



# 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.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations :—

#### Bill No. 4 of 1888.

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

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

1. This Act may be cited as "The City of Bombay Municipal Act Amendment Act, 1888."

Section 7 shall come into force on the first day of April, 1889; the rest of this Act shall come into force at once.

2. In section 106 of the City of Bombay Municipal Act, 1888, the words "General of India" shall be inserted after the word "Governor".

3. In clause (c) of section 109 of the said Act, the words "the Governor-General of India in Council" shall be substituted for the word "Government".

4. In sub-section (1) of section 138 of the said Act, the word "and" shall be substituted for the words "provided that" and the words "as determined by the Governor in Council, shall" for the words "shall not, without the consent of the corporation".

5. (1) The words "Her Majesty" shall be substituted for the words "the Secretary of State for India in Council":

Bombay III of 1888.

Bombay III of 1888.

(a) whenever they occur in sections 89, 100, 181, clause (e) and 299, sub-section (2) of the said Act;

(b) the first time they occur in section 143, clause (b) of the said Act; and

(c) the first and last times they occur in section 144, sub-section (2) of the said Act.

(2) In section 144, sub-section (1) of the said Act the words "Her Majesty" shall be substituted for the word "him."

6. In section 308, sub-section (2) of the said Act, after the word "section", the words "or of section 196 of the Bombay Municipal Act, 1872," shall be inserted.

Amendment of s. 308, sub-s. (2) of Bo. Act III of 1888.

Bombay Act III of 1872.

7. In the schedule H annexed to the said Act, the lines:

Amendment of sched. H of Bo. Act III of 1888.

"Petroleum, as defined in the Petroleum Act, 1886, 6 pies per imperial gallon"

shall be repealed.

### STATEMENT OF OBJECTS AND REASONS.

His Excellency the Viceroy and Governor General has been pleased to accord his assent to the City of Bombay Municipal Act, 1888 (Bo. Act III of 1888), but before that assent was given, the Government of Bombay was asked to undertake, and did undertake, to introduce a Bill at once into the local Council for the purpose of effecting certain alterations in the Act. This Bill has been prepared in consequence.

2. The object of the amendments proposed in sections 2 and 3 of the Bill is to retain in the hands of the Government of India the same control which has hitherto vested in it over the loan transactions of the Corporation.

3. The Government of India is of opinion that when Government deem it necessary to cause a special audit of the municipal accounts to be made under section 138 of the Act, it should be entitled to charge the cost of the audit to the municipal fund. Section 4 of the Bill is for the purpose of giving effect to this view.

4. The Government of India has also suggested a doubt as to the propriety of describing State property, as it is described in certain sections of the Municipal Act, as vesting in or belonging to the Secretary of State for India in Council. The Honourable the Advocate General has been consulted and he advises that under sections 39 and 40 of 21 and 22 Vic. c. 106 and with reference to the case of *Kinloch v. Secretary of State* (L. R. 15 Ch. Div. 1), it would be better to employ "either the accurate expression 'vested in Her Majesty' or the loose and popular expression 'vested in Government.'" In accordance with this opinion, section 5 of the Bill is inserted for the purpose of describing State property, wherever it is referred to in the Act, as vesting in Her Majesty instead of in the Secretary of State for India in Council.

5. The Government of India also takes objection to the continuance of the town-duty on petroleum, since, by Act II of 1888, a duty is levied on that article for imperial purposes. It is therefore proposed by section 7 of the Bill to strike petroleum out of the Schedule H, which specifies the several articles on which town-duty may be levied by the Corporation; but in order not to interfere with current budget arrangements, this section will not come into force until the 1st April 1889 (section 1 of the Bill). It is believed that the removal of petroleum from the list of dutiable articles will not materially affect the power of the Corporation to raise the proportion of its revenue which it usually derives from town-duties.

6. The above comprise all the alterations desired by the Government of India; but the opportunity has been taken of repairing, by section 6 of the Bill, a small but rather important oversight in the drafting of section 308 of the Municipal Act.

(Signed) J. R. NAYLOR.

21st September 1888.

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

J. J. HEATON,

Secretary to the Council of the Governor

of Bombay for making Laws and Regulations.

Poona, 21st September 1888.