

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 10<sup>TH</sup> MARCH 1898.

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

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

*(To be translated into Maráthi and Gujaráti and the translations to be published in the "Bombay Government Gazette." The dates of publication to be reported.)*

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill for the improvement of the City of Bombay and to provide space for its future expansion, and the amendments as proposed by the Select Committee are, in accordance with Rule 35 of the Rules for the conduct of business at Meetings of the Council, published for general information:—

We, the members of the Select Committee appointed to consider Bill No. I of 1898 (a Bill for the improvement of the City of Bombay and to provide space for its future expansion), have the honour to report as follows, after considering the several representations which have been addressed to us by the Corporation, the Chamber of Commerce, and the Mill-owners' Association.

2. The subjects which have principally engaged our attention may conveniently be arranged under the following heads:—

#### I.—CONSTITUTION.

In deference to a widely-expressed view that the Mill interest should be directly represented, a majority of the Committee are of opinion that there should be one additional elected Trustee, to be returned by the Mill-owners' Association, and this change has been embodied in Section 5 of the Bill. In a project which must largely affect the location and the provision of suitable house accommodation for the classes which supply Mill operatives, it seems only reasonable that the Mill industry should be directly represented.

We are fully alive to the arguments which may be urged against increasing the number of the Board, but do not think that this consideration should outweigh the importance of the interests to which we have referred, nor do we see how any other arrangement commanding general approval could be made for securing the representation of those interests. Moreover, it may be observed that



for the Chairman to be able to exercise his privilege of a casting vote, there is a theoretical advantage in having an even number of Trustees. One member of the Committee, however, desires that it should be stated in the Report that a preferable alternative would be to secure a direct representation of the Mill interests by substituting the Mill-owners' Association for the Port Trust as an electoral body, thus leaving the number of members on the Board as originally proposed.

3. Amongst minor matters affecting the constitution of the Board we have, in deference to the opinion expressed by the Corporation, provided that the members returned by that body shall be elected by open voting and not by secret ballot, the object being to emphasize the responsibility of selecting persons specially qualified for the discharge of the important duties appertaining to the Board. We have also recommended that the members of the Board first elected and appointed should hold office for a period of not less than two years, in order that the general principles on which the operations of the Board are to be conducted may be firmly established before any avoidable changes are made.

4. We have also provided that the maximum salary of the Chairman should be limited to Rs. 3,000, and that the fees payable to a member of the Board should not in any one month exceed Rs. 200. We have further inserted amendments to secure that the delegation of the powers of the Board to a Committee shall be restricted by by-laws requiring the sanction of Government, and we have inserted more stringent provisions as to the power of executing contracts.

## II.—OPERATIONS OF THE BOARD.

5. We have revised in several respects the particulars connected with the preparation, publication, and submission of schemes, and in order to secure the utmost publicity and consideration, and at the same time to emphasize the intimate association which should characterise the relations between the Board and the Corporation, have provided that the Corporation should be furnished with a copy of every proposal in order that the Corporation may have the opportunity of making any representation which they may deem fit before a scheme is ratified by Government.

Furthermore, we have provided in the clauses regulating the compulsory initiation of an improvement scheme that the Commissioner shall be bound to take action on a Resolution of the Corporation, as on a complaint from any of the persons mentioned in Section 26 (2).

6. We have also introduced a new section in order to avoid any conflict of executive authority in regard to the formation or alteration of streets comprised within the area of a scheme until such time as the streets so formed or altered are in a condition to be transferred as public streets to the Municipality, and likewise have inserted provision to govern cases in which the operations of the Board may be affected by the rights or interests of the Bombay Tramway Company or the Bombay Gas Company. Moreover, as the result of improvement operations on any large scale must be to displace a considerable number of tenants, who might find it impossible to obtain fresh quarters without intensifying the evil of over-crowding, which it is the purpose of the Bill to remove, it is desirable that accommodation should be provided for such persons before any extensive demolition takes place, and to secure this object we have proposed an alteration in the Bill by which arrangements for housing the working classes may be undertaken in anticipation of the approval of other parts of a "scheme."

7. In regard to the compulsory acquisition of land, we consider that the period of notice should be the same as under the Land Acquisition Act, and as the provision that an order of the special Tribunal should be enforced by the High Court is of doubtful legality, we have, on the advice of the Advocate General, substituted the Court of Small Causes for the High Court. Whilst retaining the provision that the owner of any premises shall for the purposes of compensation be estopped from estimating the rental which he derives at a higher rate than that which he has returned for the purposes of Municipal assessment, we



have inserted words to make it clear that such estoppel shall not affect any increase in the letting value due to improvements made subsequent to such return and prior to the notification declaring that the premises are to be acquired. We have further modified this section of the Bill so as to restrict its application to returns made after the Act comes into force.

8. We have transferred to that part of the Act which deals with the execution of reclamation schemes, the matter originally contained in sub-sections (3), (4) and (5) of Section 53 under the head of Transfer of Property, at the same time making it clearer that the cases in respect of which no compensation will be claimable on account of the enforcement of an order of Government, are those only in which buildings have been erected or other acts done in direct contravention of an express order or prohibition. We have found ourselves unable to give effect to a suggestion made by two members of the Committee that, in order to ensure the greatest possible caution in proceeding with reclamation schemes, Government should be debarred from sanctioning any such scheme proposed by the Board but disapproved by the Corporation until it had first been submitted to an independent Committee of experts to be appointed half by Government and half by the Corporation.

9. In regard to Police accommodation schemes we have endeavoured to simplify the wording of Section 40 and after careful consideration we have proposed that all Police accommodation provided by the Board in the execution of a scheme shall, after the expiration of the first lease, during the period of which the capital debt will be liquidated by annual payments by way of rent, vest in the Corporation to be used for the same purpose and subject only to such rent as will suffice to pay for maintenance charges and rates and taxes.

### III.—PROPERTY, REVENUE AND DIVISION OF PROFITS.

10. Under this head the first subjects to be considered are the Schedules of Landed Estates which are to vest in the Board. In respect to these lands, both those belonging to the Government and those belonging to the Corporation, it has been asserted that the values as entered are underestimated, but neither on the one side nor the other are we disposed to make any change, not only because the superior correctness of any revised valuation would be highly problematical, but because the difference would not be of any great moment inasmuch as all revenue-producing lands are ultimately to revert to the present proprietors. In the schedule of Government properties one item, namely, the Marine Lines Estate, has been amended by the exclusion of that part of the Esplanade used as a parade ground by the Marine Battalion, which had been inadvertently included, and in the schedule of Municipal properties ten thousand square yards reserved for, but not now required for the Health Department stables, and certain other vacant plots, have been inserted at the valuation given by the Commissioner.

