due as for service of notice of demand and

[Appendix 26— contd.]

Rs. due as for issue of warrant and that unless within five days from the day of the date of this notice you pay into the municipal office the said amount together with the costs of recovery, the said goods and chattels property will be sold.

Dated this day of 19 .

Signature of officer executing the warrant
[collecting octroi]

Inventory.

(Here state particulars of goods and chattels property seized.)

SCHEDULE VI.

CHAPTER I.

DRAINS AND DRAINAGE WORKS.

Drains of Private Streets and Drainage of Premises.

1. *Owners to provide troughs and pipes for receiving, carrying and discharging water from buildings.*—The Chief Administrative Officer may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

2. *Drainage of buildings and lands.*—For the purpose of efficiently draining any building or land the Chief Administrative Officer may, by notice in writing,—

(a) require any courtyard, alley or passage between two or more buildings to be paved and drained with such materials and in such manner as may be approved by him ; and

(b) require such paving and drains to be kept in proper repair.

3. *Powers to connect drains of private streets with municipal drains.*—The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely :—

(a) before commencing to construct such drain, the owner of the street shall submit to the Chief Administrative Officer a plan of the street, drawn to such a convenient scale as the Chief Administrative

[Appendix 26—*contd.*]

Officer shall require showing the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Chief ~~Administrative~~ Officer shall deem necessary and require, and no such drain shall be proceeded with without the approval, in writing, or contrary to the directions, of the Chief ~~Administrative~~ Officer ;

(b) such drain shall be constructed at the expense of the owner of the street and shall be of such size, material and description, and be connected with the municipal drain in such manner and form of communication in all respects, as the Chief ~~Administrative~~ Officer, with the approval of the Standing Committee, shall direct ;

(c) the Chief ~~Administrative~~ Officer may, if he thinks fit, construct such part of such drain and such part of the work necessary for connecting the same with the municipal drain as shall be in or under any public street or place vested in the Corporation and, in such case, the expenses incurred by the Chief ~~Administrative~~ Officer shall be paid by the owner of the private street.

4. *Power of owners and occupiers of premises to drain into municipal drains.*—The owner or occupier of any building or land shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage subject to the following conditions :—

(a) he shall first obtain the permission of the Chief ~~Administrative~~ Officer and

(b) he shall comply with such conditions as the Chief ~~Administrative~~ Officer, either generally or specially in each case, may require as to the mode in which, and the superintendence under which, connections with municipal drains or other places aforesaid are to be made.

5. *Connections with municipal drains not to be made except in conformity with rules 3 and 4.*—(1) No person without complying with the conditions of rule 3 or 4, as the case may be, shall make, or cause to be made, any connection of a drain belonging to himself or to any other person with any municipal drain or other place legally set apart for the discharge of drainage.

(2) The Chief ~~Administrative~~ Officer may, with the approval of the Standing Committee, close, demolish, alter or remake any such connection made in contravention of sub-rule (1), and the expenses incurred by the Chief ~~Administrative~~ Officer in closing, demolishing, altering or remaking such connection shall be paid by the owner of the street, or the owner or occupier of the building or land, for the benefit of which the connection was made, or by the person offending, as the case may be.

6. *Sewage or offensive matter not to be passed into cesspool.*—No person shall pass or cause or permit to be passed any sewage or offensive matter into any catch-pit or sump made or used under section 124 126 or 125 127 or into any drain communicating with any such catch-pit or sump.

[Appendix 26—*contd.*]

7. *Drains not to pass beneath buildings.*—Except with the permission of the Chief Administrative Officer, and in conformity with such conditions as shall be imposed by the Standing Committee, either generally or specially in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

8. *Position of catch-pit or sump.*—No person shall construct a catch-pit or sump—

(a) beneath any part of a building, or within fifty feet of any lake, tank, reservoir, stream, spring or well; or

(b) upon any site or in any position which has not been approved in writing by the Chief Administrative Officer.

9. *All drains, catch-pits and sumps to be properly covered and ventilated.*—(1) Every drain and catch-pit or sump, whether belonging to the Corporation or to any person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Chief Administrative Officer may, by written notice, require the owner of any drain or catch-pit or sump not belonging to the Corporation to provide and apply to the said drain or catch-pit or sump such trap and covering and such means of ventilation as would be provided and applied if such drain or catch-pit or sump belonged to the Corporation.

Water-closet and closet accommodation.

10. *Construction of closet accommodations and water-closets.*—(1) No closet accommodation or water-closet for any premises shall be constructed except with the permission of the Chief Administrative Officer and in accordance with such conditions as he may impose in accordance with the rules.

(2) Such conditions may provide—

(a) that the premises shall be served by the water-closet or by the closet accommodation system, or partly by one and partly by the other; and

(b) for the sit or position of each water-closet and closet accommodation.

(3) If any water-closet or closet accommodation is constructed on any premises in contravention of sub-rule (1) the Chief Administrative Officer may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or closet accommodation and, with the previous approval of the Standing Committee may alter or demolish the same. The expenses incurred by the Chief Administrative Officer in such closing, alteration or demolition shall be paid by such owner or occupier or by the person offending.

11. *Water-closet and other accommodation in building erected or re-erected.*—(1) No building for or intended for human habitation, or used as a market, railway station, dock, wharf, theatre or other place of

[Appendix 26—*contd.*]

public resort or entertainment, or at or in which labourers or workmen are to be employed shall be erected or re-erected without such water-closet or closet accommodation and such urinal accommodation and accommodation for bathing or for the washing of clothes and domestic utensils as the Chief Administrative Officer may require in this behalf.

(2) In requiring any such accommodation the Chief Administrative Officer may determine in each case—

(a) whether such building shall be served by the water-closet or by the closet accommodation system or partly by one and partly by the other ;

(b) what shall be the site and position of each water-closet, closet accommodation, urinal, or bathing or washing place, and their number.

12. Chief Administrative Officer to take action where there is no such accommodation, or the accommodation is insufficient or objectionable.—

(1) Where any premises are not provided with sanitary conveniences referred to in sub-rule (1) of rule 11, or if the Chief Administrative Officer is of opinion that the existing sanitary conveniences available for the persons occupying or employed in any premises are insufficient, inefficient or on any sanitary grounds objectionable, the Chief Administrative Officer may, with the previous approval of the Standing Committee, by written notice, require the owner of such premises—

(a) to provide such, or such additional sanitary conveniences as he thinks necessary ;

(b) to make such structural or other alteration in existing sanitary conveniences as he thinks necessary ;

(c) to substitute water-closet accommodation for any closet accommodation.

(2) Where the sanitary conveniences of any premises—

(a) have been, and are being, used in common by the persons occupying or employed in such premises, and any one or more other premises ; or

(b) are in the opinion of the Chief Administrative Officer likely to be so used,

the Chief Administrative Officer may, if he is of opinion that such sanitary conveniences are sufficient to admit of the same being used by all the persons occupied or employed in all such premises, direct in writing that separate sanitary conveniences need not be provided on or for each of such other premises.

(3) The Chief Administrative Officer may, if he is of opinion that there are sufficient municipal sanitary conveniences available for all the persons occupying or employed in any premises, direct that separate sanitary conveniences need not be provided for such premises.

[Appendix 26—*contd.*]

(4) Any requisition made under sub-rule (1) may comprise any detail specified in sub-rule (2) of rule 11.

13. *Power to require closet accommodation to be provided for places of public resort.*—Where it appears to the Chief Administrative Officer that any premises are or are intended to be used as a market, railway station, dock, wharf, theatre or place of public resort or entertainment or as a place in which persons exceeding twenty in number are employed in any manufacture, trade, or business, or as workmen or labourers, the Chief Administrative Officer may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or closet accommodation and urinals for the separate use of each sex.

14. *Power of Chief Administrative Officer as to unhealthy closet accommodation.*—Where the Chief Administrative Officer is of opinion that any closet accommodation is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Chief Administrative Officer, with the previous approval of the Standing Committee, may, by written notice require the owner or occupier of the premises in or on which such closet accommodation is situate, either—

(a) so to close up such closet accommodation as to prevent any person using the same, and to provide in lieu thereof such water-closet or closet accommodation or such urinal accommodation as the Chief Administrative Officer may prescribe; or

(b) to provide between the said closet accommodation and any portion of the said building such air-space open to the sky and situate entirely within the limits of the said premises as the Chief Administrative Officer may prescribe.

15. *Provisions about closet accommodation.*—(1) The owner or occupier of any premises on which there is a closet accommodation shall—

(a) arrange for an air-space of at least six feet in width and open to the sky between such closet accommodation and any building or place used or intended to be used for human habitation, or in which any person may or may be intended to be employed in any manufacture, trade, or business;

(b) have such closet accommodation shut off by a sufficient roof and wall or fence from the view of persons dwelling in the neighbourhood or passing by;

(c) not allow any door or trap-door in such closet accommodation to open on to a street except with the permission of the Chief Administrative Officer under sub-rule (2).

(2) The Chief Administrative Officer may permit the continuance for such period as he may think fit of any existing door or trap-door in a closet accommodation opening on to a street, if no nuisance is thereby created.

[Appendix 26—*contd.*]

(3) Clause (a) of sub-rule (1) shall not be deemed to apply to any closet accommodation in existence when these rules come into force unless—

(a) there is space available on the premises of the owner or occupier for the erection of a new closet accommodation conformably to the said clause ; and

(b) the existing closet accommodation can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing closet accommodation.

(4) The Chief ~~Administrative~~ Officer may exempt any premises from the operation of clause (a) of sub-rule (1) if he is of opinion that the application of the said clause to such building would cause an unreasonable amount of expense and inconvenience and that the existing closet accommodation in such premises is not likely to cause injury to the inhabitants thereof or of the neighbourhood.

16. *Provisions about water-closets.*—The owner or occupier of any premises on which there is a water-closet shall—

(a) have such water-closet divided off by such means as the Chief ~~Administrative~~ Officer shall deem sufficient from any part of a building or place used or intended to be used for human habitation, or in which any person may or may be intended to be employed in any manufacture, trade or business ;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall ;

(c) have the seat of such water-closet placed against an external wall ;

(d) cause such water-closet to be provided with such means of constant ventilation as the Chief ~~Administrative~~ Officer shall deem adequate, by a window or other aperture in one of the walls of the said closet opening directly into a space not less than five feet in width and open to the sky ;

(e) have such water-closet supplied by a flushing cistern and apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and descriptions as the Chief ~~Administrative~~ Officer shall deem necessary ;

(f) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Chief ~~Administrative~~ Officer may deem necessary :

Provided always that a cistern from which a water-closet is supplied shall not be used for supplying water for any other purposes.

17. *Position of closet accommodations or water-closets.*—No person shall, without the permission of the Chief ~~Administrative~~ Officer, build a closet accommodation or water-closet in such a position or manner as to be directly over or directly under any room or part of a building other than another closet accommodation or water-closet or a bathing or washing place or terrace.

[Appendix 26—*contd.*]

18. *Location of closet accommodations or water-closets.*—Without the permission of the Chief Administrative Officer, no person shall—

(a) build a closet accommodation within a distance of fifty feet, or any water-closet within a distance of twenty feet, from any well, spring, tank, or stream of which the water is or is likely to be used, whether in a natural or manufactured state, for human consumption or domestic purposes, or

(b) in any other manner render the water of any well, spring, tank, or stream liable to pollution.

19. *Use of places for bathing, or for washing clothes or domestic utensils.*—No person shall use or permit to be used as a bathing place or as a place for washing clothes or domestic utensils any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Chief Administrative Officer, be necessary for collecting the drainage thereof and conveying the same therefrom.

20. *Water-closets should not be injured or improperly fouled.*—(1) No person shall injure or foul any water-closet or urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet or urinal or bathing or washing place or anything used in connection therewith or the approaches thereto or the walls, floors, seats or fittings thereof are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleansing thereof, such of the persons having the use thereof, as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this rule.

(3) The provisions of this rule shall not exempt the owner of such building or buildings from any penalty to which he may otherwise have rendered himself liable.

Inspection.

21. *Private drains to be subject to inspection and examination.*—All drains, ventilation-shafts and pipes, catch-pits, sumps, water-closets, closet accommodation, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the expense of the municipal fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Chief Administrative Officer.

22. *Power to open ground for purposes of such inspection and examination.*—For the purpose of such inspection and examination the Chief Administrative Officer may cause the ground or any portion of any drain or other work exterior to a building, or with the approval of the Standing

[Appendix 26—*contd.*]

Committee, any portion of a building, which he shall think fit, to be opened, broken up, or removed :

Provided that in making such inspection and examination as little damage as can be shall be done.

23. *When ground or work opened may be reinstated by the Chief Administrative Officer.*—If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Act has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain, or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Chief Administrative Officer.

24. *When the expenses of inspection and examination are to be paid by the owner.*—If upon any such inspection and examination as aforesaid it shall be found that any drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal or bathing or washing place so examined is not in good order or condition, or has been repaired, changed, altered, or encroached upon, or, except when the same has been constructed by or under the order of the Chief Administrative Officer, has been constructed in contravention of any of the provisions of this Act or of any enactment at the time in force ~~if it has been constructed in contravention of any of the provisions of this Act or of any enactment at the time in force~~ the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground or portion of any building or other work opened, broken up or removed for the purpose of such inspection and examination at his own cost.

25. *Chief Administrative Officer may require repairs to be made.*—
(1) When the result of any such inspection and examination is as described in rule 24, the Chief Administrative Officer may—

(a) by written notice require the owner of the premises in which the drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, urinal or latrine or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up—

(i) to close or remove the same or any encroachment thereupon,
or

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct, and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination ; and

[Appendix 26—*contd.*]

(b) without notice, close, fill up or demolish any drain by which offensive matter or sewage is carried through, from, into, or upon any premises in contravention of any of the provisions of this Act, and the expenses incurred by the Chief Administrative Officer in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-rule (1) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use or benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

26. *Costs of inspection and execution of works in certain cases.*—In the case of any drain which has been constructed, erected or set up, or which is continued for the exclusive use and benefit of two or more premises and which is not—

(a) a drain constructed under sub-section (1) of section 131 133, or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under sub-section (1) of section 130 132,

the expenses of any inspection and examination made by the Chief Administrative Officer under rule 21 and of the execution of any work required under rule 25, whether executed under sub-section (3) of section 233 234 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined—

(i) by the Standing Committee, if the aggregate amount of such expenses exceeds one hundred rupees; or

(ii) by the Chief Administrative Officer, if the aggregate amount of such expenses does not exceed one hundred rupees.

27. *Prohibition of acts contravening the provisions of this Act or done without sanction.*—No persons shall—

(a) in contravention of any of the provisions of this Act or of any notice given or direction issued under this Act or without the permission of the Chief Administrative Officer, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change any drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal, or bathing or washing place, or any trap, covering or other fitting or appliance connected therewith;

(b) without the permission of the Chief Administrative Officer, renew, rebuild, or unstop any drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal, or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Act;

[Appendix 26—*contd.*]

(c) without the permission of the Chief Administrative Officer make any encroachment upon, or in any way injure or cause or permit to be injured, any drain, catch-pit, sump, water-closet, closet accommodation, latrine or urinal or bathing or washing place ;

(d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any substance or matter by which, or by reason of the amount of which, such drain is likely to be obstructed ;

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(f) cause or suffer to be discharged into any drain from any factory, bake-house, distillery or workshop or from any building or place in which steam, water or mechanical power is employed, any hot water, steam fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance ;

(g) pass, or cause or permit to be passed, into any drain any dangerous petroleum, tar or any inflammable or corrosive liquid.

28. *Work to be done by licensed plumbers : permission to use as drain.*—(1) No person shall permit any work described in sections ~~109 to 134~~ 121 to 136 and in these rules, to be executed except by a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Chief Administrative Officer the name of such plumber.

(3) Every such person shall, within one month after completion of any such work, and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Chief Administrative Officer at his office notice in writing of the completion of such work, accompanied by a certificate, in such form as the Chief Administrative Officer may from time to time prescribe, signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Chief Administrative Officer all necessary facilities for the inspection of such works :

Provided that—

(i) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(ii) the Chief Administrative Officer may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address,

[Appendix 26—*contd.*]

affixed to a conspicuous part of the premises in which such work has been executed—

(a) give permission for the filling in or covering over of such work, or

(b) require that before such work is filled in or covered over it shall be amended to the satisfaction of the Chief Administrative Officer in any particular in respect of which it is not in accord with a requisition previously made by the Chief Administrative Officer or contravenes some provision of this Act.

(4) No person shall permit any work to be used as a drain or part of a drain until—

(a) the permission referred to in proviso (ii) to sub-rule (3) has been received, or

(b) the Chief Administrative Officer has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal or permission for the filling in or covering over of such work.

29. *The Chief Administrative Officer may execute certain works under this chapter without allowing option to persons concerned of executing the same.*—(1) The Chief Administrative Officer may if he thinks fit, cause any work described in this chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) *Expenses in such cases by whom to be paid.*—The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER II.

WATER-SUPPLY.

1. *Power to supply water* (1) *for non-domestic purposes; (2) outside the City.*—(1) On such terms as to payment and as to the period and conditions of supply as may be either generally or specially approved by the Standing Committee, the Chief Administrative Officer may supply water from a municipal water-work to any person by measurement or otherwise for other than domestic purposes.

(2) The Chief Administrative Officer may supply water from a municipal water-work to any local authority or person without the City on such terms as to payment and as to the period and conditions of supply as shall be either generally or specially approved by the Corporation.

[Appendix 26—contd.]

2. *Water for ships.*—The Chief Administrative Officer shall supply a reasonable quantity of water for use for domestic purposes on ships for the time being lying at the jetties or in the docks of the Trustees of the Port of Karachi, or for use on a voyage at such reasonable rates as may be fixed by the Chief Administrative Officer with the approval of the Standing Committee.

3. *Fire hydrants to be provided.*—The Chief Administrative Officer shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained; and shall have painted or marked on the buildings and walls or in some other conspicuous manner within the streets, words or marks near to such hydrants to denote the situation thereof and shall cause a hydrant-key to be deposited at each place within the City where a municipal fire engine is kept, and shall do such other things for the purpose aforesaid as he shall deem expedient.

4. *Boating, fishing and bathing in municipal water-works.*—The Chief Administrative Officer may, from time to time, make regulations regarding the use of boats, fishing and bathing in municipal water-works.

5. *Conditions under which private water supply may be granted or enforced.*—(1) On the application of the owner or occupier of any premises in the City and on condition that the provisions of this Act are complied with, the Chief Administrative Officer shall connect the communication pipes for conveying water to the said premises with a municipal water-main or other water-work:

Provided that the Chief Administrative Officer may, if in his opinion the arrangements for draining waste water from the aforesaid premises are insufficient, or the supply of water through communication pipes is likely to cause the said premises to be in an insanitary condition or to create a nuisance refuse to grant such connection until such alterations and improvements have been made on the said premises as he may direct.

(2) If it shall appear to the Chief Administrative Officer that any premises, situate within any portion of the City in which a public notice has been given by him under clause (b) of sub-section (1) of section 98 100 are without a proper supply of pure water, he shall, by written notice, require the owner of the said premises to obtain a supply from a municipal water-work adequate to the requirements of the persons usually occupying or employed upon such premises, and to provide communication pipes and do all such works as may be necessary for that purpose:

Provided that no action shall be taken under this sub-rule in any case in which the owner satisfies the Chief Administrative Officer that he is too poor to bear the cost of obtaining such supply and that the premises are occupied by him or his family only.

[Appendix 26--contd.]

6. *Making and renewing connections with municipal water-works.*—
(1) No connection with any municipal water-work shall be made or renewed—

(a) except by a municipal officer or servant empowered in that behalf by the Chief Administrative Officer, and

(b) until the certificate specified in sub-rule (4) has been given.

(2) In every case where a new connection with a municipal water-work is made or an existing connection is renewed all necessary communication pipes and fittings from and including the ferrule on the supply main up to and including the stop-cock nearest the supply main, shall be supplied by the Chief Administrative Officer. The work of laying and applying such communication pipes and fittings shall be executed by municipal agency under the Chief Administrative Officer's orders; but the cost of making or renewing any such connection and of all communication pipes and fittings so supplied, and of all work so executed, shall be paid by the person on whose application or for whose premises or benefit the connection is made or renewed.

(3) Every such new connection or renewed connection with its communication pipes and fittings up to and including its stop-cock as aforesaid shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water-work.

(4) All communication pipes and fittings beyond the said stop-cock shall be laid and applied under the supervision of a municipal officer appointed by the Chief Administrative Officer, in that behalf. He shall give and sign a certificate, free of charge, when such communication pipes and all necessary fittings and work have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) When any communication pipe or fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule, the Chief Administrative Officer may remove such communication pipe, fitting, or connection, and make good such water-work; and the expenses incurred by him in so doing shall be paid by the owner or occupier of the premises in which or for supply to which such communication pipe or fitting has been laid, applied, added to, or altered, or such connection has been made, or by the person offending.

7. *Chief Administrative Officer may take charge of private connections.*—The Chief Administrative Officer may, if he thinks fit, take charge on behalf of the Corporation of all communication pipes and fittings of any existing private service connected with any municipal water-work up to and including the stop-cock nearest the supply main for the said service, and the same shall thereafter vest in, and be maintained at the expense of, the Corporation as a municipal water-work.

[Appendix 26—contd.]

8. *Power of Chief Administrative Officer to alter position of connections.*—The Chief Administrative Officer may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of the communication pipes or fittings thereof, and after giving to the owner of such communication pipes or fittings not less than four days' previous notice of his intention so to do, cause the said connection to be moved to such other position as he thinks fit, and cause any or all the said communication pipes and fittings to be relaid and applied, or others to be laid and applied, in lieu thereof, in such position as he may direct; and in every such case such removal and alteration shall be carried out at the expense of the municipal fund. The new connection, with its communication pipes and fittings from the supply main up to and including the stop-cock nearest the supply main, shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water-work.

9. *Provisions as to storage cisterns and fittings to be used for connections with water-works.*—(1) The Chief Administrative Officer may, whenever it shall appear to him to be necessary, by written notice, require that any premises furnished with a private water-supply from any municipal water-work, shall, within a reasonable period, which shall be prescribed in the said notice, be provided with a storage cistern of such size, material, quality and description, and with such fittings and placed in such position as he thinks fit.

(2) The Chief Administrative Officer may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water-supply, by written notice direct that the said storage cistern, with all fittings connected therewith, shall, within a reasonable period which shall be prescribed in the said notice, be removed from the said premises.

(3) The Chief Administrative Officer shall also, from time to time, prescribe the number, size, material, quality, description, and position of the pipes, taps, cocks and other fittings to be employed for the purposes of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

(4) If any connection or communication other than that prescribed in sub-rule (3) is found in or upon any premises, it shall be presumed, until the contrary is proved, that such connection or communication was made by or under the direction of, the owner or occupier of such premises.

(5) The Chief Administrative Officer may make regulations for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the purposes of any connection with or communication with any municipal water-work. Such regulations may provide for the payment of a fee for such stamping and prohibit

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the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

10. *Communication pipes to be kept in efficient repair by owner or occupier of premises.*—It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work to keep in efficient repair every pipe conveying water from the said water-work to such premises and every tap, cock, or other fittings and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

11. *Provision of meters when water is supplied by measurement.*—(1) Where water is supplied by measurement, the Chief Administrative Officer shall provide a meter and charge the consumer for the same such rent as shall be imposed in this behalf by the Standing Committee.

(2) The Chief Administrative Officer shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(3) The Chief Administrative Officer may at any time remove any meter or other instrument for measuring water, let for hire to any person, for the purpose of repairing or of testing the correctness of the same.

12. *Power to Corporation to provide meters.*—(1) The Corporation may in its discretion, provide a water meter and attach the same to the service-pipe of any premises connected with the municipal water-supply.

(2) The expenses of providing and attaching a meter under sub-rule (1) shall be paid out of the municipal fund.

13. *Register of meter to be evidence.*—When water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

14. *Water-works to be executed by licensed plumbers.*—(1) No person shall permit any work described in these rules to be executed except by a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Chief Administrative Officer the name of such plumber.

INSPECTION.

15. *Chief Administrative Officer may inspect premises.*—(1) The Chief Administrative Officer may make an inspection of any premises to which a private water-supply is furnished by the Corporation.

(2) The Chief Administrative Officer may, by written notice, require the owner or occupier of the premises to comply with any order with regard to a meter, not being a municipal meter let to him for hire, or any such communication pipe, tap, cock or other fittings or cistern.

[Appendix 26—*contd.*]

CUTTING OFF PRIVATE WATER-SUPPLY.

16. *Power to cut off private water-supply or to turn off water.*—(1) The ~~Administrative~~ Chief Officer may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises, in any of the following cases, namely :—

(a) in default of payment of any instalment of water-tax or of any sum due for water or of the rent of a meter let to the owner of such premises for hire, within fifteen days after a bill for such tax or sum has been duly presented ;

(b) if the owner or occupier of the premises neglects within the period prescribed in this behalf any notice given under sub-rules (1) and (2) of rule 9 to comply with any requisition made to him by the Chief ~~Administrative~~ Officer regarding the provision or removal of a storage cistern ;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 15 to put any such cistern or any pipe conveying water from any municipal water-work or any tap, cock or other fitting thereof into good repair so as effectually to prevent the water from running to waste ;

(d) if after receipt of a return notice from the Chief ~~Administrative~~ Officer requiring him to refrain from so doing, the owner or occupier of the premises continues—

(i) to use the water, or to permit the same to be used in contravention of any of these rules,

(ii) when payment for the water is not made by measurement, to permit any person not residing on the premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from any municipal water-work ;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages or permits to be injured or damaged, or removes or injures his meter or the seal of his meter or any pipe conveying water from any municipal water-work ;

(f) if the building is declared unfit for human habitation under section 188 189 ;

(g) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise ;

(h) if any communication pipes or fittings have been laid, applied added to or altered in contravention of the provisions of rule 6.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

[Appendix 26—*contd.*]

17. *Water-pipes not to be placed where water will be polluted.*—No water-pipe other than a water-pipe forming part of a municipal water-work shall be laid in a drain or on the surface of an open channel or within twenty feet of a catch-pit or sump, or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank shall be constructed within fifty, and except with the consent of the Chief Administrative Officer, no cistern within twenty feet of a closet accommodation, water-closet, catch-pit or sump.

18. *Prohibition of fraudulent and unauthorised use of water.*—(1) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(2) No person to whom a private supply of water is furnished by the Corporation shall except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(3) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

19. *Prohibition of fraud in respect of meters.*—(1) No person shall fraudulently—

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction, or use shall be evidence that the consumer has fraudulently effected the same.

20. *Prohibition of wilful or negligent acts relating to water-works.*—No person shall wilfully or negligently—

(a) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter;

(b) break, injure or open any seal, lock, cock, valve, pipe, work or engine appertaining to any municipal water-work;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(d) do any act whereby the water in, or derived from, any municipal water-work shall be wasted;

(e) obstruct, divert or in any way injure or alter any water-main or duct;

(f) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water-work; or

[Appendix 26—*contd.*]

(g) dry clothes in or upon any water-work.

21. *Compensation to be payable by offenders against rule 19 or 20.*— Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 19 or rule 20.

22. *The Chief Administrative Officer may execute works under this chapter without allowing option to persons concerned of executing the same.*—

(1) The Chief Administrative Officer may, if he thinks fit, cause any work described in this chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER III.

