

Acts Passed by the Governor
of Bombay in Council
in the years

1884, 1885, and 1886

Government

1887

ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE

YEARS 1884, 1885, AND 1886.



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	Year.	Act.	Section.	Clause.
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THE
BOMBAY LOCAL BOARDS ACTS,

BEING:

- (1) The Sind Local Funds Act, 1865;
- (2) The Bombay Local Funds Act, 1869;
- (3) The Bombay Local Boards Act, 1884;

as in force on the 1st June, 1884.



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THE BOMBAY LOCAL BOARDS ACTS.

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THE BOMBAY LOCAL BOARDS ACTS.

The Sind Local Funds Act, 1865.

*(Bombay Act VIII. of 1865 as amended by
Bombay Act I. of 1884.)*

Whereas it is expedient to provide funds for local works of public utility and improvement ; It is enacted as follows :—

1. It shall be lawful to levy for the purposes of this Act from all lands in the province of Sind a cess not exceeding one anna on every rupee assessable to the ordinary land revenue, and such cess shall be levied in the same manner, and under the same rules, as the ordinary land revenue : Provided that in all cases where an assessment of land revenue has been authoritatively fixed for a term of years before this Act comes into operation, and no cess has been theretofore levied upon such assessment, the cess authorized by this Act to be levied shall not be levied until the expiration of such term ; provided also that in respect of lands of which a settlement for a term of years may be made after this Act comes into operation, such cess be imposed at the time when such settlement is made, and at no other period during the currency of the term.
Levy of local cess on lands.

Levy of cess on settled lands.

Cess on lands hereafter settled to be imposed at time of settlement.
2. It shall also be lawful, in case of jágghir and other alienated lands, to levy such cess at the rate of five per centum on the assessable value of those lands, instead of the rate hereinbefore directed to be levied.
Cess on alienated lands.
3. It shall also be lawful to levy a cess not exceeding one anna on every rupee leviable under the head of land or sayer revenue from all farmers of land or sayer revenue who may take farms subsequently to this Act coming into operation.
Levy of cess from farmers of land or sayer revenue.
4. It shall also be lawful to levy a shop tax at rates according to classes to be approved and notified by the Commissioner in Sind from time to time, but in no case exceeding rupees ten per annum for each shop, and such tax shall be leviable from all persons who
Levy of shop tax.

The Bombay Local

who carry on any profession, trade, or employment for gain, and use a shop or office for the purpose, and shall be enforced in the same manner and under the same rules as are provided for the levy of land revenue, so far as applicable.

Cess and tax to be levied by Commissioner under orders of Government and to be collected under orders of Commissioner.

5. The cess and tax to be levied under this Act shall be levied by the Commissioner in Sind under the orders of the Governor in Council of Bombay, and shall be collected by such officers as the said Commissioner, acting under such orders, shall direct to collect the said cess and tax.

The Bombay Local Funds Act, 1869.

(Bombay Act III. of 1869 as amended by Act XII. of 1873 and Bombay Act I. of 1884.)

Preamble.

Whereas it is expedient to provide funds for local works of public utility and convenience, and to make better provision for education and sanitary improvements in the presidency of Bombay; It is enacted as follows:—

Levy of one anna cess on every rupee of land revenue for the purposes of the Act.

6. It shall be lawful for Government to levy for the purposes of this Act, on the conditions and in the manner hereinafter described, from all lands in the presidency of Bombay, except jágghir lands not under the general Regulations, and also from every farmer of land or sayer revenue in respect of any such farm taken from the Collector or other officer on behalf of Government after the date on which this Act comes into operation, a cess not exceeding one anna on every rupee that is assessable to the ordinary land revenue, or that would have been so assessable had there been no alienation of such revenue, and on every rupee that is payable by such farmer of land or sayer revenue in respect of such farm: provided that in respect of lands of which a settlement for a term of years is for the first time made after this Act comes in operation such cess be imposed at the time when such settlement is made, and at no other period during the currency of the term.

Proviso.

7. In

Boards Act, 1884.

7. In assessing this cess on alienated villages as defined in the Bombay Land Revenue Code, 1879, the following rules shall be adopted:—

Rules for
assessment.