11. As regards revenue-producing lands, that is, lands to be appropriated for building purposes, whether belonging to the Government or to the Corporation, the terms are that a ground-rent at the rate of 3 per cent. per annum on the scheduled values shall be paid by the Board from the tenth year of its existence, or from such subsequent period as may be approved by the Government of India or the Corporation, respectively. A provision empowering the Corporation so to prolong the period of exemption has been added to the Bill. The Board will have the privilege of letting these lands on building leases for 99 years, and on the expiration of the leases the lands with buildings thereon will vest exclusively in Government or the Corporation, as the case may be.

12. With reference to lands to be dedicated to the public as open spaces, we have found it necessary to explain more clearly the financial terms of the tenure, which were incorrectly stated in the Bill as originally drafted. These terms are that the capital cost, as valued in the schedules, shall be liquidated by annual payments extending over 60 years, these payments not to commence until the Board is realizing such annual profits as to be independent of the sums receivable from the Corporation, whether on account of the 2 per cent. rate or on



account of the enhanced rateable value of the areas concerned. Whilst recognizing that these terms are generally reasonable, we consider that it would be premature to bind the Board irrevocably to this or that appropriation of any particular area, since many years must elapse before any sums will be payable in respect of land set apart as open spaces, and in the interval it may be found desirable to resume some portions of these lands for public purposes. As it will be the business of the Board to consider the general improvement of the city and to reserve open spaces wherever they may think them most required, we are of opinion that they should have an equally free hand in determining the allocation of the vacant lands comprised in the schedule, and it appears to us sufficient that the Bill should prescribe the terms to govern the assignment of such lands whether on the one tenure or the other. Pending such determination we consider that the Board should, in respect of the Kennedy Sea Face, the Secretariat plot and the Cooperage plot, merely exercise the revenue rights and discharge the liabilities which now appertain to Government, and that subject to this proviso there is nothing to be gained by now classifying the Government lands in two distinct schedules. Schedule C has, therefore, been amended accordingly. We also recommend a further proviso that the Flats shall in no case be built upon and no capital value shall be assessed in respect of them.

13. It will be observed that this amendment does not entail any alteration of principle, but simply reserves for future determination a question which may be more profitably settled when both the public and the Government are in a position, after some years of the Board's operations, to form a better opinion than is at present possible as to the best permanent disposal of the lands in question.

14. Next to the question of lands, the subject under this head which has most engaged the attention of the Committee is the endeavour to express in less complicated words than those of the original Bill the nature of the revenue transactions between the Board and the Corporation. With this object in view the old Section 63 has been completely redrafted so as to make it clear that what the Corporation have to pay is 2 per cent, on the rateable value of all taxable properties in the City, this contribution being enhanced, in the case of ordinary property rates derived from areas occupied by the Board, by any increase which may accrue from the rateable value of the property. On the other hand, the Board have to give credit to the Corporation for any loss of revenue which may occur after the first five years of the Board's existence, and which may be due to a diminution in rateable value, caused for instance by the reservation of open spaces within the areas occupied; and also for any expense incurred by the Municipal Executive in maintaining and lighting the roads formed by the Board or in maintaining and cleansing the sewers, &c.

15. Lastly, we have considered whether it would be possible to eliminate the sections which impose on the city a contingent liability in the event of the Board making default. We consider it in the highest degree improbable, having regard to the conditions of sanction which must precede the execution of any scheme, that any occasion will arise for having recourse to the provisions of these sections, and this being so, it has been suggested in our discussions that their omission would be conducive to careful and cautious administration of the resources placed at the Board's disposal, but a majority of us have come to the conclusion that their retention is essential to the financial success of the Board's operations and certainly to the interests of the tax-payer.

#### IV.—MISCELLANEOUS.

16. We have been advised that Section 1 (2) should safeguard the provisions of the Indian Telegraphs Act as well as those of the Indian Railways Act, and an addition has been made accordingly. It has been suggested that with a view to future Railway requirements some express stipulations as to the reservation of land should be inserted in the Bill, but we have come to the conclusion that as Government have full powers to resume and acquire lands needed for any public purpose, and that as before sanction is accorded to any scheme all Departments likely to be affected by it will be consulted, no special reference in the Bill to Railway interests is required.



17. The only other point which occurs to us as deserving special mention is the inclusion of the Board's debentures in the definition of "Public Securities", coupled with an addition to Section 48 which enables the Board to invest in their own securities without such investment operating as a *pro tanto* redemption of a loan.

18. We append a statement of the amendments proposed by us in the Bill.

19. The Bill was published in Maráthi and Gujaráti in the *Bombay Government Gazette* of the 14th February 1898. We have ordered that the Bill, as now amended, and this report, be similarly translated and published.

(Signed) E. C. K. OLLIVANT.  
( „ ) WALTER C. HUGHES.  
( „ ) A. S. MORIARTY.  
( „ ) PHEROZESHAH M. MEHTA.  
( „ ) SCROPE B. DOIG.  
( „ ) BHALCHANDRA KRISHNA.  
( „ ) A. ABERCROMBIE.  
( „ ) FAZULBHOY VISRAM.

*Bombay, 7th March 1898.*



### List of the Amendments proposed in the Bill by the Select Committee.

For the words "nominee" and "elective" wherever they occur in the Bill *substitute* the words "nominated" and "elected" respectively, except in Section 15 (3), line 46, where *substitute* "electoral" for "elective" before the word "body", and for the word "bye-law" *substitute* "by-law" throughout.

At the end of Section 1, sub-section (2), line 13, *add*

"or the Indian Telegraphs Act."

To Section 2 *add* the following after the first proviso:—

Provided also that the term "public securities" shall include securities issued under this Act.

Wherever the words "Part of this Act" occur, *substitute* the word "Chapter".

For Sections 4 and 5 *substitute* the following:—

4. The Board shall consist of fourteen members, that is to say, of three *ex-officio* Trustees, seven elected Trustees, three nominated Trustees, and a Chairman who shall also be a Trustee.

The *ex-officio* Trustees shall be—

- (1) the General or other Military Officer Commanding Bombay District,
- (2) the Collector or Acting Collector, and
- (3) the Commissioner.

5. Of the elected Trustees four shall be elected by the Corporation, one by the Bombay Chamber of Commerce (hereinafter called the Chamber), one by the Trustees of the Port of Bombay (hereinafter called the Port Trustees) and one by the Bombay Mill-owners' Association (hereinafter called the Mill-owners' Association), out of their own bodies, respectively, and any Trustee so elected shall be re-eligible.