REGULATION OF STREETS.

1. *Power to construct or adopt public bridges over or under railways.*— The Chief Administrative Officer, when authorised by the Corporation in this behalf, may agree—

(a) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as part of the public street, or as property vested in the Corporation ;
or

(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof, or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

2. *Naming of streets and numbering of houses.*—(1) The Chief Administrative Officer may, from time to time,—

(a) with the sanction of the Corporation determine the name by which any street shall be known ;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined ;

(c) determine the number by which any premises shall be known ;

(d) by written notice require the owner of any premises, either to put or paint a number of such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Chief Administrative Officer.

[Appendix 26—contd.]

(2) No person shall, without the permission of the Chief Administrative Officer, or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Chief Administrative Officer.

(3) When a number is put up or painted on any premises under the orders of the Chief Administrative Officer in accordance with clause (d) of sub-rule (1), the expense of such work shall be payable by the owner of the premises.

Sky-Signs and Advertisements.

3. *Regulations as to sky-signs.*—(1) No person shall, without the written permission of the Chief Administrative Officer, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted or renewed, for any period exceeding two years from the date of each such permission or renewal—

Provided that in any of the following cases a written permission or renewal by the Chief Administrative Officer under this section shall become void, namely :—

(a) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal engineer ;

(b) if any change be made in the sky-sign or any part thereof ;

(c) if the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(d) if any addition or alteration be made to, or in the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof ;

(e) if the building or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained after the enactment of this Act upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this rule, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this rule, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Chief Administrative Officer may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

[Appendix 26—*contd.*]

(4) The expression "sky-sign" in this rule means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard, framework or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction ;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall, or parapet of any building or on the cornice or blocking course of any wall, or to the ridge of a roof ;

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported ;

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

4. *Regulation and control of advertisements.*—(1) No person shall, without the written permission of the Chief Administrative Officer, and except upon such terms and conditions as may be laid down by such officer, erect, exhibit, fix, or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure :—

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(a) is exhibited within the window of any building ;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same or to the trade or business carried on by the owner of any tram car, omnibus or other vehicle upon which such advertisement is exhibited ;

[Appendix 26—*contd.*]

(c) relates to the business of any railway company ;

(d) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street ;

Provided also that such permission shall not be necessary for a period of ~~five~~ *three* years after the enactment of this Act in respect of advertisements upon a site which was occupied by advertisements on the first day of the month of September one thousand nine hundred and *thirty-three*.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this Act upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this rule, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this rule after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Chief Administrative Officer may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(4) The word "structure" in this rule includes a tram car, omnibus and any other vehicle and any moveable board used primarily as an advertisement or an advertising medium.

5. *Prohibition of use of streets by any class of animals or vehicles.*—The Chief Administrative Officer may, with the sanction of the Corporation, regulate or prohibit the driving, riding or leading of animals or vehicles of any particular kind along any public street or part of a public street.

6. *Prevention of obstruction of view of approaching traffic at junction of streets.*—(1) If the land at the corner of two streets is not covered by buildings—

(a) no person shall erect any wall or other opaque structure other than a building of a height exceeding three feet abutting on either of such streets for a distance of one hundred feet from the junction or to the limit of any building abutting on such street, whichever distance is less ; and

(b) the Chief Administrative Officer, may by written notice, call upon the owner of such land to take such measures as he may direct with any trees, shrubs or vegetation growing on such land which obstruct the view of traffic approaching the junction of such streets.

[Appendix 26—*contd.*]

(2) For the purpose of affording a view of approaching vehicles and facilitating the control of traffic, the Chief Administrative Officer may erect upon any premises or affix to any building or to any tree a mirror or such other instrument as he may deem suitable for the aforesaid purpose.

7. *Collecting animals, vehicles, etc., on any public ground forbidden.*—No person shall, without the permission of the Chief Administrative Officer, picket animals or collect vehicles on any public place, or use such place as a halting place for vehicles or animals of any description, or as a place of encampment, or cause or permit animals to stray, or, being the owner or person in charge of any dog which is likely to annoy or intimidate persons passing by, neglect to restrain it so that it shall not be at large in any street or public place.

CHAPTER IV.

OBSTRUCTION IN STREETS.

1. *Prohibition of obstructions in streets.*—No person shall, except with the permission of the Chief Administrative Officer, and in accordance with such conditions, including the payment of rent, as he may impose either generally or specially in that behalf, place or deposit upon any street or drain, well, or channel therein, any stall, chair, bench, box, ladder, bale, tray or other thing and the Chief Administrative Officer may without giving notice remove any such stall, chair, bench, box, ladder, bale, tray or other thing or may in lieu of such removal collect such rent for the use of the land as he may impose.

2. *Streets not to be opened or broken up and building materials not to be deposited thereon without permission.*—(1) No person shall, except with the permission of the Chief Administrative Officer and in accordance with such terms and conditions including the payment of rent or otherwise as the Chief Administrative Officer may impose either generally by regulation or in each special case—

(a) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under sub-rule (1), clause (b) or (c), shall be terminable at the discretion of the Chief Administrative Officer, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

[Appendix 26—contd.]

(3) The Chief ~~Administrative~~ Officer may, without notice, cause to be removed any building materials, or any scaffold or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-rule (1), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-rule (2).

CHAPTER V.

LICENSING OF *Architects*, SURVEYORS AND PLUMBERS.

1. *Grant of licences to architects, surveyors and plumbers.*—(1) The Chief ~~Administrative~~ Officer may grant to any person who is proved to his satisfaction to be qualified to receive the same a licence to act as an *architect* or as a surveyor or as a master-plumber or as a working plumber for the purposes of this Act. Each such licence shall be for a renewable period of one year.

(2) If any applicant for a licence to act as a surveyor is a Bachelor of Engineering or a person who has passed some test of professional qualification equivalent to that for a Bachelor of Engineering, his application shall not be refused by the Chief ~~Administrative~~ Officer, except with the approval of the Standing Committee, and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(3) If the Chief ~~Administrative~~ Officer refuses any application for a licence under this rule he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature, without charge.

2. *Regulations may be prescribed for guidance of licensed architects, surveyors and plumbers.*—The Chief ~~Administrative~~ Officer may, with the approval of the Standing Committee, from time to time prescribe the charges payable for work done under or for any purpose of this Act to, and regulations for the guidance of, licensed *architects*, surveyors, master-plumbers and working plumbers and a copy of all scales of such charges and regulations so prescribed at the time in force shall be written on the back of every licence granted to an *architect*, a surveyor, master-plumber or working plumber.

3. *Licences of architects, surveyors and plumbers may be suspended or cancelled.*—The Chief ~~Administrative~~ Officer may suspend or cancel any licence granted by him under rule 1 to any *architect*, surveyor or plumber who—

(a) disobeys, or fails to comply with any of the regulations prescribed under rule 2 ;

[Appendix 26—*contd.*]

- (b) executes carelessly or negligently any work under this Act;
- (c) uses bad material, appliances or fittings in such work;
- (d) executes any work otherwise than in accordance with a plan approved or otherwise than in accordance with directions or instructions issued by the Chief Administrative Officer or any municipal officer empowered by the Chief Administrative Officer in this behalf;
- (e) does any work in contravention of the provisions of this Act;
- (f) demands or receives more than the fee or charge prescribed for such work.

CHAPTER VI.

MUNICIPAL FIRE-BRIGADE.

1. *Power to make regulations for fire-brigade.*—(1) The Chief Administrative Officer shall from time to time make regulations for:—

- (a) the training, discipline, and good conduct of the men belonging to the fire-brigade;
- (b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire;
- (c) the maintenance of the said brigade generally in a due state of efficiency; and
- (d) the submission of reports of fires.

(2) With the approval of the Standing Committee and subject to the conditions and limitations prescribed by this Act, the Chief Administrative Officer may make regulations for the granting of gratuities, rewards or certificates to persons who have given notice of fires or who have rendered effective service to the fire-brigade on the occasion of a fire.

2. *Power to appoint a person to be a member of the fire-brigade in addition to any other office or employment of such person.*—A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

3. *Powers of Chief Officer of fire-brigade at a fire.*—(1) On the occasion of a fire, the chief or other officer in charge of the fire-brigade shall, subject to such orders as the Chief Administrative Officer may, from time to time, issue in this behalf, take the command of all municipal officers and servants present, and may

- (a) remove, or order any police officer or person under his command to remove, any person who interferes by his presence with the operations of the fire-brigade;
- (b) close any street or passage in or near which the fire is burning;
- (c) by himself or by the persons under his command, break into or through or take possession of, or pull down any premises for the

[Appendix 26—*contd.*]

purpose of putting an end to or limiting the spread of such fire, doing as little damage as possible ;

(d) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilise the water of any stream, tank, cistern, well or other source of water, whether public or private, for the purpose of extinguishing such fire ;

(e) give orders for the rendering of such assistance as he may deem advisable by the person in charge of any fire-engine or others ; and

(f) take generally any measures that may appear necessary or expedient for the protection of life or property.

(2) On the occasion of a fire, all persons assisting the fire-brigade, whether voluntarily or otherwise, shall be under the command of the chief or other officer in charge of the fire-brigade and shall obey all orders and directions given by such officer.

4. *Police officers and municipal officers and servants to help the fire-brigade.*—It shall be the duty of all police officers and of all municipal officers and servants to assist the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

CHAPTER VII.

SCAVENGING AND CLEANSING.

1. *Provision of receptacles for collecting rubbish.*—The Chief Administrative Officer may, by public notice, require the owners or occupiers of premises within any specified portion or portions of the City to provide and place in such positions as he may direct proper receptacles for collecting and keeping rubbish and offensive matter prior to removal by municipal agency.

2. *Prohibition of accumulations of offensive matter.*—No person—

(a) shall throw or place any sewage, offensive matter or rubbish, on any street, or in any place not provided or appointed for the purpose under the provisions of this Act ;

(b) who is the owner or occupier of any building or land, shall allow any sewage or offensive matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

3. *Cleansing and lime-washing of any building may be required.*—If it shall appear to the Chief Administrative Officer for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleaned, either externally or internally, or both externally and internally.

[Appendix 26—*contd.*]

4. *Removal of building materials from any premises may be required.*—If it shall appear to the Chief Administrative Officer that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Chief Administrative Officer in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Chief Administrative Officer may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Chief Administrative officer be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

5. *Abandoned or unoccupied premises.*—If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Chief Administrative Officer, a nuisance, the Chief Administrative Officer after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the City, or to any person who is known or believed to claim to be the owner, if such person is resident within the City, and shall also affix a copy of the said notice on some conspicuous part of the said premises requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Chief Administrative Officer be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

6. *Permission for new well, etc.*—(1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Chief Administrative Officer.

(2) If any such work is begun or completed without such permission, the Chief Administrative Officer may either—

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Chief Administrative Officer shall prescribe, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceeding for contravening the provisions of sub-rule (1).

CHAPTER VIII.

INSPECTION AND SANITARY REGULATION OF PREMISES.

1. *Filling in of pools which are a nuisance.*—If in the opinion of the Chief Administrative Officer—

(a) any pool, ditch, tank, well, pond, quarry, hole, drain, water-course or any collection of water, or,

[Appendix 26—contd.]

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling-house, is, or is likely to become a breeding-place for mosquitoes or in any other respect a nuisance, he may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as he shall prescribe, or to take such measures with reference to the same for removing or abating the nuisance as he shall prescribe.

2. *Prohibition of cultivation, use of manure or irrigation injurious to health.*—The Chief Administrative Officer, with the approval of the Standing Committee may, in any place within the City, prohibit the cultivation of any description of crop, or the use of any kind of manure, or any placing of stocks of manure on land, or the irrigation of land in any manner which is in his opinion injurious to the health of persons dwelling in the neighbourhood, or with the like approval, may impose such conditions with respect thereto as may prevent injury arising therefrom :

Provided that, when on any land to which such prohibition applies the act prohibited has been practised during the five years next preceding such prohibition, in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such prohibition.

3. *Power of Chief Administrative Officer to call for statement of accommodation.*—(1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Chief Administrative Officer, sign and give a certificate of the following particulars with respect to such building or any part thereof—

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation—

- (a) the total number of persons dwelling in the building or any part of it,
- (b) the manner of use of each room by day and by night, and
- (c) the number, sex and age of the occupants of each room used for sleeping.

4. *Removal and trimming of trees, shrubs and hedges.*—(1) If in the opinion of the Chief Administrative Officer—

- (a) any hedge is at any time insufficiently cut or trimmed or overgrown with prickly pear or other rank vegetation, or

[Appendix 26—*contd.*]

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs, or obstructs any street to the inconvenience or danger of passengers therein,

the Chief Administrative Officer may, by written notice require the owner or occupier of the land on which such hedge, tree, or shrub, is or has been growing,

(c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet and to remove any such prickly pear or other rank vegetation therefrom ; or

(d) to remove, cut, lop, or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b) of sub-rule (1) the Chief Administrative Officer may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

CHAPTER IX.

PREVENTION OF THE SPREAD OF DANGEROUS DISEASES.

1. *Information to be given of the existence of dangerous disease.*—(1) In the event of any person within the City, other than a patient in a public hospital, being attacked with a dangerous disease—

(a) every medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(b) the occupier of the building in which the person so attacked may be residing, or, if the occupier is himself the person attacked, then every adult member of the household, and

(c) every person in charge of or in attendance on any person so attacked,

shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made to the Chief Administrative Officer : Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

(2) *Information to be given of animal suffering from a contagious or infectious disease.*—The owner or person in whose custody any animal may be which is suffering from an infectious or contagious disease shall, as soon as he becomes cognizant of the fact, report the same, or cause a report thereof to be made to the Chief Administrative Officer : Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

[Appendix 26—*contd.*]

2. *Inspection for purpose of preventing spread of a dangerous disease.*—The Chief Administrative Officer may, at any time by day or by night, without notice, or after giving such notice of his intentions as shall in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spreading of the said disease beyond such place.

3. *Prohibition of use of water likely to cause a dangerous disease.*—(1) If it shall appear to the Chief Administrative Officer that the water in any well, tank or other place is likely to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water.

(2) No person shall remove or use any water in respect of which any such public notice has been issued.

4. *Chief Administrative Officer may order removal of patients to hospital.*—(1) If any person suffering from any dangerous disease is—

- (a) without proper lodging or accommodation,
- (b) living in a rest-house, inn, or hotel, boarding-house, or a building licensed as a lodging house under this Act,
- (c) living in a house which he neither owns nor pays rent for, or
- (d) living in a building in which it is, in the opinion of the Chief Administrative Officer, impossible to make arrangements for his proper segregation,

the Chief Administrative Officer or any police officer empowered by him in this behalf may direct or cause the removal of such person to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-rule (1), shall obey such order.

(3) If any female who, according to custom, does not appear in public, be removed to any hospital or place under sub-rule (1)—

(a) the removal shall be effected in such a way as to preserve her privacy,

(b) special accommodation suited to such custom shall be provided for her in such hospital or place;

(c) she shall be treated by female agency only, if so required by her, or by her husband, or by the person in charge of her, before her removal; and

(d) her female relatives *not exceeding two in number* shall be allowed to remain with her in such hospital or place if there is sufficient accommodation for them therein, and, if not, *her female relatives* shall have access to her at all reasonable times.

(4) No person removed to a hospital or place under sub-rule (1) shall leave the same except with the permission of the officer-in-charge thereof.

[Appendix 26—contd.]

5. *Disinfection of buildings.*—If the Chief Administrative Officer is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cause such building or part thereof or article therein to be cleansed or disinfected by municipal agency at the charge of the municipal fund and may cause such building to be vacated for such period as he deems necessary for such purpose :

Provided that, if, in the opinion of the Chief Administrative Officer, the owner or occupier is able effectually to carry out such cleansing or disinfection, the Chief Administrative Officer may cause the said building or part of the building or article likely to retain infection to be cleansed or disinfected by and at the charge of the owner or occupier thereof.

6. *Place for disinfection may be provided.*—(1) The Chief Administrative Officer may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee, in this behalf or in any case in which he thinks fit, free of charge.

(2) *Also for washing infected articles.*—The Chief Administrative Officer may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

7. *Prohibition to give infected clothes to dhobies.*—No person shall give for the purpose of being washed to any dhobie or washerman, who uses any place reserved by the Chief Administrative Officer under the provisions of this Act for the use of such dhobies or washermen any clothes, bedding or other articles which have been exposed to infection from any dangerous disease unless they have been previously disinfected to the satisfaction of the Chief Administrative Officer, or of a duly qualified medical practitioner.

8. *Persons suffering from a dangerous disease not to expose themselves.*—No person suffering from any dangerous disease shall, in any public street, building, shop or place engage in any occupation, or carry on any trade or business or expose himself without taking proper precautions against spreading the disease.

9. *Persons suffering from a dangerous disease not to enter a public conveyance without notifying the same.*—(1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

[Appendix 26—contd.]

(2) Notwithstanding anything contained in any law relating to public conveyance for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

10. *Provision of carriages for the conveyance of patients.*—The Chief ~~Administrative~~ Officer, with the sanction of the Corporation, may provide and maintain conveyances for the free carriage of persons suffering from any dangerous disease; and when such conveyances have been provided, it shall not be lawful to convey any such persons by any other public conveyance.

11. *Provisions as to carriage of person suffering from a dangerous disease in public conveyances.*—(1) No person who is suffering from a dangerous disease shall—

(a) without proper precaution against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provisions of rule 10.

(2) No person shall go in company with or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-rule (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-rule.

12. *Public conveyance which has carried a person suffering from a dangerous disease to be disinfected.*—The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately report the matter to the Chief ~~Administrative~~ Officer, who shall without delay take measures for the disinfection of such conveyance, and no such conveyance shall be again used until it has been so disinfected.

13. *Children suffering from dangerous disease not to be sent to school.*—No person being the parent, or having the charge or care of a child, who is or has been suffering from any dangerous disease shall send such child to any public or private school, if the presence of such child is likely to cause injury to the health of other persons attending or living or employed in such school.

14. *Power to close schools on account of dangerous disease.*—If it appears to the Chief ~~Administrative~~ Officer that there is danger of injury to the health of persons attending or living or employed in any public or private school or place of public resort he may, by an order in writing, direct that such school or place shall be closed for such period as he shall think fit, and that the premises shall be cleaned or disinfected.

[Appendix 26—*contd.*]

15. *Infected articles not to be transmitted without previous disinfection.*—(1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article, which he knows, or has reason to know, has been exposed to infection from any dangerous disease.

(2) Nothing in this rule shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

16. *Infected buildings not to be let without being first disinfected.*—(1) No person shall let a building or any part of a building, in which he knows, or has reason to know that a person has been suffering from any dangerous disease, without having such building or part thereof and every article therein likely to retain infection disinfected to the satisfaction of the Chief Administrative Officer.

(2) For the purpose of this rule, the keeper of a hotel, inn, or licensed building shall be deemed to let part of his building to any person accommodated in such hotel, inn or licensed building.

17. *Corpses of persons dying in hospital of any dangerous disease not to be removed therefrom save for purposes of burial.*—If a person who is suffering from a dangerous disease dies in any hospital or place for the treatment of such disease, the corpse of such person shall not be removed from such hospital or place except for the purpose of being forthwith disposed of in a place for the disposal of the dead.

CHAPTER X.

DISPOSAL OF THE DEAD.

1. *Places for the disposal of the dead to be registered.*—Every owner or person having the control or in charge of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Chief Administrative Officer with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, and, in the case of places for burying the dead, the site of all existing graves and the manner in which it is intended to lay out ground still unappropriated for graves, bearing the signature of a licensed surveyor in token of its having been made by or under the supervision of such surveyor.

2. *Places for disposal of the dead to be walled.*—(1) Every registered place for the disposal of the dead shall be enclosed by such wall, fence or hedge as the Chief Administrative Officer may direct or permit.

(2) The Chief Administrative Officer shall prescribe the number and position of the entrances to every such place for the disposal of the dead.

[Appendix 26—*contd.*]

~~3. Duties of caretakers of places for disposal of the dead.—Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead shall appoint a person to be in charge of the same and such person shall—~~

~~(a) maintain a register in which shall be entered such particulars as the Chief Administrative Officer may from time to time direct with reference to every corpse disposed of in such place ;~~

~~(b) prevent the disposal of any corpse unless and until the person bringing such corpse produces the certificate of registration of death granted under the rules for the registration of deaths ;~~

3. Any person having the control or charge of a registered place used for burying, burning or otherwise disposing of the dead or if there be no such person then the person in charge or in control of the burying, burning or disposal shall report within 24 hours of the burying, burning or disposal such particulars as the Chief Officer may from time to time direct, regarding the fact of the death and of the burying, burning or disposal.

4. Provision of new places for disposal of the dead.—If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 178 179 the Chief Administrative Officer shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the City, and shall cause the same to be registered in a register kept in the municipal office, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same, and bearing the signature of the Chief Engineer.

5. New places for disposal of the dead not to be opened without permission of Chief Administrative Officer.—No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the permission of the Chief Administrative Officer who, with the approval of the Corporation, may grant or withhold such permission.

6. Acts prohibited in connection with disposal of the dead.—No person shall, without the permission of the Chief Administrative Officer—

(a) retain a corpse on any premises without burning, burying or otherwise lawfully disposing of the same for a longer period after death than seventy-two hours, or if the cause of death is a dangerous disease such shorter period as the Chief Administrative Officer may prescribe by an order made generally or specially in that behalf ;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered and without taking such precautions to prevent risk of infection or injury to the public health as the Chief Administrative Officer may, by public notice from time to time, think fit to require ;

[Appendix 26—*contd.*]

(c) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Chief Administrative Officer in this behalf ;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity ;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise, in such manner that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground a depth not less than such depth as the Chief Officer may order ;

(g) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Chief Administrative Officer ;

(h) (g) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet such distance as the Chief Officer may order from the margin of any other grave or vault ;

(i) (h) re-open for the interment of a corpse, or of any part of a corpse, a grave or vault already occupied ;

(j) (i) after bringing or causing to be brought to a burning ground any corpse, or part of a corpse, fail to burn or cause the same to be burnt, within six hours from the time of the arrival thereof at such ground ;

(k) (j) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other articles used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes ;

(l) (k) burn or bury or otherwise dispose of any corpse without producing and delivering to the caretaker of the place for the disposal of the dead the certificate of the death granted under the provisions for the registration of deaths ; or

(m) (l) remove from any place for the disposal of the dead any coffin, bier, or other thing which has been used for the conveyance thither of any corpse.

7. ~~Application of rules.~~—~~The rules in this Chapter shall not apply to European cemeteries.~~

CHAPTER XI.

BUILDING RULES.

1. *Use of inflammable materials in building.*—(1) No person shall, in any area to which the Chief Administrative Officer may, with the

[Appendix 26—*contd.*]

approval of the Standing Committee, by public notice declare this rule to be applicable, construct any roof, external wall, or verandah of a building of timber, bamboos, grass, mats, leaves or other inflammable material.

(2) The Chief Administrative Officer may, by notice in writing, direct any person who has constructed or caused or permitted to be constructed any roof, external wall or verandah of any building in contravention of sub-rule (1) to remove or alter the same as the Chief Administrative Officer may think fit.

2. *Notice of new buildings.*—(1) Every person who intends to erect or re-erect a building shall submit to the Chief Administrative Officer—

(a) an application in writing for approval of the site, together with a site plan of the land, and, in the case of land which is the property of His Majesty or of the Corporation, a certified copy of the documents authorising him to occupy the land, and if so required by the Chief Administrative Officer, the original document or documents; also

(b) an application in writing for permission to execute the works together with a ground plan, elevations and sections of the building, and a specification of the work.

(2) Every plan of any building to be constructed wholly or partly of masonry submitted under sub-rule (1) shall, in token of its having been prepared by him or under his supervision, bear the signature of a licensed surveyor.

(3) Every document submitted under sub-rule (1) shall be prepared in such manner and shall contain such particulars as may be prescribed from time to time.

3. *Grounds on which site of proposed building may be disapproved.*—The Chief Administrative Officer may refuse to approve of the site on which it is intended to erect or re-erect any building on all or any of the following grounds :—

(a) that the erection or re-erection of the proposed building on such site would be in contravention of a declaration under section 203 204, or of any other provision of this Act or of any other enactment for the time being in force; or

(b) that the site is in a portion of the City in which the position and direction of the streets have not been determined, and that the building which it is proposed to erect on such site will, in the opinion of the Chief Administrative Officer, obstruct or interfere with the construction in future of suitable streets in such portion of the City or the drainage, water-supply or ventilation thereof; provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Chief Administrative Officer, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building; or

[Appendix 26—*contd.*]

(c) that the site has been reclaimed with or used as a place for depositing sewage, offensive matter or rubbish or the carcasses of dead animals or is otherwise insanitary or dangerous to health ; or

(d) that the site is not in accordance with a " standard plan " finally approved under section 210 211.

4. *Grounds on which permission to erect or re-erect building may be refused.*—(1) The Chief Administrative Officer shall not grant permission to erect or re-erect any building unless and until he has approved of the site thereof on an application under rule 2.

(2) The Chief Administrative Officer may refuse permission to erect or re-erect any building—

(a) if the plans and specifications submitted with the application show that such building is not in accordance with any declaration under section 203 204, or with any provision of this Act, or any provision of any law for the time being in force ; or

(b) if in his opinion the erection or re-erection of such building would be injurious or a source of nuisance to the inhabitants of the neighbourhood or the public ; or

(c) unless and until any plans, specifications or particulars called for by him under rule 5 are supplied ; or

(d) such building is placed otherwise than in accordance with a " standard plan " finally approved under section 210 211.

5. *Period within which Chief Administrative Officer shall grant or refuse permission to erect or re-erect a building.*—(1) Within six weeks after the receipt of an application for permission to erect or re-erect a building or within six weeks after orders have been passed approving the site of such building, whichever date is later, the Chief Administrative Officer shall—

(a) pass orders granting or refusing permission to erect or re-erect such building ; or

(b) require further reasonable plans, specifications and particulars to be submitted to him.

(2) If within six weeks next following the day on which all documents, plans, specifications and particulars called for have been submitted to him, or, if such have not been called for, within six weeks from the receipt of an application or the passing of orders as aforesaid, the Chief Administrative Officer shall not have passed orders granting or refusing permission, such permission shall be deemed to have been given, and the applicant may proceed to erect or re-erect such building but not so as to contravene any provision of this Act.

6. *Powers of Chief Administrative Officer with respect to building erected or re-erected without his permission.*—(1) If the erection or re-erection of any building is commenced contrary to the provisions of this Act, the Chief Administrative Officer shall—

(a) by written notice require the person who is erecting or re-erecting such building forthwith to cause to be stayed all work thereupon ;

[Appendix 26—*contd.*]

(b) by written notice require the person who is erecting or re-erecting such building, or has erected, or re-erected such building, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Chief Administrative Officer to show sufficient cause why such building or such part thereof as has been erected or re-erected shall not be removed, altered or pulled down; or

(c) require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or part thereof shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause to the satisfaction of the Chief Administrative Officer why such building or part thereof shall not be removed, altered or pulled down, the Chief Administrative Officer, with the approval of the Standing Committee may remove, alter or pull down the building or part thereof, and the expenses thereof shall be paid by such person.

7. *Power to inspect buildings in course of erection or re-erection.*—The Chief Administrative Officer may, at any time during the erection or re-erection of a building, make an inspection thereof with or without giving previous notice of his intention so to do.

