

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 22ND APRIL 1869.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 22nd February 1869, and the assent of His Excellency the Governor General on the 24th March 1869, and is published for general information:—

BOMBAY.

Act No. III. of 1869.

An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility and improvement, and to constitute Local Committees for the due administration of such funds.

WHEREAS it is expedient to provide funds for local works of public utility and convenience, and to make better provision for Education and Sanatory improvements in the Presidency of Bombay; and whereas it is expedient to constitute Local Committees to provide for the due appropriation of such funds to the purposes aforesaid: It is enacted as follows:—

I. Government may from time to time, by Notification, define the limits of any District, for the purposes of this Act.

Government may define limits of District.

II. In every District in the Presidency of Bombay it shall be lawful for Government to create, for the purposes hereinafter described, a Local Fund Committee of the District. The Members shall be not fewer in number than 8, inclusive of the President, one-half at least shall be non-official persons, and they shall be selected and appointed by Government, or by the Revenue Commissioner, or other Officer from time to time duly empowered on that behalf by Government. The Collector, or Sub-Collector shall, *ex-officio*, be the President, and the Committee shall act under the control and general supervision of the Revenue Commissioner. The Members shall be removable by Government, and all proceedings of the Committee, or orders of the Revenue Commissioner relating thereto, shall be subject to the review and control and final decision of Government, which final decision a Local Fund Committee shall be bound to carry out.

III. The Local Fund Committee of

The Committee to sue and be sued in the name of the President.

each District shall sue and be sued in the name of the President by the description of "The President of the Local Fund Committee of the District of _____." In such name, so described, the Committee shall be competent to hold property movable and immovable, to convey the same, and to enter into all necessary contracts for the purposes of this Act. Any deed, contract, or instrument so made on behalf of the said Local Fund Committee may be executed by the President of the Committee.

IV. It shall be the duty of the Local Fund Committee of

Committee to provide for Roads, Schools, Hospitals, &c.

each District to ascertain, and, in so far as the means at its disposal will allow, to provide for the requirements of the District with respect to works and undertakings calculated to promote the local public health, education, and convenience, including Roads, Schools, Hospitals, Dispensaries, Dhurumsalas, Markets, and Wells, and other works for improving the water supply.

V. In the performance of the duties imposed by this Act

Officers and Establishments for the purposes of the Act.

it shall be lawful for the Local Fund Committee of each District, in accordance with such Rules as may from time to time be prescribed on that behalf by Government, to employ such Officers and Establishments as may be necessary, so long as they shall be necessary; and in accordance with the said Rules to make, out of the funds at its disposal, suitable payments by way of remuneration to such Officers and Establishments, or otherwise in furtherance of any of the purposes of this Act.

VI. It shall be lawful for Government

Levy of one Anna Cess on every Rupee of Land Revenue for the purposes of the Act.

to levy for the purposes of this Act, on the conditions and in the manner hereinafter described, from all lands in the Presidency of Bombay, except Jagheer lands not under the General Regulations, and also from every farmer of Land or Sayer Revenue in respect of any such farm taken from the Collector or other Officer on behalf of Government after the date on which this Act comes into operation, a Cess not exceeding one Anna on every Rupee that is assessable to the ordinary land revenue, or that would have been so assessable had

there been no alienation of such revenue and on every Rupee that is payable by such farmer of Land or Sayer Revenue in respect of such farm: Provided that in

Proviso. respect of lands of which a settlement for

a term of years is for the first time made after this Act comes into operation such Cess be imposed at the time when such settlement is made, and at no other period during the currency of the term.

VII. In assessing this cess on alienated villages as defined in

Rules for assessment. (Bombay) Act I. of 1865, the following

Rules shall be adopted:—

I. If the village has been surveyed and assessed on the principles laid down in (Bombay) Act I. of 1865 the cess shall be fixed on the total annual assessment of the village as made by the Survey Officers.

II. If the village has come under Summary Settlement under (Bombay) Act II. or (Bombay) Act VII. of 1863, the cess shall be fixed, until the village is brought under the preceding Rule, on the total annual assessment, as settled for the purposes of Summary Settlement.