1. If the village has been surveyed and assessed on the principles laid down in the Bombay Land Revenue Code, 1879, the cess shall be fixed on the total annual assessment of the village as made by the survey officers.
2. If the village has come under summary settlement under (Bombay) Act II. or (Bombay) Act VII. of 1863, the cess shall be fixed, until the village is brought under the preceding rule, on the total annual assessment as settled for the purposes of summary settlement.
3. On villages not included in the preceding rules the cess shall be fixed on the old or kamal rate recorded in the Collector's books, but if no such rate is so recorded or if the rate so recorded is objected to by the holder or proprietor of the alienated village, then the cess may be fixed as agreed on by the Collector and such holder or proprietor, or failing agreement, then by a rough survey and assessment to be made by survey officers, the expense of such rough survey being borne, half by Government and half by the holder or proprietor of such village.

8. The cess described in sections 6 and 7 of this Act shall be levied in the same manner, and under the same provisions of law, as the ordinary land revenue, and through the agency of such officers as shall from time to time be appointed for the purpose by the Collector, acting under the general control of Government, or of the Commissioner of the division, or other officer from time to time duly empowered on that behalf by Government. The provisions of the law relative to the assistance to be given to superior holders for the recovery of their

Cess to be
levied as
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venue.

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their dues from their tenants and occupants under them shall be applicable to all superior holders, whether of alienated or unalienated land in respect of the recovery of this cess from their tenants and occupants, and shall be applicable also to occupants of land under the Bombay Land Revenue Code, 1879, for the recovery of this cess from their tenants or joint occupants.

Act. not to apply to Sind or City of Bombay.
Short title.

15. This Act is not applicable to the province of Sind, or to the city of Bombay.

16. This Act may be cited as the "Bombay Local Funds Act, 1869."

The Bombay Local Boards Act, 1884.

(Bombay Act I. of 1884.)

Whereas it is expedient to amend the law relating to the administration of local funds by district and taluka committees ; It is enacted as follows :—

I.—PRELIMINARY.

Short Title. 1. This Act may be called "The Bombay Local Boards Act, 1884."

Local extent. It extends to the whole of the presidency of Bombay, except the city of Bombay and Aden.

Repealing section. 2. From the date notified by the Governor in Council under section 13 for each district the enactments mentioned in the schedule hereto annexed shall be repealed in such district to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them : Provided that

all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the committee or authority

Boards Act, 1884.

rity heretofore charged, in the local area over which the authority of any local board established under this Act extends, with the administration of local funds under Bombay Act VIII. of 1865 (which Act may be called "The Sind Local Funds Act, 1865,") or the Bombay Local Funds Act, 1869, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the local board so established ;

and all sums of money due to the said committee or authority shall be deemed to be due to the said local board ;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against any such committee or authority may be continued or instituted by or against the said local board ;

and all rules or orders made under any enactment hereby repealed and all other rules, if any, now in force and relating to any of the matters hereinafter dealt with shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

3. In this Act, unless there be something repugnant in the subject or context :

(1) the term "official gazette" means, in Sind, the *Sind Official Gazette*, and elsewhere, the *Bombay Government Gazette* ;

(2) the word "Commissioner" means, in Sind, the Commissioner in Sind, and elsewhere, the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879 ;

(3) the words "salaried servant of Government" do not include a retired servant of Government in receipt of a pension ;

(4) the word "táluka" means any local area for which a táluka local board is established, inclusive of the portion of such area, if any, for the time being within a municipal district or a military cantonment ;

(5) any

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Expressions defined in the Revenue Code.

(5) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that code.

II.—OF LOCAL BOARDS.

Constitution of the Boards.

Establishment of district and taluka local boards.

4. Local funds shall be administered by local boards established for this purpose as hereinafter provided. There shall be one local board for each district and also one for each taluka as constituted under the Bombay Land Revenue Code, 1879, or for such area consisting of one or more such talukas or portions of such talukas as the Governor in Council shall deem fit.

Local extent of the board's authority.