8. *Power of Chief Administrative Officer to require alterations in building during erection or re-erection.*—If the Chief Administrative Officer finds that the work of erection or re-erection of such building—

(a) is otherwise than in accordance with the plans that have been approved therefor; or

(b) contravenes any of the provisions of this Act;

he may by written notice require the person erecting or re-erecting such building within a period to be specified in such notice, to make such alterations as shall be specified in such notice with the object of bringing the work into conformity with the said plans or provisions.

9. *Buildings may be cut into or laid open for purposes of inspections.*—

(1) If there shall be reasonable ground for suspecting that in the erection or re-erection of any building anything has been done contrary to any provision of this Act, or that anything required by any such provision to be done has been omitted to be done;

and if, on inspecting such building, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the Chief Administrative Officer may, with the approval of the Standing Committee, by written notice, require the person who has erected or re-erected such building or is erecting or re-erecting such building to cause so much of such building as prevents any such fact from being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

[Appendix 26—*contd.*]

(2) If it shall thereupon be found that in the erection or re-erection of such building nothing has been done contrary to any provision of this Act, and that nothing required by any such provision to be done has been omitted to be done, compensation shall be paid by the Chief Administrative Officer to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building.

10. *The rules in this Chapter shall not apply to any buildings erected or to be erected by Government.*

SCHEDULE VII.

(See Section 153 155.)

PART I.

Articles which shall not be kept without a license in or upon any premises.

Blood.	Gun-cotton.
Dynamite.	Nitro-glycerine.
Blasting powder.	Phosphorus.
Fulminate of mercury.	

PART II.

Articles which shall not be kept without a license, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively:—

Articles	Maximum quantity which may be kept at any one time without a license
Bidi leaves	4 cwts.
Camphor	$\frac{1}{2}$ cwt.
Celluloid	} 4 cwts.
Celluloid goods	
Chemicals, liquid	4 gals.
Chemicals, non-liquid	$\frac{1}{4}$ cwt.
Chlorate of potash	$\frac{1}{4}$ cwt.
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 cwts.
Cotton seed	4 bags not exceeding 4 cwts.
Dry leaves (Patravali, etc.)	4 cwts.
Esas	1 cwt.
Ghee kept for sale	4 cwts.
Gunpowder	5 lbs.
Matches for lighting	1 gross boxes.

[Appendix 26—*contd.*]

Articles	Maximum quantity which may be kept at any one time without a license
Methylated spirit	10 gals.
Packing stuff (Paper cuttings, straw etc.)	4 cwts.
Paints	5 cwts.
Old paper (waste) including old newspapers, periodicals, magazines etc., kept for sale or for other than domestic use	4 cwts.
Petroleum as defined in the Indian Petroleum Act, 1899	10 gals.
Dangerous Petroleum as defined in the same Act	3 gals.
Oil (other sorts)	15 gals.
"Oilseeds" other than cotton seeds.	1 ton.
Rosin	$\frac{1}{4}$ cwt.
Saltpetre	$\frac{1}{4}$ cwt.
Sulphur	$\frac{1}{4}$ cwt.
Tar, pitch, dammer or bitumen	$\frac{1}{2}$ cwt.
Turpentine	1 gal.
Varnish	20 gals.

PART III.

Articles which shall not be kept without a license, in or upon any premises, for sale or for other than domestic use *except so far as they are exempted by rules made in this behalf* :—

Acetylene gas.	Hay.
Ashes.	Hemp.
Bamboos.	Hessian cloth (Gunny bag cloth).
Bones.	Hides (dried).
Cocoanut fibre.	Hides (raw).
Carbide of Calcium.	Hoofs.
Charcoal.	Horns.
China grass.	Jute.
Coal.	Khokas or wooden boxes or barrels (manufacturing and storing).
Coke.	Offal.
Fat.	Rags.
Fins.	Sandalwood.
Firewood.	Skins.
Fireworks.	Straw.
Fish (dried).	Tallow.
Flax.	Timber.
Grass.	Wool (raw).
Gunny bags.	
Hair.	

[Appendix 26—*contd.*]

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a license *except so far as they are exempted by rules made in this behalf*:—

(See section 152 and 153)

Baking.

Casting metals.

Dyeing cloth or yarn, in indigo or other colour.

Keeping of eating-houses.

Keeping of sweatmeat shops except in premises already licensed as an eating-house.

Keeping of hair dressing saloons or barbers' shops.

Tanning, pressing or packing hides or skins, whether raw or dried.

Manufacturing, packing, pressing, cleaning, cleansing, melting or preparing by any process whatever any of the following articles:—

Aerated waters.

Bidis (indigenous cigarettes).

Blasting powder.

Bones.

Bricks or tiles.

Candles.

Catgut.

Cotton or cotton refuse or cotton seed.

Cowdung cakes.

Dammer.

Dynamite.

Fat.

Fireworks.

Flax.

Gas.

Ghee.

Gunpowder.

Ice.

Lime.

Matches for Lighting.

Offal.

Oil-cloth.

Paper.

Pitch.

Pottery.

Rags.

Soap.

Sugar.

Tallow.

Tar.

Vegetable Oil.

Wood.

SCHEDULE VIII.

CHAPTER I.

NOTICES AND ADVERTISEMENTS.

1. *Public notices how to be made known.*—In the absence of any special provision to the contrary, whenever it is provided by this Act, or any rules made thereunder that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Chief Administrative Officer and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by advertisement in the local

[Appendix 26—*contd.*]

newspapers, or by any other means which the Chief Administrative Officer shall think fit.

2. *Consent of Chief Administrative Officer may be proved by written document under his signature.*—Whenever under this Act or any rules made thereunder the doing or the omitting to do anything or the validity of anything, depends upon the consent, approval, declaration, opinion or satisfaction of the Chief Administrative Officer or any municipal officer, a written document signed by the Chief Administrative Officer or such municipal officer purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction, shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

3. *Notices by whom to be served or presented.*—Notices, bills, schedules, summonses and other such documents required by this Act, or any rules made thereunder to be served upon, or issued, or presented or given to any person, shall be so served, issued, presented or given by municipal officers or servants or by other persons authorised by the Chief Administrative Officer in this behalf.

4. *Service of notices how to be effected.*—When any notice, bill, schedule, summons or other such document is required by this Act, or any rules made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall, except in the cases otherwise expressly provided for in rule 5, be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or such documents; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the City and his address elsewhere is known to the Chief Administrative Officer, by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address; or

(d) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

5. *Service on "owner or occupier" of building or land how to be effected.*—When any notice, bill, schedule, summons or other document is required by this Act, or any rules made thereunder to be served upon or to be issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of rule 4, but as follows, namely:—

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

[Appendix 26—contd.]

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any one of the owners or occupiers; or

(c) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

6. *Rules 3, 4 and 5 inapplicable to magistrate's summonses.*—Nothing in rules 3, 4 and 5 shall apply to any summons issued under this Act by a magistrate.

7. *Signatures on notices, etc., may be stamped.*—(1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or any rules made thereunder to bear the signature of the Chief Administrative Officer or of any municipal officer shall be deemed to be properly signed if it bears a *facsimile* of the signature of the Chief Administrative Officer or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in this rule shall be deemed to apply to a cheque drawn upon the municipal or education fund.

CHAPTER II.

PREPARATION OF THE ASSESSMENT LIST.

1. *Preparation and contents of assessment list.*—The Chief Administrative Officer shall every financial year prepare a list of all buildings and lands in the City which shall be called the "assessment list" in which shall be entered such particulars as the Chief Administrative Officer may from time to time direct.

2. *Chief Administrative Officer may call for information or return from owner or occupier and enter and inspect property.*—(1) To enable him to prepare the assessment list, the Chief Administrative Officer may require the owner or occupier of any building or land, or of any portion thereof in the City to furnish him, within such reasonable period as the Chief Administrative Officer prescribes in this behalf, with information or with a written return signed by such owner or occupier—

(a) as to the name and place of abode of the owner or occupier; or of both the owner and occupier of such building or land; and

(b) as to the measurement, or the gross annual rent or revenue or the description or other specified details, or the actual cost or estimated market value of such building or land.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

[Appendix 26—contd.]

(3) Whoever omits to comply with such requisition, or furnishes a return which is untrue, shall, in addition to any other punishment to which he may be liable, be precluded from objecting to any assessment made by the Chief Administrative Officer in respect of such building or land of which he is the owner or occupier.

3. *Treatment of property which is let to two or more persons in separate occupancies.*—(1) When any building or land is let to two or more persons holding it severally, the Chief Administrative Officer may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(2) *Allowance in such cases.*—When the Chief Administrative Officer has determined to treat all the several holdings comprised within any one building or land under this rule as one property, he may, subject to any general directions which may from time to time be given by the Standing Committee, deduct from the gross annual rent for which such building or land may reasonably be expected to let from year to year, such a sum as he shall deem fair and reasonable in all the circumstances of the case, being not more than twenty per cent. of such gross annual rent, and the remainder shall be the annual value at which such building or land shall be assessed to property taxes.

4. *Public notice to be given when valuation of property in any ward has been completed.*—(1) When the entries required by rule I have been completed as far as practicable in the assessment list of any ward of the City, the Chief Administrative Officer by advertisement in the local newspapers shall give public notice thereof, and of the place where the assessment list of the ward or a copy thereof, may be inspected.

(2) *Time for filing complaints against valuations to be publicly announced.*—The Chief Administrative Officer shall, at the same time and in the same manner, give public notice of a day, not being less than twenty days from the publication of such notice, on or before which complaints against the amount of any annual value or other particulars entered in the assessment list will be received in his office.

(3) *Time and manner of filing complaints against valuation.*—Every complaint against the amount of any annual value entered in the assessment list shall be made by written application to the Chief Administrative Officer, which shall be left at his office on or before the latest day fixed in this behalf in the public notice aforesaid. Such application shall state the grounds of appeal against the amount of any annual value entered in the assessment list.

5. *Notice to complainants of day fixed for investigating their complaints. Hearing of complaint.*—The Chief Administrative Officer shall give notice, in writing, to each complainant of the day, time and place when and where his complaint will be investigated. At the time and place so fixed the Chief Administrative Officer shall investigate the complaint.

[Appendix 26—*contd.*]

forthwith in the presence of the complainant, if he appears, or of his authorised agent and, if not, in his absence, and shall dispose of the complaint forthwith or give notice of the date on which he intends to dispose of the same. For reasonable cause the Chief Administrative Officer may from time to time adjourn the investigation. When the complaint is disposed of, any necessary amendment shall be made in the assessment list in accordance with the result thereof.

6. *Authentication of assessment list when all complaints have been disposed of.*—When all such complaints, if any, have been disposed of, and the entries required by rule 1 have been entered in the assessment list, the assessment list shall be authenticated by the Chief Administrative Officer who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection had been made to the annual values entered in the said list.

Thereupon the said assessment list, subject to such alterations as may thereafter be made therein under the provisions of sub-section (4) of section 105 107 or of rule 7 shall be accepted as conclusive evidence of the amount of each property tax leviable on each building and land in the City in the financial year to which the list relates.

7. *Assessment list may be amended by the Chief Administrative Officer during the financial year.*—(1) The Chief Administrative Officer may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by including any land or building which ought to have been included, or by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake, or of which the rent has been raised since the date of assessment, after giving notice to the person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Chief Administrative Officer in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same, either in person or by authorised agent as he may think fit.

(3) When a new building is erected after the completion of the assessment list, the Chief Administrative Officer may cause it to be added to the list, and in such case the provisions of rules 4, 5 and 6 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the month following the date on which the building is added to the assessment list or is occupied and productive of rent, whichever is earlier.

Amendments relating to Assessment.

8. *Notice of increase of rent.*—(1) When an owner or occupier has furnished information or a written return as provided for by rule 2 (1) he shall give notice in writing to the Chief Administrative Officer of any

[Appendix 26—*contd.*]

increase made in rent subsequent to his furnishing such information or written return.

(2) If an owner or occupier of any building or land or any portion thereof has, after he has been assessed for the same, made any increase in the rent thereof, he shall give notice in writing to the Chief Administrative Officer of such increase.

(3) The Chief Administrative Officer shall, on receipt of such notice as to increase of rent, amend the assessment list by altering the assessment of such building or land or any portion thereof as provided for by rule 7 (1).

9. *Failure to give notice of increase of rent.*—Whoever fails to give notice of increase of rent as required by rule 8 (1) and (2) or gives notice of increase of rent which, in substance, is untrue, shall in addition to any other punishment to which he may be liable be precluded from objecting to any assessment made by the Chief Administrative Officer in respect of such building or land or any portion thereof of which he is the owner or occupier.

10. *New assessment list need not be prepared every financial year.*—(1) It shall not be necessary to prepare a new assessment list every financial year. The Chief Administrative Officer may adopt the entries in the last preceding year's list, with such alterations as he thinks fit, as the entries for each new year.

(2) But public notice shall be given, in accordance with rule 4, every year and the provisions of the said rule and of rules 5 and 7, shall be applicable each year.

(3) A new assessment book shall be prepared at the least once every four years.

CHAPTER III.

REMISSION OR REFUND OF TAXES.

1. *Remission or refund of property taxes on account of vacancies.*—No remission of any property tax shall be claimable from the Chief Administrative Officer under section 102 104 unless notice in writing of the vacancy shall have been given by the owner or occupier of the building or land, or his agent, to the Chief Administrative Officer, and if such notice is not given within ten days from the day on which such vacancy occurred, the period of vacancy shall be deemed to begin on the tenth day preceding the day on which the notice is given :

Provided that no such notice shall be required in the case of buildings which have been destroyed by fire or demolished.

2. *Remission or refund of water tax.*—No remission or refund of the water-tax shall be claimable except from such time as a written application shall have been made to the Chief Administrative Officer to stop the water-supply to the vacant building or land.

[Appendix 26—*contd.*]

3. *No remission or refund of property taxes is claimable if a reduction of the annual value has been sanctioned.*—No remission or refund of property taxes shall be claimable in any case in which the Chief Administrative Officer has sanctioned a reduction of the annual value under sub-rule (2) of rule 3 of Chapter II.

4. *Notice of re-occupancy to be given and power of Chief Administrative Officer to require owner or occupier to repay property-taxes remitted or refunded.*—If the owner or occupier of any building or land which has been vacant and is again occupied or productive of rent fails to give notice in writing, by himself, or his agent, to the Chief Administrative Officer of such re-occupation within fifteen days from the day on which it occurred, such owner or occupier shall not be entitled to receive any remission or refund of any property-taxes payable in respect of such building or land, and shall be liable to repay the whole, or such proportion as the Chief Administrative Officer may direct, of any property-taxes remitted or refunded to him in respect of such vacancy.

5. *Method of calculating the amount of remission or refund.*—In calculating the amount of remission or refund due under this Chapter no period of less than fifteen days shall be taken into account.

6. *Remission or refund of property-taxes in respect of mills, etc.*—No remission or refund of property-taxes shall be claimable from the Chief Administrative Officer in respect of mills, factories, workshops or other buildings used for industrial purposes, which from the nature of their employment or of the goods manufactured therein, are normally idle for part of the year; but, subject to the provisions of the foregoing rules, such remission or refund shall be claimable, if such mills, factories, workshops or other buildings have remained unoccupied or unproductive of rent for any reason not connected with the nature of their employment or of the goods manufactured therein.

7. *When no remission or refund is claimable.*—No remission or refund of property-taxes shall be claimable from the Chief Administrative Officer in respect of buildings merely because they are erected, used or occupied for occasional residence only.

8. *When remission or refund is to be made.*—No refund or remission shall be made unless a claim for the same is submitted to the Chief Administrative Officer within six months after the delivery of the notice under rule 1.

SCHEDULE IX.

PUNISHMENTS.

1. *Contravention of rules.*—Whoever—

(a) contravenes any provision of any rule contained in the foregoing schedules mentioned in the first column of the following table, or

(b) fails to comply with any direction lawfully given to, or requisition lawfully made upon, him under any of the said provisions,

[Appendix 26—*contd.*]

shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the rules, sub-rules and clauses, or even as abstracts of those rules, sub-rules and clauses, but are inserted merely as references on the subject of the rules, sub-rules and clauses, the numbers of which are given in the first column :—

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter I, Rule 1.	Requisition to put up water troughs and pipes.	Fifty rupees.
Schedule VI, Chapter I, Rule 2.	Requisition by Chief Administrative Officer to pave any alley, courtyard or passage.	Fifty rupees.
Schedule VI, Chapter I, Rule 5.	Unauthorised connection of drain with municipal drain.	One hundred rupees.
Schedule VI, Chapter I, Rule 6.	Sewage or offensive matter not to be passed into catch-pit or sump.	One hundred rupees.
Schedule VI, Chapter I, Rule 7.	Drain not to pass beneath buildings.	Five hundred rupees.
Schedule VI, Chapter I, Rule 8.	Provision as to position of catch-pit or sump.	Two hundred rupees.
Schedule VI, Chapter I, Rule 9 (2).	Requisition to ventilate or cover drain, catch-pit or sump.	Fifty rupees.
Schedule VI, Chapter I, Rule 10 (1).	Closet accommodation, etc., not to be constructed without permission or in contravention of terms prescribed.	Two hundred rupees.
Schedule VI, Chapter I, Rule 11.	Buildings not to be erected or re-erected without closet accommodation and accommodation for bathing and washing.	Five hundred rupees.
Schedule VI, Chapter I, Rule 12 (1).	Requisition to provide closet accommodation and accommodation for bathing and washing.	Two hundred rupees.

[Appendix 26—contd.]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter I, Rule 13.	Requisition to provide closet accommodation for places of public resort.	Two hundred rupees.
Schedule VI, Chapter I, Rule 14.	Requisition respecting unhealthy closet accommodation.	Two hundred rupees.
Schedule VI, Chapter I, Rule 15.	Provisions as to closet accommodation.	One hundred rupees.
Schedule VI, Chapter I, Rule 16.	Provisions as to water-closets ..	One hundred rupees.
Schedule VI, Chapter I, Rule 17.	Provisions as to closet accommodation or water-closet.	Two hundred rupees.
Schedule VI, Chapter I, Rule 18.	Provisions as to the position of closet accommodation or water-closet.	Two hundred rupees.
Schedule VI, Chapter I, Rule 19.	Provisions as to use of places for bathing or washing.	Fifty rupees.
Schedule VI, Chapter I, Rule 20.	Fouling of water-closets, etc. ..	Twenty rupees.
Schedule VI, Chapter I, Rule 25.	Requisition to effect sanitary repairs.	One hundred rupees.
Schedule VI, Chapter I, Rule 27.	Prohibition of acts contravening the provisions of the Act or done without sanction.	One hundred rupees.
Schedule VI, Chapter I, Rule 28 (1) and (4).	Provision as to employment of licensed plumber and use of works.	Two hundred rupees.
Schedule VI, Chapter I, Rule 28 (2) and (3).	Name of licensed plumber to be furnished to Chief Administrative Officer and licensed plumber to give and sign certificate.	Fifty rupees.
Schedule VI, Chapter II, Rule 5 (2).	Requisition to connect premises with municipal water supply.	Two hundred rupees.
Schedule VI, Chapter II, Rule 6 (1).	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.

[Appendix 26—contd.]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter II, Rule 9 (1) and (2).	Requisition to provide or remove storage cistern and fittings.	Fifty rupees.
Schedule VI, Chapter II, Rule 9 (3).	Provisions as to other fittings . .	Fifty rupees.
Schedule VI, Chapter II, Rule 9 (5).	Provision for stamping by municipal agency of all pipes and other water-works fittings.	Fifty rupees.
Schedule VI, Chapter II, Rule 10.	Communication pipes, etc., to be kept in efficient repair by owner or occupier of premises.	One hundred rupees.
Schedule VI, Chapter II, Rule 14 (1).	Prohibition of performance of any act connected with water- works by other agency than licensed plumber.	One hundred rupees.
Schedule VI, Chapter II, Rule 15 (2).	Requisition to comply with an order regarding meter, communi- cation pipes, etc.	Fifty rupees.
Schedule VI, Chapter II, Rule 17.	Waterpipes, etc., not to be placed where water will be polluted.	One hundred rupees.
Schedule VI, Chapter II, Rule 18.	Prohibition of fraudulent and unauthorised use of water.	One hundred rupees.
Schedule VI, Chapter II, Rule 19.	Prohibition of fraud in respect of meters.	One hundred rupees.
Schedule VI, Chapter II, Rule 20.	Prohibition of wilful or negli- gent acts relating to water- works.	One hundred rupees.
Schedule VI, Chapter III, Rule 2 (1) (d).	Requisition to put up or paint a number on premises.	Twenty rupees.
Schedule VI, Chapter III, Rule 2 (2).	Prohibition of destruction, etc., of street name or number without permission.	Twenty rupees.
Schedule VI, Chapter III, Rule 3.	Prohibition of erection, etc., of skysigns.	Fifty rupees.
Schedule VI, Chapter III, Rule 4.	Prohibition of erection, etc., of advertisements.	Fifty rupees.

[Appendix 26—*contd.*]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter III, Rule 5.	Prohibition of use of streets by a class of animals or vehicles.	Fifty rupees.
Schedule VI, Chapter III, Rule 6 (1) (a).	Prohibition of erection of wall, etc., at corner so as to obstruct view of traffic.	One hundred rupees.
Schedule VI, Chapter III, Rule 6 (1) (b).	Requisition to take order with trees, etc., which obstruct the view of traffic.	Twenty rupees.
Schedule VI, Chapter III, Rule 7.	Collecting animals in public places.	Twenty rupees.
Schedule VI, Chapter IV, Rule 1.	Prohibition of stalls, etc., in street.	One hundred rupees.
Schedule VI, Chapter IV, Rule 2.	Street not to be opened or broken up and building materials not to be deposited thereon without permission.	Five hundred rupees.
Schedule VI, Chapter VII, Rule 1.	Provision of receptacles for rubbish, etc.	Fifty rupees.
Schedule VI, Chapter VII, Rule 2.	Prohibition of accumulation of sewage, etc.	One hundred rupees.
Schedule VI, Chapter VII, Rule 3.	Cleansing and lime-washing of buildings.	Twenty-five rupees.
Schedule VI, Chapter VII, Rule 4.	Removal of building materials from premises.	Twenty-five rupees.
Schedule VI, Chapter VII, Rule 5.	Taking order with abandoned or unoccupied premises.	Twenty-five rupees.
Schedule VI, Chapter VII, Rule 6.	Construction of new well, etc., without permission.	One hundred rupees.
Schedule VI, Chapter VIII, Rule 1.	Requisition to drain land, fill in pools, etc., which are a nuisance.	One hundred rupees.
Schedule VI, Chapter VIII, Rule 2.	Prohibition of cultivation, use of manure, or irrigation injurious to health.	One hundred rupees.

[Appendix 26—contd.]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter VIII, Rule 3.	Giving certificate of accommoda- tion.	One hundred rupees.
Schedule VI, Chapter VIII, Rule 4.	Removal and trimming of trees, etc.	Twenty-five rupees.
Schedule VI, Chapter IX, Rule 1.	Information to be given of the existence of dangerous disease.	Fifty rupees.
Schedule VI, Chapter IX, Rule 3 (2).	Prohibition of use of water likely to cause dangerous disease.	Fifty rupees.
Schedule VI, Chapter IX, Rule 4 (2).	Removal of patients to hospital ..	One hundred rupees..
Schedule VI, Chapter IX, Rule 4 (4).	Leaving hospital without per- mission.	Fifty rupees.
Schedule VI, Chapter IX, Rule 6 (2).	Prohibition of washing clothes, etc., infected with dangerous disease at place other than that appointed by Chief Adminis- trative Officer.	Fifty rupees.
Schedule VI, Chapter IX, Rule 7.	Prohibition to give infected clothes to dhobies.	Fifty rupees.
Schedule VI, Chapter IX, Rule 8.	Persons suffering from dangerous disease not to expose themselves, etc.	Fifty rupees.
Schedule VI, Chapter IX, Rule 9 (1).	Persons suffering from dangerous disease not to enter a public con- veyance without notifying the same.	Fifty rupees.
Schedule VI, Chapter IX, Rule 10.	Conveyance of patient in carriage other than that provided by Chief Administrative Officer.	Fifty rupees.
Schedule VI, Chapter IX, Rule 11.	Provisions as to carriage of persons suffering from dangerous disease in public conveyance.	Fifty rupees.
Schedule VI, Chapter IX, Rule 12.	Public conveyance which has carried a person suffering from dangerous disease to be disin- fected.	Fifty rupees.

[Appendix 26—*contd.*]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter IX, Rule 13.	Children suffering from dangerous disease not to be sent to school.	Fifty rupees.
Schedule VI, Chapter IX, Rule 15.	Infected article not to be transmitted, etc., without previous disinfection.	Fifty rupees.
Schedule VI, Chapter IX, Rule 16 (1).	Infected buildings not to be let without being first disinfected.	Five hundred rupees.
Schedule VI, Chapter IX, Rule 17.	Corpses of persons dying in hospital of dangerous disease not to be removed therefrom save for purposes of burial.	One hundred rupees.
Schedule VI, Chapter X, Rule 1.	Places for disposal of the dead to be registered.	One hundred rupees.
Schedule VI, Chapter X, Rule 2.	Places for disposal of the dead to be walled.	One hundred rupees.
Schedule VI, Chapter X, Rule 3.	Duties of care-takers of places for the disposal of the dead <i>and of persons in charge of burying, burning or disposal of the dead.</i>	Fifty rupees.
Schedule VI, Chapter X, Rule 5.	Prohibition of opening of new places for the disposal of the dead without permission of Chief <u>Administrative Officer.</u>	Five hundred rupees.
Schedule VI, Chapter X, Rule 6.	Acts prohibited in connection with disposal of the dead.	One hundred rupees.
Schedule VI, Chapter XI, Rule 1 (1).	Prohibition of use of inflammable materials in building.	One hundred rupees.
Schedule VI, Chapter XI, Rule 1 (2).	Requisition for removal or alteration of building in the construction of which inflammable material has been used.	One hundred rupees.
Schedule VI, Chapter XI, Rule 3.	Requisition of alterations in building during erection or re-erection.	Five hundred rupees.
Schedule VIII, Chapter II, Rule 2.	Furnishing untrue information to Chief <u>Administrative Officer</u> , etc., for preparation of assessment list.	Five hundred rupees.

[Appendix 26—contd.]

2. *Continuing offences.*—Whoever after having been convicted of—

(a) contravening any provision of any rule contained in the foregoing schedules mentioned in the first column of the following table, or

(b) failing to comply with any direction lawfully made upon him under any of the said provisions,

continues to contravene the said provisions or to neglect to comply with the said direction or requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished for each day that he continues so to offend with a fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed “Subject” are not intended as definitions of the offences described in the rules, sub-rules and clauses, mentioned in the first column, or even as abstracts of those rules, sub-rules and clauses, but are inserted merely as references on the subject of the rules, sub-rules and clauses, the numbers of which are given in the first column :—

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter I, Rule 1.	Requisition to put up water troughs and pipes.	Five rupees.
Schedule VI, Chapter I, Rule 2.	Requisition by Chief Adminis- trative Officer to pave any alley, courtyard or passage.	Five rupees.
Schedule VI, Chapter I, Rule 5.	Unauthorised connection of drain with municipal drain.	Ten rupees.
Schedule VI, Chapter I, Rule 6.	Sewage or offensive matter not to be passed into catch-pit or sump.	Five rupees.
Schedule VI, Chapter I, Rule 7.	Drain not to pass beneath buildings.	Twenty rupees.
Schedule VI, Chapter I, Rule 8.	Provision as to position of catch- pit or sump.	Twenty rupees.
Schedule VI, Chapter I, Rule 9 (2).	Requisition to ventilate or cover drain, catch-pit or sump.	Five rupees.
Schedule VI, Chapter I, Rule 10 (1).	Closet accommodation, etc., not to be constructed without per- mission or in contravention of terms prescribed.	Twenty rupees.

