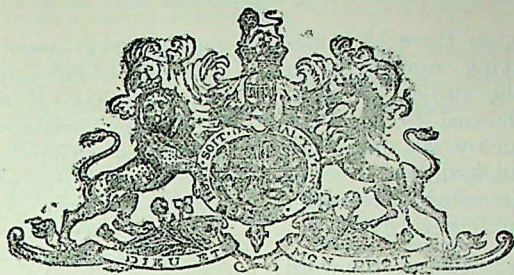


THE



Bombay Government Gazette.

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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 Bill (No. I of 1898) for the improvement of the City of Bombay and to provide space for its future expansion, as amended by the Select Committee on the 7th March 1898, is published for general information:—

Bill No. I of 1898.

A Bill for the improvement of the City of Bombay and to provide space for its future expansion.

WHEREAS it is expedient to make provision for the improvement and for the future expansion of the City of Bombay, by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain classes of the inhabitants of the said City and for the Presidency Police, by laying out vacant lands and by reclaiming and laying out parts of the foreshore of the Island of Bombay; and whereas it is expedient that a Board of Trustees should be appointed and endowed with special powers to carry out the aforesaid purposes in the manner and subject to the restrictions and conditions hereinafter specified; and whereas it

is proposed that certain lands and reclamation rights shall be vested in the Board in the manner hereinafter appearing and the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans; It is enacted as follows:—

I.—PRELIMINARY.

1. (1) This Act may be called the
Title, extent and commencement. "City of Bombay Improvement Act, 1898:"

- (a) It extends only to the City of Bombay;
- (b) It shall come into force immediately on the passing thereof.

(2) Nothing in this Act shall be deemed to affect the provisions of the Indian Railways Act, 1890, or the Indian Telegraphs Act.

Saving the provisions of the Indian Railways Act, or the Indian Telegraphs Act.

2. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the meaning ascribed to such words under the City of Bombay Municipal Act, 1888, as from time to time amended, hereinafter referred to as "the Municipal Act":

Provided that the definition of the word "street" shall be read as if the words following the words "thoroughfare or not" were omitted.

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

Provided also that in the construction of the provisions of Part Chapter III of this Act and of Sections 53 and 54, the word "land" shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in the Land Acquisition Act, 1894.

II.—OF THE BOARD OF TRUSTEES.

Constitution of Board.

3. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees for the Improvement of the City of Bombay"; and such Board, hereinafter referred to as "the Board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

4.—The Board shall consist of thirteen members,—that is to say, of three ex-officio Trustees, six elective Trustees, three nominees Trustees, and a Chairman.

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 elective Trustees four shall be elected by the members of the Corporation, the Chamber of Commerce, and Trustees of the Port of Bombay, for the time being of the Corporation, subject to the provisions of Section 6, at a meeting of the members of the Corporation, under rules similar to those which from time to time apply to the

appointment of members of the Standing Committee of the Corporation. One shall be elected by the members for the time being of the Bombay Chamber of Commerce, subject to the provisions of Section 6, under rules similar to those which from time to time apply to the election of elective Trustees of the Port of Bombay. One shall be elected by the Trustees for the time being of the Port of Bombay, subject to the provision of Section 6, in such manner as shall from time to time be determined by the last mentioned Trustees at a meeting to be held prior to such election.

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.

6.—A person shall not be qualified to be elected to be an elective Trustee unless he is at the time of the election a member of the Corporation, a member of the Chamber of Commerce, or a Trustee of the Port of Bombay, as the case may be.

Method of election.

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.

7. Upon the election of any Trustee or Trustees, the President of the Corporation, or the Chairman Secretary of the Chamber of Commerce, or the Chairman Secretary of the Port Trustees, or the Secretary of the Mill-owners' Association, as the case may be, shall forthwith make a return to Government of the name or names of the person or persons elected as aforesaid, and such return shall be published in the *Bombay Government Gazette*.

8. In the event of default being made by the Corporation, or the Chamber, or the Port Trustees, or the *Mill-owners' Association*, in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government, by notification in the *Bombay Government Gazette*, to nominate a person belonging to the body so making default, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Corporation, the Chamber, or the Port Trustees, or the *Mill-owners' Association*, respectively.

9. The nominee nominated Trustees and the Chairman shall be appointed by Government by notification in the *Bombay Government Gazette*.

10. The term of office of the first nominee nominated and elective elected Trustees shall commence on such date not being within 30 days from the date of this Act coming into force as shall be notified in this behalf by Government.

11. The first nominee Trustees and three of the first elective Trustees shall, unless they become in the meantime disqualified, hold office up to and inclusive of the 31st day of March next succeeding the date on which their term of office shall commence, the selection of the said three Trustees being made by lot at such time and in such manner as the Chairman shall determine. The remaining three of the first elective Trustees shall hold office until and inclusive of the 31st day of March next following the 31st day of March aforesaid.

In every other case the nominee and elective Trustees shall, unless they become in the meantime disqualified, hold office for a term of two years.

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.

12. The first elective Trustees shall be elected on some day not later than a fortnight previous to the date which shall be notified under Section 10, and the first nominee Trustees shall be appointed on some day during the said fortnight; in every other case elective 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 nominee Trustees shall be appointed on some day in the remainder of the said month of March.

Duration of term of office of Trustees. 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.

~~13.—The Chairman shall hold office during the pleasure of Government: Provided that he does not in the mean time cease, through disqualification, to be a Trustee.~~

~~14.—Any person, on ceasing to be a Trustee, shall, unless disqualified under Section 16, be eligible.~~

15. 13. (1) Any casual vacancies, other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a *nominee nominated* Trustee, or by the Corporation, the Chamber of Commerce or the Port Trustees or *the Mill-owners' Association*, respectively, if it was that of an *elective elected* Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

~~Acting Trustees for periods exceeding three months. (2)—If a Trustee—~~

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

~~(2) If a Trustee, other than the Chairman,—~~

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

~~(b) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months; or~~

~~(c) has been absent from Bombay for a period exceeding three months;~~

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

(3) Nothing in the last preceding subsection shall prevent a person being elected or appointed for a less period of less than three months in the

Saving provision for acting appointment when necessary for less than three months.

place of an absent Trustee at the discretion of Government in case the absentee is a *nominee nominated* Trustee, and on the application of the Board to the *elective electoral* body concerned if the absentee is an *elective elected* Trustee.

Disqualification of Trustees.

16. 14. (1) No person shall be qualified to be a Trustee if such person—

(a) is an uncertificated bankrupt or insolvent; or

(b) has been sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or

(c) holds any office or place of profit under the Board; or

(d) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board.

(2) But a person shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in—

(e) any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or

(f) any agreement for the loan of money, or any security for the payment of money only; or

(g) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(h) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board; or

(i) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

~~(k) any contract which has been specially authorised by the Governor in Council.~~

17. 15. (1) Any Trustee shall vacate office. Trustee who—

(a) becomes disqualified for any of the reasons mentioned in the last preceding section; or

(b) is absent from or unable to attend the meetings of the Board for a

period exceeding twelve consecutive months, or is absent without the permission of the Board from six consecutive ordinary meetings of the Board; or

(c) acts in contravention of the provisions of the next succeeding sub-section; or

(d) ~~being an elective Trustee shall cease to be a member of the Corporation, or of the Chamber of Commerce, or a Trustee of the Port of Bombay, 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 member of the Corporation or a Port Trustee who shall upon ceasing to be such member or such Trustee, as the case may be, be forthwith re-appointed or re-elected as such member or Trustee.~~

(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.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take

Restriction on power of Trustees to vote or discuss matters in which they are interested.

part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the second sub-section of Section 16, 14 or in which he is interested either professionally on behalf of a client or as agent for any person.

Salaries of Trustees.

18. ~~The Chairman shall receive such salary as Government shall determine from time to time.~~

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

For the purposes of this section and of Section 22 '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.

19. 17. Every Trustee other than the

Chairman who shall attend a meeting at which a quorum is present and business is transacted, and

which he attends from the beginning to the end thereof, shall be entitled to a fee of—

Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week no more than Rs. 30 shall be paid to any Trustee for his attendance at all such meetings during that one week.

Rs. 30 for every special meeting of the Board convened under clause 2 (b) of the next succeeding section.

Rs. 15 for every special meeting of a Committee of which such Trustee attending is a member, convened under clause (5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses.

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.

Proceedings of Board.

20 18. The following provisions shall be observed with respect to the proceedings of the Board (namely):—

(1) During any vacancy in the Board, the continuing Trustees may act as if no vacancy had occurred.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to

Board to meet and arrange for transaction of business as they think fit.

the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):—

(a) that an ordinary meeting shall be held once at least in every month;

(b) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

(c) that no business shall be transacted at any meeting unless at least eight Trustees are present from the beginning to the end of such meeting;

(d) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the Trustees present as may be chosen by the meeting;

(d) that every 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;

(e) that all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes;

(f) that if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President;

(g) that minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours.

(3) The Board may delegate any of their powers to Committees consisting of the Chairman and such other Trustees as they think fit; any Committee so

formed 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 discontinue or alter the constitution of any Committee so formed.

(4) The Chairman shall be the President of every such Committee; if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be President of such meeting.

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

Board may delegate power to Committees.

(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. The Chairman shall be the President of every such Committee.

Chairman to be President of every Committee.

(5) (4) Committees may meet and adjourn as they think proper, but the Chairman may, whenever

he thinks fit, and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee.

(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.

(6) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the

President of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members

of the Committee are present from the beginning to the end thereof.

(7) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

~~21. The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof 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; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the Chairman and by two other Trustees and shall be sealed with the common seal of the Board. No contract or agreement unless executed as is in this section provided shall be binding on the Board.~~

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

20. The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

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.