Each district local board shall have authority for the purposes of this Act over the entire district and each taluka local board over the entire taluka for which they are respectively established, except such portions thereof as are for the time being within a municipal district or a military cantonment.

Constitution of local boards.

5. Every district and taluka local board shall consist of

(a) elective members, and

(b) such persons, if any, as the Governor in Council or any officer whom he authorizes in this behalf from time to time appoints, who shall be called "nominated members":

Provided that the number of elective members shall be not less than one-half of the whole board exclusive of the president, and that not more than one-half of the nominated members shall be salaried servants of Government.

Elective members of taluka local boards by whom to be elected.

6. The elective members of taluka local boards shall be as follows:—

(a) one member for each municipal district within the taluka for which a taluka local board has been established containing more than five thousand inhabitants, elected by the commissioners of such district from amongst their own number;

(b) one

Boards Act, 1834.

(b) one member (qualified as hereinafter provided) for each of the several groups into which for the purposes of this clause the Governor in Council shall from time to time deem fit to cause the villages in the area subject to the authority of such board to be divided, elected by persons qualified, as hereinafter provided, to vote at such elections;

(c) one member elected by the holders of entire alienated villages, if any, within the táluka, from amongst their own number or, if there is but one such holder in the táluka, such holder himself or any person whom he nominates as his representative.

7. The elective members of district local boards shall be as follows:—

Elective members of district local boards by whom to be elected.

(a) one member or, if Government so direct, two or more members for each táluka local board in the district, or one member for two or more táluka local boards in the district, united for this purpose into a joint board, elected by the members of such board or joint board from amongst their own number;

(b) one member for each municipal district within the district containing not less than eighteen thousand inhabitants elected by the commissioners of such district from among their own number;

(c) one member elected by the holders of entire alienated villages, if any, within the district, from amongst their own number, or, if there is but one such holder in the district, such holder himself, or any person whom he nominates as his representative;

Provided that the person to be elected by any táluka local board under clause (a) may not be a Mámílatdár having jurisdiction in the area subject to the authority of such board.

8. The Governor in Council may at any time by notification in the *Bombay Government Gazette* direct that the provisions of sections 5, 6 and 7, and the subsequent provisions of this Act which refer to those

Constitution of local boards in exceptional parts.

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those sections or any one or more of the said provisions shall not apply to the local board of any district or taluka to which for exceptional reasons which shall be set forth in the said notification he shall deem such provisions to be unsuitable.

In the said notification or any subsequent notification published as aforesaid the Governor in Council may prescribe such provision or provisions as he deems fit in substitution for the provision or provisions declared inapplicable to any local board and the provision or provisions so prescribed shall have effect, so far as concerns such board, as if the same were inserted in this Act.

It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section, and in the event of any notification under the first paragraph being rescinded the local board affected thereby shall, from a date to be fixed in this behalf by the Governor in Council, be constituted in accordance with sections 5, 6 and 7 and the subsequent provisions of this Act having reference thereto.

Incorporation of local boards.

9. Every local board shall be a body corporate by the name of "The District Local Board of " or "The Taluka Local Board of ", as the case may be, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by them, and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immovable property for a term exceeding three years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

Qualifications

Boards Act, 1884.

Qualifications and disqualifications of Members.

10. Unless disqualified on any of the grounds set forth in the next following section, the following persons shall be entitled to have their names entered in the List No. I., to be prepared as hereinafter provided, qualifying them to be elected under section 6 (b) members of a táluka local board, namely :—

Qualifications necessary for certain members of táluka local boards.

(1) landholders, whose holdings situate within the táluka are assessed (or in the case of alienated lands, would be assessed, if they were not alienated) to the land revenue at not less than forty-eight rupees per annum or such smaller minimum as the Governor in Council shall from time to time prescribe for each táluka ;

(2) persons who own immoveable property within the táluka, other than a holding described in clause (1) of this section, estimated by the Collector to be not less than five thousand rupees in value ;

(3) persons, residing within the táluka, whose annual net earnings from any occupation are estimated by the Collector to be not less than five hundred rupees ;

(4) pensioned Government servants, residing within the táluka, whose pensions are not less than rupees fifty per mensem ;

(5) honorary magistrates residing within the táluka ;

(6) officiating revenue or police patels of villages within the táluka ;

(7) such other persons, if any, residing within the táluka, as the Governor in Council shall from time to time by notification in the official gazette direct.