[Appendix 26—*contd.*]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter I, Rule 11.	Buildings not to be erected or re-erected without closet accommodation and accommodation for bathing and washing.	Twenty rupees.
Schedule VI, Chapter I, Rule 12 (1).	Requisition to provide closet accommodation and accommodation for bathing and washing.	Ten rupees.
Schedule VI, Chapter I, Rule 13.	Requisition to provide closet accommodation for places of public resort.	Twenty rupees.
Schedule VI, Chapter I, Rule 14.	Requisition respecting unhealthy closet accommodation.	Twenty rupees.
Schedule VI, Chapter I, Rule 15.	Provisions as to closet accommodation.	Ten rupees.
Schedule VI, Chapter I, Rule 16.	Provisions as to water closets ..	Ten rupees.
Schedule VI, Chapter I, Rule 17.	Provisions as to closet accommodation or water closet.	Ten rupees.
Schedule VI, Chapter I, Rule 18.	Provisions as to the position of closet accommodation or water-closet.	Ten rupees.
Schedule VI, Chapter I, Rule 19.	Provisions as to use of places for bathing or washing.	Five rupees.
Schedule VI, Chapter I, Rule 25.	Requisition to effect sanitary repairs.	Ten rupees.
Schedule VI, Chapter I, Rule 28 (1) and (4).	Provision as to employment of licensed plumber and use of work.	Twenty rupees.
Schedule VI, Chapter II, Rule 5 (2).	Requisition to connect premises with municipal water supply.	Ten rupees.
Schedule VI, Chapter II, Rule 9 (1) and (2).	Requisition to provide or remove storage cistern and fittings.	Five rupees.
Schedule VI, Chapter II, Rule 10.	Communication pipes etc. to be kept in efficient repair by owner or occupier of premises.	Five rupees.

[Appendix 26—*contd.*]

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter II, Rule 15 (2).	Requisition to comply with an order regarding meter, communication pipes, etc.	Five rupees.
Schedule VI, Chapter III, Rule 6 (1) (a).	Prohibition of erection of wall, etc., at corner so as to obstruct view of traffic.	Five rupees.
Schedule VI, Chapter III, Rule 6 (1) (b).	Requisition to take order with trees, etc., which obstruct the view of traffic.	Five rupees.
Schedule VI, Chapter IV, Rule 1.	Prohibition of stalls etc., in street.	Ten rupees.
Schedule VI, Chapter IV, Rule 2.	Street not to be opened or broken up and building materials not to be deposited thereon without permission.	Twenty rupees.
Schedule VI, Chapter VII, Rule 1.	Provision of receptacles for rubbish, etc.	Five rupees.
Schedule VI, Chapter VII, Rule 2.	Prohibition of accumulation of refuse, etc.	Ten rupees.
Schedule VI, Chapter VIII, Rule 1.	Requisition to drain land, fill in pools, etc., which are a nuisance.	Ten rupees.
Schedule VI, Chapter VIII, Rule 2.	Prohibition of cultivation, use of manure or irrigation, injurious to health.	Ten rupees.
Schedule VI, Chapter X, Rule 2.	Places for the disposal of the dead to be walled.	Ten rupees.
Schedule VI, Chapter XI, Rule 1 (2).	Requisition for removal or alteration of building in the construction of which inflammable material has been used.	Ten rupees.
Schedule VI, Chapter XI, Rule 8.	Requisition of alterations in building during erection or re-erection.	Twenty rupees.

[Appendix 26—contd.]

SCHEDULE X.

Boundaries of the City of Karachi.

No.	Description.
1	From Pillar No. 1 on the sea-shore near the high water mark in the direction of Cape Monze to Pillar No. 23 on left Bank of the Gogari Nullah near the pacoa well with trees.
2	From Pillar No. 23 to Pillar No. 80 near the remains of the old masonry bund.
3	From Pillar No. 80 to Pillar No. 120 close to station A of the Great Trigonometrical Survey and the Moach Plain hill.
4	From Pillar No. 120 to Pillar No. 140 near the Hill Road to Muggar Pir.
5	From Pillar No. 140 to Pillar No. 193 which is on the Matrani Station of the Great Trigonometrical Survey.
6	From Pillar No. 193 to Pillar No. 205 near the Sind (North-Western) Railway line.
7	From Pillar No. 205 to Pillar No. 210.
8	From Pillar No. 210 along the west bank of Malir River to Pillar No. 211 at a point at the top of Ghizree Creek.
9	From Pillar No. 211 along high water mark to the Petroleum Pier at Keamari.
10	From the Petroleum Pier across the Harbour to a point (high water mark, ordinary spring tides) on the foreshore at Manora situated 475 feet (south-east of the Quarantine Pier).
11	From this point (high water mark, ordinary spring tides) the boundary runs in a southerly direction along the marsh at high water mark (ordinary spring tides) to Cantonment Boundary Pillar No. 15.
12	From Cantonment Pillar No. 15, the boundary passes in the order named through Cantonment Pillars Nos. 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4 and 3 to Cantonment Pillar No. 2 which is a rail pillar fixed in the beach in front of Marsh Fort (ordinary spring tides).
13	From this Cantonment Pillar No. 2, the boundary follows the high water mark (ordinary spring tides) to Municipal Pillar No. 1.

Note 1.—The area contained within the limits of the Cantonment of Karachi is excepted from the above; but the following lands have been included in the limits of the City:—

- (a) Land admeasuring 61·5 acres covered by the Souter Police Lines.
 - (b) Land in Bunder Road Extension, admeasuring 113·14 acres.
 - (c) Land admeasuring 43,000 square yards to the north of Frere Road in Artillery Maidan was handed over to the Municipality of Karachi in settlement of the dispute between Government and the Municipality, which was ultimately decided by arbitration.
2. The area contained within the limits of the Cantonment of Manora as notified in the Bombay Government Notification, General Department, No. 5287, dated the 7th October 1903, is excepted from the above.
 3. For the purposes of this Schedule "high water mark" means and is to be understood as high water mark, from day to day and to include any accretions to the main land that may occur from time to time, whether such accretions are the result of artificial or natural causes.
 4. The area within the Harbour of Karachi and the west of breakwater below high water mark and the east breakwater also below high water mark on the south and west of the Bunder Road Station and within Pillars Nos. 1 to 29 from the south-east corner near the said station to the south-east corner near the Railway (Keamari Loop Line) embankment near Clifton Beach, is excluded from the above; but the islands of Shamspir, Baba and Bhit and all the land vertically above the high water mark are included.

[Appendix 26—contd.]

SCHEDULE XI.

TRANSITORY PROVISIONS.

(Section 292 294.)

1. *Municipality of Karachi to be deemed Corporation under the Act.*—~~On the day when this Act comes into force the Municipality of Karachi constituted under the Bombay District Municipal Act, Bom. 1901, shall be deemed to be the Corporation under this Act and shall exercise the powers and perform the duties conferred and imposed by this Act on the Corporation and the members thereof shall retire from office on such date as the first Corporation elected under the provisions of this Act assumes office.~~ ^{Bom. III of 1901.}

1. *On the day when this Act comes into force—*

(a) *the Municipality of Karachi constituted under the Bombay District Municipal Act, 1901, shall be deemed to be the Corporation and the President and Vice-President of the said Municipality shall be deemed to be the Mayor and Deputy Mayor respectively under this Act ;* ^{Bom. III of 1901.}

(b) *the said Municipality, the said President and the said Vice-President shall exercise the powers and perform the duties conferred and imposed by this Act on the Corporation, the Mayor and the Deputy Mayor respectively ; and*

(c) *the members of the said Municipality shall retire from office on such date as the first Corporation elected under the provisions of this Act assumes office.*

2. *Retirement of present and election of new members.*—The Corporation so constituted shall forthwith proceed to prepare a register of electors and to hold an election of councillors under the provisions of Schedule I, Chapters II and IV, and shall retire from office on such day after the election is complete as Government may appoint :

Provided that in the preparation of such register of electors and the holding of such election the Chief Administrative Officer may select in place of the dates specified in Schedule I, Chapters II and IV, such dates as may be convenient having regard to the need for holding an election of councillors with the least possible delay after this Act comes into force.

3. *Term of councillors.*—The councillors elected and appointed under rule 2 shall enter upon office as the Corporation on the day appointed by Government for the retirement from office of the Corporation constituted under rule 1, and shall continue in office for a period of three years from the first day of April May next ensuing.

[Appendix 26—*contd.*]

Bom.
III of
1901.

4. ~~The Chief Administrative Officer to exercise and perform the powers and duties of the President.—The Chief Administrative Officer shall exercise and perform all powers and duties conferred and imposed upon the President of the Municipality of Karachi or upon any municipal officer or servant under the provisions of the Bombay District Municipal Act, 1901, or of any rules made thereunder, or by the said Municipality by way of delegation until provision to the contrary has been made by the Corporation under this Act.~~

Bom.
III of
1901.

4. *Chief Officer of Municipality to be Chief Officer.*—(1) *The person holding the office of the Chief Officer for the Municipality of Karachi under the Bombay District Municipal Act, 1901, on the day when this Act comes into force, shall, until the expiry of his contract of service in force on the said day, be deemed to be the Chief Officer appointed under section 31 and shall exercise the powers and perform the duties and be subject to the liabilities conferred and imposed by this Act on a Chief Officer until the expiry of the said contract.*

(2) *Notwithstanding anything contained in this Act or any rule, the conditions of service, pay and allowances of the said officer shall be the conditions of service, pay and allowances under the said contract pending the expiry of the said contract.*

(3) *On the expiry of the said contract the said person shall cease to be Chief Officer under sub-rule (1), but shall be eligible for appointment as Chief Officer under section 31 subject to and in accordance with the provisions of this Act.*

Bom. III
of 1901.

5. *Officers and servants employed by the Municipality to be deemed officers and servants employed by the Corporation.*—All municipal officers and servants (*other than the Chief Officer*) in the employment of the Municipality of Karachi under the Bombay District Municipal Act, 1901, on the day when this Act comes into force shall be officers and servants employed by the Corporation under this Act, as if they had been appointed under section 42, 43 or 44.

Bom III
of 1901.

6. *Provision regarding permanent officers and servants employed by the Municipality.*—Notwithstanding the provisions contained in rule 5, all municipal officers (*other than the Chief Officer*) and servants who were deemed to be permanent officers and servants of the Municipality of Karachi under the Bombay District Municipal Act, 1901, shall be officers and servants of the Corporation, and the terms on which they entered the municipal service, shall remain in force in all respects as if this Act had not been passed.

Bom.
III of
1901.

7. *Budgets passed and assessments, etc., made not to be affected.*—All budgets passed and assessments, valuations, measurements and divisions made, under the Bombay District Municipal Act, 1901, shall (so far as they are consistent with this Act and are in force on the day this Act comes into force) be deemed to have been respectively passed and made under this Act.

[Appendix 26—contd.]

8. *Municipality may make rules when the Act comes into force.*—After the Governor has declared that he has assented to this Act, under section 5 & 6 81, sub-section (3), of the Government of India Act, the Municipality of Karachi may make rules in accordance with the provisions of sections 280 282 and 281 283 as if it were the Corporation constituted under this Act. Geo. V,
c. 61.

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 19th July 1933.

No. 627.—With reference to the footnote to the Report of the Select Committee on Bill No. III of 1933 (A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi) published at pages 645–672 of the *Bombay Government Gazette*, Part V, dated the 18th July 1933, it is notified that Khan Saheb Allah Baksh Khan Khudadad Khan Gabol, M.L.C., has signed the Report of the Select Committee and that Mr. Jamshed Nusserwanji Mehta, M.L.C., and Mr. S. S. Tolani, M.L.C., have signed the same subject to the minutes of dissent shown below :—

(Minute of dissent by Mr. Jamshed Nusserwanji Mehta, M.L.C.)

In a few important matters, which would affect the day-to-day administration of the Municipality, the Bill as amended by the Select Committee, requires some modification. This minute of dissent to the Select Committee's Report is appended to serve that purpose.

Chief Officer.

(A) The designation of "Chief Officer" is not suitable. As there is a difficulty about calling him "Chief Administrative Officer" as originally proposed, I would suggest he should be designated "Chief Executive Officer" as in Calcutta. In all the Presidency Municipalities which are governed by special acts of their own wherein the principle of the present bill has been adopted, viz., in Bombay, Madras and Rangoon, the Executive Officer is styled "Municipal Commissioner". The principal officer of an ordinary city municipality is styled Chief Officer. This designation would hardly be appropriate for the executive officer of the new Karachi Corporation, who would be one of the three authorities charged with carrying out the provisions of this Act, and who is invested with the entire executive powers. Section 31
(Cl. 1).

(B) It is very necessary that the Chief Officer should have a suitable status and pay commensurate with the responsibilities assigned to him, and the serious reduction of the pay from Rs. 1,500–2,000 plus allowance of up to Rs. 500 to a scale of Rs. 1,000–1,200 plus Rs. 250 would be inadvisable. At present even our Health Officer's actual pay is Rs. 1,200 and the new pay for this post is up to Rs. 1,000. The pay should be fixed at least, at Rs. 1,200–1,500 which is just what the Deputy Municipal Commissioner in Bombay draws. Section 31
(Cl. 1).

[Appendix 26—*contd.*]

- Section 32 (a). (C) The Chief Officer should be ex-officio a trustee on the Port Trust Board, even if it involves the creation of an additional seat. As the Municipality have now conceded to the Port Trust a right to have one of their Trustees on the new Corporation, there should presumably be no difficulty about this. It may be added that this would be very desirable in connection with the consideration and settlement of many problems which are of common interest to the Port Trust and the Municipality.
- Section 31 (Cl. 1). (D) As to the term of office of the Chief Officer, his first appointment should (subject to a period of probation) be for five years, and that thereafter, if reappointed, he should continue in the ordinary course, i.e., until he vacates office or is removed as provided in the Act. It will not be desirable to have an automatically ending (though renewable) term, every time. This question of short term agreement with our officers, which was introduced in the Municipality (at my suggestion) is fraught with serious disadvantages, and we have seen by experience that it does not benefit either the Municipality or the officer concerned. An officer under this sort of arrangement is kept in perpetual suspense. After nearly 10 years of working, we have therefore come to the conclusion that these agreements are harmful and as a result, are considering the question of doing away with these agreements, even in the case of officers now under agreement, and to make substantive appointments in future, subject to an initial period of probation. In the case of the Karachi Port Trust also, where they had similar service agreements with their Officers, the Board has decided to abandon this system.
- Section 286 (Cl. 1). (E) It is necessary to provide specifically for pension to the Chief Officer, as it may not be covered by the "Staff" regulations. It may be provided that leave and pension regulations for the Chief Officer shall be framed by the Corporation with the approval of the Government.
- Section 38 (Cl. 4). (F) As the Chief Officer would be responsible for the entire executive administration, he should be allowed to delegate any of his powers without restriction (instead of with the sanction of the standing committee).
- Section 111. (G) The provision that the Chief Officer should issue distress warrants for recovery of taxes, only in consultation with the Mayor, should be deleted as the Mayor has no executive functions, or powers under the Bill excepting in connection with the meetings of the Corporation.

Primary Education.

- Section 7. The responsibility in regard to Primary Education should be undertaken by the new Corporation entirely under the new Act and they should not be hampered in this respect by the continuance of an outside authority (School Board) claiming any independent powers and functioning under a different Act. The School Board should therefore be replaced by a committee of the Corporation which would function like the Standing Committee in regard to school matters, and all references to the Primary Education Act or to a separate Primary Education Fund should be deleted from the Bill, the only provision to be made, being

[Appendix 26—*contd.*]

that all existing obligations of Government as to the date the new Act comes into force should continue and further that the Corporation should be entitled to any additional benefits which Government may decide to give in this behalf in accordance with their general policy from time to time. If this proposal is not adopted the relative functions of the Chief Officer, and the School Board in regard to the executive Administrative Officer so far as Primary Education is concerned would have to be made quite clear.

Standing Committees.

The Karachi Municipality are of opinion that in place of one standing committee they should have liberty to appoint several standing committees, each consisting of 9 councillors, and electing its own Chairman every year, and they would like to have (1) a Public Health Committee, (2) Public Works Committee (to deal with roads, lighting and buildings, but not with water works and drainage), (3) a Museum and Garden Committee, (4) a Schools Committee, (5) a Finance and Establishment Committee which will have all residuary powers. Under the Madras Act there are four standing committees—for Taxation and Finance, Works, Health and Education: and in the Bombay Corporation they have liberty to appoint as many standing committees as they please. In Calcutta also there are many standing committees. The appointment of a few standing committees cannot interfere with the scheme of the Bill, since the committee would not be entrusted with the executive administration, which is vested in the Chief Officer but only with the powers and duties reserved to the Corporation or standing committee.

Disqualification of Councillors.

Clause 14 (6) as originally drafted disqualified the Secretary or Manager or salaried officer of an incorporated company contracting with or employed by or on behalf of the Corporation from or employed by or on behalf of the Corporation from becoming a Councillor. This has been considerably weakened by the amendment which removes the disqualification of a Director, Secretary or officer of such company so long as such office-bearers are honorary or are remunerated only by salary or fees (not by commission). In one respect, this provision is even more elastic than the one in the existing District Act of 1901 under which any interest beside that of an ordinary shareholder, so long as it is of a pecuniary nature, no matter how small the amount might be disqualified and rightly so. Under the old District Act, all the Directors are disqualified, and in my opinion, the least therefore that can be done is to delete the words "a director" from the amended section.

Councillors.

(A) Under clause 15 (e) a councillor can depart beyond the limits of the province of Sind and remain absent with the leave of the Corporation for any length of period so long as he can plead that at the time of his

[Appendix 26—*contd.*]

departure he had not declared or known intention of remaining absent for more than 6 months. In my opinion there is no reason why a councillor should continue in office if he is absent for more than six months from the meetings of the Corporation and in such a case the office should be vacated for another, more councillors being elected.

Section 15 (B) As to absence on the ground of illness, it will be desirable to limit (Cl. b). absence without leave for a period of three months.

Staff.

Section 42 (A) As to statutory officers, who could be holding their office subject (Cl. d). only to removal of the votes of two-thirds of the Councillors, it is desirable to have some provision for removal even in the event of incapacity, misconduct or neglect.

(B) It would also be desirable to provide as regards other officers drawing in excess of Rs. 500, who are appointed and removed by the Corporation that their removal by the Corporation shall be only on *some* prescribed majority vote, say one-half of the whole number of Councillors.

Section 46 (C) It should also be provided as regards appeals against orders of (Cl. d). Proviso. punishment, that no appeal shall lie against an order for fining up to one week's salary. This is in accordance with the present Act.

Section 43. (D) It would be necessary to make a specific provision that the Corporation shall fix a schedule of permanent Staff and that in the case of all temporary appointments for a period under six months the schedule shall be fixed by the Standing Committee. A specific provision in regard to the schedule is necessary.

Taxation.

Section 97 (A) In view of the amendment to clause (c) of Section 97, it is necessary (Cls. b & c). to add that though for purpose of limit of tax, water and drainage tax shall be considered together, they shall be separately leviable since water tax would be replaced by water supply charges where a meter is attached and where the charges by measurement are more than the water tax ordinarily payable. The scope of the conservancy tax of the same subsection would also require some modification, so as to exclude the cost of construction and maintenance of drains.

Section 116 (B) As to court appeals against the decision of the Chief Officer in (Cl. 1). regard to assessments, it would be well to substitute appeal to the Small Causes Court for appeal to Criminal Courts. This would be in accordance with the provision in the Bombay Act.

(C) A provision empowering the Corporation to levy interest on delayed payments of taxes, would also be very helpful and I would suggest insertion of one of these.

Section 98 (D) Provision should also be made for levying tax in the case (Cl. c). of Municipal quarters whether rented or occupied rent-free (as in Section 143 of the Bombay Act).

[Appendix 26—*contd.*]

(E) As regards Wheel Tax a provision should be made requiring the Police Licensing Authorities (as in Madras Act, Section 123) not to grant license unless receipt for the current Municipal Tax is produced. This would save a lot of avoidable trouble in the collection of this tax. Section 105.

(F) The Schedule should include also camels not merely camel carts. Schedule II at the end.

Financial Provisions.

(A) This clause requires verbal correction, which is however one of considerable importance. The limit of double the rateable valuation in the city is intended to apply not to the annual loan charges, but to the net debt (that is after deducting the accumulations in the Sinking Funds which are available for the purpose of repaying loans). Section 60 (Cl. 1).

(B) A specific provision may also be inserted in clause 58 for advancing moneys for loan works. This would be in accordance with the intention of clause 58, permitting the raising of loans not only for carrying out of new works, but also for defraying the costs already incurred on the carrying out of such works. Section 58 (1) and (a).

Audit.

(A) A verbal correction is necessary to clause 95 changing the plural into singular, as there would be only one statutory auditor under the Bill. It has already been provided that this auditor would be an officer of the Government Audit Department. Section 95 (Cl. 1).

(B) The Karachi Municipal Accounts should be excluded from the purview of the Local Fund Audit Act (Bombay Act No. 25 of 1930) as in the case of the Bombay Corporation. There should presumably be no difficulty about this in view of the special provision for the auditor being an officer of the Government Audit Department whenever Government can spare an officer of their own. To be added as Cl. (4) of Section 95.

(C) Definite arrangements that the Auditor shall always be appointed by Government from Government Audit Department will be desirable. Section 95 (Cl. 1).

Re-appropriations.

(A) The power of re-appropriations from one Budget Grant to another being already vested in the Standing Committee by clause 89, there is no necessity to vest the same power again in the Corporation under clause 90. Section 89.

(B) The reference to major heads in sub-clause (1) of 89 should also be deleted as the only definition in the bill (and the only one which is necessary) is in regard to budget grants. It is for the Standing Committee to prescribe the form of the budget.

[Appendix 26—*contd.*]*Improvement Schemes.*

Section 220 to be amended. (A) I would suggest that following the rule in Bombay, the additional 15 per cent. ordinary payable under the Land Acquisition Act for compulsory acquisition should not be payable in the case of lands acquired by the Municipality for their purposes for improvement schemes or otherwise.

Section 223 to be amended. (B) I also consider it necessary that provisions regarding the levy of betterment, should be incorporated in the bill, in connection with improvement schemes and land acquisition.

Rules.

Section 286 to be divided into two heads for rules and bye-laws. (A) Under the Bill, all rules whether affecting internal administration or affecting the rights of the public, like bye-laws, require the sanction of the Commissioner in Sind and the Commissioner also can make rules himself under certain circumstances. The rates of taxes which are to be determined according to the budget every year, have also been included within the scope of these rules. I would urge that a distinction should be made between rules operating as bye-laws affecting the rights of the public, and rules which affect only the internal administration, and that in regard to the latter, the Corporation should be allowed to make their rules subject to a prescribed majority vote if necessary. This is in accordance with the provisions in the Bombay Act.

As a new Clause. (B) I would also urge that where the Commissioner is unable to sanction a proposed rule or considers a new rule necessary which the Corporation are unable to accept the matter should be referred to the Government whose decision must be final.

Waste Lands.

Section 5 (Cl. 49). The definition of Waste Lands in new sub-clause No. 49 of Clause 5, may be slightly amplified as under, so as to make it clear that the initiation of the rules also should be with the Corporation, though the rules would of course require sanction of the Commissioner in Sind :

“Waste lands shall mean waste lands within the city of Karachi transferred by Government to the Karachi Municipality under Government Resolution No. 6072, Revenue Department, dated the 3rd November 1873, the management and disposal of which is governed by special rules framed by the Corporation from time to time with the sanction of the Commissioner in Sind.”

Separate vs. Joint Electorate.

Para 3, Schedule I. (A) The principle of separate electorates is vicious and should now be eliminated. The system of reservation of seats for communities having been accepted, there is now no need for separate electorates as all the communities should have the right of selecting the best men on the Municipality irrespective of the considerations of the communities to

[Appendix 26—*contd.*]

which they belong. The number of seats having been reserved for each community, no community should have any ground to complain, and in practice with the system of multiple and plural voting, there would be no question of bona-fide candidates of any particular community being submerged in the general voting. It is the very essence of civic life that members of the Municipality should feel that they are not present in the Municipality as representing only a particular community or a section of the community, but the City as a whole. The introduction of joint electorates would create a better feeling and friendship and interest in civic matters. Government have themselves at one time (in their policy of 1918) deprecated the idea of communal representation. The civic life cannot be developed in the atmosphere of communal electorates. With the reservation of seats, the communities' rights are protected and there should be no objection to holding the elections on the basis of joint electorates so that the members elected may work altogether in common good of the whole city and the civic life may be developed in the right direction and be broad-based upon the ideals of equity and fair play.

(B) A community or any section of a community should not be divided into water-tight compartments under the Act. The reservation of seats for depressed classes under the Poona Pact may be introduced. Two seats may be reserved for them out of the seats allotted to the Hindu Community, but the system of Joint Electorates should be carried out in its entirety. The idea of dissecting a community is wrong. Dividing Marathas from the general Hindus would diminish the civic interest further, and would tend to disintegrate a community and its homogeneous existence, and should on principle be discouraged. For the City of Karachi even, there is no need for reserving seats for depressed classes. I am quite certain in my mind that under the system of franchise reduced to rental payment of Re. 1 per month, their number would be so large that both depressed classes and Marathas in Karachi would be able to get adequate number of seats if they are loyal to their own section.

(C) The decision of the Select Committee that the number of seats allotted to each communal ward also should be according to population. It throws overboard the principle of no taxation without representation and carries to another extreme with a vengeance. It means that taxpayers have no value. In a particular ward, Hindus or Mahomedans or any other community pay thousands of rupees to the Municipality in the shape of direct taxes and it is hard that the ward should get its representation strictly in accordance with population and should be treated in the same manner as another ward which pays next to nothing to the Municipal Exchequer. A formula should be adopted for the distribution of seats reserved for major communities amongst the different wards. The Bombay Corporation has a formula whereby they allocate seats to various wards by taking into consideration the voting strength, the population and the gross rateable value of the properties situated in that ward and by striking a mean between the three. The same system should be adopted for Karachi for the two major communities, viz., Hindus and Mahomedans. For the minor communities, viz.,

[Appendix 26—*contd.*]

Christians, Parsis and Sikhs, there would be no difficulty in allocating the seats reserved for them by actual experience in proportion to their population and the number of voters.

(D) The Sikhs should have a separate seat and should not be merged in Hindus. The Select Committee laboured under a misapprehension when they classified Sikhs with general Hindus. The Sikhs have always claimed and been recognised by Government as a separate entity and distinct from the Hindus. Those of the Hindus in Sind who follow Nanakshai Panth are not taken as Sikhs and are quite distinct from the original Sikhs. Sikh Panthis class themselves as Hindus in the Census. In the Select Committee it was mentioned that a large number of Sindhis specially of Amil communities are Sikhs. They belong to Sikh Panth but are not classed as "Sikhs" in the Census. These persons get their votes with the Hindus but the Sikhs are specially a community by themselves. Their number is largely increasing in the city of Karachi. They have got their Primary School and High School and a number of other institutions. They are originally from the Punjab but owing to business they have entirely made Karachi their home and belong now to Karachi. One seat should therefore be reduced from Government nomination and reserved for the Sikh Community or in the alternative one seat more be added making the total strength 65 members.

