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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th October 1896 :—

Bill No. 26 of 1896.

A Bill to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality.

WHEREAS it is expedient to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality; It is hereby enacted as follows :

1. (1) This Act may be called the Government Buildings Act, 1896.
- (2) It extends to the whole of British India; and
- (3) It shall come into force at once.

2. In this Act the expression "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any law or enactment for the time being in force; and the expression "Government" includes a Local Government as well as the Government of India.

3. (1) Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality shall apply to any building which is the property, or in the occupation, of Government, or which is to be erected on land which is the property, or in the occupation, of Government :

(2) When the erection, re-erection or alteration of any such building as aforesaid is contemplated, reasonable notice of the proposed work shall be given to the Municipal Committee before the work of erection, re-erection or alteration is commenced.

4. (1) In the case of any such building as is mentioned in the last preceding section, the Municipal Committee of such municipality, or any person authorized by it in this behalf, may, with the permission of the Local Government previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the Local Government, inspect the said land and building and all plans connected with its erection, re-erection, construction, alteration or maintenance, as the case may be, and may submit to the Local Government a statement in writing of any objections or suggestions which such Municipal Committee may deem fit to make with reference to such erection, re-erection, construction, alteration or maintenance.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the Local Govern-

ment, which shall, after such investigation, if any, as it shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed, altered or maintained, as the case may be, in accordance with such orders :

Provided that, if the Local Government overrules or disregards any such objection or sug-

gestion as aforesaid, it shall give its reasons for so doing in writing.

(3) Every order passed by the Local Government under this section shall be subject to revision by the Governor General in Council, but not otherwise, and the decision of the Governor General in Council thereon shall be final.

STATEMENT OF OBJECTS AND REASONS.

THE provisions of the various Acts in force regarding the regulation of buildings in municipalities rest in the main on the necessity for controlling building and the maintenance of buildings with due regard to engineering and sanitary exigencies, and the powers conferred upon Municipal Committees with this object in the several Municipal Acts are wide and more or less absolute. It has been on several occasions represented to the Government of India that in the case of Government buildings this necessity does not exist, as the requirements in question are secured by departmental regulations and the advice of the experts who are employed by the State for the proper execution and supervision of public works. Moreover, as regards works relating to imperial defence, it is evident that, if direct control is to be effectively exercised by Municipal Committees, the power of inspection must extend to the examination, on demand, of plans and records which may be of a strictly confidential character, and this examination is inconsistent with the secrecy which, for obvious reasons, is essential in these matters. It will be generally admitted that the Government cannot permit its designs for the improvement of its coast batteries, magazines or arsenals to become practically public property merely because such designs have to be carried out within a municipal area in which the local law requires their submission to the municipal authorities and admits of extraneous and, it may be, arbitrary interference with them.

2. The object of this Bill is, therefore, to exempt from such regulations all buildings which are situated within municipalities and are, or are to be erected upon land which is, the property, or in the occupation, of the Government. The Government of India have, however, no desire to ignore the internal arrangements and general administration of municipalities. On the contrary, they consider it incumbent on the Administration to frame its projects with full consideration for the general plans of any municipal body concerned; and they consider it reasonable and right that municipal bodies should have opportunities of criticizing such projects; but the final judgment on objections and suggestions must rest with the Local Government which has undertaken them, and not with a Municipal Board, which is itself under the control of the Local Government. It is proposed in the Bill, therefore, to provide that reasonable notice of any work which it is intended by the Government to undertake, shall be given to the municipality concerned; that the Municipal Committee shall be permitted, subject to suitable safeguards, to inspect the land and the plans; that any representation on such Municipal Committee may think fit to make with reference thereto shall be received and considered by the Local Government; that the work shall be executed in strict accordance with the orders passed by the Local Government on such a representation; and that every order so passed shall be liable, in the last resort, to revision by the Governor General in Council.

The 10th October 1896.

(Signed) J. WOODBURN.

S. HARVEY JAMES,

Secretary to the Government of India.