11 No female and no person

(a) who is less than twenty-one years of age, or

(b) who is a District or a Subordinate Judge or is acting in either of those capacities, or

General disqualifications.

(c)

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(c) who has been convicted by any criminal court of an offence which may not lawfully be compounded, such conviction not having been subsequently reversed or quashed, or

(d) who is an uncertificated bankrupt or an undischarged insolvent,

may be a member of a local board ;
and no person—

(e) who is a subordinate officer or servant of a local board, or

(f) who has directly or indirectly any share or interest in any work done by order of a local board, or in any contract or employment with or under a local board,

may be a member of such board ;

and any member of a local board who, during the term for which he has been elected or appointed,

(g) becomes disqualified for any of the above reasons, or

(h) is absent for more than four consecutive months from the limits of the district in which the board is established,

shall cease to be a member and his office shall become vacant.

Re-eligibility of members.

12. A person who has already been elected or appointed a member of a board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Terms of office, casual vacancies.

First local boards from what date to take office.

13. The members of the first local boards to be established under this Act shall commence their terms of office on such date as shall be notified in this behalf for each district by the Governor in Council.

Term of office.

14. Except as is otherwise provided in the next following section, members of local boards shall, unless they become in the meantime disqualified, hold office for a term of three years.

Boards Act, 1884.

15. In the event of the death, resignation or disqualification of a member of a local board or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

Elections of Members.

16. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf: provided that when the elections are for the first boards to be established in any local area under this Act or for filling the places of members whose terms of office have expired, such dates shall be:

Elections when to be held.

(a) if the elections are under section 7 (a), as early as conveniently may be after the elections and appointments to the taluka local boards by which such elections are to be made, are completed and before the commencement of the term of office of the district local board to which such elections are to be made;

(b) in any other case, not sooner than three months and not later than one month before the commencement of the term of office of the members of the board to which such elections are to be made.

17. The Collector shall, subject to the orders of Government, from time to time determine what persons are entitled to vote and what persons are qualified to be elected under section 6 (c) and section 7 (c) respectively, and his decision shall be conclusive.

Elections under sections 6 (c) and 7 (c) how to be conducted.

When an election has to be made under section 6 (c) or section 7 (c), the Collector shall, not less than ten days before the date fixed for the election, cause a list of the persons qualified to be elected to be left

at

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at the usual residence of each of the persons entitled to vote at such election, together with a notice inviting the last named persons, before the day fixed for the election, to make each a written return to him of the name of any one of the persons mentioned in the said list for whom they wish to vote.

On the day fixed for the election, or as soon as may be thereafter, the Collector shall inspect all returns duly made as aforesaid and shall record in writing under his signature the result of the election.

What persons may be voters at elections of members of taluka local boards under section 6 (b).

18. Unless disqualified under the next following section, the following persons shall be entitled to have their names entered in the List No. II., to be prepared as hereinafter provided, qualifying them to vote at elections of members of taluka local boards under clause (b) of section 6, namely :

(1) every person possessing the qualifications described in any of the clauses (1) to (7) of section 10 : provided that such person resides within the group of villages for which such list is prepared and that if his qualification is under clause (1) or clause (2) of that section, the holding or immovable property in respect of which he is so qualified is without the limits of a municipal district containing more than five thousand inhabitants ;

(2) all other persons, if any, residing within the group of villages for which the list is to be prepared to whom the Governor in Council shall by notification in the official gazette from time to time deem fit to extend the franchise :

Provided always that no alteration in, or addition to, the qualifications entitling persons as aforesaid, made at any time after the first elections have been held in any district under section 6 (b), shall take effect in such district within six months from the date on which such alteration or addition is made.

General dis-qualifications.

19. No person who is less than twenty-one years of age shall be entitled to have his name entered in the said List No. II.

20.