For Section 6 *substitute* the following:—

6. The election of Trustees—

- (a) by the Corporation, the Port Trustees and the Mill-owners' Association shall be in accordance with regulations which those bodies may respectively frame, provided that the election by the Corporation shall be by open vote;
- (b) by the Chamber shall be held in the manner laid down in the Rules and

Regulations of the Chamber for the election of Port Trustees.

In Section 7, line 5, *delete* the words "of Commerce"; in line 6 after the words "Port Trustees" *insert* the words "or the Secretary of the Mill-owners' Association"; and in lines 4 and 6 *substitute* the word "Secretary" for the word "Chairman".

In Section 8, lines 4 and 13, after the words "Port Trustees" *add* the words "or the Mill-owners' Association" and in line 10, between the words "person" and "and", *insert* the words "belonging to the body so making default."

In Section 10, lines 4 and 5, between the words "date" and "as" *insert* the words "not being within 30 days from the date of this Act coming into force."

For Section 11 *substitute* the following:—

11. Upon the publication of the notification under Section 10, the Corporation, the Chamber, the Port Trustees and the Mill-owners' Association shall respectively proceed to elect Trustees, as hereinbefore provided. The Trustees first to be elected shall be elected on some day not later than a fortnight previous to the date which shall be notified under the said section, and the Trustees first to be nominated shall be appointed on some day during the said fortnight; in every other case elected Trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term of office is to commence; and nominated Trustees shall be appointed on some day in the remainder of the said month of March.

For Section 12 *substitute* the following:—

12. (1) The Chairman shall hold office during the pleasure of Government.

(2) The first nominated Trustees and three of the first elected Trustees, to be selected by lot at such time and in such manner as the Chairman shall determine, shall hold office up to and inclusive of the 31st day of March 1901.

(3) The remaining three of the first elected Trustees shall hold office up to and inclusive of the 31st day of March 1900.



In every other case the nominated and elected Trustees shall hold office for a term of two years.

Omit Sections 13 and 14.

In sub-section (1) of Section 15, line 9, delete the words "of Commerce"; for the word "or" substitute the word "the"; and in line 10 after the word "Trustees" insert "or the Mill-owners' Association."

For lines 20 to 24 of sub-section (2) of the same section substitute the following:—

(2) If a Trustee, other than the Chairman,—  
for periods exceeding three months.

(a) departs from Bombay with a declared intention of being absent for a period exceeding three months; or

And in sub-section (3) of the same section

(a) omit the word "less" in line 41;

(b) between the words "period" and "than" insert the words "of less".

In sub-section (2) of Section 16 delete clause (k).

For sub-section (1), clause (d), Section 17, and the proviso following substitute the following:—

(d) being an elected Trustee shall cease to be a Councillor, or a member of the Chamber, or a Port Trustee, or a member of the Mill-owners' Association, as the case may be,

shall cease to be a Trustee, and his office shall thereupon become vacant:

Provided that clause (d) shall not be deemed to apply to a Councillor or a Port Trustee who shall upon ceasing to be a Councillor or Port Trustee, as the case may be, be forthwith re-appointed or re-elected as a Councillor or Port Trustee.

For Section 18 substitute the following:—

18. The Chairman shall receive such monthly salary, not exceeding Rs. 3,000, as Government shall from time to time determine.

Government to determine salary of Chairman.

For the purposes of this section and of Section 24 'salary' shall be deemed to be exclusive of any allowance to which the officer appointed may be entitled or any

contribution which he may be liable to pay under the Civil Service Regulations.

To Section 19 add the following proviso:—

Provided that the aggregate amount of fees payable to any Trustee in respect of meetings held during any month shall not exceed Rs. 200, or such sum as may be fixed by any by-law from time to time made in this behalf.

In the marginal note to clause (a) of sub-section (2) of Section 20, for the word "fortnight" substitute the word "month".

For clause (d) of this sub-section substitute the following:—

(d) that every meeting shall, if the Chairman be present, be presided over by the Chairman; if he be absent, by such one of the Trustees present as may be chosen by the meeting;

For sub-sections (3) and (4) of Section 20 substitute the following:—

(3) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit; and may

(a) refer to such Committees for inquiry and report any subject relating to the purposes of this Act,

(b) delegate to such Committees by a specific resolution in this behalf, and subject to any by-laws made under clause (a) of Section 84, any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment.

Chairman to be President of every Committee.

The Chairman shall be the President of every such Committee.

And after sub-section (5), which should be numbered (4), add the following:—

(5) Every Committee meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting.

For Section 21 substitute the following:—

21. (1) The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof

Mode of executing contracts.



the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) Every other contract and agreement on behalf of the Board shall require the previous approval of the Board, shall be in writing, and shall be signed by the Chairman and by two other Trustees, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding on the Board.

To Section 22 *add* the following :—

The common seal of the Board, which shall remain in the custody of the Secretary of the Board, shall not be affixed to any contract or other instrument except in the presence of two Trustees, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said Trustees shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

In clause (2) of Section 23, for the words "subject to the regulations at the time being in force framed by the Board under Section 81," *substitute* the words "to the extent specified in Section 82."

For Section 24 *substitute* the following :—

Leave of absence and appointment of Acting Chairman.  
Leave and acting allowances.

24. (1) Leave of absence may be granted from time to time to the Chairman by Government.

(2) The allowance (if any) to be paid to the Chairman whilst so absent on leave shall be of such amount, not exceeding the amount of the salary of the Chairman, as shall be fixed by Government: provided that if the Chairman is a Government officer the amount of the allowance shall be such as he may be entitled to under the Civil Service Regulations.

(3) During any absence of the Chairman Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the person for whom he is appointed to act and shall be subject to the same liabilities, restrictions and conditions

to which the said person is liable and shall receive such monthly salary within the limits prescribed in Section 18 as Government shall determine.

In Section 25, lines 8, 14, 15 and 26, *delete* the words—

"houses or";

in lines 30 and 32 *delete* the word—

"houses";

in the proviso, line 43, *delete* the word—

"always";

and *add* the following second proviso—

Provided also that for the purposes of Section 28 the Board may cause surveys to be made in areas outside the limits of the area comprised in a scheme.

In sub-section (2) of Section 26 *insert* the following as clause (a):—

(a) on a resolution being passed by the Corporation in that behalf;

and re-letter the existing clauses as (b), (c) and (d).