(F) On principle the reservation of seats for communities is undesirable. Therein alone lies the hope of perfect civic life. The beginning of Joint Electorate without reservation of seats may be made with the Karachi Municipal Bill as Karachi has advantages of very favourable atmosphere for this purpose.

(Minute of dissent by Mr. S. S. Tolani, M.L.C.)

I differ from the majority report on some of the fundamental points, therefore consider it necessary to attach my minute of dissent as under :—

My attack is mainly directed against section 8 as it has been adopted by majority of the committee.

(a) This provides for the selection of the members on separate community ticket. I am strongly opposed to separate electorates on communal basis, the poison of communalism can be destroyed only by adopting joint electorates. Seats may however be reserved for different communities for the first ten years. The Karachi Municipality adopted a resolution by a vast majority supported by all communities including seven Mahomedan members out of the thirteen present at the meeting that the election to the City Council should be on the system of joint electorates with reservation of seats. There is absolutely no reason to override the decision of the Karachi Corporation on so vital an issue. The Bombay Corporation has no separate electorates, no reservation of seats and

[Appendix 26—*contd.*]

this has worked well without prejudice to any community since 1888. The Government themselves have recently recognised the necessity of joint electorates by adopting them in case of village panchayats. When this principle is being given effect to in such small bodies where the electorates are generally uneducated and do not know the benefits of joint electorates there seems to be no ground for not accepting it in case of such premier municipality as Karachi Municipality. The entire world is drifting to progress and all over there is division of parties on political views while we here in India should encourage by statute division of parties on communal lines does not speak well of our political mindedness.

(2) Sikhs have been given no separate representations on the Corporation which is unfair to the great Sikh community. Sikhs are recognised as a separate community by the Government and their religion is distinct from Hindu religion; the interests of Hindus and Sikhs are by no means identical as argued by majority report. In census also Sikhs are entered separately and not merged in the Hindu community therefore it is necessary that some seats should be separately allotted to Sikhs. The Select Committee has recognised the principle of weightage for the minorities and thus have assigned 5 seats to Christians for 7,852 of their population, Parsis 3 for 2,408 and Jews 1 for 925. This will work out 2 seats to Sikhs for their population of 1916.

(3) Hindus have been divided into water tight compartments by allotting three seats separately to depressed classes and two for Marathas. The depressed class question does not at all exist in Sind; that is the reason why in the constitution for separated Sind no seats are reserved separately for depressed classes. By reserving seats for depressed classes a new and fresh issue is being raised only to divide the Hindu community. The population of depressed classes does not warrant three seats specially under enlarged franchise as is proposed in the Bill. There is no argument for assigning separate seats to Marathas as well. Marathas are in no way backward politically in Karachi and no demand has even been made by them for separate representations. If this is adopted the Gujaratis, the Punjabis, Madrasis and other sections will have a reason to demand separate representation, thus the entire Hindu society will be vivisected.

(b) The Karachi Chamber of Commerce has been given two seats which is too much representation for their scanty membership of only 60 persons. The object seems to be to give representation to European community but as Port Trust which is allotted one seat will return an European on the Corporation there seems to be no argument to allot two seats to Karachi Chamber of Commerce. This should be reduced to one only.

(c) The Indian Merchants' Association is given only one seat. This is really unfair to the great Indian Merchant Community who have been enjoying the right to elect two members on the Corporation

[Appendix 26—*contd.*]

for the last many many years. The Association has a membership of about 600 persons and contributes a very great portion to the finances of the Corporation therefore representation of two is by no means high. It may be argued that Karachi Buyers and Shippers Chamber which is also an Indian body has been given one seat therefore the Indian Merchant Community will have adequate representation. This same argument will also apply in case of Karachi Chamber of Commerce in view of the European Community getting representation through Port Trust. Besides the total representation of these for all the importance of Indian Merchant Community is by no means great.

(d) The Karachi District Local Board has been given the right to elect one member on the Corporation. This is an innovation which exists nowhere in the presidency. The District Local Board has no particular interest to represent on the Karachi Corporation. One elected local body getting direct representation on another by selection from among its members seems out of proportion. The Karachi Municipality is not directly represented on the District Local Board as suggested by the report. Municipal area returns two members to District Local Board by direct election thereby making municipal area a unit or constituency for elections only.

(e) The Bill provides for 8 persons to be nominated by the Government of whom one shall be a woman and one from labour. In these days of advancement, specially when we are on the eve of Reforms where legislatures shall be all elected, municipalities, specially a premier municipality, should have nominations sounds strange. Nominations by Government should be totally done away with and instead an additional seat by election may be given to labour and two seats by elections to women.

Clause 31.—I have objection to sub-section 2 of section 31 as recommended by Select Committee inasmuch as that the Chief Officer should be liable for removal by the authority of Government. Mere consultation with the Corporation or notice to the Chief Officer in my opinion are not enough. Such an important officer of the municipality who is invested with entire executive powers should not be controlled by the Government. A Chief Officer who is incapable or guilty of misconduct or gross neglect will not be tolerated by a municipality like the Karachi Municipality.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

[Appendix 26—*contd.*]

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 26th July 1933.

No. 667.—With reference to the footnote to the Report of the Select Committee on Bill No. III of 1933 (A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi) published at pages 645–672 of the *Bombay Government Gazette*, Part V, dated the 18th July 1933, it is notified that Mr. Gover Rora, M.L.C., and Mr. Shaikh Abdul Majid, M.L.C., have signed the Report of the Select Committee and that Mr. Haji Mir Mahomed Baloch, M.L.C., has signed the same subject to the minute of dissent shown below:—

(*Minute of dissent by Mr. Haji Mir Mahomed Baloch, M.L.C.*)

System of voting.—Now then it has been decided to apportion the seats on the Corporation on the population basis and to divide these on the same principle between the various wards, it would be very detrimental to the interest of the city if the Act would not provide for any definite system of voting. I, therefore, suggest that it should be definitely incorporated in the Act that while each voter will have as many votes as there are seats in a ward, he should not be allowed the right of cumulative voting. For instance, in Ward No. VIII (Muslim) there are two seats and therefore, each voter will have two votes, but no voter ought to be permitted to exercise both these votes for a single candidate; he must select two candidates and cast his vote for each of these two, and if he finds that in his judgment there is only one suitable candidate, let him vote for this one only and forfeit his second vote which ought to be considered as having lapsed.

The big benefit of this will be the prevention of cliques and Tammany Hall methods of electioneering. It would also mean that if under certain influences a voter has got to cast his vote for an otherwise unsuitable candidate, he can at least exercise the rest of his vote or votes for the remaining candidates with better qualifications.

To take one more example, there is considerable awakening and a spirit of service prevalent in Hindu Ward No. IV with four seats. A voter in this Ward, under the system of voting I am suggesting, can pick and choose and decide in favour of at least four public spirited citizens. Under the present system undue influences are being brought on him to cast all his four votes for one man alone who has sometimes no other merit but that he is a Gujarati, Jain, a Lohana, a Cutchi etc. etc.

School Board.—After more than ten years of the separate election of the School Board, it has been my experience and that of my colleagues that this dual function of the School Board and the Local Authority has done more harm than good to the administration of the schools and the education imparted therein. Therefore, after consulting some of the prominent educationalists of Karachi, we come to the conclusion that the School Board should be a statutory committee of the Corporation like the School

[Appendix 26—*contd.*]

Committee. After all, even the present School Board is elected by the Corporation and if there is a School Committee, it would amount to the same thing. The only difference is that Government can nominate, at the most three members on the School Board which they have done at present, and I suggest that Government may still be empowered to nominate three members directly on this School Committee, which should consist of nine members as elected at present.

Clause 11.—In the case of representatives of Port Trust, District Local Board, Buyers and Shippers Associations, Chamber of Commerce, labour and Government, the resignations should take effect after the acceptance of these resignations by their respective bodies.

Proviso (vi) to clause 14.—Whole should be deleted.

Clause 15 (1).—Instead of three months, one month should be substituted.

Chapter IV, Clause 42, Sub-clause (3).—Period of probation should be limited to two years.

Following modifications in rules and bye-laws are suggested :

Clause 104 (a).—Remission or refund of property taxes should not be two-thirds but full refund be allowed.

Clause 110 (3).—Recovery of taxes if not paid within fifteen days should be "one month".

Clause 111.—Notice of demand twenty-one days, should be "two months".

(c) Distress warrant should be taken out after a further final notice of one month.

Clause 256.—Punishment of offences—Chapter XV: This is very heavy and the amount of fine should not be even $\frac{1}{8}$ or $\frac{1}{4}$ of the present scale proposed.

Schedule VI, Chapter XI, Rule 5 (1).—Construction of building: The period of passing the plans of the building should be one month or even earlier and not six weeks, there is unnecessary delay on the part of the Department.

Time limit: Municipality can recover their dues for six years, but public is not allowed more than three months or six months, public should at least be allowed to recover their dues up to three years as it is half period than the Municipality.

Schedule II.—Vehicles Terminal Taxes appears to be very heavy comparing to the present scale and it should be reduced to half.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

[Appendix 26—contd.]

AMENDMENTS TO BILLS.

Bill No. III of 1933 (A Bill to consolidate and amend the law relating to the municipal Government of the City of Karachi) as amended by the Select Committee.

Clauses.	Amendments.	Name of Mover.
	<p>The Bill No III of 1933 (A Bill to consolidate and amend the law relating to the Municipal government of the City of Karachi) as reported by the Select Committee be recommitted to the same Committee again with respect to the rule 3 of Chapter I of schedule I, providing for the election on the corporation at the wards election, with an instruction to consider the changes made therein, in the light that the principle of having elections on communal ticket is not acceptable during these days. There should be joint elections of all the communities with the reservation of seats for the communities mentioned in the third column of the appendix. With these instructions the bill be recommitted to the Select Committee. The Select Committee should report the bill by effecting the amendments as instructed, within ten days.</p>	<p>Mr. S. S. Tolani.</p>
<p>Clause 2</p>	<p>.. In clause 2 (2), substitute the words "the first day of April 1934" for the words "such date as Government may, by notification, appoint".</p>	<p>Rao Sahab P. D. Kulkarni.</p>
<p>Clause 4</p>	<p>.. Insert the following as 1st proviso re-numbering the rest :— "All property and all rights and interests of whatever nature, owned or possessed by, vested in or held in trust by or for, the Municipality of Karachi shall pass to the Corporation."</p>	<p>Mr. Jamshed N. Mehta.</p>
<p>Do.</p>	<p>.. Add in clause 4 (1) line 3 between the words 'imposed' and 'under' add 'any budget passed.'</p>	<p>Rao Sahab P. D. Kulkarni.</p>
<p>Clause 5 (5)</p>	<p>.. Add in line 5 after "increased" "or decreased."</p>	<p>Mr. Jamshed N. Mehta.</p>
<p>Clause 5 (8)</p>	<p>.. Substitute "Chief Executive Officer for "Executive (Chief?) Officer" in this clause and wherever it occurs in the Act.</p>	<p>Do.</p>
<p>Do.</p>	<p>.. Substitute the words 'Municipal Commissioner' for the words 'Chief Officer' in the first line of clause 5 (8), and add the word 'administrative' between the words 'Chief' and 'Officer' in the 2nd line of the same.</p>	<p>Rao Sahab P. D. Kulkarni.</p>

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Clauses.	Amendments.	Name of Mover.
Clause 5 (18)	Omit the word 'or' between the words 'Assistant Judge' and 'Judge of the Karachi Small Causes Court'; and add at the end the words 'Honorary Magistrate sitting on a bench of Magistrates';	Mr. J. G. More.
Clause 5 (49)	Substitute the following definition for waste lands:— "Waste lands shall mean lands within the city transferred to the Karachi Municipality under Government Resolution No. 6072 Revenue Department, dated the 3rd November 1873, the management and disposal of which is governed by special rules framed by the Corporation from time to time with the sanction of the Commissioner in Sind."	Mr. Jamshed N. Mehta.
Do.	In clause 5 (49) in line 2, add:— "transferred by Government to the Karachi Municipality under G.R., R.D., No. 6072, dated 3rd November 1873" between the words "Karachi" and "For"; delete the same word "for" and substitute "is governed by special rules framed by the Corporation from time to time with the sanction of the Governor in Council" for the last two lines excepting the first two words of the last but one line.	Rao Saheb P. D. Kulkarni.
Clause 6 (b)	Substitute "Standing committees" in place of "a Standing committee."	Mr. Jamshed N. Mehta.
Clause 6 (c)	In clause 6 (c) substitute the word "Municipal Commissioner" for the word "Chief Officer" and substitute the word "Municipal Commissioner" for the word "Chief Officer" wherever it occurs in the Act.	Rao Saheb P. D. Kulkarni.
Clause 8 (1) (a)	Delete the figure "49" and substitute in place thereof the figure "51".	Rao Saheb R. S. Asavale.
Do.	Change 49 to 50	Mr. Jamshed N. Mehta.
Do.	Substitute 50 for 40	Mr. S. S. Tolani.
Clause 8 (b), (g) and (h).	(1) (a) In (b) of clause 8 (1), for the figure "2", substitute the figure "1". (b) In (g) of clause 8 (1), for the figure "1" substitute the figure "3" and omit the words "who shall be a labourer". (c) In (h) of clause 8 (1) for the figure "8", substitute the figure "7" and omit all words after the word "Government". If the above amendment fails, the following amendment will be moved:— (2) (a) In clause 8 (1), for the figure "64", substitute the figure "65".	Mr. R. R. Bakhale.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 8—contd.	<p>(b) In (g) of clause 8 (1), for the figure "1", substitute the figure "3" and omit the words "who shall be a labourer".</p> <p>(c) In (h) of clause 8 (1), for the figure "8", substitute the figure "7" and omit all words after the word "Government".</p> <p>If the above amendment fails, the following amendment will be moved:—</p> <p>(3) (a) In (g) of clause 8 (1), for the figure "1", substitute the figure "2" and omit the words "who shall be a labourer".</p> <p>(b) In (h) of clause 8 (1), for the figure "8", substitute the figure "7" and omit all the words after the word "Government".</p> <p>If the above amendment fails, the following amendment will be moved:—</p> <p>(4) In (g) of clause 8 (1), omit the words "who shall be a labourer".</p>	
Clause 8 (1) (b)	Substitute 1 for figure 2	Mr. S. S. Tolani.
Do.	In clause 8 (1) (b) substitute the figure '1' for the figure '2' given at the outset of the sub-clause.	Rao Sahab P. D. Kulkarni.
Clause 8 (1) (c)	Substitute 2 for figure 1	Mr. S. S. Tolani.
Clause 8 (1) (f)	Clause 8, sub-clause 1 (f) be deleted	Do.
Do.	Section 8 (1) (f): Delete the whole clause "Section 8 (1) (f)" of Chapter II.	Rao Bahadur R. S. Asavale.
Do.	In clause 8 (f) substitute the words "2 elected by the voters of the Sikh Community" for the words "elected up to Act, 1923", forming three lines of sub-clause, and add fresh one line given above.	Rao Sahab P. D. Kulkarni.
Clause 8 (1) (g)	Section 8 (1) (g): Delete the words "who shall be a labourer".	Rao Bahadur R. S. Asavale.
Clause 8 (1) (h)	In clause 8 (h), substitute the following for the existing two lines of the clause. "Out of the remaining 8 seats two shall be reserved for females. They shall be elected by the female voters. 2 shall be for the representatives of the labouring classes. These shall be returned by the persons who have become voters in their capacity of a labourer; and 4 seats shall be reserved for the people of the advanced class. They shall be elected by the voters of their classes from amongst them.	Rao Sahab P. D. Kulkarni.
Do.	Section 8 (1) (h): Delete the figure "8" and substitute in place thereof the figure "7".	Rao Bahadur R. S. Asavale.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 8 (1) (h) ..	Change 8 to 7	Mr. Jamshed N. Mehta.
Do. ..	Clause 8, sub-clause 1 (h), substitute 6 for 8.	Mr. S. S. Tolani.
After Clause 8 (1) (h).	Add proviso at the end of 8 (1) (h) :— “ Provided also that But all Councillors the Government may may be elected. direct that all the Councillors shall be elected.”	Rao Saheb P. D. Kulkarni.
Clause 8 (2) ..	In clause 8 (2) substitute the words “ Governor in Council ” for the words “ Commissioner in Sind ” from the 2nd line.	Do.
Clause 11 ..	Add at the end— “ In the case of representatives of Port Trust, District Local Board, Buyers and Shippers Chamber, Chamber of Commerce, Labour and Government, the resignations should take effect from the date of their acceptance by their respective Bodies.”	Mr. Haji Mir Mahomed Baloch.
Clause 14 (a) (iii)	Delete the words “ section 171E or 171F of ” and add after “ Indian Penal Code ” “ not involving moral turpitude ”.	Mr. Jamshed N. Mehta.
Do. ..	Delete 2nd paragraph of clause (iii) (a) 14 beginning with “ unless he has—etc.” and ending with the words “ so arising ”.	Rao Saheb P. D. Kulkarni.
Clause 14 (d) ..	Delete all words after the words “ Is a municipal officer or servant ” occurring in section 14 (d).	Mir Bandeh Ali Khan Talpur.
Do. ..	From section 14 (d) delete the words appearing after “ local authority ”.	Khan Bahadur Allah-baksh.
Clause 14 (f), Proviso (VI).	Delete proviso (vi) in clause 14..	Rao Bahadur S. K. Bole.
Do. ..	In sub-clause (vi) of the proviso to clause (14) delete the words “ or being a director, ... or fees.” occurring at the end.	Rao Saheb P. D. Kulkarni.
Do. ..	Delete the word “ a director ” appearing in line 3.	Mr. Jamshed N. Mehta.
Clause 15 (1) (b) ..	Add the words “ without taking leave from the Corporation ” between the words “ himself ” and “ during ” in line one in clause 15 (1) (b).	Rao Saheb P. D. Kulkarni.
Do. ..	Substitute “ for a period of one month ” in place of “ during three successive months ”.	Mr. Haji Mir Mahomed Baloch.
Do. ..	Add “ for the period not exceeding three months ” after the word “ illness ” from the line last but one of the same sub-clause.	Rao Saheb P. D. Kulkarni.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 15 (1) (c) ..	From section 15 delete whole of sub-section C.	Khan Bahadur Allah-baksh, O.B.E.
Do. ..	Delete whole of the sub-section (C) of the section 15.	Mir Bandeh Ali Khan Talpur.
Do. ..	Substitute "suit or proceeding" for "case" occurring in line 2.	Mr. Jamshed N. Mehta.
Clause 15 (1) (d) ..	Delete sub-clause (d) of clause 15	Mir Bandeh Ali Khan Talpur.
Clause 15 (1) (e) ..	Delete clause 15 (1) (e) and substitute instead: "if he absents himself continuously from the meetings of the Municipality for six months".	Mr. Jamshed N. Mehta.
Do. ..	Delete the words "with the declared or known intention" from the 2nd line of clause 15 (1) (e).	Rao Saheb P. D. Kulkarni.
Do. ..	Add before the last word "or" of the same sub-clause "except with the leave of the Corporation".	Do.
Clause 15 ..	Add sub-clause (3) to clause 15:— "If any person is elected or appointed as a Councillor in contravention of the provisions of this and previous sections his seat shall be deemed vacant."	Do.
Clause 17 ..	Add sub-clause (5) to the clause 17 as follows:— "The Judge if satisfied that a candidate has committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held in future and shall set aside the election of such candidate if he has been elected."	Do.
Clause 19 (1) ..	Add the following at the very outset: "The Mayor of the Corporation, in the month following a general election, shall be elected from amongst the elected councillors of the Corporation by the eldermen of the City of Karachi."	Do.
Do. ..	Delete "in the month of May in each year" from the 2nd line of 19 (1).	Do.
Do. ..	Add "Elected" between the words "the" and "Councillors" of the 3rd line of 19 (1).	Do.
Do. ..	In clause 19 (1) delete the words "to be the Mayor and another" in 3rd and 4th line.	Do.
Do. ..	Substitute the words "New term" for words "Month of May of the next following year" occurring in the 6th and 7th line of the clause 19 (1).	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 19 (1)	Add at the end of 19 (1) "No salaried servant of the Government shall be eligible for the election as Mayor or Deputy Mayor of the Corporation and the election of any such person shall be void."	Rao Saheb P. D. Kulkarni.
Do.	Add "19 (1) (a).—A Mayor or Deputy Mayor shall hold his office for such term not less than one year and not exceeding three years, as the Corporation shall previous to the election of the Mayor or Deputy Mayor determine or until the expiry within the said term of his office as councillor."	Do.
Clause 20	In clause 20 (4) in 6th line substitute the word "five" for the word "twelve" at the end of the line.	Do.
Do.	In clause 20 (10) in line 5, substitute the words "served upon" for the words "despatched to".	Do.
Do.	In the first line of the proviso to clause 20 (10) after the word "that" and add "if notice is served properly on the Councillors and if it".	Do.
Do.	In clause 20 (11) in the 4th line add after the word "recorded" add "in vernacular language" and add at the end of the same sub-clause the following :— "The minute book shall at all reasonable times be open to inspection by any inhabitant of the City of Karachi".	Do.
Do.	In clause 20 (11) add "shall be open for inspection at all reasonable times by any Councillor free of charge and by a member of the public on payment of a fee of annas eight."	Mr. Jamshed N. Mehta.
Do.	Add sub-section (15) to clause 20 :— "No resolution of the Corporation shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than 1/2 of the whole number of the councillors and passed at a General meeting specially called to modify or cancel the resolution passed already".	Rao Saheb P. D. Kulkarni.
Clause 21	Change the heading "Standing Committee" to "Standing committees" and substitute the following clause :— 1. A Finance and Establishment and General Purposes committee. 2. A Public Health committee. 3. A Public Works committee. 4. A Garden and Museum committee. 5. A Schools committee.	Mr. Jamshed N. Mehta.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 21 ..	Substitute at the end of clause 21 :— “of such number of councillors not being more than 12 nor less than 6 as the Corporation may determine” for the words “12 Councillors” in the second line of clause 21.	Rao Saheb P. D. Kulkarni.
Clause 21 (a), New Clause.	Insert the following clause numbering 21 (a) :— (a) A Public Works committee which shall deal with matters connected with roads, buildings, lighting (but not with Water Works and Drainage). (b) A Public Health committee which shall deal with matters connected with public health and safety, health of animals in the City, sanitation, markets, slaughter houses, vaccination, the disposal of rubbish and offensive matter and the regulation of dangerous and offensive trades. (c) A Schools committee which shall deal with primary education in the city. (d) A Garden and Museum committee which shall deal with matters connected with municipal gardens, parks, roadside plantations and the Victoria Museum. <i>Note.</i> —Wherever in this Act, the expression Standing Committee occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular statutory committee to which the power or duty in connection with which the expression is used is assigned by the Act or by regulations made by Corporation, and all references to the Standing committee in any other law shall be construed as references to the particular statutory committee upon which the powers or duties are conferred or imposed by such law or assigned by regulations made by the Corporation.	Mr. Jamshed Mehta.
Clause 22 ..	Add “Not more than” before the words “twelve” of the 2nd line and after “twelve” add “nor less than 6, as the Corporation may determine” in clause 22 (1).	Rao Saheb P. D. Kulkarni.
After Clause 25 ..	Add 25A after clause 25 :— “Other committees consisting of such number of councillors as the Corporation may decide, may be appointed to exercise the powers and to perform the duties of the Corporation.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
	The Standing Committee shall not exercise any powers or perform any duties which such Committee has been appointed to exercise or perform."	
Clause 25	<p>.. Add 25b—</p> <p>"It shall be lawful for a Corporation from time to time, by a resolution supported by not less than one half of the whole number of Councillors to elect as members of any committee any person of any sex, who is not a councillor but who in the opinion of such corporation possesses special qualifications for serving on such committee."</p>	Rao Saheb P. D. Kulkarni.
Clause 26	<p>.. Delete the word "Consultative" from the heading to the clause 26 (1) and add clause 26 (A) as follows :—</p> <p>"The Corporation may from time to time appoint out of their own body (1) a Public Health Committee; (2) a Public Works Committee; (3) a Schools Committee; (4) a Finance Committee; and such other committees as the Corporation shall think it, and may by a specific resolution carried by a vote of at least two thirds of the members of the Corporation present at the meeting, delegate any of their powers and duties to such committees and may also by a like resolution define the sphere of business of each special committee so appointed; and direct that all matters and questions included in any such sphere, shall be executed by the approximate Committee subject to the general control of the Corporation."</p>	Do.
Clause 30	<p>.. Add sub-clause (3) to clause 30 :—</p> <p>"The committees shall record their proceedings in the vernacular language."</p>	Do.
Do.	<p>.. Add sub-clause (4) to clause 30 :—</p> <p>"If the Chairman of any Committee has been absent from the limits of the City for a period exceeding 15 days, the Mayor or the Deputy Mayor in his absence call a meeting thereof."</p>	
Do.	<p>.. Add sub-clause (5) to clause 30 :—</p> <p>"A committee may meet and adjourn as it thinks proper; but the Chairman of a committee may whenever he thinks fit, and shall upon the written request of the Mayor or of not less than two members of the Committee and for a date not more than two days after the presentation of such request call a special meeting of such committee."</p>	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 30	Add sub-clause (6) to clause 30 :— “Every order passed by the standing committee or by other executive or consultative committee, shall be subject to revision and open to appeal which shall be made or heard respectively by the Corporation.”	Rao Sahab P. D. Kulkarni.
Clause 31 (1)	Add the following words at the end of the clause :— “In the first instance and shall continue in office thereafter until he vacates or is removed as provided in the Act.”	Mr. Jamshed N. Mehta.
Do.	Add at the end of 31 (1) :— “and if he be reappointed, he should continue to hold office, until he reaches the maximum age limit allowed by rules.”	Rao Sahab P. D. Kulkarni.
Do.	Add proviso to 31 (1) as follows :— “Provided that no such approval of Government shall be necessary in case Government do not contribute to the extent of at least one half of the salary of such Chief Officer.”	Do.
Do.	In sub-clause 2 of clause 31 delete the second proviso, i.e. and he may be removed by the Government at any time renders his removal necessary in the public interest.	Mr. S. S. Tolani.
Do.	In clause 31 (2) :— Substitute the word “Corporation” for the word “Government” in line 7.	Rao Sahab P. D. Kulkarni.
Do.	In clause 31 (2) in line 8 substitute “taking approval of the Corporation by Government to the action” for the words “Consultation by Government with the Corporation.”	Do.
Do.	In clause 31 (2), substitute the word “Corporation” for the word “Government” in line 8.	Do.
Do.	Substitute the word “Government” for the word “Corporation” in line 9, and in line 9 again substitute the words “Two thirds of the whole number of Councillors of the Corporation” for the word “Government.”	Do.
Do.	In proviso to clause 31 (2) in line 3 between the words “Government” and “at” insert the words—“after consultation by Government with the Corporation” and delete the words “of which Government shall be the sole judge” occurring at the end of the proviso.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 32	.. Substitute "fourteen hundred" for "one thousand" in line 3.	Mr. Jamshed N. Mehta.
Do.	.. In clause 32 :— In line 3 substitute the word "twelve hundred" for the word "one thousand."	Rao Saheb P. D. Kulkarni.
Do.	.. Substitute "sixteen hundred" for "twelve hundred."	Mr. Jamshed N. Mehta.
Do.	.. In line 4, substitute the word "fifteen hundred" for the word "twelve hundred."	Rao Saheb P. D. Kulkarni.
Do.	.. In clause 32 substitute the words "rupees fifteen hundred" for "twelve hundred."	Mr. S. S. Tolani.
Do.	.. Delete "and such monthly allowance not exceeding rupees two hundred fifty" and insert between "determine" and "in" in line 8 "and a monthly allowance of Rs. 150."	Mr. Jamshed N. Mehta.
Do.	.. In proviso to clause 32 :— In the first line substitute the word "shall" for the word "may" and delete the words "at any time" occurring at end of the line.	Rao Saheb P. D. Kulkarni.
Clause 33 (1)	.. Substitute the following for the existing clauses 1, 2, and 3 :— "Leave, provident fund and pension, or gratuity shall be granted to the Chief Executive Officer in accordance with the rules to be framed by the Corporation in this behalf with the approval of Government," But keep the proviso... to 2 and proviso to 3 and all paragraphs thereafter up to the end of the chapter.	Mr. Jamshed N. Mehta.
Do.	.. Add at the end of the proviso to (3) of clause 33 :— "If the part of his pay is borne by the Government from their revenues."	Rao Saheb P. D. Kulkarni.
Clause 34	.. Add at the end of clause 34 (4) :— "The cleansing places and all other spaces which are open to the enjoyment of the public, whether such places are vested in the Corporation or not."	Do.
Do.	.. Add at the end of clause 34 (14) :— "or practice."	Do.
Do.	.. Add at the end of clause 34 (20) :— "and in spaces not being private property, which are open to the enjoyment of the public whether such places are vested in the corporation or in his Majesty,"	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 34	.. In the last but one line of sub-clause (1) of clause 34 (26) between the words "teaching" and "staff" add "inspecting and clerical."	Rao Saheb P. D. Kulkarni.
Clause 37	.. Add proviso to clause 37 (16):— " Provided that expenditure out of Municipal Fund shall not be made on any public reception, ceremony, entertainment including the presentation of addresses to persons of distinction, or exhibition unless the resolution sanctioning the function is passed at a general meeting and supported by two-thirds of the whole number of Councillors."	Do.
Do.	.. Add proviso 25 as under:— " Notwithstanding anything to the contrary in this Act, it shall be lawful for the Municipality to create scholarships tenable outside the limits of the city and to incur expenditure out of the municipal fund for payment of such scholarships."	Mr. Jamshed N. Mehta.
Clause 42 (1)	.. In sub-clause (1) of clause 42, in the first line between the words "appoint" and "fit," add the words "with the approval of the Commissioner in Sind."	Khan Saheb Allah-baksh Khan Khudadad Khan Gabol.
Do.	.. In clause 42 (1) in the 4th line, substitute "The Governor in Council" for the words "the Commissioner in Sind."	Rao Saheb P. D. Kulkarni.
Clause 42 (1) (b)	.. Delete the words "or Engineer in charge of a separate department of municipal Works."	Mr. Jamshed N. Mehta.
Do.	.. Delete the words " when his services can be made available by Government" from the first two lines of clause 42 (1) (c).	Rao Saheb P. D. Kulkarni.
Clause 42 Sub-clause 2 (c).	Delete clause (c) and renumber clause (d) as (c) and add new clauses 3 (a), (b), (c) as under, renumber the existing 3 as 4 :— (a) The Health Officer shall receive such monthly salary not exceeding Rs. 1,200 and not less than Rs. 1,000 (rising to the maximum by an annual increment of Rs. 50) and such monthly allowance not exceeding Rs. 150 as the Corporation may decide. (b) The Chief Engineer shall receive such monthly salary not exceeding Rs. 1,400 and not less than Rs. 1,200 and such monthly allowance not exceeding Rs. 150 as the Corporation may decide.	Mr. Jamshed N. Mehta.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
	<p>(c) The Municipal Anditor shall receive such monthly salary not exceeding Rs. 700 and not less than Rs. 500 (rising to the maximum by an annual increment of Rs. 25) as the Corporation may decide and in the case of an officer lent by Government such salary as may be fixed by the Government.</p> <p>Add the following clause (e) : “and be removeable from office for incapacity, misconduct or neglect of duty by a resolution of the Corporation with the sanction of Government.”</p>	
Clause 42 Sub-clause (3).	Write “Two years” in place of “twelve months.”	Mr. Haji Mir Mahomed Baloch.
Clause 43	In clause 43 substitute the words “the Governor in Council” for the words “Commissioner in Sind” occurring in the last line.	Rao Saheb P. D. Kulkarni.
Do.	<p>In proviso (1) of clause 43 at the end add the following words :—</p> <p>“and every such officer will be appointed with the approval of the Commissioner in Sind.”</p>	Khan Saheb Allah-baksh Khan Khudadad Khan Gabol.
Do.	<p>Insert a new clause numbering 43 (4) as under :—</p> <p>“The Chief Executive Officer shall from time to time prepare and bring before the Standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each. The Standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient provided that the Chief Executive Officer shall be competent to sanction all temporary appointments for a period under six months but in such cases of temporary appointments, he shall submit to the Standing committee full details of such temporary men on service within the first week of every month.”</p>	Mr. Jamshed N. Mehta.
Do.	<p>Add sub-clause (A) to clause 43 :—</p> <p>“The officer appointed under the authority of clause 43 shall be removeable at any time from the office or be suspended, fined, reduced or admonished on the vote of two-thirds of the Councillors present at the meeting of the Corporation.”</p>	Rao Saheb P. D. Kulkarni.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 43	<p>.. Add sub-clause (B) to clause 43 :— “The Corporation shall fix a schedule of their permanent staff and the schedule of all temporary posts shall be fixed by the Standing Committee subject to the approval of the Corporation.”</p>	Rao Saheb P. D. Kulkarni.
Clause 44 (1)	<p>.. In proviso to sub-clause (1) of clause 44, at the end add the following words :— “and provided that no such appointment will be made except with the approval of the Commissioner in Sind, if the minimum monthly salary is not less than five hundred rupees.”</p>	Khan Saheb Allah-baksh Khan Khudadad Khan Gabol.
After Clause 44	<p>.. After clause 44, add a new clause 45 as follows :—</p> <p>45 (1) No Municipal officer or servant who has been convicted and sentenced to imprisonment for any offence by a criminal court shall be allowed, while in jail, to draw any pay or allowance from the Municipal fund, provided that the Corporation may, if they so decide, pay him a subsistence allowance from the date of his apprehension to the date of his conviction on the analogy of Rule 156 of the Bombay Civil Service Rules.</p> <p>(2) Neither such person on the expiry of his sentence shall be reinstated nor shall any person who has been convicted of such offence be employed in municipal service unless in the case of an ordinary criminal offence the Corporation decides by a majority of two-thirds of the whole number of councillors that there are extenuating circumstances justifying such action, and in the case of an offence in connection with the civil disobedience movement or of a political character unless he gives in addition an undertaking to the satisfaction of the Collector that he will take no further part in unlawful activities.”</p>	Do.
Clause 46	<p>.. Add the following proviso numbering it as 1 :</p> <p>“Provided that officers in receipt of a substantive pay of Rs. 500 and above shall not be removeable from office or suspended, fined, reduced or admonished except on the vote of not less than $\frac{1}{3}$ of the whole number of councillors and may at any time be removed by the Corporation with the sanction of Government for incapacity, neglect or misconduct.</p>	Mr. Jamshed N. Mehta.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 46—contd.	<p>Add the following further proviso to sub-clause 1 :—</p> <p>“ provided further that power of fining any municipal officer or servant other than the officers appointed under section 42 (2) shall be vested in the Chief Executive Officer.”</p> <p>Add the following proviso to sub-clause 2 of clause 46 :—</p> <p>“ provided that no appeal shall lie against an order for fine up to one week’s salary.”</p>	
Clause 47	<p>Add at the end of clause 47 (b) :—</p> <p>“ Owing to the exertions he has to undertake in performing his own duty.”</p>	Rao Saheb P. D. Kulkarni.
Clause 55	<p>In sub-clause (a) of section 55, before the words “ for any period ” insert the words “ of which the premium or rent, or both, as the case may be, does not exceed rupees one thousand,” and omit the words “ excluding grass and grazing rights.”</p> <p>In the proviso to sub-clause (a) of clause 55, after the words “ Chief Officer ” insert the words “ other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Chief Officer from compliance with the requirements of this proviso.”</p> <p>In sub-clause (b) of section 55, after the words “ at a time ” add the words “ of which the premium or rent, or both, as the case may be, for any one year, does not exceed rupees five thousand.”</p>	Mr. R. B. Ewbank, C.I.E., I.C.S.
Do.	<p>In clause 55 (e) in line 3 substitute the words “ Governor in Council ” for the words “ Commissioner in Sind.”</p>	Rao Saheb P. D. Kulkarni.
Clause 58	<p>Add (d) to clause 58 (1) :—</p> <p>“ For advancing money for loan work for defraying the costs already incurred on the carrying out of such works.”</p>	Do.
Clause 60	<p>Substitute the words “ the total net debt ” for the words “ total loan charges ”.</p>	Mr. Jamshed N. Mehta.
Clause 77	<p>In clause 77 (d) in line 3 after the word “ allowance ” add “ amount accrued out of provident and annuity funds ”.</p>	Rao Saheb P. D. Kulkarni.
Clause 85	<p>Delete the last four lines “ credited and debited * * previous financial year.”</p>	Mr. Jamshed N. Mehta.
Clause 89 (1), Proviso (2).	<p>Substitute the words “ within a fortnight ” for the words “ at its next meeting ”.</p>	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 95 (1)	In line 3, substitute comma for full stop after the words "by Government in this behalf" and add the words "on the systems of preaudit and concurrent audit".	Mr. Jamshed N. Mehta.
Do.	Substitute the word "auditor" for the word "auditors" in line 4 of clause 95 (1).	Rao Saheb P. D. Kulkarni.
Do. Sub-clauses (1) and (2).	Change "auditors" into singular number.	Mr. Jamshed N. Mehta.
Clause 95, Sub-clause (2).	In the 3rd line of clause 95 (2), after the word "Gazette" add "in one of the leading vernacular newspapers of the province of Sind, in the language generally understood by a majority of the ratepayers of the Corporation".	Rao Saheb P. D. Kulkarni.
Do. Sub-clause (4).	Add the new clause 4 as under :— "The provisions of the Local Fund Act (Bombay Act 25 of 1930) shall not apply to the audit of the accounts of this Corporation."	Mr. Jamshed N. Mehta.
Do.	Add Sub-clause (4) to clause 95 :— "The Karachi Municipal Accounts should be excluded from the provisions of the Bom. Act XXV of 1930."	Rao Saheb P. D. Kulkarni.
After Clause 95	Add 95 (A) :— (1) The Governor in Council may at any time appoint an auditor for the purpose of making a special audit of the Municipal Accounts and of reporting thereon to Government; (2) An auditor so appointed may exercise similar powers to that of an auditor appointed under Bom. Act XXV of 1930."	Do.
Clause 95	Add 95 (B) as follows :— "Any organised association or body of the taxpayers shall have right to demand an inspection of the accounts of the Corporation. The accounts shall be made available for scrutiny with necessary vouchers and other papers, to a representative of the said body who shall necessarily be a qualified auditor." His audit note shall be taken into consideration by the Corporation and the actions taken thereon and replies given to them shall be published in the <i>Bombay Government Gazette</i> and local vernacular newspapers."	Do.
Clause 96	Add at the end of 2nd line of clause 96 (1) "professions, trades and callings".	Do.