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20. The Collector shall, as soon as may be after the coming into force of this Act, prepare

(a) a list (which shall be called "List No. I.") for each táluka, of the persons qualified to be members of the local board of that táluka; and

(b) a list (which shall be called "List No. II.") for each of the groups of villages into which for the purposes of clause (b) of section 6 the area subject to the authority of the said board has been divided, of the persons qualified to vote in such group at elections of members of the táluka local board under the said clause.

Preparation of lists of persons qualified to be members of táluka local boards and of voters.

The said lists shall be prepared in the first instance from such information as shall be available in the records of the Collector and of the officers subordinate to him.

Similar new lists shall be prepared by the Collector whenever Government so direct and at least once in every three years; and such new lists shall be based upon information available as aforesaid and also upon the past decisions of the Collector under section 22.

21. The lists so prepared shall be published by affixing a copy of each of them in some conspicuous place in or near the office of the Mámíatdár, or of each Mámíatdár, having jurisdiction in the táluka to which they relate and by affixing in the chávdi or some other public building of each town or village in the táluka a copy of List No. I. and of so much of List No. II. as affects such town or village.

Publication of the lists.

The publication aforesaid shall be made in the vernacular language of the táluka and at least two months before the date fixed for the election of members to the first local board to be established in the táluka, and, thereafter, at least two months before the date fixed for any election of persons to fill the places of members whose terms of office have expired.

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Revision of lists.

22. The Collector may, on application being made to him at any time within one month after the publication of the lists aforesaid by any person claiming to be qualified to be a member, or to vote at an election of members of the taluka local board, correct any erroneous entry in either of the said lists, or insert therein the name of any applicant who satisfies him of his right to have it so entered.

Lists conclusive evidence of right to be elected or to vote.

23. No person whose name is not in the revised List No. I. last published before the date of any election under clause (b) of section 6 shall be qualified to be elected a member of the taluka local board for the taluka to which it refers ;

and no person whose name is not in the revised list No. II. last published before the date of any such election for any group of villages shall be qualified to vote at the election of a member for such group.

Provisions for particular cases.

24. If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more persons who are willing to take office, the selection of one of such persons shall be made by the Collector, or by such officer as he may empower in this behalf, by lot in such manner as the Collector, or the officer so empowered, shall deem fit.

If the person in whose favour the highest number of votes is recorded at any such election declines to take office, the person, if any, in whose favour the next highest number of votes has been recorded and willing to take office shall be deemed to be the member elected.

If at any election no votes are recorded, or if for any reason the election does not result in the return of any qualified person willing to take office, the Collector, in the case of a taluka local board, and the Commissioner, in the case of a district local board, shall, with the approval of Government, appoint some person who would have been qualified to be elected, and the person so appointed shall be deemed to

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to be a member of the local board as if he had been duly elected.

25. If the validity of any election of a member of a local board, or the legality of any order or proceeding made or held under the last preceding section, is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within fifteen days after the date of the declaration of the result of the election, or the date of the proceeding or order, apply to the District Judge of the district within which the election has been or should have been held.

Determina-
tion of va-
lidity of
elections.

The District Judge may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or the order of the Collector under the last preceding section, or for setting the election aside.

For the purposes of the said inquiry the District Judge may exercise any of the powers of a civil court, and his decision shall be conclusive.

If he sets aside an election a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

26. The names of all members finally elected to any local board, as well as the names of the nominated members, if any, appointed thereto shall be published, as soon as conveniently may be, in the official gazette.

Publication
of names
of members
in the
official
gazette.

Presidents and Vice-Presidents.

27. Every local board shall be presided over by a president who shall be one of the members of the local board and shall be appointed by the Government or, if the Governor in Council so directs, elected by the local board.

Nomina-
tion of pre-
sidents ;

If the president so appointed or elected is a salaried servant of Government, the board shall elect one of its members to be vice-president ; unless the Governor

and of vice-
presidents.

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in Council otherwise directs, no appointment of a vice-president shall be valid until it is approved by the Government, or by such other authority as the Government prescribe in this behalf.

Their term of office and liability to be removed.