For Section 27 *substitute* the following :—

27. The improvement scheme, which may exclude any part of the area in respect of which an official representation is made, or include any neighbouring land, if the Board are of opinion that such exclusion or inclusion is expedient—

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

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

(b) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(c) the draining and lighting of streets so formed or altered;

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

(a) raising any low-lying land which the Board may deem expedient to raise for the better drainage of the locality,

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

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

(3) may, within and without the limits aforesaid, provide for the construction of



buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

For lines 1 to 35 of Section 29 *substitute* the following:—

29. (1) Upon the completion of an improvement scheme the Board shall 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 area comprised therein and a statement specifying the land proposed to be acquired, may be seen at all reasonable hours; and shall—

(a) communicate a copy of such notification to the President of the Corporation, who shall, within the period specified in the next sub-section, forward to the Board, for transmission to Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme;

(b) during three consecutive weeks publish simultaneously in the *Bombay Government Gazette* and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a copy of the said notification.

(2) During the month next following the first day on which such notification is published, the Board 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 the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within 30 days from the date of service of the notice,

And in lines 47 and 50 of the same section after the word "abode" insert the words "or business".

For Section 30 *substitute* the following:—

30. (1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme the Board shall, after consideration of any representation or answer referred to in Section 29 and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

(2) The application for sanction shall, save in the case provided for in sub-section (3), be accompanied by—

(a) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

(b) complete plans and estimates of the cost of executing the scheme;

(c) a statement specifying the land proposed to be acquired;

(d) any representation received under sub-section (1) of Section 29;

(e) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (2) of Section 29 dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land;

(f) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification under Section 29, of all land specified in the statement under clause (c) and of any other lands wholly or partially of which the whole or any part is situated within 80 feet from either side of the line of any street to be formed or altered in executing the scheme.

(3) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of Section 29, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of Section 31 shall, with all necessary modifications, be applicable to



the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

In Section 32, line 15, *delete* the words "formation scheme" and in place thereof *substitute* the words "scheme for such area as may seem expedient to the Board."

For Section 33 *substitute* the following:—

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

- (a) the acquisition of any land which will in the opinion of the Board 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 draining and lighting of streets so formed or altered;

(2) may, within the limits aforesaid, provide for raising any land vested in or to be acquired by the Board which the Board may deem expedient to raise for the better drainage of the locality; and

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

For Sections 35, 36, and 37 *substitute* the following:—

#### *Reclamation Schemes.*

35. Whenever the Board is of opinion that it is expedient for the purposes of this Act to reclaim any area within the limits specified in Schedule E, the Board may pass a resolution that it is expedient to reclaim such area as aforesaid, and shall forthwith forward a map showing the area proposed to be reclaimed to Government for transmission to the Government of India, who shall determine, with reference to the site of any battery and the arcs of fire of the guns thereof, the limits within which no building shall be erected within such area.

Upon receipt of the orders of the Government of India the Board shall proceed to make a reclamation scheme, which shall

conform with such orders, in respect of such area.

36. (1) The reclamation scheme shall provide for—

- (a) enclosing and filling in such part of the foreshore as shall be necessary to reclaim the area comprised in the scheme;
- (b) laying out all or any land reclaimed within the area, including the formation of streets;
- (c) draining and lighting of streets so formed;
- (d) the whole or any part of the sanitary arrangements required.

(2) If any part of the area is situate to the west of any land in military occupation at Colaba, particulars of the scheme shall be submitted to Government, who shall determine—

- (a) what, if any, portion of the area to be reclaimed will be required to be taken possession of for a military purpose under the provisions of Section 53A (3);
- (b) with reference to the sanitary requirements of the troops, the conditions on which buildings may be erected on any part of the said area,

and the scheme shall conform with such orders.

37. Upon the completion of a reclamation scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the areas comprised therein, and naming a place where particulars of the scheme (including full estimates of the cost and anticipated profits) and a map of the area comprised therein, may be seen at all reasonable hours, and shall—

- (a) communicate a copy of such notification to the President of the Corporation, who shall, within 30 days from the date of receipt thereof, forward to the Board for transmission to Government as hereinafter provided any representation which the Corporation may think fit to make with regard to the scheme;
- (b) during three consecutive weeks publish a copy of the said notification in the *Bombay Government Gazette*.

37 A. (1) Upon compliance with the provisions of the last preceding section, the Board shall, after consideration of any representation referred to in the said sec-



tion, and after inserting in the scheme such modifications not at variance with the orders received under Sections 35 and 36 as they may think fit, apply to Government, for sanction to the scheme.

(2) The application for sanction shall be accompanied by—

(a) a description with full particulars of the scheme, including the reasons for any modifications inserted therein;

(b) complete plans and estimates of the cost of executing the scheme;

(c) full estimates of the anticipated profits of the scheme;

(d) any representation received under Section 37.

(3) On receipt of the sanction of Government the Board shall proceed to execute the scheme.

37B. No person shall be entitled to any compensation from, and no suit for compensation shall lie against, Government in respect of any loss or damage to the interests, immediate or prospective, of any person, due to the enforcement of any order or prohibition issued by Government under Sections 35 and 36.

For Section 38 substitute the following:—

38. (1) When a representation is made by Government to the Board that within any part of the City accommodation is required for housing any part of the Police of the City, the Board 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 forthwith proceed to make a Police accommodation scheme.

(2) The Police accommodation scheme may provide for constructing dwellings 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.

For Section 40 substitute the following:—

40. (1) Any building constructed under the last two preceding sections shall be leased to Government for Police pur-

poses on a repairing lease for a term of sixty years from the date of the completion of the building and Government shall during the period of such lease pay yearly to the Board by way of rent (to be deemed to be part of the annual expenses of the Police of the City) a sum which shall comprise—

(a) the interest and sinking fund charges on the capital cost of the building, such charges to be calculated at the rate applicable to the last loan raised by the Board under Section 45 preceding the date of completion of the building;

(b) all rates and taxes payable by the Board in respect of the building and the land forming the site thereof.

(2) "Capital cost of the building" for the purposes of this section shall be an amount equal to

(a) the cost of the construction of the building, including preliminary expenses, and an allowance for management, supervision and interest and sinking fund charges (to be calculated in the manner aforesaid) during construction;

(b) the cost of the land forming the site of the building;

"the cost of the land" for the purposes of this section shall be deemed to be—

(i) if and so far as the land was acquired for the purpose—the actual cost of its acquisition,

(ii) if and so far as the land forms part of any land specified in Schedule C or D or reclaimed within the limits specified in Schedule E—its value as determined under Section 44A:

Provided that such value shall be paid by the Board to Government or the Corporation, as the case may be, and the land shall thereupon vest in the Board for the term of the said lease and the liability of the Board in respect of the land shall cease as if the land were land resumed under the provisions of either Section 53 (7) or Section 53A (2) as the case may be.