The Chairman.

Duties of Chairman. 21. The Chairman shall—

- (1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;
- (2) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, subject to the regulations at the time being in force framed by the Board under Section 81, to the extent specified in Section 82, dispose of all questions relating to the services of the said officers and servants, and their pay, privileges, and allowances;
- (3) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

24. Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom Government appoint to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

The allowance, if any, which Government direct to be paid to the Chairman during his absence on leave, and the salary which Government direct to be paid to the person appointed to act for him, shall be charged in the manner directed by Section 65.

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

22. (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 16 as Government shall determine.*

III.—DUTIES AND POWERS.

Improvement Schemes.

25. 23. When an official representation

Board on being satisfied by official representation of district or area to make scheme for its improvement.

as hereinafter mentioned is made to the Board that within certain limits in any part of the City either—

- (a) any ~~houses or~~ 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 ~~houses or~~ buildings, or groups of ~~houses or~~ 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 ~~houses or~~ buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets, ~~houses and~~ buildings within such area, or of some of such streets, ~~houses or~~ buildings; the Board shall take such representation into their consideration, and if satisfied of the truth

thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area:

Provided ~~always~~ that any number of such areas may be included in one improvement scheme.

Provided also that for the purposes of Section 26 the Board may cause surveys to be made in areas outside the limits of the area comprised in a scheme.

26. 24. (1) An official representation for the purposes of this Act shall mean a representation made to the Board by the Commissioner.

(2) Such representation may be made by the Commissioner of his own motion, and shall be made by the Commissioner—

- (a) *on a resolution being passed by the Corporation in that behalf*
- (a) (b) on the written complaint of the Municipal Executive Health Officer;
- (b) (c) on the written complaint signed by three or more Justices residing within the area in respect of which the complaint is made;
- (e) (d) on the written complaint signed by twelve or more persons liable to pay any property tax leviable under the Municipal Act and residing within the ward comprising the area in respect of which the complaint is made.

Particulars as to what an improvement scheme may include and shall specify. 27—(1)—The improvement—scheme shall be accompanied by maps and particulars, and—

- (a) ~~may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the Board are of opinion that such exclusion or inclusion is expedient;~~
- (b) ~~may provide for forming new streets or for altering, widening, diverting, raising, re-arranging or re-constructing, existing streets within or without the unhealthy area;~~
- (e) ~~may provide for the acquisition in addition to the land required for the~~

purposes of the last preceding clause of any land, with the buildings, if any, standing thereon, fronting or abutting on such intended or existing street, which it shall seem expedient to the Board to acquire and for the raising and levelling up of such additional land;

(d) may provide for raising any low-lying land within the unhealthy area;

(e) may provide for the acquisition, with or without the site thereof, of any building in respect of which the Chief Presidency Magistrate shall have passed a prohibitory order under Section 378 of the Municipal Act;

(f) may provide for constructing dwellings for the poorer and working classes including the whole or part of such classes displaced by the scheme, and for acquiring, raising and levelling up any land required for such purpose within or without the unhealthy area;

(g) may provide for forming open spaces for the better ventilation of the unhealthy area; and

(h) may provide for the whole or any part of the sanitary arrangements required within the unhealthy area.

(2) The scheme shall specify the lands to be acquired.

25. 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.

28. 26. 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 or street schemes being required for the neighbouring and other parts of the City.

29. Upon the completion of an improvement scheme the Board shall—

(a) during three consecutive weeks publish Publication of simultaneous notices 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 notice stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where a copy of the scheme and of the map thereof may be seen at all reasonable hours; and

(b) during the month next following the first day on which such Service of notices on owners of property to be acquired in executing scheme. [notice is published, 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, and if the person dissents the reasons of such dissent, within 30 days from the date of service of the notice.

27. (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.

Such notice shall be signed by, or by the order of, the Chairman and shall be served—

- (i) by delivery of the same personally to the person required to be served, or if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or,
- (ii) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or,

(iii) by post addressed to the usual or last known place of abode or business of such person.

30. (1) Upon compliance with the foregoing provisions with respect to the publication and service of notices to revise the scheme and forward it to Government for sanction, the Board shall revise the scheme as they may think fit and shall apply to Government for sanction to the scheme.

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

- (a) a copy of the scheme;
- (b) complete plans and estimates of the cost executing the scheme;
- (c) a copy of the preliminary scheme;
- (d) a schedule specifying the lands proposed to be acquired for the purposes of the scheme;
- (e) a list of the names of the persons, if any, who in answer to the before-mentioned notices dissented, with the reasons (if any) stated by such persons for such dissent, in respect of the acquisition of their lands;
- (f) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book of the preceding official year, of all lands and buildings specified in the schedule under clause (d) and of all lands and buildings of which the whole or any part is situated within 80 feet from either side of the line of any new street to be formed in executing the scheme; and
- (g) by such evidence as the Board may think necessary.

28. (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 27 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 27;
- (e) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (2) of Section 27 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 27, 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 27, 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 29 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.

32 29. (1) On receipt of the sanction of Government, the Chairman shall forward 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 Board for the purposes of the scheme is required for a public purpose.

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.

The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter or modify the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this section, forthwith proceed to execute the scheme as altered or modified.

If the estimated net cost of executing the scheme as altered or modified exceeds by a greater sum than Rs. 5,000 the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered or modified.

If the scheme as altered or modified involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under Section 29 (4) 28 (2) (f), the provisions of Sections 29, 30 and this section 27, 28 and of sub-section (1) shall apply to the part of the scheme so altered or modified, in the same manner as if such altered or modified part were the scheme.

Street Schemes.

32 30. Whenever the Board is of opinion that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter or rearrange existing streets in any part of the City, the Board may pass a resolution to that effect, and shall forthwith proceed to make a street formation scheme for such area as may seem expedient to the Board.

Particulars which shall accompany a street formation scheme.

33. (1) The street formation scheme shall be accompanied by maps and particulars, and—

- (a) may provide for forming new streets, or for altering, widening, diverting, raising, rearranging or reconstructing existing streets;

- (b) may provide for the acquisition in addition to the land required for the purposes of the last preceding clause of any land, with the buildings, if any, standing thereon, fronting or abutting on such intended or existing street, as it shall seem expedient for the Board to acquire and for the raising and levelling up of such additional land;
- (e) may provide for raising, levelling up and otherwise laying out for building purposes any lands vested or at any time vesting in the Board;
- (d) may provide for constructing dwellings for the poorer and working classes including the whole or part of such classes displaced by the scheme and for acquiring, raising and levelling up any land required for such purpose.
- (2) The scheme shall specify the lands to be acquired.

31. *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) 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 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.

34. 32. Upon completion of a street formation scheme the provisions of Sections 29 27, 30 23 and 31 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Reclamation Schemes.

35. Whenever the Board is of opinion that it is expedient for the purposes of this Act to reclaim any area being part of the foreshore vested in the Board under this Act, the Board may pass a resolution that it is expedient to reclaim such area as aforesaid, and shall forthwith proceed to make a reclamation scheme in respect of such area.

Particulars which shall accompany a reclamation scheme.

36. The reclamation scheme shall be accompanied by maps and particulars, and—

- (a) may provide for reclaiming, excavating, enclosing and raising the whole or any part of such area;
- (b) may provide for laying out the area to be reclaimed by forming streets.

37. Upon completion of a reclamation scheme the provisions of Sections 29 (a), 30 and 31 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

33. 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 B, 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.

34. (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.

35. 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.

36. (1) Upon compliance with the provisions of the last preceding section, the Board shall, after consideration of any representation referred to in the said section, and after inserting in the scheme such modifications not at variance with the orders received under Sections 33 and 34 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 35.
- (3) On receipt of the sanction of Government the Board shall proceed to execute the scheme.

37. 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 33 and 34.

Police Accommodation Schemes.

38. When a representation is made by Board to have Government to the power to make a Police accommodation scheme. Board that within any part of the City accommodation is required for housing any part of the Presidency Police, 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.

(1.)—The Police accommodation scheme shall be accompanied by maps and particulars, and shall accompany and may provide for constructing dwellings and accessory buildings (including stables for the horses of the mounted branch for any or all classes of such Police, and for acquiring, raising and levelling up any land required for such purposes.

(2)—The scheme shall specify the lands to be acquired.

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 re-

sources 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

Particulars to be provided for in a Police accommodation scheme.

may provide for constructing dwellings and necessary 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.

39. Upon completion of a Police accommodation scheme, the provisions of Sections 29, 27, 30, 28, and 31, 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

40.—(1) Upon the completion of any building constructed by the Board under Section 30, the building together with the land forming the site thereof shall be

leased to Government by the Board on a repairing lease to be determined on the expiration of the period fixed for repayment of the loan of which the moneys expended on the construction of the building and the cost (if any) of the acquisition of such site form a part, and the Government shall, during the period of such lease, pay yearly to the Board by way of rent (1) all rates and taxes payable by the Board in respect of the building and the site thereof; and, (2) all interest and sinking fund charges payable by the Board in respect of the expenditure incurred in the construction of the building and the cost (if any) of the acquisition of any land forming the whole or any part of the site of the building including the interest and sinking fund charges up till the completion of the building, and in case of the land forming the whole or any part of the site of the building (a) being included in the lands specified in part II of Schedule C or in Schedule D, or (b) vesting in the Board under Section 53 (iii), 3 per cent. on the value of such last-mentioned land at a rate to be determined by the Collector, regard being had in the case of (a) to the rate applicable to such land as specified in column 7 of the said schedules, and in the case of (b) to the amount determined under Section 61.