[Appendix 26—*contd.*]

Clauses.	Amendments.	Name of Mover.
Clause 96, Sub-clause (2) (a).	Add at the end— “whether they are actually kept within or outside the city” and delete the word “habitual”.	Mr. Jamshed N. Mehta.
Sub-clause (2) (b)	In lines 2 and 3 of clause 96 (b) substitute the words “Governor in Council” for the words “Commissioner in Sind”.	Rao Saheb P. D. Kulkarni.
Clause 97	Omit the word “constructing” from line 6 of clause 97 (1) (b).	Do.
Clause 98	Add at the end of 2nd line of 98 (1) (c) “except the Municipal quarters rented or occupied free of rent.”	Do.
Clause 104	Delete the words “neither occupied nor productive of rent” and substitute “vacant and unproductive” in lines 4 and 5.	Mr. Jamshed N. Mehta.
Clause 104 (a)	Omit “two-thirds of”	Mr. Haji Mir Md. Baloch.
Clause 105	In clause 105 (1) in 2nd line substitute the words “Governor in Council” for the words “Commissioner in Sind.”	Rao Saheb P. D. Kulkarni.
Do.	Add in 3rd line between the words “District” and “as” “or any other Government officer” and in the last line between the “police” and “purposes” and “or other Government Department” in clause 105 (2) (a).	Do.
Do.	After the words “Chairs” of the 2nd line of clause 105 (2) (i) add “Ambulance car, cart or lorry.”	Do.
Do.	Add “Chariots of God and vehicles of recognised religious heads residing in the City” at the end of 3rd line of clause 105 (2) (i).	Do.
Clause 106	In line 5 of clause 106 betw. en the words “public” and “it” add the following :— “After giving the Corporation an opportunity to represent their side and after giving due consideration to the representation of the Corporation”.	Do.
Clause 107	Delete the words “the Chief” and the last two lines of clause 107 (2) and add in their place the following :— “by a tribunal consisting of representatives, one that of the Corporation, another from taxpayers and Senior Assistant and Special Land Acquisition Officer, Karachi, or other of Government who is deemed by the Governor in Council competent to take his place”.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 110, Sub-clause (3).	Instead of "fifteen days" write "one month".	Mr. Haji Mir Md. Baloch.
After Clause 110 (3).	Add sub-clause (4) to clause 110 :— "After the period allowed in the Bill for the payment of any tax levied under the Act, the interest on the amount due on account of the said tax or taxes, at the rate of 9 per cent. per month shall be charged and recovered from the person on whose name the Bill is issued.	Rao Saheb P. D. Kulkarni.
Clause 111, Sub-clause (1).	In place of "twenty-one days" write "two months."	Mr. Haji Mir Md. Baloch.
Clause 111, Sub-clause (1) (c).	Delete the words "in consultation with the Mayor" occurring in line 5 of clause (c).	Mr. Jamshed N. Mehta.
Do.	In clause 111 (1) (c) in lines 5 and 6, delete the words "in consultation with the Mayor".	Rao Saheb P. D. Kulkarni.
Clause 111, Sub-clause (4).	In line 1 of the clause 111 (4) (a) (i) add :— "things ordered by religion, sentiment, or custom to be borne on the person, such as the marriage ring, mangal-sutra or Ling, etc." between the words "apparel" and "and" from the same line.	Do.
Clause 111, Sub-clause (5).	Add sub-clause (5) to clause 111 :— "Licensing Police Authorities shall grant license to the vehicles only on presentation of the receipt of wheel-tax levied on the vehicles concerned by the person on whose name the bill is issued."	Do.
Clause 116 (1)	Delete the words "to any Magistrate *** tried" and substitute instead "the Judge of Small Causes Court".	Mr. Jamshed N. Mehta.
Do.	In clause 116 line 3 substitute the words "Registrar, Small Causes Court" for the words "any Magistrate or Bench of Magistrates and delete the words, "under the directions of the District Magistrate of Karachi" from the last and last but one line of clause 116 (1).	Rao Saheb P. D. Kulkarni.
Clause 117	In clause 117 (2) in line 3 substitute "the Registrar of the Small Causes Court, Karachi" for "Magistrate or Bench of Magistrates".	Do.
Clause 120	Substitute the words "with the previous sanction specifically given by the Corporation at their General Meeting" for the words "of the Standing Committee" in clause 120.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 122	In proviso to 122 substitute the words "Governor in Council" for the words "Commissioner in Sind" in the 1st line and at the end of sub-clause substitute "injurious to the health of the city" for the word "unsuitable".	Rao Saheb P. D. Kulkarni.
Clause 129	Add the following clause in Section 129 numbering as 3, the existing being re-numbered as 4— "Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain or repair or alter any drain so constructed."	Mr. Jamshed N. Mehta.
Clause 129, Sub-clause (14).	Substitute for "the Standing Committee deem" "if he deems."	Do.
Clause 138	In proviso to clause 138 substitute "the Governor in Council" for the word "Commissioner in Sind" and add at the end "if it is considered that by doing so the health of the locality is to be in danger."	Rao Saheb P. D. Kulkarni.
Clause 140	Add Clause 140A :— "If owing to any negligence in discharging the duties laid in Chapter X of this Act any damage and inconvenience is caused the Corporation shall pay compensation according to the damage or inconvenience caused to the citizens concerned."	Do.
Clause 147	In clause 147 in lines 6th, 7th, and 8th substitute "either the owner or the occupier of the premises will be prosecuted" for the words "it shall be presumed until contrary is proved that such offence has been committed by the occupier of the said premises."	Do.
Clause 151	Add at the end of sub-clause 4 of clause 151 "an appeal against the decision of the Standing Committee in each case shall be heard and decided by the Corporation if lodged by the party aggrieved within the period of one month from the date on which the decision of Standing Committee will be communicated to the party concerned."	Do.
Clause 155	In Clause 155 Explanation 1:— Delete the words "or affixed to the premises to which it relates" occurring at the end.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 155—contd.	(3) In clause 155, Explanation 2:—Delete "or in any other similar capacity".	Rao Saheb P. D. Kulkarni.
Clause 156 ..	At the end of clause 156 (2) paragraph 3 after the last word "Officer" add "out of the amount provided in the budget on that sub-head".	Do.
Clause 161 (2) ..	Add the proviso : " Provided that the Standing Committee shall have power to impose such conditions as they may consider necessary for the inspection of fish hawked or intended to be hawked and cause steps to be taken so that no unwholesome, diseased or otherwise unfit fish is hawked."	Mr. Jamshed N. Mehta.
After Clause 165 (Original clause 164).	Restore in full the provisions of clause 164 as appearing in the original draft with the following alteration—" and one week " in place of " one month " in line 2 clause 2.	Do.
Clause 179 ..	Substitute "The Director of Public Health to the Government of Bombay" for "the Commissioner in Sind" in clause 179 (1) in the last line and in clause 179 (2) in the first line, and in clause 179 (3) in 2nd line respectively.	Rao Saheb P. D. Kulkarni.
Clause 180 ..	In clause 180 (1) in the last line and in clause 180 (2) in the 1st line substitute "the Director of Public Health to the Government of Bombay" for "the Commissioner in Sind".	Do.
Clause 181 ..	Delete this clause and substitute the provisions of Bombay Act XI of 1923, the Prevention of Prostitution Act 1923.	Mr. Jamshed N. Mehta.
Clause 183 ..	Add proviso to clause 183 (i) as follows :— Provided that the Chief Officer shall take this step in case the certificate is given by the Health Officer that there is no alternative than to have recourse to this action.	Rao Saheb P. D. Kulkarni.
Do. ..	In clause 183 (2) in 1st and 2nd lines, substitute "The Mayor in consultation with the Assistant to the Consulting Surveyor to the Government of Bombay residing at Karachi" for "The Chief Officer".	Do.
Do. ..	In sub-clause 3 of clause 183, add "other than Small Causes Court at Karachi" between the words "Court" and "shall" of the 1st line.	Do.
Clause 185 ..	Add "183" in clause 185 between the figure "182" and "or" of the 2nd and 3rd line of the clause.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 189 (1) ..	Substitute "Chief Executive Officer" for "Standing Committee."	Mr. Jamshed. N. Mehta.
Clause 189 (6) ..	Do. ..	Do.
Clause 190 ..	In the first line of the clause 190 (1) substitute the word "Engineer" for the words "Chief Officer."	Rao Saheb P. D. Kulkarni.
Clause 192 ..	Add paragraph 2 to clause 192 (2) "on the action by the Chief Officer in this respect the place becomes of no use to owner it shall be incumbent on the Corporation to acquire the piece of land provided the owner has no objection to do so."	Do.
Clause 193 ..	In clause 193 (1) substitute "The Governor in Council" for "The Commissioner in Sind" of the 2nd line.	Do.
Do. ..	In clause 193, after sub-clause (2), add the following sub-clause as sub-clause (3), namely :— " (3) Whenever the site of any public street or part thereof is disposed of under sub-section (1), such site shall be liable to be assessed to any enactment for the time being in force or rule made thereunder "	Mr. R. B. Ewbank, C.I.E., I.C.S.
Clause 194 ..	In clause 194 (1) substitute "The Governor in Council" for "The Commissioner in Sind" occurring in the last line of the same sub-clause.	Rao Saheb P. D. Kulkarni.
Clause 197 ..	Between the word "premises" and "at" of 3-4 lines of clause 197 (1), insert "other than a building used for religious worship".	Do.
Clause 203 ..	Delete "or of the majority of the owners of such street" from the 6th and 7th line and "or by the majority of the owners of such street" from the 9th and 10th lines of the clause 203. Add clause 203 A :— "If there may be more than one owner and any one of them not coming to terms his right, title and possession may be purchased by private agreement or by taking acquisition proceedings in respect of the said owner".	Do.
Clause 204 ..	Substitute "The Governor in Council" for "The Commissioner in Sind" in line 5th of clause 204 (4) and line 1st of clause 204 (5).	Do.
Do. ..	Add "and the local newspapers" in the 3rd line between the word "Gazette" and "and" from clause 204 (6).	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Clause 211	Add at the end of 211 (3) the following :— “The notice shall also be published in the local newspapers”.	Rao Sahab P. D. Kulkarni.
Clause 218	Substitute “The Sanitary Board” for “The Commissioner in Sind” in 3rd line of clause 218 (2) and in clause 218 (3) in the 1st line respectively.	Do.
Do.	At the end of clause 218 (6) (iv) add “and by publishing the notices in vernacular newspapers circulating within the city selected for the purposes.”	Do.
Clause 219	Substitute “The Governor in Council” for the “Commissioner in Sind” in clause 219 (1) in last and last but one line.	Do.
Clause 220	Add Proviso to clause 220 :— “Provided that if the lands to be acquired by the Corporation are for the purposes of education or improvement scheme, no additional 15 ordinarily payable under the Local Authority Act shall be payable by the Corporation to Government.”	Do.
Clause 228	Substitute “The Governor in Council” for “The Commissioner in Sind” in clause 228 (5) in 3rd line and 4th lines.	Do.
Clause 262	Add at the outset of clause 262 (1) :— “On receiving requisition from the officer of the Corporation duly authorised in that connection” and omit “in his view” from the second line of clause 262 (1).	Do.
Clause 262	Substitute the word “twenty” for the word “forty” of the 4th line of clause 262 (2).	Do.
Clause 266	Substitute “but not decide the case” for “and determine” in the last line of clause 266.	Do.
Clause 277	In proviso of clause 277 (b) add the word “reasonable” between the “Municipal Authority” and “opportunity” and substitute “a” for “an”.	Mr. S. S. Tolani.
Clause 283	Substitute the words “Governor in Council” for the words “Commissioner in Sind” in the third line in clause 283 (1).	Rao Sahab P. D. Kulkarni.
Clause 283	Add the following proviso :— “If the Commissioner is unable to sanction a rule proposed by the Corporation, the Corporation shall be at liberty to appeal to the Government whose decision shall be final”.	Mr. Jamshed N. Mehta.
Clause 286	Add (f) to clause 286 (6) as follows :— “Leave and pension to the Chief Officer”.	Rao Sahab P. D. Kulkarni.
Clause 291	In clause 291 (3) at the beginning of the 1st line add “on recommendation from Municipal Corporation of Karachi”.	Do.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.																				
Schedule I, Chapter I, Rule 3.	Schedule I, Chapter I, Rule 3 shall be amended as under:— “The elective members of the Corporation shall be elected from the wards as shown in the Appendix hereto and the number of councillors to be elected by each such ward shall be as shown in the Appendix, Column 2.”	Dr. M. K. Dixit.																				
Do.	Schedule I, Chapter I, Rule 3, Appendix to be amended as under:— <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">Wards.</td> <td style="text-align: center;">Number of seats of Councillors.</td> </tr> <tr> <td>Ward No. I ..</td> <td>4</td> </tr> <tr> <td>Ward No. II ..</td> <td>4</td> </tr> <tr> <td>Ward No. III ..</td> <td>5</td> </tr> <tr> <td>Ward No. IV ..</td> <td>5</td> </tr> <tr> <td>Ward No. V ..</td> <td>12</td> </tr> <tr> <td>Ward No. VI ..</td> <td>9</td> </tr> <tr> <td>Ward No. VII ..</td> <td>5</td> </tr> <tr> <td>Ward No. VIII ..</td> <td>5</td> </tr> </table>	1	2	Wards.	Number of seats of Councillors.	Ward No. I ..	4	Ward No. II ..	4	Ward No. III ..	5	Ward No. IV ..	5	Ward No. V ..	12	Ward No. VI ..	9	Ward No. VII ..	5	Ward No. VIII ..	5	Do.
1	2																					
Wards.	Number of seats of Councillors.																					
Ward No. I ..	4																					
Ward No. II ..	4																					
Ward No. III ..	5																					
Ward No. IV ..	5																					
Ward No. V ..	12																					
Ward No. VI ..	9																					
Ward No. VII ..	5																					
Ward No. VIII ..	5																					
Do.	In rule 3 of Chapter I of Schedule I, add “all” after the word “by” in line 2.	Mr. S. S. Tolani.																				
Do.	In line 2, delete the word “communities” and substitute in lieu thereof the word “wards”.	Rao Bahadur R. R. Kale.																				
Do.	In the same line, delete the figure “1” and substitute therefor the figure “2”.	Do.																				
Do.	Add “jointly” after the words “specified in column 1” in the second line.	Mr. S. S. Tolani.																				
Do.	In rule 3 of Chapter I of Schedule I, delete “and Mahrattas” in fourth line.	Do.																				
Do.	Add “and persons from Marathi-speaking classes” between the words “Mahrattas” and “from” of the same line.	Rao Saheb P. D. Kulkarni.																				
Do.	In line 4, delete the words “wards grouped” and substitute in place thereof the word “community”.	Rao Bahadur R. R. Kale.																				
Do.	In line 5, delete the figure “2” and substitute in place thereof the figure “1”.	Do.																				
Do.	Substitute “from” for the word “by” in the sixth line.	Mr. S. S. Tolani.																				
Do.	In line 6, delete the words “each such community” and substitute in place thereof the words “ward or wards”.	Rao Bahadur R. R. Kale.																				
Do.	Delete “and Mahrattas” in eighth line	Mr. S. S. Tolani.																				
Do.	In the last but one line of the same rule add, “and persons of Marathi-speaking classes” between the words “Mahrattas” and “shall”.	Rao Saheb P. D. Kulkarni.																				

[Appendix 26—contd.]