(3) On the expiration of the lease any land or buildings comprised in a Police Accommodation Scheme shall vest in the Cor-



poration for the purpose of housing the City Police and such rent only shall be charged in respect of such premises to the annual police expenses as may represent the annual maintenance charges together with the rates and taxes payable in respect of such premises.

After Section 40 *insert* the following new sections—

*General.*

40A. Whenever under any improvement or street scheme the whole or any part of an existing public street or other land vested in the Corporation is included in the site of any part of a street to be formed, altered, widened, diverted, raised, re-arranged or re-constructed by the Board, the Board shall give notice to the Commissioner that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the "part required") is required by them as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject as hereinafter provided, be vested in the Board: Provided that nothing in this section contained shall be deemed to affect the rights or powers of any Municipal authority under Chapters IX and X respectively of the Municipal Act, in or over any Municipal drain or water-work.

40B. The provisions of Sections 289 to 329 of the Municipal Act shall in respect of any public or private street vested in the Board be suspended in so far as regards the exercise or performance by any Municipal authority of any power or function under any of the said sections; but during the period of suspension as hereinafter defined, the Board may in respect of any public or private street vested as aforesaid exercise and perform all or any of the powers and functions conferred upon or vested in any Municipal authority by any of the said sections.

The "period of suspension" shall be understood to mean as to any street or part of a street vested in the Board, the period commencing at the date of such vesting and ending on the date on which such street or part of a street becomes vested or re-vested in the Corporation.

40C. The Board may also for the purpose of executing any scheme, or any work in connection therewith, exercise in respect of any gas-pipe or other gas work in any street or other land vested in them, at any time while the same shall be

so vested, any of the powers conferred on the Commissioner by Section 334 of the Municipal Act, but the Board shall in the exercise of such powers be subject to similar liability, in regard to the payment of the cost of alterations or compensation, as that imposed on the Commissioner by the said section.

40D. The provisions of Sections 3, 4, 10, 11, 12, 13, 14, 15, 27, 28 and 29 of the Bombay Tramways Act, 1874, shall, in respect of any public street or any part of any public street vested in the Board under Section 40A of this Act, be suspended in so far as regards the exercise or performance by any Municipal authority of any power or function under any of the said sections; but during the period of suspension as hereinbefore defined, the Board may exercise and perform in relation to the Bombay Tramway Company, Limited, all the powers or functions conferred upon or vested in any Municipal authority by any of the said sections, and any immunity or indemnity now claimable by any Municipal authority under any of the said sections shall, in respect of any street so vested in the Board, enure in favour of the Board during the period of suspension as defined in Section 40B.

For Section 42 *substitute* the following:—

*Acquisition of Land.*

42. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any lands or of any interest in lands needed by the Board for the purposes of this Act, or with the owners 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 lands or of any interest in such lands, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

For sub-sections (1), (2) and (3) of Section 43 *substitute* the following:—

43. Notwithstanding anything contained in the Land Acquisition Act, 1894 (in I of 1894, this section referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but

Board to have power to acquire lands by agreement.

for the Board to agree with the owners of any lands or of

any interest in lands needed by the Board for the purposes of this Act, or with the owners 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 lands or of any interest in such lands, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

of any lands or of any interest in lands needed by the Board for the purposes of this Act, or with the owners 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 lands or of any interest in such lands, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

set forth in Schedule A, apply to the acquisition of land under this Act, but



the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof; subject to the provisions of this Chapter and to the provisions following (namely):—

- (1) A reference to any section of the said Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression land, as used in the said Act, shall, in addition to the meaning included therein under clause (a) of Section 3 of the said Act, be deemed, for the purposes of this Act, to include rights created by legislative enactment over any street; and clause (b) of Section 3 of the said Act shall, for the purposes of this Act, be read as if the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land."
- (2) In the construction of sub-section (2) of Section 4 of the said Act and the provisions of this Chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under Section 25, 32, or 38, and the Board shall be deemed to be the Local Government.
- (3) In the construction of the sections of the said Act deemed to form part of this Chapter and the provisions of this Chapter, the publication of a declaration under Section 31, 34, or 39 shall be deemed to be the publication of a declaration under Section 6 of the said Act.

Delete sub-section (4) of this section and re-number sub-sections (5) and (6), as (4) and (5).

For Section 43 (6) (i) substitute the following:—

43. (5) (i) Any award or order of the Tribunal of appeal shall be enforced by the Small Cause Court as if it had been a decree or order of that Court.

For sub-section (7) of Section 43 substitute the following, which shall be numbered as (6):—

(6) In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:—

- (a) 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, alteration or demolition of the building.
- (b) When any addition to, or improvement of, the land or building has been made after the date of the publication under Section 29, 34, or 39 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.
- (c) In estimating the market value of the building at the date of the publication of declaration relating thereto under Section 31, 34, or 39, the Court shall have due regard to the nature and then condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of clauses (d), (e) and (f) of this sub-section.
- (d) When the owner of the land or building has, after the passing of this Act, and within twenty-four months preceding the date of the publication of a notification under Section 29, 34, or 39, made a return under Section 155 of the Municipal Act of the rent of the land or building, the rent of the land or building shall not in any such case be deemed to be greater than the rent shown in the latest return so made:



Provided that where any addition to or improvement of the land or building has been made after the date of such latest return and previous to the date of the publication of a notification under Section 29, 34, or 39 relating to the land or building, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement.

(e) 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.

(f) 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 building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair.

(g) 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 shall not exceed the value of the materials, less the cost of demolition.

*Insert the following after Section 44 :—*

*Resumption of lands from the Board.*

44 A. (1) Whenever any land specified in Schedules O or D, other than land in respect of which no Capital debt shall have been incurred by the Board, is resumed under Section 53 (7), the value of the land so resumed shall be determined by the Collector, who shall take into consideration

- (a) the value (as shown in the schedule) of the plot of which the land forms part;
- (b) the amount of any expenditure incurred by the Board in improving the general value of the plot;

(c) the relation which such land bears to the rest of the plot of which it forms part, in respect of area and frontage and other recognized considerations affecting land value.

(2) When any land forming part of an area reclaimed within the limits specified in Schedule E is taken possession of under Section 3 A (3), the value of the land shall be determined by the Collector, who shall take into consideration

- (a) the cost as defined in Section 62 (2) of effecting the reclamation of the area;
- (b) the relation which such land bears to the rest of the area reclaimed in respect of area and frontage and other recognized considerations affecting land value.

