

THE



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## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Gujaráti and the translation to be published in the "Bombay Government Gazette." To be translated also into Sindhi, and the translation to be published in the "Sind Official Gazette." The dates of publication to be reported.)

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. III of 1895.

*A Bill to amend the Karáchi Port Trust Act, 1886.*

WHEREAS it is expedient to amend the Karáchi Port Trust Act, 1886, in manner hereinafter appearing; It is enacted as follows:—

1. Sections 2 and 3 shall come into force on the first day of April, 1897. The rest of this Act shall come into force at once.

2. In the Karáchi Port Trust Act, 1886, hereinafter referred to as the said Act, in section 7 thereof the words "and two shall be elected by the municipal commissioners of Karáchi from among their own number" shall be repealed, and for the word "two" where it follows the word "behalf," the words "and three" shall be substituted.

3. In section 8 of the said Act, the following words shall be repealed, viz.:—

"and by the municipal commissioners,"

"or of the said commissioners, as the case may be,"

"and the President of the Municipality of Karáchi,"

"respectively,"

"or by the municipal commissioners,"

"or municipal commissioners, as the case may be."

4. Section 10 of the said Act and the first portion of section 11 thereof down to and inclusive of the words "In every other case" are repealed.

Repeal of section 10 and of portion of section 11.

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5. In section 12 of the said Act, the first paragraph, and, in the second paragraph the words "and by the Municipal Commissioners" are repealed.

Amendment of section 12.

6. In section 21 of the said Act, the words from "until a schedule" to "directed under this Act" shall be repealed; and in the third proviso to the same section, for the words "day aforesaid," the words and figures "31st March, 1887," and for the words "date notified by the Governor in Council under Section 10", the words and figures "1st April, 1887," shall be substituted.

Amendment of section 21.

7. In section 27 of the said Act the words "upon and after the date notified by Government under section 10" shall be repealed.

Amendment of section 27.

8. After section 27 of the said Act the following section shall be inserted, *viz.* :—

Insertion of a new section after section 27.

"27A. Nothing in this Act or in any other enactment of the Governor of Bombay in Council shall be deemed to affect the proprietary right of Her Majesty to the bed of the sea facing lands on the shore which are vested in Her Majesty, or the right of Her Majesty to reclaim any part of the bed of the sea; but the Board shall have, on and along the outer boundary wall or line and to seaward of any such reclamation of a part of the bed of the sea, the same rights, if any, as it would have under this Act or any such enactment as aforesaid, on or along the strand or foreshore or to seaward of the same, if no such reclamation had been made."

Saving of right of Her Majesty to the bed of the sea.

9. To clause (3) of section 29 of the said Act, there shall be added the following :—

Amendment of section 29 (3).

"and with the sanction of Government as to the funds to be contributed by the Board for the purpose, light-houses beyond the said distance at the mouths of the Indus and at Cape Monze, or the maintenance and lighting thereof."

10. In section 35 of the said Act, the following amendments shall be made, *viz.* :—

Amendment of section 35.

(a) For the words "The Board," the first time they occur, the words "An

officer appointed by the Board in this behalf" shall be substituted;

(b) For the word "them" the word "him" shall be substituted;

(c) For the words "one hundred" the words "five hundred" shall be substituted.

(d) For the words "thirty-six hours from the service of the Board's notice" the words "twelve hours from the service of such notice as aforesaid" shall be substituted.

11. In section 43 of the said Act the last paragraph shall be repealed.

Amendment of section 43.

12. In section 44 of the said Act, for the word "Government" the words "the Commissioner" shall be substituted.

Amendment of section 44.

13. For section 45 of the said Act there shall be substituted the following, *viz.* :—

"45. The tolls, dues, rates and charges prescribed under section 43 shall not be leviable in respect of any vessel employed by Government solely for the transport of officers and soldiers of Her Majesty's Regular Forces, nor in respect of the baggage or other effects of any such officers and soldiers landing or embarking at the Port.

"But in respect of all such vessels or such officers and soldiers as aforesaid, their families, their baggage or their effects, the Board shall, in addition to their duties in the landing and embarking of any of the same, perform and supply all such reasonable services and accommodation as may from time to time be required by Government, and shall receive payment for all such services and accommodation on such terms and for such periods as may from time to time be determined by Government in conference with the Board."