(2) Upon the expiration of any such leases the building comprised therein shall vest absolutely in Government and the land form-

ing the whole or any part of the site of the building shall forthwith—

(a) If, or so far as, such land is included in the lands specified in Part II of Schedule C, or is land vesting in the Board under Section 53 (iii), re-vest in Government, and the capital debt (if any) due by the Board under Section 59 in respect of such land, and the liability of the Board under Section 61 in respect of such land, shall be reduced proportionately.

(b) If, or so far as, such land is included in the lands specified in Schedule D, be leased by the Board to Government for the remainder of the term for which such land is vested in the Board under Section 53, and the Government shall pay to the Board in respect of such land such yearly rent as may then be agreed upon.

(c) If, and so far as, such land shall have been acquired by the Board, vest in Government.

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

General.

40 A. 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.

40 B. The provisions of Sections 289 to 329 of the Municipal Act shall, in respect of any public or private street vest-

ed 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.

40 C. 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.

40 D. 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 40 B.

41. (1) No new street, if made for carriage traffic, shall be less than 40 feet in width, nor, if made

Minimum width of new streets.

for foot traffic only, shall be less than 20 feet in width :

Provided that where in an improvement or street or reclamation scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street, on such terms as to preclude such space being built over, when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

(2) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp posts and other apparatus as are in his opinion necessary for the lighting thereof have been provided by the Board, declare such street to be a public street, and such street shall thereupon vest in the Corporation, and the Corporation shall thenceforward maintain, keep in repair, light and cleanse such street.

(3) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any scheme sanctioned under this chapter, shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereafter vest in the said Corporation :

Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose, and, if necessary, provide lamps or other apparatus for lighting any such open space.

(4) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section

Disputes under this section to be determined by Government.

shall be determined by Government, whose decision shall be final.

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 for the purchase of such lands or of any interest in such lands.

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.

43.—Notwithstanding anything contained in the Land Acquisition Act, 1894 (in this section referred to as "the said Act"), the extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement, said Act shall not, except to the extent 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 lands otherwise than by agreement, and shall for that purpose be deemed to form part of this Part of this Act in the same manner as if enacted in the body hereof; subject to the provisions of this Part of this Act 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 last mentioned section, as modified by the provisions of this Part of this Act.

(2) In the construction of sub-section (2) of Section 4 of the said Act and the provisions of this Part of this Act, 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, 35 or 38 of this Act, and the Board shall be deemed to be the Local Government and 24 hours' notice shall be deemed to be 7 days' notice.

(3) ~~In the construction of the said specified sections of the said Act and the provisions of this Part of this Act, the publication of a declaration under Section 31, 34, 37 or 39 of this Act shall be deemed to be the publication of a declaration under Section 6 of the said Act.~~

(4) ~~In the construction of Section 9 (2) and Section 10 of the said Act and the provisions of this Part of this Act a period of 7 days shall be deemed to be the period of 15 days.~~

43. *Notwithstanding anything contained in the Land Acquisition Act, 1894 (in 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 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) :—*

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

in the Land Acquisition Act, 1894 (in this section referred to as "the said Act"), the said Act shall not, except to the extent

(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 the 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 23, 30, 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 29, 32 or 39 shall be deemed to be the publication of a declaration under Section 6 of the said Act.*

(4) ~~In the construction of Section 9 (2) and Section 10 of the said Act and the provisions of this Part of this Act, a period of 7 days shall be deemed to be the period of 15 days.~~

(5) (4) *In the construction of Section 50, sub-section (2), of the said Act and the provisions of this Part of this Act, Chapter the Board shall be deemed to be the local authority or company concerned.*

(6) (5) (a) *For the purposes of this Part of this Act, Chapter a Tribunal of appeal to perform the function of the Court.*

as hereinafter mentioned to perform the functions of the Court under the said Act, and, in the construction of the said Act and the provisions of this Part of this Act Chapter, the Tribunal of appeal shall be deemed to be the Court, and the award of the majority of the Tribunal, shall be deemed to be the award of the Court, and shall, subject to the provisions for appeal hereinafter contained, be final, and the President of the Tribunal shall be deemed to be the Judge.

(b) *The decision of all questions of law and procedure shall in every case rest solely with the President.*

(c) *Such Tribunal of appeal shall consist of three members, that is to say, of a President (who shall be a special Judicial officer) and two assessors. The President and one of the assessors shall be appointed by Government by notification in the Bombay Government Gazette; the other assessor shall be appointed by the Corporation: Provided that any person who is a Trustee under this Act, or who, by reason of the provisions of Section 14, 16 is disqualified to be a Trustee, shall be disqualified to be a member of the Tribunal*

- (d) Members of the Tribunal of appeal shall be appointed for a term of one year, and any such member shall be eligible for re-appointment.
- (e) It shall be lawful for Government, if it think fit, to remove for inability, or misbehaviour, or other good and sufficient cause, any member of the Tribunal of appeal.
- (f) Upon the occurrence of any vacancy in the Tribunal of appeal, or during the temporary absence through illness or other unavoidable cause of any member thereof, the Government or the Corporation (as the case may be), whichever of them shall have appointed the member of the Tribunal whose place shall be vacated, shall appoint forthwith a fit person to be a member (either temporary or permanent) of the Tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.
- (g) Each member of the Tribunal of appeal shall be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as the Government may from time to time fix.
- (h) The remuneration mentioned in clause (g) and the cost of any special clerical or other establishments which shall be necessary shall be paid by the Board.
- (i) ~~Any order of the Tribunal of Appeal may be enforced by the High Court of Judicature at Bombay as if it had been an order of that Court.~~
- (j) *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.*
- (k) In all cases in which the amount of the compensation awarded by the Tribunal of appeal shall exceed Rs. 5,000, or in any case upon the grant of a certificate by the President that the case is a fit one for appeal, there shall be an appeal to the High Court from the award, or any part of the award, of the Tribunal, so far as the award or any part thereof declares (i) the right of any particular person or persons to receive the compensation awarded or (ii) the apportionment of the

compensation among the persons interested.

(7) ~~In determining the amount of compensation to be awarded for any land or building acquired under this Act,~~
Special provisions as to compensation. 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 of the land or the acquisition 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 or 31 of this Act of a notice stating the fact of an improvement or street scheme having been made, 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 29 or 31 of this Act, 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 (b) (e) and (f) of this sub-section.~~

(d) ~~When the owner of the land or building has, within twenty four months preceding the date of the publication of a declaration under Section 31 or 34, 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 amount of such return.~~

(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 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.

(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 of the land or 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 27, 32, 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 29, 32, 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 27, 32, 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 27, 32, 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.

44. When the Collector has made an award under Section 11 of the Land Acquisition Act, 1894, and the provisions of this Part of this Act Chapter he may take possession of the land which shall thereupon vest absolutely in Her Majesty free from all encumbrances, and the Collector shall upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred on account of the acquisition of the land, transfer the land to the Board, and the land shall thereupon vest in the Board.

Resumption of lands from the Board.

44 A. (1) *Whenever any land specified in Schedules C 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 53 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.

IV.—BORROWING POWERS.

45. The Board 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 previous sanction of the Government of India from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under Section 69.

Power to borrow from Government or other persons.

and take up at interest from the Secretary of State for India in Council, or, with the previous sanction of the Government of India from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under Section 69.

46. Whenever the consent of Government has been obtained to the raising of money by the Board from any person other than the Secretary of State for India in Council under the last preceding section, Government shall, with the previous consent of the Government of India, direct and appoint the manner in which such money shall be raised.

47. If such money shall be raised on debentures bearing interest, such interest shall constitute a charge on the revenue of the Board prior to the charge for interest payable to the Secretary of State for India in Council and to the Corporation under Section 59.

48. (1) The Board shall either pay off the money borrowed under the provisions of the preceding sections by equal yearly instalments of principal or of principal and interest, 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 or sums 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.

Interest on debenture loans to form charge prior to interest due to the Secretary of State or Corporation.

47. If such money shall be raised on debentures bearing interest, such interest shall constitute a charge on the revenue of the Board prior to the charge for interest payable to the Secretary of State for India in Council and to the Corporation under Section 59.

48. (1) The Board shall either pay off the money borrowed under the provisions of the preceding sections by equal yearly instalments of principal or of principal and interest, 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 or sums 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.

Provision for sinking fund to repay money borrowed.

(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 Govern-*

ment 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.

49. The investment every year or every half-year of any sum set apart as part of the principal of a sinking fund shall be made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established; and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

50. ~~In no case shall the period for the repayment of any loan exceed sixty years and when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of Government of India, extend beyond the unexpired portion of the period for which the original loan was sanctioned.~~

Period over which loans may extend.

50. Except with the previous sanction of the Government of India—

- (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.

51. When money is raised by the Board Form of securities. on debentures, the debentures shall be in the form of Schedule B, or in such other form as the Board, with the previous consent of Government, shall from time to time determine.

The holder of any debenture in the form of Schedule B, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

Every debenture issued by the Board shall be transferable,—

- (a) if it is in the form of Schedule B, by endorsement, and
- (b) if it is in any other form, in such manner as shall be therein expressed.

The right to sue in respect of the moneys secured by debentures issued under this section 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.

52. Notwithstanding anything contained in Section 45, the Board may take from any Bank credit on a cash account to be opened and kept with such Bank in the name of the Board to the extent of any loan sanctioned under Section 45, and may grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, 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 the interest thereon.

V.—PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

53. ~~Immediately upon the date which shall be notified under Section 10, there shall vest in the Board for the purposes of this Act—~~

- (i) ~~All the estate, right, title and interest of Her Majesty in and to the several lands specified in Part I of Schedule C and shown on the deposited plans:~~
- Particulars of property vested in Board.
- Government—vacant lands to be reserved as open spaces.

