

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 Gujarati 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 Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to amend the Kara'chi Port Trust Act, 1886, and the Bill as amended by the Select Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information :—

*Report of the Select Committee appointed to consider Bill No. III of 1895  
(a Bill to amend the Karáchi Port Trust Act, 1886).*

We have carefully considered the provisions of the Bill and recommend the following amendments for adoption.

2. After section 1 of the Bill we suggest the insertion of the following section :—

'2. In the Karáchi Port Trust Act, 1886, hereinafter referred to as the said Act, for section 5 thereof there shall be substituted the following, namely :—

"5. The Board shall consist of not less than nine and not more than eleven members, of whom not less than two shall be natives of India residing in Karáchi."

This amendment appears desirable in view of the representations of the Trustees that the present strength of the Board is insufficient to provide adequately for the work of the Sub-Committees.

3. For section 2 of the Bill we recommend the substitution of the following :—

'3. In section 7 of the said Act for the word "two" where it follows the word "behalf" the word "three" and for the word "two" where it follows the words "commerce and" the word "one" shall be substituted.'

The Bill which eventually became the Karáchi Port Trust Act, 1886, as originally introduced into the Council of the Governor of Bombay assembled for the purpose of making laws and regulations, provided no representation to the Karáchi Municipality on the Board. On the suggestion,

however, of the Honourable Mr. Dayáram Jethmal that the native public should be independently represented through the Municipality, the Select Committee appointed to consider the Bill recommended giving the Municipality one seat on the Board while providing the Karáchi Chamber of Commerce with three. This proposal was modified during the consideration of the Bill by the Council in detail to two members for the Municipality and two for the Chamber of Commerce. After giving full consideration to the representations of the Municipality and the other correspondence placed before us we are of opinion that the proposals contained in the Bill as originally introduced, the principles of which have been followed in the present amending Bill, would possibly have been best calculated to give adequate representation on the Board to those sections of the community, both native and European, who are most interested in the proper administration of the Trust, and we consider the representation on the Board of the Municipality which has no necessary connection with commerce is not absolutely essential. In view, however, of the objections of the Municipality to the total withdrawal from them of representation we are willing to revert to the proposals of the Select Committee appointed to consider the original Bill, and we therefore recommend for adoption the above amendment of section 2 of the present Bill, which appears to us a reasonable compromise and intrinsically fair.

4. The above amendment of section 2 of the Bill renders section 3 of the Bill unnecessary, and we recommend that section 3 be therefore omitted. It also necessitates verbal amendment of section 1 by substituting for the words and figures "sections 2 and 3" the word and figure "section 3." It likewise renders unnecessary the words "and, in the second paragraph the words 'and by the municipal commissioners'" occurring in section 5 of the Bill, which we accordingly recommend should be omitted. The word "are" occurring in the same section should at the same time be changed to the word "is".

5. In section 13 of the Bill for the words "in respect of the baggage or other effects of any such officers and soldiers landing or embarking at the Port" we recommend the substitution of the following, namely:

"shall anything in this Act be deemed to authorize the levy from officers and soldiers of Her Majesty's Regular Forces on duty or on the march of any duties or tolls from which they are exempted by section 143 of the Army Act, 1881."

The proposed wording follows that contained in sub-section (3) (b) of section 40 of the Aden Port Trust Act, 1888, and appears to us to carry out more accurately the intention of the section as explained in paragraph (7) of the Statement of Objects and Reasons attached to the Bill than the present wording.

We also recommend some verbal alterations in the second clause of the section proposed to be substituted for section 45 of the original Act.

6. We approve of the remaining sections of the Bill, and we recommend that the Bill as now altered be passed into law.

7. The Bill was published in Gujaráthi in the *Bombay Government Gazette* on the 3rd January, and in Sindhi in the *Sind Official Gazette* on the 10th January 1896. We have ordered the Bill as now amended and this report to be similarly translated and published.

8. We regret that owing to ill health the Honourable Mir Allahbakshkhan walad Alibakshkhan Shahwani Talpur has been unable to attend our meetings.

(Signed)	J. NUGENT.
"	BASIL LANG.
"	W. R. MACDONELL.
"	W. W. LOCH.
"	T. R. McLELLAN.

Bombay, 10th February 1896.

## Bill No. III of 1895.

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

*(As amended by the Select Committee on the 8th February 1896.)*

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

1. *Section 3* 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 Karachi Port Trust Act, 1886, hereinafter referred to as the said Act, for section 5 thereof there shall be substituted the following, viz.:*—

“5. The Board shall consist of not less than nine and not more than eleven members of whom not less than two shall be natives of India residing in Karachi.”

2. *In the Karachi 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 Karachi 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 7 of the said Act for the word “two” where it follows the word “behalf” the word “three” and for the word “two” where it follows the words “commerce and” the word “one” 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 Karachi,”  
“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.

5. In section 12 of the said Act, the first paragraph, and, in the second paragraph the words “and by the municipal commissioners” is are repealed.

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.

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

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

“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.”

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

“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 Amendment of section 35. following amendments shall be made, *viz.* :—

(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 Amendment of section 43. last paragraph shall be repealed.

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

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 shall anything in this Act be deemed to authorize the levy from officers and soldiers of Her Majesty's Regular Forces on duty or on the march of any duties or tolls from which they are exempted by section 143 of the Army Act, 1881. ~~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, and the their families, their baggage or other their effects of such officers and

*soldiers*, 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 *supply all such reasonable* 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 Amendment of section 61 (3). said Act the following clause shall be substituted, *viz.* :—

"(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 X. of 1889. Government."

15. In section 74 of the said Act, the Amendment of section 74. 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.

16. To section 76 of the said Act the Amendment of section 76. 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."

*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 Castle, 14th February 1896.