An appeal shall lie from the determination of the Collector under this section to the Tribunal of Appeal.

*Insert after Section 48 (1) :—*

(2) In respect of any sinking Funds which by this Act the Board is directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Board is empowered to invest in like securities, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the Government of India shall have been duly obtained under Section 45, provided that the intention to so reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(3) The issue of any such debentures direct to and in the name of "The Trustees for the Improvement of the City of Bombay" 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.

(4) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board 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.

For Section 50 substitute the following :—

50. Except with the previous sanction of the Government of India,  
 Period over which loans may extend.



- (a) the period for the repayment of any loan shall not exceed sixty years, and
- (b) when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned.

For Sections 53 to 58 substitute the following:—

V.—PROPERTY AND LIABILITIES.

*Transfer of Property to the Board.*

53. (1) Immediately upon the date which shall be notified under Particulars of property vested in Board. Section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained—

All the estate, right, title and interest of Her Majesty and of the Corporation respectively in and to the several lands respectively specified in Schedule C and Schedule D and shown on the deposited plans;

(2) Upon the lands in Schedule C, referred to as *The Flats*, the Board shall not at any time erect, or allow to be erected, any building of a permanent character, but the Board may at any time erect, or cause or allow to be erected, on the said lands any temporary structures which may be necessary for the purpose of storing goods or for any purpose other than of human habitation.

Any portion of *The Flats* which may at any time be required by the Corporation for the purposes of any scheme sanctioned by the Corporation for the drainage of the City or for reducing the level of the subsoil water in the City, shall be surrendered to the Corporation free of charge and shall thereupon vest in the Corporation, but the Board shall not be liable for the cost of any works for the drainage of any part of *The Flats*, which may be undertaken as part of or in connection with any such scheme.

(3) In respect of the lands in Schedule C, referred to as the *Kennedy Sau Face*, the Board shall for a period of 30 years from the date which shall be notified under Section 10, or for such further period during which Government may not have exercised

the power of resumption as hereinafter provided, have power at any time—

- (a) to permanently appropriate the whole or any part of the said lands as an open space, or
- (b) with the express sanction of Government, to be previously obtained, to appropriate the whole or any part of the said lands to building purposes.

Any part of the said lands, which upon the expiration of the said period shall not have been permanently appropriated as an open space or the appropriation whereof shall not have been sanctioned as in the last clause mentioned, may be at any time resumed by Government.

Any part of the said lands may, so long as it remains unappropriated to building purposes, be occupied by Government for any temporary purpose, subject to the provisions of any by-laws made by the Board under Section 84 (b).

(4) With respect to the lands respectively referred to in Schedule C as the *Cooperage Plot* and the *Secretariat Plot* the Board shall have power at any time, with the sanction of Government to be previously obtained, to appropriate the whole or any part of the said lands to either of the purposes mentioned in clauses (a) and (b) of the last sub-section.

Any part of the said lands the appropriation of which shall not have been sanctioned in manner aforesaid may at any time be resumed by Government for any Government purpose; and

Any part of the said lands which shall not have been appropriated to building purposes may at any time be occupied by Government for any temporary purpose subject to the provisions of any by-laws made by the Board under Section 84 (c).

(5) The Board shall be responsible for the maintenance and management of any area forming part of the lands referred to in sub-sections (2), (3) and (4), which may from time to time remain unappropriated or unresumed as aforesaid, and shall do, or cause to be done, all acts necessary for the preservation of all existing rights in and over such area and subject to the provisions of this Act; and the Board shall have power to let the whole or any part of such area for any temporary purpose on sufferance lease, at such nominal or other rent as the Board may approve.



(6) The property vested in the Board under this section shall vest in the Board until such time as the whole of the lands specified in Schedules C and D, or as to any part thereof until such time as such part shall be let on a building lease by the Board, and thereafter as to the whole or any such part for a further period, which shall be determined,—

- (a) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease;
- (b) where the lease granted by the Board 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 (i) no unrenewable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration

Proviso as to aggregate term for which such lands may be leased by the Board.

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.

(7) Any land, not being land leased or agreed to be leased by the Board, specified in Schedule C which shall be required by Government for a public purpose, or specified in Schedule D which may be required by the Corporation for a public purpose, may at any time, after giving six months' notice to the Board, be resumed by Government or by the Corporation, as the case may be, and the capital debt of the Board shall be reduced by an amount equal to the value of the land as determined under section 44 A (1).

53 A. (1) Immediately upon the date which shall be notified under Section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained, the right to reclaim the bed of the sea, the property of

Her Majesty, within the limits specified in Schedule E, and all the estate, right, title, and interest of Her Majesty to and in such lands as may be reclaimed by the Board within the said limits until such time as the whole of the lands reclaimed, or as to any part thereof, until such time as such part shall be let on a building lease by the Board and thereafter as to the whole or any such part for a further period which shall be determined in the manner described in Section 53 (6):

(2) If on the expiration of a period of

Proviso as to delay in exercising such rights.

twenty years from the date which shall be notified under

Section 10, or such further period as the Government of India may determine, the Board shall have failed to commence the reclamation of any area within the limits specified as aforesaid, the rights and property vesting in the Board in respect of such area under this sub-section shall forthwith be divested and shall revert absolutely in Her Majesty.

(3) Any land reclaimed, not being land leased or agreed to be

Proviso as to power of Government to take possession of any reclaimed land required for a public purpose.

leased by the Board, which shall be required by Government for a public

purpose, may at any time, after giving six months' notice to the Board, be taken possession of by, and shall thereupon forthwith vest in, Government and Government shall pay to the Board an amount equal to the value of the land as determined under Section 44A (2) and the liability (if any) of the Board to Government under Section 61 in respect of the land shall be remitted.

54. Upon the determination of the

Revesting of property in Government and Corporation respectively on the termination of leases granted by the Board.

further period mentioned in Section 53 (6) and 53 (1), the property vested in the Board under this

section in any part of the lands specified in Schedule C and in Schedule D, and of the lands reclaimed within the limits specified in Schedule E, shall, as to the part thereof in respect of which such further period shall have been determined, be forthwith divested and such part of such lands shall vest or revert absolutely in Her Majesty or in the Corporation, as the case may be, and in every case the liability in respect of the capital debt due to the Secretary of State for India in Council or the Corporation under Sec-



tion 59 or the liability of the Board to the Secretary of State for India in Council under Section 61, as the case may be, shall be reduced by an amount calculated in such a way that upon the divesting as aforesaid of the whole of the lands specified in Schedule C or in Schedule D or reclaimed within the areas specified in Schedule E the aforesaid liability of the Board in respect of such lands respectively shall be wholly extinguished.