14. For clause (3) of section 61 of the said Act the following clause shall be substituted, *viz.* :—

Amendment of section 61 (3).

"(3) such sums as Government may from time to time require the Board to contribute on account of expenses in connection with the harbour-police and police employed in guarding the docks, warehouses and other property of the Board, and on account of medical services supplied in the port, in lieu of or in addition to any expenditure which Government

may direct to be made from the funds or hospital port-dues, the control or application of which is by sections 36 and 50 of the Indian Ports Act, 1889, vested in Government."

X of 1889.

15. In section 74 of the said Act, the following amendments shall be made, viz. :—

(a) before the word "weight," each time it occurs, the word "description" shall be inserted;

(b) before the word "understated," each time it occurs, the words "misstated or" shall be inserted.

Amendment of section 76. 16. To section 76 of the said Act the following words shall be added, viz. :—

"unless such damage or mischief is in no way attributable to the order, act or improper omission of such officer."

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to effect the following amendments, which it is desirable to make, for the reasons hereinafter stated, in the Karachi Port Trust Act, 1886 :—

(1) By sections 2 and 3 of the Bill it is proposed to effect a change in the composition of the Board by withdrawing from the Karachi Municipality the right of electing two Members as Port Trustees, and by giving the Chamber of Commerce the right to elect three Members instead of two as heretofore. The Municipality has no necessary connection with commerce, and it is deemed undesirable that it should retain a connection with a Port Trust which is not conceded to the Members of the Corporation of Bombay. By section 1 of the Bill this change is however postponed to the expiry of the term for which the present nominees of the Municipality were elected.

(2) Sections 4 to 7 and 11 of the Bill are intended to remove from the Act provisions which have now become obsolete.

(3) It is expedient to place beyond doubt the right of Government to reclaim on the foreshore in front of lands belonging to it without prejudice to any rights to levy landing-fees, &c., which the Act vests in the Trustees. This it is proposed to do by section 8 of the Bill.

(4) The Board is at present empowered to construct and maintain light-houses within a distance of three miles of the port limits only. It is now deemed important that the Board should be empowered to undertake works which would render the more distant coast-approaches safe for navigation. An addition to section 29 (3) of the Act has been introduced by section 9 of the Bill for this purpose.

(5) Section 10 of the Bill is intended, by amendments of section 35 of the Act, to provide more prompt and effectual control in the case of vessels unnecessarily lying alongside the piers and wharves to the prejudice of other traffic. To secure promptitude, it is proposed that a duly appointed officer should be empowered to give orders for the removal of such vessels instead of requiring the Board to act in each instance. The charge of Rs. 100 per diem, which the Board is at present authorized to recover on non-compliance with such orders, is an insufficient deterrent, masters of vessels being able to recover as much as £40 per diem as demurrage). It is therefore proposed to raise the maximum charge leviable on non-compliance with an order under section 35 to Rs. 500, and to make the liability commence on the expiry of twelve hours from the service of a notice under that section.

(6) It is proposed by section 12 of the Bill to give the Commissioner in Sind the power to sanction remission of tolls and charges which has hitherto been exerciseable by Government alone. The object is to save time.



(7) Government are advised that section 45 of the Karáchi Port Trust Act is inconsistent with section 143 of the Army Act, which exempts all troops from tolls. The object of section 13 of the Bill is to remove this inconsistency, but to enable Government at the same time to call for and remunerate, on terms to be agreed upon with the Board, certain services and accommodation which the Board is in a position to afford at the time of the landing and embarking of troops.

(8) The purpose of section 14 of the Bill is to authorize Government to require the Trustees to pay such contribution towards the actual cost of harbour-police and police employed in guarding the property of the Board, and towards the actual cost of medical services in the port as may from time to time appear reasonable.

(9) The object of section 15 of the Bill is to make the provisions of section 74 of the Act applicable to intentional misstatements in the description of goods on which tolls or other charges are leviable.

(10) Section 16 provides for a slight amendment of the Act, which is necessary to enable the Board to recover compensation for any damage or mischief done to its property by any vessel with a pilot on board, when such damage or mischief is not attributable to any fault of the pilot.

(Signed) J. NUGENT.

*Bombay, 21st December 1895.*

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

M. H. W. HAYWARD,

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

*Bombay, 23rd December 1895.*