Provided that—

(1) Save as hereinafter provided in this sub-section the Board shall not at any time build or in any way encroach, or permit any other person to build or in any way encroach, upon the said lands or on any part thereof, the intention being that the said lands shall remain open spaces and shall be reserved for the recreation of the public, subject to such regulations as the Board may from time to time deem proper to make for the effectual carrying out of the said intention;

(2) The Board may, from time to time, with the special sanction of Government, reserve and enclose any part of the said lands for any temporary purpose, and may from time to time, upon the application of an Athletic Club or Association, at their discretion, allot, reserve and let on sufferance lease at such nominal or other rent as the Board may approve, parts of the said lands for the use of such Club or Association;

(3) The Board shall not be liable for the cost of any works for the drainage of such or the said lands as are referred to as "the Flats," which may be undertaken as part of or in connection with any scheme sanctioned by the Corporation for reducing the level of subsoil water in the City.

(4) Nothing in this section shall be deemed to interfere with or limit the right—

(a) of the Board to let the whole or any part of the lands referred to as "the Flats" for cultivation or for the storage of goods and to permit the erection thereon of such temporary structures as may be necessary for the protection of such goods or for any purpose other than human habitation,

(b) of the Military authorities to reserve and use for military purposes the area referred to in Part I of Schedule C as plot 'C.'

(ii) All the estate, right, title and interest of Her Majesty in and to the several lands specified in Part II of Schedule C (subject to the right therein reserved of temporary occupation by Government of certain premises) and shown on the deposited plans, and all the estate, right, title and interest vested in the Corporation in the several lands specified in Schedule D and shown on the deposited plans, until such time as the whole of the said last mentioned lands, or as to any part thereof until such time as such part shall be let on lease by the Board, and thereafter as to the whole or any such

Other Government vacant lands and land belonging to the Corporation.

reserved of temporary occupation by Government of certain premises) and shown on the deposited plans, and all the estate, right, title and interest vested in the Corporation in the several lands specified in Schedule D and shown on the deposited plans, until such time as the whole of the said last mentioned lands, or as to any part thereof until such time as such part shall be let on 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:

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

(2) 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:

(1) 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 expressed to be renewable, exceed 99 years.

(2) Provided also that any portion of the lands specified in Schedule C which shall be required by Government for a public purpose, or of the lands specified in Schedule D which may be required for any Municipal Departmental purpose, may at any time be resumed by Government or by the Corporation, as the case may be, and all claims of the Board in respect of the land so resumed shall be satisfied by a proportionate reduction of their capital debt (the amount of such reduction to be determined by the Collector, regard being had to the rate applicable to such land as specified in column 7 of Schedules C and D respectively), and by the payment to the Board of a reasonable allowance for the cost of all improvements effected by the Board on and to the land so resumed.

(3) The word lease for the purposes of this and the next succeeding sub-section shall be deemed to mean a lease required to be registered under the Registration Act.

(iii) 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,

Reclamation rights of the Board.

and interest of Her Majesty to and in such lands as may be reclaimed by the Board within the limits specified as aforesaid, until such time as the whole of the areas reclaimed, or as to any part thereof, until such time as such part shall be let on 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 provided by clauses (a) and (b) and the first proviso to sub-section (ii):

Provided that—

(1) If on the expiration of a period of twenty years from the date which shall be notified under Section 10 the Board shall have failed to commence, or having commenced shall have abandoned, the reclamation of any area within the limits specified, as aforesaid, the rights and property vesting in the Board in respect of such last mentioned area under this sub-section shall forthwith be divested and shall revert absolutely in Her Majesty.

(2) Any portion of any area reclaimed, which shall be required by Government for a public purpose, may at any time be taken possession of by Government, and all claims of the Board in respect of the portion taken possession of as aforesaid shall be satisfied by the payment to the Board of a sum equivalent to the cost of the reclamation of such portion calculated at the average rate of the cost (inclusive of preliminary expenses, supervision and allowance for interest during construction) of the reclamation of the area reclaimed as aforesaid and the liability (if any) under Section 61 owing to the Government by the Board in respect of such portion shall be remitted.

(3) If, in the opinion of Government, the execution of any order or resolution passed by the Board, or the doing anything which is being done or is about to be done by or on behalf of the Board on or in respect of any area reclaimed injuriously affects or is likely to affect the security of the defences or sanitary condition of the troops quartered in Bombay, such order shall not be executed and such thing shall not be done without the previous sanction of Government.

(4) No building shall be erected on any area reclaimed within the area of fire of the guns of any battery as determined by the Government of India, or with in such distance of any battery as the Government of India may determine as aforesaid.

(5) The Board shall have no claim against Government for compensation on account of any loss or damage to their interests, immediate or prospective, due to any order or prohibition issued by Government under the provisions of the two last preceding provisos.

54.—Upon the determination of the further period mentioned in sub-sections (ii) and (iii) of the preceding section, the property vested in the Board under this section in any part of the lands specified in Part II of 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 determined, be forthwith divested and such part of such lands shall revert absolutely in Her Majesty or in the Corporation, as the case may be, and the capital debt of the Board under Section 59 and the liability of the Board under Section 61 shall be reduced proportionately.

General Powers as to Property.

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

- (1) to let on hire or lease any moveable or immovable property which may have become vested in or acquired by them other than the lands specified in Part I of Schedule C;
- (2) to sell and otherwise convey any moveable or immovable 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 Sections 46 and 47, if the same, or any portion of the same, is at the time payable, or by way of addition to the amount payable under Section 48 to the sinking fund in the said section mentioned.

57. The Board shall have power, subject to the provisions of this Act, to apply any of the lands vested in the Board under Section 53, other than the lands specified in Part I of Schedule C, for the purposes of any scheme under this Act.

58. Where any part of the lands specified in Part II of Schedule C or in Schedule D shall have been appropriated by the Board in making an open space or in forming a street, the 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 the value (to be determined by the Collector, regard being had to the rate specified in column 7 of Part II of Schedule C or of Schedule D respectively) of the land so appropriated.

53. (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—

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 Sea 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 unrenovable 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).

Proviso as to power of Government and the Corporation to resume lands required for a public purpose.

53A. (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 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 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)

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

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 further period mentioned in Sections 53(6) and 53A(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 determined, be forthwith divested and such part of such lands shall vest or re-vest 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 Section 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 immovable property which may have become vested in or acquired by them;
- (ii) to sell and otherwise convey any moveable or immovable 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 is at the time payable, or by way of addition to the amounts payable in respect of sinking funds under Section 48.

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 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.

Liabilities.

59.—(1) The capital debts due by the Board on account of the property vested in the Board by this Act are as follows:—

(a) to the Secretary of State for India in Council, the amounts mentioned in Schedule C;

(b) to the Corporation, the amounts mentioned in Schedule D.

(2) (a) On the capital debt due by the Board on account of the lands specified in Part I of Schedule C, no interest shall, save as provided in Section 60(3), be payable by the Board.

(b) On the amounts mentioned in Part II of Schedule C and in Schedule D interest shall begin to accrue on (but not before) the 1st of April 1903, at the rate of 3 per cent.

per annum, and the Board shall pay to the Secretary of State for India in Council and to the Corporation, respectively, such interest as aforesaid on the 1st April 1908 and of every succeeding year:

(i) Provided that the Government of India may, if they think fit, defer the date for the commencement of the accrual of interest payable by the Board under this sub-section in respect of any portion of the lands specified in Part II of Schedule C or in Schedule D which shall on 1st April 1908 remain unleased, until such date (to be not later than the date of any lease executed by the Board in respect of such portion) as Government may determine.

(ii) Provided also that upon any reduction being made, as provided by Section 54 or otherwise, in the capital debt 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 sub-section shall be reduced in proportion to such reduction of capital debt as from the date thereof.

Particulars of capital debts due by the Board to the Secretary of State and Corporation.

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 Sections 53 (3) and 53 (4) which may have been appropriated as an open space;

(iii) the value of any land referred to in Sections 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. (i) On the amounts referred to in Sections 59 (a) (1) and 59 (b), interest shall begin to accrue on (but not before) the 1st day of April 1903 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 69 (3) (ii) (b) no interest shall be chargeable upon the value (to be determined in the manner laid down in Section 58 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.

60. The capital debt due to the Secretary of State for India in Council includes such expenditure as may have been incurred by the Secretary of State for India from the 1st August

Capital debt due to Secretary of State to include certain expenditure incurred by Government and the preliminary expenses of the Act.

1896 till the date which shall be notified under Section 10 in laying out the land described as the Chowpati Estate, or in laying water-pipes for protection against fire on the land described as the Cotton Green, in Part II of Schedule C, and such preliminary expenditure as may, with the sanction of Government, have been incurred for the purposes of this Act previous to the date which shall be notified as aforesaid.

On account of the aforesaid expenditure interest shall begin to accrue on (but not before) the date which shall be notified under Section 10, at the rate of $3\frac{1}{2}$ per cent. per annum, and the Board shall repay the aforesaid sums, together with such interest as aforesaid, so soon as the Board shall have raised a loan for the purposes of this Act as hereinbefore provided.

61. For the first thirty years from the

Board to have free enjoyment of rents and profits from reclaimed areas for first 30 years and thereafter pay interest on market value minus the cost of reclamation.

date which shall be notified under Section 10, the Board shall have the free enjoyment of all rents and profits, not being rates on goods landed or shipped from the fore-

shore derivable from the areas reclaimed under Section 53 (iii) in execution of reclamation schemes.

Thereafter the Board shall pay annually on the 1st April to the Secretary of State for India in Council three per centum on the amount determined by deducting from the market value of the reclaimed areas the cost of effecting their reclamation.