*General Powers as to Property.*

55. The Board shall, for the purposes of this Act, have power to acquire and hold property, whether within or without the City, and shall also, subject to the provisions of this Act, have power—

- (i) to let on hire, or lease any moveable or immoveable property which may have become vested in or acquired by them;
- (ii) to sell and otherwise convey any moveable or immoveable property which may have become vested in or acquired by them other than the lands specified in Schedules C and D and any lands reclaimed within the limits specified in Schedule E.

56. The proceeds of the sale of any portion of the lands or buildings vested or vesting in the Board under this Act, shall be applied either to meet current capital expenditure, or in liquidation of the principal sum of any debt contracted by the Board under Section 45, if the same, or any portion of the same, is at the time payable, or by way of addition to the amounts payable in respect of sinking funds under Section 43.

57. The Board shall have power, subject to the provisions of Section 53, to apply any of the lands specified in Schedules C and D or reclaimed within the limits specified in Schedule E for the purposes of any scheme under this Act.

58. Where any part of the land specified in Schedule C or in Schedule D shall have been appropriated by the Board in forming a street, the

Adjustment of value of lands so applied.

capital debt due by the Board to the Secretary of State for India in Council or to the Corporation, respectively, shall be reduced by an amount equivalent to its value to be determined by the Collector, (subject to an appeal to the Tribunal of Appeal) regard being had to the value, as shown in Schedule C or Schedule D respectively, of the plot of which the land forms part.

For Section 59 substitute the following two sections:—

59. The capital debts due by the Board include—

- (a) to the Secretary of State for India in Council—
  - (i) the amounts specified in Schedule C;
  - (ii) the value of any land referred to in Section 53 (3) and 53 (4) which may have been appropriated as an open space;
  - (iii) the value of any land referred to in Section 53 (3) and 53 (4) which may have been appropriated to building purposes.

The value of the land (if any) to be taken into account under sub-clauses (ii) and (iii) shall be determined by the Collector (subject to an appeal to the Tribunal of Appeal), regard being had to the value in the last column of Schedule C expressed to be applicable, of the whole of the plot of which the land appropriated forms part.

(b) to the Corporation—

the amounts specified in Schedule D.

59A. (1) On the amounts referred to in Section 59 (a) (1) and 59 (b), interest shall begin to accrue on (but not before) the 1st day of April 1908 at the rate of 3 per centum per annum and the Board shall pay to the Secretary of State for India in Council and to the Corporation, respectively, on the 1st day of April 1909 and on every succeeding 1st day of April, such interest as aforesaid.

Provided that (i) the Government of

India or the Corporation respectively may, if they think fit, defer the date for the commencement of the accrual of interest payable by the Board under this section in respect of any portion of the lands specified in Schedule C or in Schedule D in respect of which the Board shall not, on 1st April 1908, have entered



into any building lease or agreement for such lease, until such date (to be not later than the date of any such lease or agreement for such lease entered into by the Board in respect of such portion) as Government or the Corporation, respectively, may determine.

(ii) Save as provided in Section 59 (3) (ii) (b) no interest shall be chargeable upon the value (to be determined in the manner laid down in Section 53 for determining the value of land appropriated to forming streets) of any land which shall have been appropriated as an open space under Section 57 in execution of any scheme.

(iii) Upon any reduction being made in the capital debt due to the Secretary of State for India in Council, or to the Corporation, as the case may be, the interest payable by the Board under this section shall be reduced in proportion to such reduction of capital debt as from the date thereof.

(2) On the amount of the value referred to in Section 59 (a) (ii) no interest save as provided in Section 69 (3) (ii) (b) shall be payable.

(3) On the amount of the value referred to in Section 59 (a) (iii) the Board shall pay to the Secretary of State for India in Council interest at the rate of 3 per centum per annum from such date subsequent to the date of sanction to the appropriation as Government shall determine.

In Section 60, line 14, omit the words "Part II of".

In Section 61, line 11, for the words "under Section 53 (iii)" substitute the words "in execution of reclamation schemes".

For Section 62 substitute the following:—

Definition of term "market value" and "cost of reclamation" for purposes of last preceding section. 62. For the purposes of the preceding section—

- (1) "Market value" shall be deemed to mean the market value, as determined by the Collector at the time the first payment for interest falls due, as the fair freehold value for building purposes of the areas reclaimed: provided that areas occupied by roads, wharves and rides, and any area along the sea front the reservation of which as an open space is

necessary for protective purposes, and any land which may have been taken possession of by Government under Section 53 (3) shall be excluded in determining such value.

An appeal shall lie from the determination of the Collector under this section to the Tribunal of Appeal.

- (2) "The cost of effecting their reclamation" shall be deemed to mean the total cost of executing the schemes in which the areas are comprised, including the cost of preliminary expenses and an allowance for supervision and interest and sinking fund charges during construction, which shall be calculated up to the date of completion of each scheme.

For Section 63 substitute the following three sections:—

63. The Commissioner shall pay from the Municipal Fund to the Board on the 1st day of April 1900 and every succeeding 1st day of April a lump sum not exceeding 2 per cent. on the total rateable value of all buildings and lands in the City exclusive of buildings referred to in Section 143 (1) (a) of the Municipal Act.

63 A. (1) For the purposes of this section—

(a) "the property taxes" shall be deemed to be the property taxes leviable under section 140 of the Municipal Act, exclusive of the water tax and the supplementary general tax for fire brigade purposes, and exclusive of the rate determining the amount of the lump sum payable under the last preceding section:

(b) "the areas" shall be deemed to include—

(i) areas specified in Schedules C and D;

(ii) areas at any time acquired by the Board under an improvement or street scheme, or which are situated wholly or partially within the limits described in the latter part of section 30 (2) (f);

(iii) areas reclaimed by the Board under a reclamation scheme:

(c) "enhancement of rateable value" shall be deemed to be the rateable value of the buildings and lands from time to time comprised in the areas, less—

(i) in the case of buildings and lands which were comprised in areas



referred to in sub-clause (b) (i) at the date of the passing of this Act, their rateable value at such date:

(ii) in the case of buildings and lands which were comprised in areas referred to in sub-clauses (b) (ii) and (b) (iii) at the date of publication of a notification under Section 29, 34 or 37, relating to such buildings or lands, their rateable value at such last-mentioned date:

(d) "diminution of rateable value" shall be deemed to be the converse of "enhancement of rateable value" as above defined.