III. On villages not included in the preceding Rules the cess shall be fixed on the old or kummal rate recorded in the Collector's Books, but if this rate be objected to by the holder or proprietor of the alienated village, then the cess may be fixed as agreed on by the Collector and such holder or proprietor, or failing agreement, then by a rough survey and assessment to be made by Survey Officers, the expense of such rough survey being borne half by Government and half by the holder or proprietor of such village.

VIII. The Cess described in Sections VI. and VII. of this

Cess to be levied as Land Revenue. Act shall be levied in the same manner, and

under the same provisions of law, as the ordinary Land Revenue, and through the agency of such Officers as shall from time to time be appointed for the purpose by the Collector, acting under the general control of Government, or of the Revenue Commissioner, or other Officer from time to time duly empowered on that behalf by Government. The provisions of the law relative to the assistance to be given to superior holders for the recovery of their dues from their tenants and occupants under them

shall be applicable to all superior holders, whether of alienated or unalienated land in respect of the recovery of this Cess from their tenants and occupants, and shall be applicable also to occupants of land under (Bombay) Act I. of 1865 for the recovery of this Cess from their tenants or joint occupants.

IX. The Collector of each District shall annually render to the Local Fund Committee of that District an account showing the gross receipts and charges of collection of the Cess levied under this Act in the same District, and shall place the net proceeds of such Cess to the credit of the District Local Fund, and such proceeds shall be expended on the objects mentioned in Sections IV. and V., and on no others. Nothing in this Section shall

Assignment to Municipal Commission in Towns.

be held to prevent the Local Fund Committee, in towns in which a Municipal Commission exists under Act XXVI. of 1850, or any other law for the time being in force, from assigning, with the sanction of the Revenue Commissioner, a portion of such net proceeds for expenditure by the Municipal Commissioners: Provided that such assignment do not exceed the net amount of Cess levied from the inhabitants of such Municipal Town. And the portion of such net proceeds so assigned shall be applied to any of the purposes mentioned in Sections IV. and V., and to no other purposes.

Proviso.

X. The Local Fund Committee of each District shall also, subject to the provisions and conditions hereinbefore enacted, administer such other funds as may from time to time be placed at their disposal either under the orders of Government or by contributions from private individuals.

XI. An account of all receipts and disbursements of the Funds at the disposal of each Local Fund Committee shall be kept by such Committee, and copies in the Vernacular lan-

Local Fund Committee to keep Accounts. Abstract Account to be published.

guage of the District shall be circulated for the information of the local public, and shall further be published in the vernacular paper of the District, if any; and further, an Abstract Account of each Local Fund shall be published annually in the *Government Gazette* by the Revenue Commissioner, in both English and the Vernacular language of the District, which account shall show the amount of Cess levied under this Act, and of other funds placed at the disposal of each of the Local Committees, and the mode in which the same has been applied, and the balance, if any, remaining undisposed of at the close of the year.

XII. It shall be lawful for Government from time to time to make, and from time to time to vary or repeal, Rules for the guidance of Officers in matters connected with the enforcement of this Act, provided such Rules are not inconsistent with the provisions contained in the Act. Such of the said Rules as shall be published shall, until they are varied or repealed, be of the like effect as if they were inserted in the Act.

XIII. In this Act the words Collector and Sub-Collector shall be held to include any one acting for a Collector or Sub-Collector respectively, or any one in charge of the office of a Collector or Sub-Collector respectively. And any of the powers given by this Act to a Collector or Sub-Collector may be specially delegated by him to any Assistant or Deputy Collector.

XIV. All collections of a cess of one anna on the rupee of assessment on the ordinary Land Revenue made previously to the coming into operation of this Act for the objects contemplated in this Act shall be deemed to have been legally made.

XV. This Act is not applicable to the Province of Sind, or to the City of Bombay.

Act not to apply to Sind or City of Bombay.

XVI. This Act may be cited as the "Bombay Local Funds' Act, 1869."

Short title.

By order of the Right Honourable the Governor in Council,

N. DANIELL,

Acting Under-Secretary to Government.

Bombay Castle, 3rd April 1869.