~~Definition of terms "market value" and "cost of reclamation" for purposes of last preceding section.~~

~~62.—For the purposes of the preceding section—~~

(1) "~~Market value~~" shall mean the market value, as determined by the Collector at the time of the first payment for interest falls due, as the fair freehold value of such lands for building purposes: provided that the areas occupied by roads, wharves and rides, or any area along the sea front the reservation of which as an open space is necessary for protective purposes shall be excluded in determining such value,

(2) "~~The cost of effecting their reclamation~~" shall mean the cost as determined from the audited accounts of the Board, which shall show the cost of each reclamation scheme separately, including the cost of preliminary expenses, supervision and an allowance for interest during construction, which shall be calculated up to the date of completion.

~~Definition of term "market value" and "cost of reclamation" for purposes of last preceding section.~~

62. For the purposes of the last 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.

VI.—REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

63.—(1) The Board shall have power to demand, and the Commissioner shall on such demand being made pay from the Municipal Fund to the credit of the Board, a yearly contribution towards the expenses of carrying out the purposes of this Act.

(2) This contribution shall be in two instalments:

The first payable on 1st April 1900, and of every succeeding year, shall be a lump sum not exceeding 2 per cent. on the total rateable value of buildings and lands in the City entered in the Commissioner's Assessment book of the preceding official year kept under Section 156 of the Municipal Act, exclusive of the rateable value of any buildings or lands entered in the said book as not liable to be assessed to the general tax.

The second instalment payable on 1st October 1900, and of every succeeding year, shall be limited to the amount arrived at by a division of accounts on the following basis, that is to say:—

Particulars of credits to be taken into account in making the division.

- (a) On the credit side shall be set—
- (i) The amount of the collections effected by or on behalf of the Corporation during the twelve months ending 31st March preceding on account of property taxes leviable under Section 140 (b) and (e) of the Municipal Act (but excluding the tax to provide for expense necessary for fulfilling the duties of the Corporation arising under clause (k) of Section 61 and Chapter XIV of the said Act) on lands and properties vested in the Board under this Act or which they may have created by reclamation or acquired for the purposes of this Act, whether such lands or properties are in the occupation of the Board or are let on lease to tenants of the Board.
- (ii) An amount equal to the sums leviable at the rates from time to time in force on account of property taxes leviable under Section 140 (b) and (e) of the Municipal Act (but excluding the tax to provide for expense necessary for fulfilling the duties of the Corporation arising under clause (k) of Section 61 and Chapter XIV of the said Act) on lands and buildings of which the whole or any portion is situated within a distance of 80 feet from either side of the line of any new street formed by the Board; less an amount determined

by applying the same rates as aforesaid in respect of the aforesaid taxes to the rateable value of the lands and buildings which were situated within the aforesaid limits as entered in the schedule accompanying the application for sanction to the scheme of which such new street formed part as required by Section 30 (2), clause (f), or Section 34.

- (iii) A sum equal to 2 per cent. on the total rateable value of the lands and buildings in the City (so far as the same shall not have been already taken into account under either one or other of the last two preceding clauses) as entered in the Commissioner's Assessment book of the current year kept under Section 156 of the Municipal Act, exclusive of the rateable value of any buildings or lands entered in the said book as not liable to be assessed to the general tax.

Particulars of debits to be taken into such account.

(b) On the debit side shall be set—

- (i) A reasonable allowance for the cost of collecting the receipts referred to in this section.
- (ii) The actual cost incurred by or on behalf of the Corporation during the twelve months ending 31st March preceding, for the maintenance, lighting, watering and cleansing of new streets made over to the Corporation under Section 41.
- (iii) A reasonable allowance for the cost incurred by or on behalf of the Corporation, during the twelve months ending 31st March preceding, for the maintenance and cleansing of drains and drainage works and public latrines, urinals and similar conveniences, and the up-keep of sewage pumping stations, if any, within any area vested in the Board under this Act or which they may have created by reclamation or acquired for the purposes of this Act.
- (iv) A reasonable allowance for the performance of the obligatory duties imposed on the Corporation under clauses (e) and (p) of Section 61 of the Municipal Act in respect of such areas.

From the difference between the aggregate of these credits and debits respectively shall be deducted the payment made on the 1st April under sub-section (2) of this section, and the balance, if any, shall represent the sum to which the second instalment in each year shall be limited:

Provided that if the Commissioner fails to make any payment in this section directed to be made by him, 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;

Provided also that in case of any dispute between the Board and the Commissioner as to amounts to be severally debited and credited in making the division of accounts as herein laid down, the matter shall be determined by Government, whose decision shall be final.

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 situate wholly or partially within the limits described in the latter part of Section 28 (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 27, 32 or 35, 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 140 (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 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.

Payments by Government.

64. Government shall pay to the Board, for a period of 99 years from the date which shall be notified under Section 10, all rents and profits derived by Government from the lands specified in Schedule F subsequent to the 31st August 1897.

Division of Accounts.

65. (1) During the period of fifteen years from the date which shall be notified under Section 10, or during such extended period as the Government of India may approve, the cost of management for certain period to be charged to capital and thereafter apportioned between capital and revenue.

ment, including the salaries and allowances of the Chairman, Acting Chairman, Trustees and scheduled staff, and the expenses mentioned in Section 43, clause (6) (g), and all incidental expenses, shall be charged to Capital.

Thereafter such charges shall be apportioned between Capital and Revenue in such proportion as the Board, subject to the approval of Government, shall determine.

(2) The Capital account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Board on each scheme separately, and shall also distinguish between the expenditure incurred on—

- (a) the improvement of lands vested in the Board and specified in Part II of Schedule C;
- (b) the improvement of lands vested in the Board and specified in Schedule D;
- (c) the reclamation of any areas situate within the limits specified in Schedule E.

66. All receipts by the Board, including the sums recoverable received under Section 63 and the rents and all other

proceeds other than sale proceeds of lands or buildings vested or vesting in the Board under this Act, shall be carried to the credit of the General account.

Particulars—of 67.—(1)—The General account shall be debited with—

- (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 (2) (b) 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; and
- (c) the amount of the cost of management apportioned to Revenue by the Board as provided by Section 65;
- (d) 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.

67. (1) The moneys credited to the Charges to which 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) :—

- (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.

(2) The Board shall have power to advance any sums standing to the credit of the General 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.

68. The General account shall distinguish between all items included in the general account according as such items are in respect of—

- (a) lands vested in the Board and specified in Part II of Schedule C ;
- (b) lands vested in the Board and specified in Schedule D ;
- (c) the reclamation of any areas situate within the limits specified in Schedule E.
- (d) other lands and buildings vesting in the Board,

Disposal of Balances.

69. (1) Subject to the proviso herein after appearing, any credit balance which the General account shall disclose at the end of any year shall be applied in the manner provided under Section 56 for the application of the proceeds of sales of land vested or vesting in the Board under this Act.

(2) Any debit balance which the General account shall disclose at the end of any year shall be debited to Capital and met by the amount of such debit balance being included in the next loan to be raised under the provisions of Sections 45 to 47 (both inclusive), provided that the aggregate of the amounts which may under this section be debited to Capital shall not exceed 15 per centum on the aggregate capital expenditure incurred by the Board for the purposes of this Act of the Board.

(3) Provided that all such debit and credit balances shall be entered in a separate account, and whenever and as often as subsequent to the completion of the tenth official year after the date which shall be notified under Section 10, such account made up to the end of the previous official year shall disclose a net credit balance, such net credit balance shall be applied as follows :—

(a) ~~In or towards payment to the Secretary of State for India in Council of a sum which, if paid annually, 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 lands specified in Part I of Schedule C, together with interest thereon at 3 per cent. per annum, until the whole of such capital debt together with interest thereon as aforesaid shall have been liquidated.~~

(b) ~~The remainder (if any) of such net credit balance shall be disposed of as follows :—~~

(i) ~~If it does not exceed the aggregate amount paid by the Corporation to the Board during that year under Section 63, such remainder shall be paid to the Corporation ;~~

(ii) if it exceed the aggregate amount paid by the Corporation to the Board as aforesaid, such remainder shall be applied first in payment to the Corporation of a sum equivalent to the aggregate amount paid by the Corporation to the Board as aforesaid, and the surplus remaining after such payment 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 Part II of 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 :

Provided that all such payments shall be charged in the said separate account as of the year in which they are made.

(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.

Guarantee for fulfilment of Liabilities.

70. In the event of any default being made by the Board in any payment of interest due by the Board under Sections 46 and 47, or in any investment of sinking fund charges.

in any payment of interest due by the Board under Sections 46 and 47, or in any payment due by the Board under Section 59 to the Secretary of State for India in Council or to the Corporation respectively, or in the event of the Board failing to pay or to set aside and invest any sum as required under Section 48, the Accountant General of Bombay, or other officer for the time being performing the duties of the office of the said Accountant General, shall make such payment, or set aside and invest such sum as may be required to be paid or to be set aside and invested as aforesaid, and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General the amount of such payment made or the sum so set aside and invested by the said Accountant General as aforesaid, and thereupon the Corporation may and if required by Government shall levy any such special tax as may be approved by Government in this behalf and as may be sufficient to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid.

Such special tax shall be in addition to the taxes from time to time leviable under the Municipal Act.

71. If the Commissioner fails to make payment as required in the last preceding section, Government may attach the Municipal Fund or any tax leviable by the

Procedure in event of Commissioner failing to make payment as required by last preceding section.

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 and Government may further require the Corporation to levy a special tax as provided in the last preceding section.

72. In the event of the Board making any default in payment, or failing to set aside and re-invest as aforesaid as contemplated in Section 70,

Government may attach the rents and other income of the Board, 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.

Government may attach the rents and other income of the Board, 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.