(2) The Board shall, so soon as may be after the 1st day of April 1900 and every succeeding 1st day of April, cause to be prepared and furnished to the Commissioner a statement showing—

(a) to the credit of the Board:

such increase, if any, in the amount of the property taxes leviable from time to time upon buildings and lands comprised in the areas as may be due to enhancement in rateable value:

(b) to the debit of the Board—

(i) such decrease, if any, in the amount of the property taxes from time to time leviable upon buildings and lands comprised in the areas as may be due to diminution of rateable value.

Provided that there shall be no debit on this account until after the expiration of the official year ending the 31st day of March 1904.

(ii) the cost of collecting the receipts referred to in this section, to be calculated according to the actual percentage cost of collecting the property taxes of the city during the said year.

(iii) the cost of maintaining, lighting, watering and cleansing streets vested in the Corporation under the provisions of Section 41, such cost to be determined by applying to the area of such streets the rate shown in the Municipal accounts of the said year as the average rate of the cost of maintaining, lighting, watering and cleansing public streets in the City, less any rents received by the Corporation from the Tramway Company in respect of such streets;

(iv) the cost of maintaining and cleansing drains and drainage works, and public latrines, urinals and similar

conveniences and of performing the other duties of the Corporation referred to in clauses (c) and (p) of Section 61 of the Municipal Act in respect of the buildings and lands comprised in the areas, such cost not to exceed on the one hand the actual cost incurred by the Corporation in performing such duties, or on the other hand such portion of the property taxes credited to the Board under (2) (a) as may be leviable under Section 14 (b) of the Municipal Act.

(c) The difference between the credit and the debits shall be adjusted by a payment on the 1st of December of each year by the Commissioner to the Board or by the Board to the Commissioner as the case may be, and any dispute between the Board and the Commissioner as to the matters dealt with in this sub-section shall be determined by the Tribunal of Appeal.

63 B. If the Commissioner fails to make any payment

Proviso in event of default in payment of contribution. as required in the last two preceding sections, Government

may attach the Municipal Fund or any tax leviable by the Corporation, and thereupon the provisions of sub-sections (2) and (3) of Section 99 of the Municipal Act shall, with all necessary modifications, be deemed to apply to such attachment;

In Section 65, line 26, after the word "shall" insert the word "also".

In Section 66, line 2, for the word "recoverable" substitute the word "received".

For sub-section (1) of Section 67 substitute the following—

67. (1) The moneys credited to the General account shall be held by the Board in trust and, except as hereinafter provided, shall be applied by them in payment of the following charges (namely):—

Particulars of charges to be debited to the General account.

(a) all payments for interest and sinking fund charges due under Sections 45 to 49 (both inclusive) and all payments for interest charges due under Sections 59 A and 61;

(b) the cost, if any, of maintaining a separate establishment for the collection of the rents and other proceeds of lands vested or vesting in the Board under this Act;



- (c) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes;
- (d) the amount of the cost of management apportioned to Revenue by the Board as provided by Section 65; and
- (e) all payments made by the Board in respect of rates and taxes levied under the Municipal Act upon lands and buildings vested in the Board.

In clause (a) of Section 68 *omit* the words "Part II of"

To Section 68 *add* the following clause:—

- (d) other lands and buildings vesting in the Board.

In sub-section (2) of Section 69 *omit* the words after "capital" in line 23 and in place thereof *insert* the words "debt of the Board."

*Delete* clauses (a) and (b) of sub-section (3) of Section 69 and in place thereof *substitute* the following:—

- (i) If it does not exceed the aggregate amount paid by the Commissioner to the Board during that year under Sections 63 and 63A, such balance shall be paid to the Corporation;
- (ii) if it exceed the aggregate amount paid by the Commissioner to the Board as aforesaid, such balance shall be applied—
  - (a) firstly, in payment to the Corporation of a sum equivalent to the aggregate amount paid by the Commissioner to the Board as aforesaid;
  - (b) secondly, in or towards payment to the Secretary of State for India in Council of a sum which, if paid annually and invested at 3 per cent., would in 60 years from the date of the first of such payments liquidate the capital debt due by the Board on account of the value, as determined under Sections 59 and 59A (i), (ii) of any land specified in Schedule C, which may have been appropriated as an open space.

(iii) The remainder (if any) of such balance shall be divided equally between Government and the Corporation:

Provided, however, that the sum payable to Government shall not, in any case, exceed half the total net profits from rents realised by the Board during that year in respect of the lands vested in the Board and specified in Schedule C and the reclamation of any areas situate within the limits specified in Schedule E, and where the sum to be paid to Government under this proviso is less than half the amount of the said surplus, the whole of the balance of such surplus shall be paid to the Corporation.

In Section 70, line 27, *omit* the words "and if required by Government shall."

In Section 71, line 12, after the word "attachment" *add* the words "and Government may further require the Corporation to levy a special tax as provided in the last preceding section."

In Section 75, lines 3 to 5, for the words "the Government, which may, if it thinks fit," *substitute* the words "Government who may, if they think fit," and after the word "Government" in line 13 *add* the words "A copy of the estimate shall be sent to the President of the Corporation."

For Section 76 *substitute* the following:—

76. A special meeting of the Board shall be held so soon after the date which shall be notified under Section 10, as may be expedient, and the Chairman shall at such special meeting lay before the Board an estimate for such part of the official year as may at the date aforesaid remain unexpired, and such estimate shall thereupon be dealt with in the manner prescribed in the three last preceding sections.

In Section 77, line 10, between the words "Government" and "in" *insert* the words "and a copy shall be sent to the President of the Corporation."

To Section 79, line 39, after the word "Gazette" *add* the following:—

A copy of the auditor's report and of the abstract of the accounts shall be sent to the President of the Corporation.



In sub-section (5) of Section 81, lines 27 and 28, and in the marginal note delete the word "*pensions*," substituting the word "*allowances*" in the marginal heading.

For Section 81 substitute the following:—

Board empowered to make by-laws. 84. The Board may from time to time make by-laws:—

- (a) for regulating the delegation of the powers and duties of the Board to committees;
- (b) for the guidance of persons employed by them under this Act;
- (c) for the management and use of the lands vested in the Board under Section 53 (2), (3) and (4).

(d) for fixing the maximum amount of fees payable to any Trustee under Section 19;

(e) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(f) generally for carrying out the purposes of this Act.

The Board may also from time to time vary, alter or revoke any such by-laws to be made by them.

In Schedule B for the words "corporate seal" and "seal" respectively substitute the words "common seal."

*By order of His Excellency the Right Honourable the Governor in Council,*

S. L. BATCHELOR,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

*Bombay, 7th March 1898.*