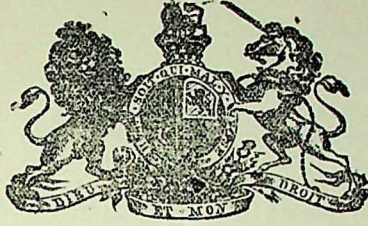


THE



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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 1876.

A Bill to amend (Bombay) Act IV. of 1868.

Whereas it is expedient to amend Bombay Act IV. of 1868, it is enacted as follows:—

Preamble.

1. The words “on the application of the owner or occupant” in clause one and the whole of clause two of Section five of the said Act are hereby repealed.

2. For Section ten of the said Act the following section shall be substituted (namely):—

New section substituted for Section 10.

“10. Subject to the provision herein-after contained, Sanads to be granted, every owner or

occupant in any town or city to which this Act shall be made applicable, shall be entitled, on application at any time, to receive from the Collector one or more sanads in such form as Government may from time to time direct, specifying, by plan and description, the limits and tenure of his holding.

“Every such application shall be accompanied by payment of a sanad fee of such amount as Government may from time to time direct, but which shall not in any case exceed five rupees for each survey number in the applicant’s holding.”

3. After Section ten of the said Act, the following section shall be inserted (namely):—

New section to be added after Section 10.

“10 A. If no application is made by an owner or occupant in conformity with the provisions of the last preceding section within six months from the date of a public notice to be given by the Collector on this behalf, he shall be liable to the payment of a survey-fee of the same amount as the sanad-fee which would have been payable by him if he had made such

application, and the said survey-fee shall be recoverable under the provisions of the law at the time being in force for the realization of an arrear of land-revenue.

“The payment of survey-fee under the provisions of this section shall not exempt an owner or occupant from the payment of a sanad-fee under the last preceding section, if his application for a sanad is made at any time after the expiry of the aforesaid period of six months.”

STATEMENT OF OBJECTS AND REASONS.

When Bombay Act IV. of 1868 was passed, it was intended that the expenses of city-surveys should be partly met by the sanad-fees. It was expected that a considerable income would be derived from this source, under the impression that Clause 2 of Section 5 of the Act would render it compulsory on owners and occupants who claimed total or partial exemption from land-revenue to take and pay for sanads under Section 10, in order to establish their claim.

But the question whether the Act, as it was passed, is capable of this construction has been made the subject of litigation, and although Government was partially successful in the District Court, the Law Officers advised that the proper interpretation of Section 5, Clause 2, and of Section 10 was opposed to the view for which Government was contending, and it was found necessary to yield the point in favour of the plaintiffs and to abandon the defence of the suits.

It is essential, however, in the interest of the general revenues of the country that city-surveys should be partly self-paying, and it is also fair that owners and occupants, who derive considerable advantages from the application of Bombay Act IV. of 1868 to their lands in towns and cities, should be called upon to pay a small return for such advantages.

This Bill is therefore introduced for the purpose of amending Bombay Act IV. of 1868, so as to render the payment of a certain moderate fee by every such owner or occupant compulsory, but enabling him to obtain a sanad in return therefor without additional charge, if he applies for it within a certain reasonable period and pays the fee promptly and of his own accord.

7th November 1876.

(Signed) A. ROGERS.

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,

Acting Under-Secretary to Government.

Bombay Castle, 7th November 1876.