Annual Estimates.

73. The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

Chairman to frame an annual estimate of income and expenditure.

Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

74. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

75. The estimate, as sanctioned by the Board, shall be submitted to the Government, which may, if it thinks fit, Government who may if they think fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall re-submit the estimate so amended to the Government. A copy of the estimate

Board to sanction or amend such estimates.

Estimates to be submitted to Government for sanction.

shall be sent to the President of the Corporation.

76. If, by reason of the date which shall be notified under Section 10, it be found impossible or inexpedient to hold such special meeting in the month of February 1898, a special meeting shall be held so soon thereafter as may be expedient, and the Chairman shall at such last mentioned special meeting lay before the Board an estimate for the whole of the year commencing on the 1st day of April 1898, or for such part thereof as may at the date of such special meeting remain unexpired, as the case may be, and such estimate shall thereupon be dealt with in the manner prescribed in the three preceding sections.

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.

77. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to the Government and a copy shall be sent to the President of the Corporation in the same manner as if it were an original annual estimate.

Supplementary estimates may be prepared and submitted when necessary.

78. Save in cases of pressing emergency no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government, or is included in the amount payable by the Board under a decree of the High Court of Bombay.

If any sum exceeding five thousand rupees in amount is so expended on a

No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

79. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government.

Accounts to be audited and examined by Government auditors twice in every year.

For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Auditors may require production of documents.

The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General account; and within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette*. A copy of the Auditor's report and of the abstract of the accounts shall be sent to the President of the Corporation.

Their remuneration to be fixed by Government.

Their report together with an abstract of the accounts to be published in the *Government Gazette*.

VII.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

80. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to

Schedule of the officers and servants and their pay and allowances to be sanctioned by the Board.

maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant :

Provided always that artisans, porters and labourers, and mucedours of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section or of the next section (except clauses (5), (6) and (7) thereof) or Section 82.

Certain classes not to be deemed officers and servants except for certain purposes.

Board to frame regulations for :

Regulating grant of leave.

Authorizing payment of leave allowances.

Determining amount of acting allowances.

Regulating period of service.

Determining conditions of grant of pensions allowances.

Authorizing contributions to Provident Fund.

81. The Board shall from time to time frame regulations :

(1) for regulating the grant of leave to the officers and servants of the Board ;

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;

(4) for regulating the period of service of all such officers and servants ;

(5) for determining the conditions under which such officers and servants, or any of them, shall on retirement receive pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances ;

Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such pensions, gratuities, or compassionate allowances as aforesaid ;

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers

and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants;

(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any such officers and servants

Determining conditions of grant of wound pensions or compassionate allowances.

injured, or to the surviving relatives of any such officers and servants killed, in the execution of their duty.

Powers of Appointment, &c.

82. Subject to the provisions of the said regulations and of the schedule for

Appointments, &c., by whom to be made.

time being in force framed by the Board under Section 80, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Board.

The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

83. Every order or regulation made by the Board under any

Orders affecting pay, &c., of certain officers to be subject to the sanction of Government.

of the three last preceding sections shall, so far as the same relates to the Secretary or Engineer, or Chief Accountant of the Board, be subject to the previous sanction of Government.

In this section the word "Engineer" means the engineer of highest grade on the Board's ordinary staff, and also any superior officer who may from time to time be employed in the capacity of Consulting Engineer to the Board.

VIII—BY-LAWS.

Board-empowered to make Bye-laws.

84.—The Board may, from time to time, make bye-laws :

- (a) for the guidance of persons employed by them under this Act ;
- (b) for the management of the lands vested in the Board under Section 53 (i) ;
- (c) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme ;
- (d) generally for carrying out the purposes of this Act.

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

84. The Board Board empowered to make by-laws. 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 17 ;
- (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.

85. No bye-law, by-law or alteration or revocation of a bye-law shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette* ; and no bye-law, by-law or alteration or revocation of a bye-law, by-law shall be approved by Government until the same shall have been published for three weeks successively in the said *Gazette*.

It shall be lawful for Government at any time by notification in the said *Gazette* to cancel any bye-law, by-law or regulation made and published under the provisions of this and of the last two preceding sections.

86. The Board may, in the ~~bye-laws~~ *by-laws* made under Section 84, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a ~~bye-law~~ *by-law* shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

87. The Board shall cause the said ~~bye-laws~~ *by-laws* to be printed in the English, Marathi and Gujarati languages, and to be hung up at convenient places.

IX.—PENALTIES.

88. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by Section 168 of the Indian Penal Code:

Provided that nothing in this section shall apply to a person who is declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by the second sub-section of Section 14.

89. Any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person, with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the

Indian Penal Code in the case of the like offence committed by a public servant.

90. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under Section 79, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

91. All offences against this Act or against any ~~bye-law~~ *by-law* made under Section 84 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender shall be paid to the Board.

X.—MISCELLANEOUS.

92. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

93. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

94. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

The Board shall not be responsible for any mis-feasance, mal-feasance, or non-feasance of any officer or servant appointed under this Act; nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done, by them in pursuance of this Act.

SCHEDULE A.

(SEE SECTION 43.)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of lands under this Act.

PART I.—Preliminary, except clauses (d), (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, except Section 54.

SCHEDULE B.

(SEE SECTION 51.)

Form of Debenture.

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The

18

By virtue of Act No. _____ of 1898 of the Council of the Governor of Bombay for making Laws and Regulations, entitled "The City of Bombay Improvement Act, 1898," 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 corporate common seal this _____ day of _____ 189' .



(Signatures of the Chairman and two Trustees.)

SCHEDULE C.

Showing Lands the property of Her Majesty vested in the Board.

(SEE SECTION 53.)

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value. Amount.	REMARKS.
1	2	3	4	5	6	7
			<i>The Flats.</i> (Deposited Plan A.)	Sq. yds.	Rs.	
1 (a) to (n) inclusive.	...	3400, 3401, 3389 2725 and others.	Comprising the portions of vacant land vested in Her Majesty and lying within the area bounded on the north by the road running from the Parel Station on the G. I. P. Railway to Worli Village; on the south partly by Mahálamxi and partly by Bellasis Road; on the east by the B. B. & C. I. Railway; and on the west by the sea ... ..	..	..
			<i>Kennedy Sea Face.</i> (Deposited Plan B.)			
2	...	8426	(a) Bounded on the north by the road leading to the Charm Road level-crossing; on the south by the northern boundary of Church Gate Street Station; on the east by the Bombay Baroda and Central India Railway; and on the west by the sea. (b) Bounded on the north by the south side of Church Gate Street; on the south by the west slope of the south approach to the Wodehouse bridge; on the east by the Bombay Baroda and Central India Railway; and on the west by the sea.	..	..	Average value for purposes of Section 59:— (a) in event of appropriation as open space, Rs. 5 per square yard. (b) in event of appropriation to building purposes, Rs. 10 per square yard.
			<i>Cooperage Plot.</i> (Deposited Plan C.)			
3	...	9503	Bounded on the north by the Bandstand Circle; on the south by Wodehouse Road; on the east by a line drawn in prolongation southwards of the west side of Mayo Road; and on the west by the Queen's Parade Road	66,178	..	Average value for purposes of Section 59, Rs. 10 per square yard.
			<i>The Secretariat Plot.</i> (Deposited Plan C.)			
4	..	8434	Bounded on the north by the Elphinstone College and New Secretariat; on the south and west by the Mayo Road; and on the east by Hornby Road	17,700	..	Do. do. Rs. 25 per square yard.
			<i>Marine Lines Estate.</i> (Deposited Plan D.)			
5	...	8452, 8453	Bounded on the north partly by the south side of the compound of Government bungalow No. 41 and partly by the south boundary of Plot "C" reserved for Military purposes by Government Resolution No. 2 C. W.—4, dated 3rd January 1881; on the south by Church Gate Street; on the east by the Esplanade and Mayo Roads; and on the west by the Marine Lines Road (Marine Street)... ..	122,163	12,21,630	

SCHEDULE C—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	REMARKS.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
			<i>Wellington Lines Plot.</i> (Deposited Plan C.)			
6	...	9562 9563	Bounded on the <i>north</i> by Mayo Road ; on the <i>south</i> by Wodehouse Road ; on the <i>east</i> by Hornby Road ; and on the <i>west</i> by a line drawn in prolongation southwards of the west side of Mayo Road, being the east boundary of the plot described under item 3 of this Schedule	32,217	3,22,170	
			<i>The Wodehouse Road Plot.</i> (Deposited Plan C.)			
7	...	9561	Lying between the Wodehouse Road and the Colaba Causeway Roads and extending from the junction of these roads on the <i>north</i> to the boundaries of the Bombay and Baroda Railway and G. I. P. sidings and the Tramway Company's premises on the <i>south</i> , but <i>excluding</i> the site occupied by the Elphinstone College Students' quarters	53,732	5,37,320	
			<i>The Cotton Green Plot.</i> (Deposited Plan C.)			
8	...	9561	The triangular plot bounded on the <i>north</i> by the Bombay and Baroda Railway premises ; on the <i>south</i> by private land ; and on the <i>east</i> by the Colaba Causeway	13,105	1,31,050	
			<i>The Saluting Battery Plot.</i> (Deposited Plan C.)			
9	...	9560	Bounded on the <i>north</i> by the Apollo Bandar Road ; on the <i>south</i> by Lansdowne Road ; on the <i>east</i> by Battery Street ; and on the <i>west</i> by the Colaba Causeway	5,600	2,80,000	
			<i>The Crescent Site.</i> (Deposited Plan C.)			
10	...	8133	The semicircular plot opposite the Sailors' Home and Elphinstone College, bounded on the <i>north</i> by Rampart Row... ..	31,957	7,98,925	
			<i>Plot south of Old Town Barracks.</i> (Deposited Plan D.)			
11	...	9309	Bounded on the <i>north</i> by the Town Barracks occupied as Commissariat and Pay Offices ; on the <i>south</i> and <i>east</i> by Mint Road ; and on the <i>west</i> by Bazar Gate Street	2,048	61,440	

SCHEDULE C—concluded.