Substitute for the Appendix to Schedule I, Chapter I, Rule 3, the following :—

Recommendations.	Ward Nos.	Total Mean.	Proportional mean between Ms. and Ms.	Hindus.	Mahomedans.	Christians.	Parsis.	Sikhs.	Jews.	Ward Nos.	Total Number of seats.	Remarks.	
<p><i>Allocation According to the Formula of "SEAT"</i></p> <p>Under this formula the total population is taken of the Ward as a whole and the Number of seats calculated. Similarly the total gross rateable value and the total number of voters are taken and that a mean struck of the three. There is yet no scientific basis evolved for allotting seats in wards and we have to distribute seats in such cases on a fair and equitable basis. Taking various factors into consideration, the above formula appears to me to be the best solution as it takes into account all the three principal factors and is also followed in Bombay.</p>	1	5	4	2	2	and all the remaining Wards together, one seat.	All the Wards together 3 seats.	1	All the Wards together, one seat.	1	1	50	
	2	5	4	2	2					2	1		2
	3	7	6	4	2					2	2		3
	4	7	6	3	2					2	2		4
	5	9	7	2	5					2	2		5
	6	9	7	4	3					2	2		6
	7	5	4	2	2					2	2		7
	8	2	2	1	1					2	2		8
		40	40	20	20	5	3	1	1				

Clauses.	Amendments.	Name of Mover.																			
Schedule I, Chapter I, Rule 3, Appendix.	Schedule I, Chapter I, Rule 3, Appendix : Delete the Appendix up to the words "Christians. Ward No. VII 2" and substitute the following Appendix :—	Rao Bahadur R. S. Asavale.																			
	<table border="1"> <thead> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> <tr> <th>Community</th> <th>Wards.</th> <th>No. of seats of Councillors.</th> </tr> </thead> <tbody> <tr> <td rowspan="7"> Non-Mahomedans. </td> <td>Ward No. I ..</td> <td>3</td> </tr> <tr> <td>Ward No. II ..</td> <td>2</td> </tr> <tr> <td>Ward No. III ..</td> <td>3</td> </tr> <tr> <td>Ward No. IV ..</td> <td>5 (2 reserved for Marathas and 1 reserved for depressed classes).</td> </tr> <tr> <td>Ward No. V ..</td> <td>2</td> </tr> <tr> <td>Ward No. VI ..</td> <td>6 (2 reserved for Christians and 1 reserved for depressed classes).</td> </tr> <tr> <td>Ward No. VII ..</td> <td>4 (1 reserved for Christians and 1 for depressed classes).</td> </tr> </tbody> </table>		1	2	3	Community	Wards.	No. of seats of Councillors.	Non-Mahomedans.	Ward No. I ..	3	Ward No. II ..	2	Ward No. III ..	3	Ward No. IV ..	5 (2 reserved for Marathas and 1 reserved for depressed classes).	Ward No. V ..	2	Ward No. VI ..	6 (2 reserved for Christians and 1 reserved for depressed classes).
1	2	3																			
Community	Wards.	No. of seats of Councillors.																			
Non-Mahomedans.	Ward No. I ..	3																			
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	Ward No. III ..	3																			
	Ward No. IV ..	5 (2 reserved for Marathas and 1 reserved for depressed classes).																			
	Ward No. V ..	2																			
	Ward No. VI ..	6 (2 reserved for Christians and 1 reserved for depressed classes).																			
	Ward No. VII ..	4 (1 reserved for Christians and 1 for depressed classes).																			

[Appendix 26—contd.]

Clauses.	Amendments.			Name of Mover,
	1 Community.	2 Wards.	3 No. of seats of Councillors.	
		Ward VIII ..	3 (2 reserved for Marathas).	
		All Wards together.	3 (2 reserved for Parsees and 1 reserved for Jews).	
	Muhammadians.	Ward I ..	1	
		Ward II ..	1	
		Ward III ..	1	
		Ward IV ..	1	
		Ward V ..	9	
		Ward VI ..	4	
		Ward VII ..	1	
		Ward VIII ..	2	
Schedule I, Chapter I, Rule 3, Appendix.	<i>In Schedule I, Chapter I—</i> Under the head community substitute "Hindus and other communities not included in No. 2 to 6" for "Hindus and Sikhs, and Jains and Buddhists, Marhattas and Depressed Classes".			Mr. S. S. Tolani.
Do.	..	In the appendix under column 1, omit all the words in the first four lines beginning with "Hindus, etc." up to "Depressed Classes" and substitute in lieu thereof:— "Non-Mahomedans, excluding Christians, Parsees and Jews."		Rao Bahadur R. R. Kale.
Do.	..	In the appendix under column 1 in line 2, delete the word "and" and substitute in place thereof the word "including".		Do.
Do.	..	In column 1 under the head Community in 3rd line between the words "Mahrattas" and "and" add:— "And persons of Marathi-speaking classes."		Rao Saheb P. D. Kulkarni.
Do.	..	Delete from brackets "1 reserved for Mahrattas" where they occur in column 3 of the appendix.		Mr. S. S. Tolani.
Do.	..	Delete "Mahrattas and allied castes and Depressed Classes" in general wards No. 4, 6, 7 and 8 where they occur under the heading of the number of councillors.		Do.
Do.	..	In column No. 3 against the words Ward No. IV, after the figure 4 in the second line of the bracket between the words "Mahrattas" and "and" add "and persons of Marathi-speaking classes."		Rao Saheb P. D. Kulkarni.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
Schedule I, Chapter I, Rule 3, Appendix.	In column No. 3 against the word Ward No. VIII, of column 2, after the figure 1 of column 3 in bracket after the word "Mahrattas" add at the end "and persons of Marathi-speaking classes".	Rao Saheb P. D. Kulkarni.
Do.	In the Mahomedan Ward No. 5 substitute figure "8" for the figure "9".	Mr. S. S. Tolani.
Do.	On page 220, Schedule I and Chapter I; Christians are given 5 seats. I want to move that out of the 2 seats for Ward VI and 2 for Ward VII, one be reserved for an Indian Christian in each case. This will ensure 2 seats for them.	Rev. R. S. Modak.
Do.	Put number before Mahomedans, Christians, Parsis, Jews and Sikhs as 2, 3, 4, 5 and 6 respectively.	Mr. S. S. Tolani.
Do.	Under the headings community, ward and number of councillors add the following at the end respectively. Sikhs All Wards 2.	Do.
Do.	Omit Explanation	Dr. M. K. Dixit.
Do.	Delete the following last two lines from the explanation of said appendix : "And the Mahrattas shall mean such castes as are declared by the Government to be Mahratta castes under the Bombay Electoral Rules."	Mr. S. S. Tolani.
Do.	Add at the end of the Explanation, paragraph 2 :— "Persons of Marathi-speaking classes shall mean such people whose mother language is Marathi and are migrated from Maharashtra."	Rao Saheb P. D. Kulkarni.
Schedule I, Chapter II.	After clause 2 of Chapter II of Schedule I, the following new clause shall be added :— "3. (1) On or before the first day of November in each year, the Chief Officer shall call on every registered trade union to prepare and submit within one month a list of members entitled to vote under section 3 of Chapter III of Schedule I. A copy of such list shall from the same day be kept at the office of the registered trade union open to the inspection of any member of that union or of any other registered trade union. (2) Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Chief Officer not later than a fortnight after the date fixed for such submission. The Chief Officer shall thereupon decide the matter, and his decision shall be final and conclusive.	Mr. R. R. Bakhale.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
	<p>(3) The Chief Officer shall then prepare and publish a roll of members of all the registered trade unions which have complied with the requirements of (a) of this section. The roll will show to which registered union each member belongs and shall state his address.</p> <p>(4) On or before the last day of February in the year in which the election is held, the Chief Officer shall give notice by advertisement in the local papers of the publication of the said roll and the place at which and the fee for which copies of it may be obtained.</p> <p>(5) Save as herein otherwise provided, all the provisions of this Act, with regard to ward elections, including those to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by registered trade unions."</p>	
Schedule I, Chapter III.	<p>Qualifications of electors and Councillors ..</p> <p>Add at the end the following clause :—</p> <p>"(b) Each voter will have as many votes as there are seats in a ward but he shall not give more than one vote to one candidate; the cumulative voting will not be permitted."</p>	Mr. Haji Mir Mahomed Baloch.
Schedule I, Chapter III.	<p>In Schedule I Chapter III, rule 2 :—</p> <p>In (a) substitute "two rupees" for "Rupee one".</p> <p>In (b) substitute "the qualifying tax" for the words "Rupees twelve in taxes other than toll octroi or terminal tax" and add the following Explanation (iii) after the explanation No. (ii).</p> <p>Explanation (iii)—For the purpose of clause (b) "the qualifying tax" means a tax other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire, imposed in the Municipal area.</p>	Mr. S. S. Tolani.
Do.	<p>Schedule I, Chapter III : (1) After clause 2 of Chapter III of Schedule I, the following new clause shall be added and the subsequent clauses renumbered :—</p> <p>"3. Every member of a registered trade union shall be entitled to be enrolled as a voter in the electoral roll of the registered trade unions provided he has been a member of a registered trade union for a period of six months preceding the day fixed for the said election under rule 2 in Chapter IV.</p>	Mr. R. R. Bakhale.

[Appendix 26—contd.]

Clauses.	Amendments.	Name of Mover.
	<p>(2) In clause 4 of Chapter III of Schedule I, substitute a comma for a full point at the end of the first paragraph and thereafter add the words "for six months preceding the day fixed for the said election under rule 2 in Chapter IV."</p> <p>(3) For the first paragraph of clause 5, substitute the following :— " A Person shall be qualified to be elected as a councillor by registered trade unions if he is enrolled as a voter in the electoral roll of registered trade unions under clause 3 of this Chapter."</p>	
Schedule I, Chapter III.	In Chapter III of Schedule I, Rule 4, delete " or the District Local Board of Karachi ".	Mr. S. S. Tolani.
Schedule I, Chapter IV, rule 6 (m).	Delete the words in line 5 "take his signature or thumb mark on the counter foil" and substitute instead "after entering on the counterfoil the serial number of the voter as shown on the said list, and initialling the other foil or foils in token of his having handed them to him or her".	Mr. Jamshed N. Mehta.
Schedule I, Chapter VI, Clause 3.	Substitute the words— "not later than 10th February" for the words "not later than such date as may be fixed by the Corporation for that purpose".	Mr. Jamshed N. Mehta.
Schedule I, Chapter VI, Clause 5.	Delete "and the articles on which a terminal tax, if any, shall be levied".	Do.
Schedule II	Add the word "Camels" in serial No. 9 of Schedule II given under clause 96.	Rao Saheb P. D. Kulkarni.
Do. ..	Add at the end numbering 13 "camel Rs. 4-0-0".	Mr. Jamshed N. Mehta.
Schedule VI, Chapter XI.	Delete the word "reasonable" in clause 5 (1) (b).	Do.
Schedule X ..	For Schedule X—Boundaries of the City of Karachi, the following shall be substituted :— Description. 1. From Pillar No. 1 on the seashore near high water mark in the direction of Cape Monze to Pillar No. 23 on left bank of the Gogari Nalah near a paka well with trees. 2. From Pillar No. 23 to Pillar No. 80, near the remains of the old masonry band. 3. From Pillar No. 80 to Pillar No. 120, close to station A of the Great Trigonometrical Survey and to Moach Plain Pillar.	Mr. R. B. Ewbank, C.I.E., J.C.S.

[Appendix 26—*contd.*]

Clauses.	Amendments.	Name of Mover.
	<p>4. From Pillar No. 120 to Pillar No. 140, near Hill Road to Magar Pir.</p> <p>5. From Pillar No. 140 to Pillar No. 193 which is on the Mutrani Station of the Great Trigonometrical Survey.</p> <p>6. From Pillar No. 193 to Pillar No. 205, near the Sind (N.W.) Railway line.</p> <p>7. From Pillar No. 205 to Pillar No. 210.</p> <p>8. From Pillar No. 210 along the west bank of Malir River to Pillar No. 211 at a point at the top of Ghizri Creek.</p> <p>9. From Pillar No. 211 along high water mark to the Petroleum Pier at Kiamari.</p> <p>10. From the Bulk Oil Pier across the harbour to a point on the foreshore at Manora, situated 474 feet south-east of the root of the Quarantine Pier.</p> <p>11. From this point the boundary runs in a southerly direction along the Marsh at high water mark to Cantonment boundary Pillar No. 15.</p> <p>12. From Cantonment Pillar No. 15, the boundary passes in the order named through Cantonment Pillars Nos. 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4 and 3 to Cantonment Pillar No. 2, which is a rail pillar fixed on the beach in front of Marsh Fort, at high water mark, ordinary spring tides.</p> <p>13. From this Cantonment Pillar No. 2 the boundary follows the high water mark to Municipal Pillar No. 1.</p>	
Note 1	The area contained within the limits of the Cantonment of Karachi as notified in the Bombay Government Notification, General Department, No. 2101, dated the 21st April 1897, is excepted from the above.	
Note 2	The area contained within the limits of the Cantonment of Manora, as notified in the Bombay Government Notification, General Department, No. 5287, dated the 7th October 1903, is excepted from the above.	
Note 3	For the purpose of item 9 of this Notification, "High Water Mark" means and is to be understood as high water mark from day to day, and to include any accretions to the mainland that may occur from time to time, whether such accretions are the result of artificial or natural causes. For the purposes of the remaining items of this schedule "high water mark" means a line drawn through the highest points reached by ordinary spring tides at any season of the year.	

[Appendix 26—*contd.*]

Clauses.	Amendments.	Name of Mover.
Note 4	The area within the harbour of Karachi and the West backwater below high water mark and the east backwater—also below high water mark, on the south and west of the Bundar Head station and within Pillars Nos. 1 to 29 from the south-east corner near the Station to the South-east corner near the Railway (Kiamari Loop Line) Embankment near Clifton Beach, is excluded from the above but the islands of Shamspir, Baba and Bhit and all the land vertically above high water mark are included.	

Amendments to Bills.

Bill No. III of 1933 (A Bill to consolidate and amend the law relating to the municipal government of the City of Karachi) as amended by the Select Committee.

Notice of the following amendments has been received from Mr. Haji Mir Mahomed Baloch, M.L.C. :—

1. Add the words “ after one month’s final notice has been served on him” after the word “ levied ” in the 4th line of Sub-section (c), Section 111 and before the words “ under a warrant, etc.”

2. Section 256, Sub-section (b)—

Reduce the amounts of fines given in column three to $\frac{1}{4}$ th.

3. Schedule VI, Chapter XI, Rule 5 (1), change “ Six weeks ” into “ three weeks ”.

4. Schedule VI, Chapter XI, Rule 5 (1) (b)—

This sub-section should be wholly omitted and the new one added as follows :—

(b) require any reasonable alterations or amendments of plans, specifications and particulars, as required by law, to be submitted to him. Provided always that such a demand for alterations or amendments will be made only once within three weeks of the receipt of the application and no further and fresh demand made thereafter.

5. Schedule IX (page 291).—

All punishments shown in column three should be reduced to $\frac{1}{4}$ th of that shown there.

6. Section 255, Sub-section (a) (Chapter XIV, page 180)—

Substitute the words “ three years ” instead of “ six months ” in line one of sub-section (a).

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council of the
Governor of Bombay.

Poona,
16th August 1933.

APPENDIX 27.

BILL No. XX OF 1933.

A Bill to amend the Presidency-towns Insolvency Act, 1909, in its application to the Presidency-town of Bombay.

(As published in the "Bombay Government Gazette" of the 26th July 1933.)

WHEREAS it is expedient to amend the Presidency-towns Insolvency Act, 1909, in its application to the Presidency-town of Bombay for the purposes hereinafter appearing; And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. (1) *Short title and extent.*—This Act may be called the Presidency-towns Insolvency (Bombay Amendment) Act, 1933.

(2) It extends to the Presidency-town of Bombay.

2. *Amendment of section 74 of Act III of 1909.*—In section 74 of the Presidency-towns Insolvency Act, 1909, in its application to the Presidency-town of Bombay, hereinafter referred to as "the said Act" for the words, "it, and also to pay out of his own money interest thereon" the words "such dividend and interest thereon" shall be substituted.

3. *Insertion of new section 77-A in Act III of 1909.*—After section 77 of the said Act, the following section shall be inserted, namely:—

"77-A. *Official Assignee to be corporation sole.*—The Official Assignee shall be a corporation sole by the name of the Official Assignee of Bombay, and as such Official Assignee shall have perpetual succession and an official seal and may sue and be sued in his corporate name and may do all acts necessary or expedient to be done in the execution of his office."

4. *Amendment of section 82 of Act III of 1909.*—For section 82 of the said Act, the following section shall be substituted, namely:—

"82. *Liability of Government.*—The revenues of the local Government shall be liable to make good all sums required to discharge any liability which the Official Assignee may be liable to discharge, except when such liability is one to which neither the Official Assignee nor any of his officers has in any way contributed or which neither he nor any of his officers could, by the exercise of reasonable diligence, have averted and in either of these cases the Official Assignee shall not, nor shall the revenues of the local Government, be subject to any liabilities."

5. *Amendment of section 83 of Act III of 1909.*—For section 83 of the said Act, the following section shall be substituted, namely:—

"83. *Description by which Official Assignee to be mentioned in suits or proceedings.*—In all suits or proceedings by or against the Official

III of
1909.

5 & 6
Geo. V,
c. 61.

III of
1909.

[Appendix 27—*contd.*]

Assignee, there shall be inserted after his official title, the description 'as assignee of the property of an insolvent (naming the particular insolvent)'. ”

6. *Amendment of section 112 of Act III of 1909.*—In sub-section (2) of section 112 of the said Act :—

- (i) for clause (d), the following clause shall be substituted, namely :—
“ (d) the remuneration of the Official Assignee and the Deputy Official Assignee and the amount and nature of security to be furnished by them for the discharge of their duties ” ;
- (ii) in clause (f), after the word “ audit ” the words “ and inspection ” shall be inserted ;
- (iii) clause (g) shall be deleted ;
- (iv) in clause (h), the words “ out of the proceeds aforesaid ” shall be deleted ; and
- (v) to clause (i) the words “ or otherwise in his official capacity ” shall be added.

7. *Insertion of a new section 121-A in Act III of 1909.*—After section 121 of the said Act, the following section shall be inserted, namely :—

“ 121-A. *Transfer of certain funds to Government.*—The sums and securities standing to the credit of—

(1) the Unclaimed Dividend (Capital) Account less the sum of Rs. 50,000,

(2) the Unclaimed Dividend Revenue Account less the sum of Rs. 25,000,

(3) the Chief Clerk and Sealer’s (Insolvent Debtors’ Court) Investment of Unclaimed Balance Account, less the sum of Rs. 20,000, and

(4) the Chief Clerk and Sealer’s (Insolvent Debtors’ Court) Investment of Interest Account,

with the High Court of Judicature, Bombay, are hereby transferred to the local Government :

Provided that the sums and securities transferred in respect of the Unclaimed Dividend (Capital) Account and the Chief Clerk and Sealer’s (Insolvent Debtors’ Court) Investment of Unclaimed Balances Account shall be held by the local Government subject to claims of persons entitled thereto.

8. *Amendment of section 122 of Act III of 1909.*—In section 122 of the said Act—

(i) for the word “ prescribed ” the words “ determined by the local Government ” shall be substituted ; and

(ii) for the words “ the Government of India ”, the words “ local Government ” shall be substituted.

9. *Amendment of section 123 of Act III of 1909.*—In section 123 of the said Act, for the words “ Government of India ” where they occur at both the places and for the words “ Governor General in Council ” the words “ local Government ” shall be substituted.

[Appendix 27—contd.]

10. *Insertion of new section 123-A in Act III of 1909.*—After section 123 of the said Act, the following section shall be inserted, namely:—

“123-A. *Government to determine the amount to be set apart and the sums to be transferred out of certain accounts.*—The local Government may, from time to time, after consultation with the High Court of Judicature, Bombay,—

(1) determine the amount to be set apart out of—

- (i) the Unclaimed Dividend (Capital) Account, and
- (ii) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Unclaimed Balances Account,

for meeting the claims of creditors or debtors made within the period specified in section 122, and

(2) transfer sums to the revenues of the local Government from—

- (i) the Unclaimed Dividend (Capital) Account,
- (ii) the Unclaimed Dividend Revenue Account,
- (iii) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Unclaimed Balances Account, and
- (iv) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Interest Account.”

11. *Repeals.*—The provisions of the said Act specified in Schedule I hereto annexed shall be repealed.

SCHEDULE I.

(Provisions repealed.)

(Section 11.)

Sections 61, 68 (2), 84 and 87 (3).

STATEMENT OF OBJECTS AND REASONS.

The High Court Funds Enquiry Committee which was appointed in 1930 suggested the transfer of the funds held by the Official Assignee and the Insolvency Registrar to the local Government. This Bill provides for the transfer to Government of these funds, which consist of unclaimed dividends, deposits, etc., with accumulated interest. On the transfer of the funds the local Government will undertake the liability to meet all lawful claims upon these funds and also to pay the salaries and other expenditure of the Official Assignee and his staff. The following notes on the clauses of the Bill explain the object of the important amendments. The other amendments are consequential:—

Notes on Clauses.

Clause 2.—Since the Official Assignee will now become a Government servant paid by the local Government and his funds will be transferred to Government, his liability to pay out of his own money any dividends or interest thereon will cease.

[Appendix 27—*contd.*]

Clause 3.—This clause provides that the Official Assignee shall be a corporation sole and may sue or be sued in his corporate name.

Clause 4.—This clause is based on section 15 of the Official Trustees Act, 1913, and section 39 of the Administrator Generals Act, 1913. Since the funds of the Official Assignee will now be transferred to Government, his liabilities will be a charge on the revenues of Government.

Clause 5.—This clause is consequential on the provisions in clause 3 and repeats that part of the provisions of section 83 which relate to the description by which the Official Assignee is to be described in legal proceedings by or against him.

Clause 6.—This clause includes in section 112 certain matters for which rules are to be made under this Act.

Clause 7.—This clause provides for the transfer to the local Government of the funds held by the Official Assignee, subject to the liability of the local Government to meet claims under section 123 of the Act.

The deductions specified in the clause relate to the sums which are left with the High Court as working balances in those accounts.

Clauses 8 and 9.—These clauses make it clear that dividends and deposits which are unclaimed for a period of 15 years or for a less period as may be determined are to be credited to the local Government. The local Government have undertaken the liability to meet lawful claims upon these Funds and the whole cost of the Official Assignee's office.

Clause 10.—This clause provides that the local Government may, after consultation with the High Court, direct from time to time that certain sums out of the funds mentioned in clause 7 be transferred to its own revenues and also determine that certain sums shall be set apart out of the said funds to meet the claims made under section 122.

Clause 11.—This clause provides for the repeal of those sections which are unnecessary in view of the provisions of this Bill.

(Signed) R. D. BELL.

APPENDIX 27A.

BILL No. XXII OF 1933.

A Bill further to amend the City of Bombay Police Act, 1902, and the Bombay District Police Act, 1890.

(As published in the "Bombay Government Gazette" of the 9th August 1933.)

WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, and the Bombay District Police Act, 1890, for the purpose hereinafter appearing; And whereas the previous sanction of the Governor-General required under sub-section (3) of section 80A of 1890.

Bom. IV
of 1902.
Bom. IV
of 1890.

[Appendix 27A—contd.]

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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 City of Bombay Police and the Bombay District Police (Amendment) Act, 1933.

Bom. IV
of 1902. 2. *Amendment of section 27 of Bom. IV of 1902.*—In section 27 of the City of Bombay Police Act, 1902, hereinafter referred to as “the City Act”—

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

“ (2A) *Removal of persons convicted of certain offences.*—It shall be further competent to the Commissioner of Police to direct any person who, not being born in the City of Bombay or the Bombay Suburban District, has been convicted more than twice of offences punishable under Chapter XII, XVI or XVII of the Indian Penal Code, to remove himself in like manner from the City of Bombay and not to enter the said City or the Bombay Suburban District.

XLV of
1860.

A copy of such direction shall be forwarded to the Magistrate of the Bombay Suburban District.

(2B) *Decision of the Commissioner of Police regarding the place of birth final.*—For the purpose of sub-section (2A), the decision of the Commissioner of Police that a person has or has not been born in the City of Bombay or the Bombay Suburban District shall be final.”

(ii) In sub-section (3)—

(a) for the word, figure and brackets “ or (2) ”, the word, figures and brackets “ (2) or (2A) ” shall be substituted;

(b) after the words “ City of Bombay ” where they occur first the words “ or enters the said City ” shall be inserted; and

(c) after the word “ specified ” the words “ or if any person so directed under sub-section (2) of section 46 of the Bombay District Police Act, 1890, enters the said City ” shall be inserted.

Bom. IV
of 1890.

3. *Amendment of section 128 of Bom. IV of 1902.*—In section 128 of the City Act,

(i) after the figures “ 27 ” the words and figures “ or sub-section (2) of section 46 of the Bombay District Police Act, 1890 ” shall be inserted; and

(ii) for the words “ returns to any place, on the ” the word “ enters ” shall be substituted.

Bom. IV
of 1890.

Bom. IV
of 1890. 4. *Amendment of section 46 of Bom. IV of 1890.*—(i) Section 46 of the Bombay District Police Act, 1890, hereinafter referred to as “ the District Act ”, shall be renumbered, as sub-section (1) of that section;

(ii) in sub-section (1) so renumbered after the words “ such route ” the words “ and within such time ” shall be inserted; and

(iii) after sub-section (1) so renumbered, the following shall be added, namely:—

“ (2) *Removal of persons convicted of certain offences.*—It shall be competent to the Magistrate of the Bombay Suburban District to

[Appendix 27A—contd.]

direct any person who, not having been born in the said district or the City of Bombay, has been convicted more than twice of offences punishable under Chapter XII, XVI or XVII of the Indian Penal Code, to remove himself in like manner from the said district and not to enter the said district or the City of Bombay. XLV of 1860.

A copy of such direction shall be forwarded to the Commissioner of Police for the City of Bombay.

(3) *Decision of District Magistrate regarding the place of birth final.*—For the purpose of sub-section (2) the decision of the Magistrate of the said district that a person has or has not been born in the said district or the City of Bombay shall be final.

(4) *Procedure on failure to remove etc.*—If the person so directed under sub-section (2) fails or refuses to remove himself outside the said district or enters the said district or if any person directed not to enter the said district under sub-section (2) of this section or section 27 of the City of Bombay Police Act, 1902, enters the said district the Magistrate of the said district may cause such person to be arrested and removed in police custody to such place outside the said district as the said Magistrate may in each case direct. Bom IV. of 1902.

(5) *Unauthorised return to or entering into Bombay Suburban District.*—Whoever within two years from the date of his removal under this section or section 27 of the City of Bombay Police Act, 1902, enters the said district without the permission in writing of the Magistrate of the said district shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both. Bom. IV of 1902.

Extension of sub-sections (2) to (5) to the City of Bombay.—The provisions of sub-sections (2) to (5) shall, so far as is necessary to carry out their purpose, notwithstanding anything contained in section 1, be deemed to extend to the City of Bombay."

STATEMENT OF OBJECTS AND REASONS.

Section 27 of the City of Bombay Police Act, 1902, does not empower the Commissioner of Police to extern from the limits of Bombay City those habitual criminals who cannot be proved to be members of a gang. In order to enable the Commissioner of Police to deal more effectively with habitual criminals in Bombay City, it is proposed to amend the section so as to empower him to extern from the limits of Bombay City and the Bombay Suburban District any person, whether a member of a criminal gang or not, who has been convicted three times or more of any offence under Chapter XII, XVI or XVII of the Indian Penal Code. Section 27 of the Act has, in practice, been applied only to persons who are not natives of Bombay City. It is proposed to make the new provision applicable only to persons who are not natives of Bombay City or the Bombay Suburban District.