Every president's and vice-president's term of office shall cease on the expiry of his term of office as a member of the local board over which he presides : provided that he shall be removeable from office, as such president or vice-president, by the Government for misconduct, or neglect of, or incapacity to perform his duty.

Casual vacancies in their office how to be filled up.

In the event of the death, resignation, or removal from office of a president or vice-president, or of his becoming incapable of acting, or disqualified to be a member of the local board, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment or election, as the case may be, of some other member of the board thereto.

Functions of presidents.

28. The president of a local board shall
- (a) preside at the meetings of the board ;
 - (b) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require its orders ;
 - (c) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board ; and, subject to the regulations at the time being in force framed by the board under section 39, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances ;
 - (d) furnish to the Collector or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the board and any extract from the minutes of the board's

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board's proceedings, or other document or thing which the Collector may from time to time call for under section 62.

When the president of a board is a salaried servant of Government and has been appointed to be president by the Government, he shall not vote upon any question which comes before such board for decision unless there is an equality of votes of the other members of the board present for and against the proposition under consideration, in which case he shall have a casting vote.

President in certain cases to have only casting vote.

29. Vice-presidents of local boards shall

Functions of vice-presidents.

(a) in the absence of the president preside at the meetings of the board ; and

(b) exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him.

Duties of Local Boards.

30. It shall be the duty of local boards, so far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely :—

Obligatory duties.

(a) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them ;

(b) the construction and repair of hospitals, dispensaries, markets, dharmshálas and other public buildings, and the visiting, management and maintenance of these institutions ;

(c) the construction and repair of public tanks, wells and water works, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution ;

(d)

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- (d) the provision of suitable accommodation for, the visiting and maintenance of, and the training of teachers for, primary schools, and the general development and extension of primary education ;
- (e) public vaccination and sanitary works and measures necessary for the public health ;
- (f) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards ; and
- (g) the maintenance of any property vesting in them ;

Discretionary powers of expenditure.

and local boards may at their discretion provide out of the said fund for the following matters, namely :—

- (h) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, and the introduction and preservation of fish ;
- (i) the establishment and maintenance of relief and local relief works in time of famine or scarcity ;
- (j) educational objects other than those set forth in clause (d) of this section, and
- (k) any other local works or measures likely to promote the health, comfort or convenience of the public.

Relative duties of taluka and district local boards.

31. Subject to the control of the district local board and, as regards educational matters, to the provisions of section 48, clause (b), each taluka local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained at its cost, and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.

In

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In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

Conduct of Business.

32. The following provisions shall be observed with respect to the proceedings of a local board; namely:

Provisions regulating local boards' proceedings.

(a) The board shall meet together and shall from time to time make regulations, consistent with this Act, and with any rules or orders made by Government under section 69 with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely:—

Board to meet together and arrange for transaction of business as they think fit, but

(1) that the president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members, call a special meeting;

a special meeting may be called whenever necessary upon an emergency, and

(2) that no business shall be transacted at any meeting unless at least one-third of the members are present from the beginning to the end of such meeting;

one-third of the members shall form a quorum, and

(3) that every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings;

meetings must ordinarily be open to the public, and

(4)

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every meeting to be presided over by the president, and

(4) that every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-president, and if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion ;

all questions must be decided by a majority of votes, and

(5) that, except as is otherwise provided in section 28, all questions shall be decided by a majority of votes of the members present, the president, vice-president, or chairman, having a second or casting vote in all cases of equality of votes ;

board may delegate their functions to committees, and

(6) that the board may delegate any of their duties or powers to committees consisting of such members as they think fit ; and that any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed ;

Committees' meetings to be presided over by a chairman, and

(7) that a committee may elect a chairman of their meetings, and if no such chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their members to be chairman of such meeting ;

committees shall meet when they think proper, and

(8) that committees may meet and adjourn as they think proper, but the president of the board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee ;

questions at committees' meetings shall be decided by a majority of votes, and

(9) that questions at any meeting of a committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting

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meeting unless at least two-thirds of the members of the committee are present from beginning to the end thereof;

(10) that, except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 61 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted at any meeting of a local board or of a committee, unless at least fifteen days previous to such meeting a letter has been addressed to any officer of the Government Public Works and Educational Departments, respectively, who is not a member of the board, but is entitled under section 33 to be present at such meeting, informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business;

Notice must be given to Public Works and Educational officers when they are entitled under section 33 to be present, and

(11) that minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 33, and of the proceedings at each meeting of the board and each committee's meeting, and, if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president or vice-president or chairman of such meeting, and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district;

minutes of proceedings shall be kept, and

(12) that every regulation made under this section by a taluka local board shall be subject to the approval of the district local board to which such taluka local board is subordinate.

all regulations made by a taluka local board to be subject to the approval of the district local board.