Consecutive number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	REMARKS.
1	2	3	4	5	6	7
				Sq. yds.	Rs.	
16	...	7298	<i>The Chauvati Estate.</i> (Deposited Plan F.) (1) Bounded on the north partly by a public passage leading to Gibbs' Road and partly by private properties (Survey Nos. 7299—7302); on the south partly by the Queen's Road partly by the plot reserved for Body Guard lines and partly by the Sirri Road; on the east by the Gamdevi Road; and on the west by an irregular line extending from where the public passage forming the north boundary meets the Gibbs' Road to the Sirri Road:— (a) Land forming the Hill slope... (b) Building land	55,367 80,978	... 8,09,780	
		7306	(2) Bounded on the north by private property; on the south by the Chowpati road; and east and west by private property	7,50	71,500	
17	...	1262 1A-4 1263	<i>Police Lines Plot, Dadur.</i> (Deposited Plan G.) Bounded on the north and east by private lands; on the south by the Dadur Road; and on the west by the G. I. P. Railway	5,234	52,340	
18	...	2486 2487 37 8 101 61 50	(Deposited Plan H.) Parcel Estate	330,469	9,91,407	
Total Amount Rs. ...				...	70,56,442	

SCHEDULE D.

(SEE SECTION 53.)

Showing lands the property of the Corporation vested in the Board.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			CONNAUGHT ROAD ESTATES. (Deposited Plan I.) Ward E.	Sq. yds.	Sq. yds.	Rs.	Rs.
1	.....	.....	Plot bounded on the north by vacant land, on the south by Sussex Road, on the east by private property, and on the west by the Parel Road— Plots A, B and C ... 1,169 ,, B, F, G and H ... 1,528 Area reserved for road. 1,296 Plots I, K, L and M ... 2,817 Plot marked B ... 10,002	1,169 1,528 1,296 2,817 10,002	...	10,521 7,640 6,480 14,085 50,010	...
B	.....	.....			
2	.....	.....	Plot bounded on the north by Sussex Road, on the south by lands sold to private persons fronting the Connaught Road, on the east by land sold to Mr. Tyeally Mahomedally, and on the west by plots sold to private persons fronting the Parel Road— Plots Nos. 6 to 16 inclusive. 4,263	4,263	...	25,578	...
3	.....	.....	Plot bounded on the north by vacant land, on the south by the Connaught road, on the east by the Ghurapdeo road, and on the west by the Sussex Road— Plots Nos. 19 to 40 inclusive. 15,752	15,752		78,760	
			Total, Connaught Road Estates.		36,827		1,93,974
			AGRIPADA ESTATE. (Deposited Plans J and K.) Ward D.				
4	8880 (1)	3410	Arthur Road	7,750	...	25,188	...
5	8879	3409	Do.	6,996	...	17,490	...

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
AGRIPADA ESTATE—contd.								
Ward E—continued.								
6	4257 (5)	$\frac{1}{3516}$	} Agripada ...	2,752	...	6,880	...	
7	7203 to 7206	$\frac{1}{3455}$ $\frac{1}{3456}$		8,975	...	26,925	...	
8	{ 4544, 4547 } { 4548, 4264 }	3483		2,468	...	9,255	...	
9	{ 4520, 4535 } { 4543, 4263 }	$\frac{1 A}{3434}$		2,306	...	13,000	...	
10	4567	3485		17,740	...	62,090	...	
11	4268	$\frac{1}{3481}$		1,740	...	6,090	...	
12	{ 4257 (2), 4352, 4353 } 4270	$\frac{1 A, 1 B, 1 C, 1 D,}{3485}$ $\frac{1 A B, 1 A C, 4}{3486}$ $\frac{1 A, to 1 F.}{3487}$		10,560	...	44,893	...	
13	4097 to 4099	$\frac{1-2,3-5}{3528}$ $\frac{1}{3506}$		57,706*	...	1,73,124	...	
14	4430 (1)	$\frac{1-3}{3527}$ 3525 $\frac{1-2,3 \& 5}{3529}$ $\frac{1}{3505}$		245,107*	...	7,35,321	...	
15	4457-59	$\frac{1}{3533}$		Ripon Road ...	19,297	...	69,469	...
16	4066-67	$\frac{1 c}{3503}$		Arthur Road...	7,704*	...	27,966	...
17	4072-74	$\frac{1}{3531}$		Ripon Road ...	5,908	...	17,724	...
18	4566	$\frac{2 A}{3437}$ $\frac{1}{3486}$ $\frac{4}{3482}$	Haines Road..	6,393	...	27,170	...	
C	.....	.....	Agripada ...	2,690	...	5,380	...
D	.....	.....	De-Lisle Road ...	5,196	...	24,072	...
E	.....	.....	Arthur Road ...	1,525*	...	6,100	...
Total, Agripada Estate...					412,81	...	12,98,137	

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MATUNGA. (Deposited Plan L.) <i>Ward F.</i>					
19	7804	809	New Dadar - Matunga Road.	3,558*	...	3,558	...	
	7781	P 16 926						
	P 7780	P 17 926						
	P 7779	P 18 926						
20	P 7778	P 19 926			3,791*	...	5,687	...
	P 7797	P 2 927						
	P 7773	P 1 924						
	P 7772	P 2 924						
	P 7767	P 6 924						
		4 A 924						
21	7770			48*	...			
23	7800	W 1 928						
23		W 1 928						
24	P 7692, P 7784(1)	P 81 925, P 13 926		95	...			
25	P 7782, 7783	P 14, W 15 926		1,256*	...			
26	7769	W 4 924		858*	...	5,465	...	
27	7768	W 5 924		652*	...			
28	7730	W 53 925		411*	...			
29	7733, 7735	W 51 & 55 925		806*	...			
	P 7700	W 1, 2 925		110*	...			

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MA'TUNGA—contd.				
			Ward F—continued.				
30	P 7735	W 51 A 925	} New Dádar-Mátunga Road.	761*	...	} 12,279	
81	7736	W 52 925.		777*	...		
32	7731	W 54 925.		145*	...		
33	P 7729	P 80 925		853*	...		
34	7707	P 80 925		167	...		
35	P 7707	P 80 925		238*	...		
36	7728	W 80 A 925		153	...		
37	P 7725	P 79 925		47	...		
38	Nil.	925		560*	...		
39	7430	W 4 862		22*	...		
40	7429	W 5 862		285*	...		
41	7417, 7422	W 1 & 2 A 863		475	...		
42	7399	W 3 871		683	...		
43	7405	W 1 869		384*	...		
44	7406	W 2 869		299*	...		
45	7412	W 1 866		2,798*	...		
46	7404	W 1 870		265*	...		
47	7402	W 3 870	266*	...			

SCHEDULE D—continued.

Consecutive Number of plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	8	9	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MĀTUNGA—contd.				...	
			Ward F—continued.					
48	7407	W 5 870	}	591*	...	}	...	
49	7403	W 2 870		530*	...			
50	7408	W 4 870		651	...			
51	P 7131	P 1 872		6,766*	...			} 22,504
52	7030	872		395*	...			
53	7031, 7032	P 1 & 2 W 872	}	6,342*	...	}	...	
	7037	W 9 877						
54	7389	W 1 A 874	}	3,139*	...	}	...	
	7390	W 1 873						} New Dādar-Mātunga Road.
	7391	W 2 873						
55	...	W 3 873		86	...			
56	7045	W 1 877		95	...			
57	7042	W 4 877		53*	...	} 15,356	...	
58	7044	W 2 877		1,098*	...			
59	7043	W 3 877		1,788*	...			
60	7049	W 1 906						
61	7050	W 2 906		} 4,119*	...	}	...	
62	7051, 7056	W 1 & 2 905						2,094*

SCHEDULE D—continued.

Consecutive Number of plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.	
						Amount.	Total amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA—contd.				
			Ward F—continued.				
63	7054	W 7 905	} New Dadar-Matunga Road.	357	...	} 54,334	} ...
64	7055, 7052	W 3, 4 & 5 905		*2,491	...		
65	P 6835	P 4 1109		*21,542	...		
66	7130	W 4 1111		*371	...		
67	7131	W 5 1111		*476	...		
68	P 7121, 7122	P 1, W 2 1114		2,162	...		
69	7289	W 1 1143		*503	...		
70	7162	W 1 1173		*109	...		
71	7161	W 2 1173		108	...		
72	7163	W 1172		*2,185	...		
73	6824	1238		*183	...		
74	P 6823	P 1 W 2 1238 1237		*6,161	...		
75	6825	W 1 1239		961	...		
76	6783	W 7 1242		415	...		
77	6789	W 2 1242		} 3,453°	} ...		
	6818, 6819	W 3, W 4 1236					
						18,423	...
78	P 6791	P 1 1235	*8,877	...			
79	6794, 6797	W 2, W 5 1233	*847	...			
80	6799	W 7 1233	*1,118	...			