2. As the crime problems of the City of Bombay and the Bombay Suburban District are closely connected, it is also proposed to make

[Appendix 27A—*contd.*]

a similar amendment in section 46 of the Bombay District Police Act, 1890, applicable only to the Bombay Suburban District. Provisions on the lines similar to sections 27 (3) and 128 of the City of Bombay Police Act, 1902, have been incorporated in the said section.

(Signed) R. D. BELL.

APPENDIX 28.

BILL No. XXI OF 1933.

A Bill further to amend the Bombay Local Boards Act, 1923.

(As published in the "Bombay Government Gazette" of the 5th August 1933.)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Local Boards (Amendment) Act, 1933.

2. *Amendment of section 4 of Bom. VI of 1923.*—In section 4 of the Bombay Local Boards Act, 1923, hereinafter called the said Act, after sub-section (4), the following shall be added, namely:—

"(5) Notwithstanding anything contained in sub-section (1), it shall be competent to Government by notification in the *Bombay Government Gazette* to order a district as constituted under the Bombay Land Revenue Code, 1879, from time to time, to be divided into two or more districts for the purposes of this Act, and thereupon the provisions of this Act and any other enactment relating to or having reference to a district local board shall, unless there is anything repugnant in the subject or context, apply to each of such two or more districts as if each such district were a district within the meaning of the said sub-section."

3. *Amendment of section 61A of Bom. VI of 1923.*—In section 61A of the said Act,

(a) in sub-section (3), for the words "a week" the words "fifteen days" shall be substituted; and

(b) after sub-section (3), the following shall be added, namely:—

"(4) Notwithstanding anything contained in section 47, it shall be competent to a local board to lease or to permit the temporary use of land forming part of a public road when such land is not, in the opinion of the local board, required for a public road or for any other of the purposes of this Act:

Provided that if the lease or permit does not exceed one year, the previous sanction of the Collector, and if the lease or permit exceeds one year but does not exceed seven years, the previous sanction of the Commissioner, shall have been obtained to such lease or permit."

Bom.
VI of
1923.

Bom.
VI of
1923.

Bom.
V of
1879.

[Appendix 28—contd.]

STATEMENT OF OBJECTS AND REASONS.

The following notes on clauses explain the objects of the Bills.

Notes on clauses.

Clause 2.—Section 4 (1) of the Bombay Local Boards Act, 1923 provides that Government shall establish only one district local board for each revenue district as constituted from time to time under the Bombay Land Revenue Code, 1879. Government propose shortly to amalgamate the Panch Mahals and Broach districts under a single Collector, as a measure of retrenchment; but they consider it inadvisable on general administrative grounds to amalgamate the two District Local Boards and their School Boards. The object of this clause is to empower Government to maintain the existing position in these two districts after amalgamation, and generally in the future, if occasion should arise, to establish more than one district local board for areas within the limits of one revenue district.

Clause 3 (a).—Under section 61A (3) of the Bombay Local Boards Act, 1923, local boards can allow the temporary occupation of, or erections on, any public road which vests in them, or is their property, for a period of not more than one week. In actual practice this period is found to be inadequate for the purposes for which the land is allowed to be occupied under the section. It is proposed to extend that period to fifteen days.

Clause 3 (b).—There is no provision in the Bombay Local Boards Act, 1923, empowering local boards to lease or to permit the temporary use of lands forming part of public roads which vest in them for such purposes as tea-shops, toll nakas, petrol pumps, paradhis (water stands), refreshment booths and trolley lines. In certain cases the leasing of such land on short term leases or permitting its use for temporary purposes is free from objection when such land is not immediately required for the purposes of a public road or for any other purpose of the Bombay Local Boards Act. It is proposed to empower local boards, subject to certain conditions, to lease or permit the use of such land.

(Signed) RUSTOM JEHANGIR VAKIL.

APPENDIX 29.

BILL No. XVIII OF 1933.

*A Bill further to amend the Indian Registration Act, 1908,
in its application to the Presidency of Bombay.*

(As published in the "Bombay Government Gazette"
of the 22nd July 1933.)

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay, for the purpose XVI of hereinafter appearing; And whereas the previous sanction of the 1908.

[Appendix 29—*contd.*]

5 & 6
Geo. V,
c. 61.

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 Indian Registration (Bombay Amendment) Act, 193 .

XVI of
1908.

2. *Amendment of section 69 of Act XVI of 1908.*—To clause (gg) of sub-section (1) of section 69 of the Indian Registration Act, 1908, in its application to the Presidency of Bombay, hereinafter called the said Act, the following shall be added, namely:—

“and the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film;”

3. *Amendment of section 70-D of Act XVI of 1908.*—To clause (c) of sub-section (1) of section 70-D of the said Act the following shall be added, namely:—

“Provided that when more than one such negative is recorded on one length of film and the Photo-Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo-Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film.”

STATEMENT OF OBJECTS AND REASONS.

Under section 70-D (1) (c) of the Indian Registration Act, 1908, as amended by Bombay Act XVII of 1930, the Photo-Registrar has to fix his signature and seal to the negative and prints of every documents received from a registering officer for being photographed. With a view to economy, documents received from a registering officer are photographed on one length of film; for the Photo-Registrar to sign and seal each negative separately is a laborious and expensive procedure. The object of the Bill is to enable the Photo-Registrar to affix his signature and seal in the prescribed manner and form at the end of the film itself thus certifying all negatives upon the film.

(Signed) S. T. KAMBLI.

APPENDIX 30.

BILL No. XXIII OF 1933.

A Bill further to amend the Tobacco Duty (Town of Bombay) Act, 1857.

(As published in the “Bombay Government Gazette.” of the 10th August 1933.)

Bom.
IV of
1857.

WHEREAS it is expedient further to amend the Tobacco Duty (Town of Bombay) Act, 1857, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor required under section 80C

[Appendix 30—contd.]

of the Government of India Act has been obtained for the passing of this 5 & 6
Act; It is hereby enacted as follows :— Geo. V,
c. 61.

1. *Short title and commencement.*—(1) This Act may be called the Tobacco Duty (Town of Bombay) Amendment Act, 1933.

(2) It shall come into force on the first day of October 1933.

2. *Insertion of a new section after section 3 of Bom. IV of 1857.*—After section 3 of the Tobacco Duty (Town of Bombay) Act, 1857, hereinafter referred to as “the said Act”, the following shall be inserted, namely :—

“3A. *Power of the Commissioner of Excise to appoint public warehouses and to license warehouses.*—The Commissioner of Excise may appoint public warehouses and, on payment of such fees and subject to such terms and conditions as may be prescribed by him by general or special order, may license warehouses, wherein tobacco may be warehoused without payment of the municipal duty on the importation thereof and may cancel any such appointment or licence.”

3. *Insertion of a new section after section 4 of Bom. IV of 1857.*—After section 4 of the said Act, the following shall be inserted, namely :—

“4A. When tobacco removed from a public or licensed warehouse for consumption in the said town on payment of the municipal duty under section 4, is re-exported to any place beyond the limits of the said town, seven-eighths of such duty paid shall be re-paid as drawback in the manner and subject to such conditions as may be prescribed by rules made by the Commissioner of Excise in this behalf.”

4. *Insertion of new sections after section 20 of Bom. IV of 1857.*—After section 20 of the said Act, the following shall be inserted, namely :—

“20A. *Publication of rules.*—Rules made under this Act shall be subject to previous publication.

20B. *The Commissioner of Excise and other officers appointed by Government to exercise powers and perform duties of the Commissioner of Customs, Salt and Opium and Customs officers.*—The powers and authorities conferred on the Commissioner of Customs, Salt and Opium and the officers of customs under the provisions of this Act are hereby conferred on and shall be exercised respectively by the Commissioner of Excise and such officers as Government may from time to time by general or special order appoint in this behalf; and

the duties imposed on the Commissioner of Customs, Salt and Opium and the officers of customs under the provisions of this Act are hereby imposed on and shall be performed respectively by the Commissioner of Excise and the officers appointed by Government;

and references in this Act to the Commissioner of Customs, Salt and Opium and the officers of customs shall be deemed references to the

[Appendix 30—*contd.*]

Commissioner of Excise and the officers appointed by Government respectively.”

5. *Amendment of section 21 of Bom. IV of 1857.*—In section 21 of the said Act, after the word “females”, the following paragraph shall be added, namely:—

“The words ‘the Commissioner of Excise’ shall mean the officer appointed by Government for the time being to be the Commissioner of Excise.”

STATEMENT OF OBJECTS AND REASONS.

The Tobacco Duty (Town of Bombay) Act, 1857, does not contain any provision for allowing any refund or drawback of duty paid on the tobacco removed from a public or licensed warehouse for consumption in the town of Bombay, but subsequently re-exported outside the limits of the said town. When Bill No. III of 1932 which subsequently became Bombay Act I of 1932, was moved in the Legislative Council, it was stated by the mover of the Bill that in view of the increase in the rate of duty on tobacco from Rs. 7-8-0 to Rs. 30, provision would be made to secure refunds to regular dealers in tobacco on such tobaccos as is imported into the city only to be re-exported. Clause 3 of the Bill has been drafted to carry out the above intention.

2. Under the Tobacco Duty (Town of Bombay) Act, 1857, the Commissioner of Customs, Salt and Opium and the officers of customs are empowered to exercise certain powers. The Tobacco Department is in charge of an officer who exercises these powers, but who is designated as the Commissioner of Excise. It has, therefore, been made clear in this Bill that the powers conferred on the Commissioner of Customs, Salt and Opium and the officers of customs under the Act shall be exercised by the Commissioner of Excise and such officers as Government may from time to time appoint in this behalf.

(Signed) RUSTOM JEHANGIR VAKIL.

APPENDIX 30A.

(*Vide Debates of 4th September 1933.*)

Statement of Demands for Grants to cover the excesses shown in the Appropriation Accounts of the Government of Bombay for the year 1931-32 and in the Report of the Accountant General thereon.

The Honourable Sir Ghulam Hussain Hidayatallah.

In paragraph 81 of his report on the Appropriation Accounts of the Government of Bombay for the year 1931-32, the Accountant General,

[Appendix 30A—*contd.*]

Bombay, has reported that excess expenditure under the following heads requires the sanction of the Legislative Council :—

	Amount of excess.
	Rs.
(1) 6-Excise—Transferred	24,974
(2) 9-A, Scheduled Taxes—Reserved	28
(3) 45-Superannuation Allowances and Pensions—Reserved.	32,591
(4) 52-Extraordinary Charges—Reserved	2,774

These excesses are briefly explained below :—

(1) 6-Excise—*Transferred.*

The States comprised in the Western India Agency were brought into direct relation with the Government of India with effect from 10th October 1924, but the responsibility for excise arrangements in the areas was assumed by the Honourable the Agent to the Governor-General from 1st October 1928. Prior to the transfer, the receipts accruing from the supply of opium and hemp drugs to the States were credited to the provincial revenues of Bombay. As these receipts accrued in Indian States and as relations with Indian States is a central subject under the Devolution Rules, the Government of India claimed that the net excise receipts should be credited to them. The same claim was put forward by them in regard to the excise receipts accruing in the Mahi Kantha, Rewa Kantha and other Agencies. It was ultimately decided that the refund should be confined to the net receipts appropriated by the Government of Bombay from 1st April 1928. Thus the Government of Bombay had to refund the receipts in the Western India Agency States from 1st April to 30th September 1928 and in the other areas from 1st April 1928 to 31st March 1931. The receipts in the latter areas are being treated as Central with effect from 1st April 1931. The total amount to be refunded was Rs. 1,47,258 and as it was an inevitable liability the adjustment was made in the accounts for the year 1931-32.

2. Up to 31st March 1930 the excise administration of the Baroda Cantonment was under the control of the Government of Bombay, the average net annual revenue being Rs. 20,000. For the reason given above the Government of India claimed these receipts also. The amount to be refunded for the period from 1st April 1928 to 31st March 1930 was Rs. 37,547 and was adjusted in the accounts for the year 1931-32.

3. The adjustment of the amounts mentioned in paragraphs 1 and 2 above caused an excess of Rs. 24,974 over the sanctioned budget grant for the year 1931-32 under the major head 6-Excise. As has been explained by the Accountant General in his Appropriation Report, the excess was not anticipated and resulted from a refund to the Government of India by adjustment after the close of the year. The sanction of the Legislative Council is requested to a supplementary grant of Rs. 24,974.

[Appendix 30A—*contd.*]

(2) 9-A, *Scheduled Taxes—Reserved.*

The Betting Tax was introduced in this Presidency in the year 1931-32 and Government sanctioned a remuneration of Rs. 300 per race day to the Secretary, Western India Turf Club, for collecting the tax from the bookmakers. As there was no budget provision for this expenditure, a supplementary grant of Rs. 10,600 was obtained from the Legislative Council at the budget session of 1932, after taking into account the savings likely to be available and keeping a small margin for unforeseen expenditure. Towards the end of March 1932 the Collector of Bombay reported that an additional amount of Rs. 300 was required to be paid to the Secretary, Western India Turf Club, on account of the Special Hospital Race Meeting. This amount was sanctioned as it was thought that the necessary savings would be available. The saving did not however completely materialize and there was ultimately an excess of Rs. 28 over the total grant sanctioned by the Legislative Council under this major head. The Legislative Council is now requested to sanction the small excess of Rs. 28.

(3) 45-*Superannuation Allowances and Pensions—Reserved.*

The sanctioned budget grant of Rs. 60,18,000 (including refunds) under this head was based on past actuals. The final revised estimate of expenditure in the year, however, showed that the budget estimate was likely to be exceeded by Rs. 7,94,000. Accordingly a supplementary grant of that amount was obtained from the Legislative Council on 25th February 1932. This supplementary grant, however, proved insufficient and the actual expenditure at the end of the year exceeded the total sanctioned grant by Rs. 32,591. The main reason for this excess is that every year large amounts of pensions are drawn from the treasuries of this Government by a number of pensioners belonging to other Provinces, who come to stay in this Presidency, and the commuted value of whose pensions is recovered by this Government and credited under the capital head "60-B, Payments of commuted value of Pensions", and it has always been found difficult to estimate correctly the expenditure on account of such pensions. With effect from the year 1933-34 the system of recovering the commuted value of pensions from the Government concerned has been discontinued and the actual pensionary charges in respect of pensioners of other Governments are being adjusted monthly against the Government concerned and it is hoped that this change of procedure will enable a closer estimate being made of the expenditure under this head. The sanction of the Legislative Council is required to the excess of Rs. 32,591.

(4) 52-*Extraordinary Charges—Reserved.*

There was no grant voted by the Legislative Council under this head. The excess of Rs. 2,774 shown by the Accountant General represents expenditure on account of leave salary and travelling allowance of the Government servants retrenched as a result of the recent campaign

[Appendix 30A—conclld.]

undertaken by Government to reduce expenditure. As the orders sanctioning these concessions to the retrenched personnel were issued late in the year, no funds could be provided for this expenditure before the close of that year. The sanction of the Legislative Council is required to this expenditure of Rs. 2,774.

The amounts for which the sanction of the Legislative Council is required are summarised below :—

	Rs.
6-Excise—Transferred	24,974
9-A, Scheduled Taxes—Reserved	28
45-Superannuation Allowances and Pensions— Reserved	32,591
52-Extraordinary Charges—Reserved	2,774

FINANCE DEPARTMENT.

Bombay Castle, 7th July 1933.

APPENDIX 31.

BILL No. XXIV OF 1933.

A Bill to provide for the improvement of live-stock.

(As published in the "Bombay Government Gazette" of the 15th August 1933.)

WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided; And whereas the previous sanction of the Governor-General required under sub-section (3) of section 80A 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; ^{5 & 6} _{c. 61.}

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay Live-stock Improvement Act, 1933.

2. *Extent.*—(a) Section 1 and this section extend to the whole of the Presidency of Bombay.

(b) On a written application made—

(i) by the district local board with the previous concurrence of the Director of Agriculture, or

(ii) by the Director of Agriculture with the previous concurrence of the district local board,

Government may, by notification in the *Bombay Government Gazette*, direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.

(c) Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village to which the said provisions shall have been extended under sub-section (b)

[Appendix 31—*contd.*]

on such date as Government may by notification in the *Bombay Government Gazette*, appoint.

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

(1) “Cow” includes a heifer ;

(2) “Director of Agriculture” means the officer appointed for the time being to be the Director of Agriculture ;

(3) “Licence” means a licence granted under section 6 ;

(4) “Live-stock officer” means an officer or person appointed or invested with powers under section 4 ;

(5) “Prescribed”, with its grammatical variations, means prescribed by rules ;

(6) “Rules” means rules made under section 22 ;

(7) “Village” means a village as defined in the *Bombay Land Revenue Code, 1879* ; and

(8) “A person is said to keep a bull”, if such person owns the bull or has the bull in his possession or custody.

4. *Appointment of live-stock officer.*—Government may, by notification in the *Bombay Government Gazette*, appoint the Director of Agriculture or any other officer of the Department of Agriculture to be a live-stock officer and assign to such officer such powers and duties under this Act, as they may deem fit.

5. *Prohibition for keeping a bull for breeding purposes.*—No person shall, for the purposes of breeding, keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

6. *Grant of licences.*—Every licence for the keeping of a bull for the purposes of breeding shall be granted by a live-stock officer authorised by Government by general or special order in this behalf in such form for such period, and subject to such terms, conditions and restrictions as may be prescribed.

7. *Refusal to grant or revocation of licence.*—(1) Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

(a) of defective or inferior conformation and likely to beget defective or inferior progeny ; or

(b) permanently affected with any contagious or infectious disease ;
or

(c) permanently affected with any other disease rendering the bull unsuitable for breeding purposes.

(2) The live-stock officer granting a licence may also revoke a licence, if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

[Appendix 31—*contd.*]

(3) No person shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under sub-section (1) or (2), the live-stock officer revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

(5) If the notice is duly given in accordance with the last foregoing sub-section to a person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall indemnify the owner against any loss the owner may suffer by reason of the failure.

8. *Grant of duplicate of licence.*—When the live-stock officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

9. *Duration of licence.*—A licence granted in respect of a bull shall remain in force until—

- (a) the period specified therein expires, or
- (b) it is revoked under this Act, or
- (c) the bull dies or is castrated in the prescribed manner.

10. *Inspection of bulls.*—Any person who keeps a bull shall at any reasonable time, either at the place where the bull is for the time being or at any other reasonable place, submit the bull for inspection by any live-stock officer when required by such officer to do so and render all reasonable assistance to that officer for the purpose of inspection.

11. *Power to order castration of bulls.*—(1) A live-stock officer may, by notice served in the prescribed manner, require that any bull which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in a prescribed manner within one month after the notice takes effect. Such castration shall, if the owner or other person who keeps the bull requires, be performed or caused to be performed by the live-stock officer free of charge.

(2) For the purpose of this section, a notice shall be served on the owner of the bull or on any other person who keeps the bull.

(3) If a notice under this section is duly served on a person who is not the owner of the bull, it shall be the duty of the person forthwith to take all reasonable steps to inform the owner accordingly, and, if he fails to do so, he shall be liable to indemnify the owner against any loss, the owner may suffer by reason of the failure.

[Appendix 31—*contd.*]

12. *Duty to produce licence.*—(1) It shall be the duty of any person who for the time being keeps a bull, if a licence is in force in respect of the bull, to produce the licence—

(a) within a reasonable time on demand made by a live-stock officer or an officer of the Police, Revenue, Agricultural or Veterinary Department in any place where the bull is for the time being,

(b) before a cow is served by a bull on demand made by the person in charge of the cow.

13. *Penalty for keeping a bull in contravention of this Act or rule or without or in contravention of licence.*—Whoever in contravention of this Act or any rule or order made under this Act or of any terms, conditions, or restrictions of licence keeps a bull shall, on conviction, be punishable with fine which may extend to Rs. 50.

14. *Penalty for neglect or failure to comply with notice under section 7 or 11.*—Whoever neglects or fails to comply with a notice served in accordance with section 7 or 11 shall, on conviction, be punishable with fine which may extend to Rs. 50.

15. *Penalty for neglect or failure to comply with requisition under section 10 or 12.*—Whoever neglects or fails to submit a bull for inspection when required by a live-stock officer for inspection under section 10 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 12 shall, on conviction, be punishable with fine which may extend to Rs. 50.

16. *Power of live-stock officer to castrate.*—(1) Whenever an offence under section 15 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 11, it shall be competent to a live-stock officer to castrate or cause to be castrated in the prescribed manner, the bull in respect of which such offence was committed or such notice was served, as the case may be. Such castration shall be performed or caused to be performed by a live-stock officer free of charge.

(2) It shall also be competent to a live-stock officer to seize any bull, if the person in whose ownership, possession or custody it is, for the time being, is not known or cannot be ascertained. On such seizure the live-stock officer may, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or disease specified in section 7, direct that the said bull shall be—

(a) castrated and marked in the prescribed manner, and

(b) sold by public auction or sent to a pinjrapol.

17. *Power of live-stock officer to inspect or mark a bull or to enter premises.*—For the purposes of this Act, a live-stock officer shall have power at all reasonable times—

(a) to inspect any bull,

(b) to mark any bull with any prescribed mark in the prescribed manner,

[Appendix 31—*contd.*]

(c) to enter any premises or other place where he has reason to believe that a bull is kept.

18. *Officers bound to assist live-stock officers.*—All village officers, all village servants useful to Government and all officers of the departments of police, revenue, agriculture and veterinary shall be bound—

(a) to give immediate information to a live-stock officer of the commission of any offence, or 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 know or have reason to believe is about to be committed, and

(c) to assist any live-stock officer in carrying out the provisions of this Act.

19. *Live-stock officer to be public servant.*—Every live-stock officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

20. *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. XLV of 1860.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any live-stock 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.

21. *Revision.*—Government may call for and examine the record of any order or the proceedings of any live-stock 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.

22. *Power of 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 4, prescribing the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties,

(b) under section 5, prescribing the age of a bull after which it shall not be kept for breeding purposes without a licence,

(c) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted,

[Appendix 31—concl'd.]

(d) under section 7, prescribing the conditions subject to which a licence may be revoked,

(e) under sections 7 and 11, prescribing the manner in which notice shall be served,

(f) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted,

(g) under sections 11 and 16, prescribing the manner in which a bull shall be castrated, and

(h) under section 17, prescribing the manner and form in which a bull shall be marked.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

23. *Power of Government to apply the provisions of this Act to buffalo-bulls.*—Government may, by notification in the *Bombay Government Gazette*, direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the references to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

STATEMENT OF OBJECTS AND REASONS.

It has long been the opinion of all concerned with the improvement of cattle that one of the measures necessary for this purpose is the compulsory castration of inferior bulls. It is believed that in many areas cultivators themselves would welcome a measure of this kind. The present bill is intended to give the necessary power compulsorily to castrate bulls in specified villages.

2. Castration can now be performed in a simple and humane manner by means of a pair of powerful forceps called the Burdizzo castrator. By this means the operation is quickly and bloodlessly performed.

3. The Department of Agriculture at present puts out, from its farms, breeding bulls into areas where there are fairly pure breeds. This is called the A zone and at present contains a total number of 147 villages. B zone includes areas where the prevailing type of cattle is not so pure and where bulls produced in A zone are placed. It is contemplated that if this Bill becomes law it should be applied in the first instance to villages in A zone or to similar villages where approved breeding bulls from bodies such as the Bombay Gowrakshak Mandali are placed.

4. The application necessary to bring into operation the operative provisions of the Act in any village must be made either by the District Local Board with the previous concurrence of the Director of Agriculture or by the Director of Agriculture with the previous concurrence of the District Local Board.

(Signed) S. T. KAMBLI.

[Appendix 32.]

APPENDIX 32.

BILL No. XXV OF 1933.

A Bill further to amend the Prince of Wales Museum Act, 1909.

(As published in the "Bombay Government Gazette" of the 22nd August 1933.)

WHEREAS it is expedient further to amend the Prince of Wales Museum Act, 1909, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Prince of Wales Museum (Amendment) Act, 1933.

2. *Amendment of section 3.*—In sub-section (2) of section 3 of the Prince of Wales Museum Act, 1909, after clause (h) the following clause shall be inserted, namely :—

(hh) one other person elected at a joint meeting of the Trustees of the Sir Dorabji Tata Trust constituted by a trust deed dated the eleventh day of March 1932 and of the Trustees of the Sir Ratan Tata Charities constituted by the will and codicil of Sir Ratan Tata dated the twenty-first day of March 1913 and the twenty-ninth day of February 1916 respectively, by a majority of votes of the Trustees present and voting at such meeting, the Chairman of such meeting having a casting vote in the case of an equality of votes ; "

STATEMENT OF OBJECTS AND REASONS.

There is already a valuable collection of Objects of Art at the Prince of Wales Museum given by the late Sir Ratan Tata, and very recently the Trustees of the late Sir Dorab Tata's Charities have transferred permanently to the Museum further art collections belonging to the late Sir Dorab Tata. In view of these bequests it is very desirable that a representative nominated jointly by Trustees of the Sir Dorab Tata's Charities and of the Sir Ratan Tata Trust should be on the Board of Trustees of the Prince of Wales Museum. It is, therefore, proposed to amend the Prince of Wales Museum Act, 1909, so as to provide for the inclusion of such representative on the Board of Trustees of the Museum.

(Signed) S. T. KAMBLI.

APPENDIX 33.

Agenda.

Supplementary Agenda as corrected up-to-date for the second session of the Bombay Legislative Council which commenced on Monday the 7th August 1933 (*vide* Standing Order X, 1 (i) (d)).

[Appendix 33—*contd.*]

Discussion of matters of General Public Interest.

Resolution by Rao Bahadur G. V. Pradhan, M.L.C.

1. "This Council recommends to Government that they should be pleased to take the following measures for giving immediate relief to the cultivators, viz.—

(a) to suspend entirely one full year's irrigation dues to every irrigator out of his dues for 1930-31 or 1933-34;

(b) to suspend coercive processes for the recovery of irrigation dues at least till the end of the next financial year, viz. 1933-34;

(c) to adopt in consultation with the representatives of the irrigators on the Deccan Canals a sliding scale of water-rate for sugarcane to be made applicable from the year 1930-31."

Resolution by Rao Bahadur R. S. Asavale, M.L.C.

1. "This Council recommends to Government that they should be pleased to take the following measures for giving immediate relief to the cultivators, viz.—

(a) to remit one full year's *irrigation dues* to every irrigator out of his dues for 1930-31 or 1933-34;

(b) to suspend coercive processes for the recovery of *irrigation dues* at least till the end of the next financial year;

(c) to adopt, in consultation with the representatives of the irrigators on the Deccan Canals, a sliding scale of water-rate for sugarcane to be made applicable from the year 1930-31."

Resolution by Rao Bahadur S. K. Bole, M.L.C.

1. (As No. 3 of Sardar Rao Bahadur B. R. Naik on the main Agenda.)

Resolution by Mr. G. M. Kalbhor, M.L.C.

1. (As No. 1 of Rao Bahadur R. S. Asavale on this agenda.)

Resolution by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.

1. "This Council recommends to Government that the recent revision settlement of land revenue in Thana, Kolaba and Ratnagiri districts be cancelled and the suspensions granted in previous years be converted into remissions."

Resolution by Mr. J. B. Petit, M.L.C.

1. "This Council recommends to the Government to introduce at the earliest possible moment, preferably during the next session, a comprehensive 'State-Aid-to-Industries' Bill in the interests of the industrial development of the Presidency."

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