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA—contd.				
			Ward F—continued.				
81	P 6449, 6450	P 2 1195	}	1,035*	...	} 6,564	...
82	6635	7 1206		762*	...		...
83	6636, to 6639	W 2, 3, 4, 5 1206		391*	...		...
84	P 6814	P 2 1232	}	} 2,948*	} ...	} 5,159	} ...
	6813	W 3 1232					
	6624	W 1 1209					
	P 6623	P 2 120					
	P 6634	P 7 A 1206					
	6633	8 1206					
	6452	1 1195½					
85	6640, 6632	W 1-9 1206	New Dadar-Matunga Road.	1,156*	...	1,445	...
86	P 6454	P 1 1194		1,066*	...	2,665	...
87	P 797 (2) 829 (2), 830 & 798	P 1 2050		2,823*	...	} 24,344	...
88	6591	10 1213½		3,263*	...		...
89	765	P 1 2050	}	} 12,175*	} ...	} 23,233	} ...
	766	W 2 2050					
90	766	P 3 2050		...	...
91	768	P 1 2024		4,420*	...		

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MATUNGA—contd.					
			Ward F—continued.					
92	P 775 (1)	P 1 2026	}	1,123*	...	1,123	...	
93	P 775 (2)	P 1 A 2026		}	8,276	...	4,183	...
	743 (1) 743 (3A)	P 1 2031						
	744	A 2030						
94	}	}		}	1,367*	...	16,094	...
95								
96								
97	P 742	P 1 2035			948*	...		
98	}	}		}	813*	...		
99					P 742	P 2 2035	1,204*	...	5,418	...
100	P 687	P 1 2036	} New Dadar-Matunga Road.	717*	...	2,151	...	
101	6800	12 1232			606	...	1,142	...
102	6802	W 10 1232			536	...		
103	7109	W 6 1119			679	...	610	...
104	7112	W 2 1117			338	...		
105	778	2 2027			500*	...	500	...
106	777	1 2027			610*	...	610	...
107	776, 779	3-4 2027			2,114*	...	2,114	...
108	769	2 2028			767*	...	767	..

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MATUNGA—contd.					
			Ward F—continued.					
109	770	$\frac{1}{2028}$	} New Dadar-Matunga Road.	3,325*	...	3,325	...	
110	7401, 7400	$\frac{5, 1-2}{871}$		} 5,737*	5,737	...
	7423 to 7428	$\frac{4, 5, 6, 7, 8, 9}{863}$						
111	7422	$\frac{2 A}{863}$		} 1,831	799	...
	7327	$\frac{2}{1130}$						
112	7249	$\frac{5}{1151}$		} 8,950*	6,713	...
	7241, 7243	$\frac{6}{1152}, \frac{4}{1152}$						
	7251	$\frac{3}{1151}$						
113	7137-38	$\frac{4-5}{1174}$		} 3,627*	2,720	...
	7288 (1-2), 7287, 1164	$\frac{2-3}{1143}$						
	7288 (1), 7165, 7167	$\frac{2}{1143}, \frac{2-4}{1171}$						
114	7111, 7113	$\frac{1-3}{1117}$	} 3,723	2,234	...	
	7118	$\frac{2}{1116}$						
115	7236, 6767	$\frac{2}{1153}, \frac{1}{1243}$	} 6,712	5,034	...	
	6684, 6683	$\frac{3}{1254}, \frac{2}{1254}$						
	6741, 6784	$\frac{5}{1247}, \frac{6}{1242}$						
	6678, 6762	$\frac{4}{1255}, \frac{6}{1243}$						
	7319	$\frac{2}{1182}$						

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.				
						Amount.	Total Amount.			
1	2	3	4	5	6	7	8			
				Sq. yds.	Sq. yds.	Rs.	Rs.			
			LANDS AT MATUNGA—contd.							
			Ward F—continued.							
116	7244, 7239	$\frac{3}{1152}$ $\frac{5}{1153}$		}	5,415*	...	4,060	...		
	6795-96, 6798	$\frac{3, 4, 6}{1233}$								
	6820, 6743	$\frac{4}{1237}$ $\frac{3}{1247}$								
	6675-76 6778, 6782	$\frac{6-7}{1255}$ & $\frac{1-5}{1241}$								
117	7818	$\frac{1}{1132}$		3,804	...	2,282	...			
118	7409	868		2,187*	...	2,187	...			
119	7119, 7116	$\frac{1-4}{1116}$ $\frac{4}{1117}$	New Dadar-Matunga Road.	}	2,197	...	1,098	...		
	7114									
120	6816	$\frac{1}{1236}$			2,283*	...	1,641	...		
121	7825, 7823	$\frac{4}{1130}$ $\frac{1}{1131}$			3,436	...	2,062	...		
122	7107	$\frac{2}{1119}$			1,037	...	777	...		
123	6803 (1)	Western portion of 7 A 1232			309	...	232	...		
124	6801	$\frac{11}{1232}$			559	...	419	...		
125	6821, 6579	$\frac{3}{1237}$ $\frac{1}{1233}$				}	2,240*	...	1,680	...
	6792	& $\frac{1}{1234}$								
126	7125, 7126	$\frac{1-2}{1112}$ and western portion of $\frac{1-2}{1110}$				3,732*	...	2,799	...	

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MATUNGA—contd.					
			Ward F—continued.					
127	7804	$\frac{1}{808}$	} New Dadar-Matunga Road.	529*	...	396	...	
128	7242,7254	$\frac{5}{1152}, \frac{5}{1150}$		} 6,982	...	...	5,234	...
	7172,6783	$\frac{1}{1169}, \frac{7}{1242}$						
	7269	$\frac{1}{1148}$						
129	7166 (1) 7127 (2)	$\frac{3}{1171}$		} 9,818*	...	...	6,873	...
	7160 (2)	Western part of 1111 and northern part of 3 $\frac{3}{1173}$						
130	7115,7108	$\frac{5}{1116}, \frac{1}{1119}$		} 3,984	...	...	2,988	...
	7106,7104	$\frac{5}{1119}, \frac{3}{1119}$						
131	7179(1)	$\frac{3}{1167}$			3,023*	...	2,267	...
132	7326,7324	$\frac{3}{1180}, \frac{2}{1131}$			3,598	...	2,694	...
133	6642 (1) 6641	The whole of the north portion of $\frac{1\alpha}{1204}$ up to $\frac{1}{1205}$ $\frac{1\alpha}{1204}$			3,710*	...	2,783	...
134	6793	$\frac{2}{1234}$			323*	...	242	...
135	7771	$\frac{3}{924}$			660	...	660	...
136	7801,7802	$\frac{2-3}{928}$		845*	...	634	...	

SCHEDULE D—continued.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Areas.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MATUNGA— <i>contd.</i> <i>Ward F—continued.</i>					
137	7053, 7055	$\frac{5-6}{905}$	}	2,566*	...	2,566	...	
138	6817	$\frac{2}{1-36}$		1,855*	...	1,391	...	
139	6679 (1), 6641	$\frac{3}{1265}$ $\frac{1}{1205}$		}	3,735*	...	2,801	...
	6651, 6652	$\frac{2-3}{1199}$ on the east side thereof, also on the side thereof, &c.						
6643 (1)	1203							
140	7039	$\frac{7}{877}$		576*	...	432	...	
141	7040, 7041, 7038	$\frac{5, 6}{877}$ & $\frac{8}{877}$		New Road from Dadar to Matunga.	883	...	662	...
142	7182 (2)	1166			448*	...	1,559	...
143	7179 (1) 7181	$\frac{3}{1167}$		}	1,361	...		
	7197	1163						
144	7194 to 96	$\frac{1, 2, 3}{1164}$		5'	...			
145	7173-78	$\frac{1, 2, 3, 4, 5, 6}{1163}$		265*	...			
146	7628	$\frac{5}{810}$		1,113	...	389	...	
147	7847, 7849	$\frac{11}{813}$ $\frac{8}{811}$ & others.		895	...	318	...	
148	7826-27	$\frac{3-4}{810}$	2,135	...	747	...		

SCHEDULE D—concluded.

Consecutive Number of Plot corresponding to the number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	VALUE.		
						Amount.	Total Amount.	
1	2	3	4	5	6	7	8	
				Sq. yds.	Sq. yds.	Rs.	Rs.	
			LANDS AT MATUNGA— <i>contd.</i>					
			Ward F—continued.					
149	7924	$\frac{10}{811}$	} New Road from Dadar to Matunga.	451	...	158	...	
150	784	$\frac{6}{812}$		562	...	197	...	
151	7398, 7329	$\frac{1}{1127}, \frac{1}{1129}$		} New Road from Dadar to Matunga.	6,829	...	5,122	...
	7330, 7331	$\frac{2}{1129}, \frac{3}{1129}$						
	7732	$\frac{4}{1129}$						
F	.....	.....	Dadar Road ...	8,185	...	7,876	...
G	.....	.....	Matunga ...	13,185	...	9,770	...
H	.....	.....	Lady Jamsedji Road	7,387	...	14,060	...
			Total, Lands at Matunga...	...	298,376	...	3,49,348	
			GRAND TOTAL ...	...	748,018	...	18,40,559

The amounts shown in this Schedule are subject to deduction in respect of the plots marked with an asterisk, portions of which have been appropriated to roads as shown on the Deposited Plans.

SCHEDULE E.

(SEE SECTION 53 A.)

Showing the limits within which the right to reclaim the bed of the sea vests in the Board.

Colába.—The foreshore below high water mark extending southwards from a point opposite the foot of the south approach to the Wodehouse Bridge along the west side of Colába to the extreme limit of Colába Point.

Walkeshwar and Mahalaxmi.—The western foreshore of the Island below high water mark extending from Worli Fort to Malabar Point.

SCHEDULE F.

(SEE SECTION 64.)

Showing lands leased by Government between 1st September 1897 and the date which shall be notified under Section 10.

Locality.	Description.	Area.	Terms of Lease.
		Sq. yds.	
*	*	*	*
*	*	*	*
And such other lands as may be leased prior to the date notified under Section 10.			

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, 12th March 1898.