(b)

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Vacancy not to affect board's proceedings.

(b) During any vacancy in the board, the continuing members may act as if no vacancy had occurred.

Acts of board, &c., not to be invalidated by informalities.

(c) No act of the board, or of any committee, or of any person acting as a member or as a president, vice-president, or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, committee, president, vice-president, chairman, or member, or on the ground that they, or any of them, were disqualified for the office of member, or that formal notice of the intention to hold a meeting of a board or of a committee was not duly given, or for any other such mere informality.

Certain Government officers may attend meetings of district local boards;

33. The Executive Engineer, the Educational Inspector and the Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district, when charged with any of the duties of a health officer therein, if not members of a district local board, shall have the right of being present at any meeting of the said board, or of any committee thereof, and, with the consent of the board or committee, each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such board or committee: provided that the said officers shall not, unless they are members of the board, be entitled to vote upon any such question.

and certain Government officers may attend meetings of taluka local boards.

Any officer of the Government Public Works Department not lower in rank than an overseer employed in a taluka, and any officer of the Government Educational Department not lower in rank than the Deputy Educational Inspector of a taluka may, under the like circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the taluka local board of such taluka or of any committee of the said board.

If

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If it shall appear to a district local board or to a taluka local board that the presence of any of the above officers respectively is desirable for the purpose aforesaid at any future meeting of such board, or of any committee thereof, it shall be competent to such board by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting.

Local boards may require the presence of the said officers at their meetings.

34. Whenever it appears to the president of a local board, or to the chairman of a committee, unnecessary to convene a meeting, he may instead of so doing circulate a written proposition of his own, or of any other member of such board or committee, or of any executive officer of the board for the observations and votes of the members.

President may circulate written propositions.

Previous to circulating any such proposition for the votes of members the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (10) of section 32, shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 33 to be present at any meeting at which such proposition might be considered, desires to record.

The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under clause (1) or clause (8) of section 32.

Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (11) of section 32.

35. The president of a local board may, on behalf of the board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: provided that the amount or value of such contract or agreement

Mode of executing contracts.

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agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a táluka local board,

Every other contract or agreement on behalf of a local board shall be in writing and shall be signed by the president and by two other members of the board and shall be sealed with the common seal of the board.

No contract or agreement not executed as in this section provided shall be binding on a local board.

Joint Committees.

Joint committees of two or more local boards.

36. A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment committee, or with more than one such local board, municipality or committee :

- (a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ; and
- (b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and
- (c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of Government shall be final.

Personal liability of Members.

Local funds ordinarily liable for all costs and expenses incurred by boards.

37. Except as is hereinafter otherwise provided, no member of a local board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board ; the local fund at the disposal of each local board shall

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shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses :

provided that every member of a local board shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by gross neglect of his duty as a member, and may be sued for recovery of the monies so misapplied as if such monies had been the property of the Government.

but members to be held responsible for misapplied funds.

III.—OF THE OFFICERS AND SERVANTS OF LOCAL BOARDS.

38. Every district local board may engage and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the taluka local boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

Schedule of establishment to be prepared and sanctioned by district local boards.

Until a schedule is prepared and sanctioned under this section the establishment, if any, entertained in any district for the administration of local funds on the day previous to the date notified by the Governor in Council under section 13 for each district, shall be deemed to have been duly sanctioned and appointed under the foregoing provisions for such district.

39. Every district local board may from time to time frame regulations :

Localboards to frame regulations: for fixing the amount of thesecurity to be furnished ;

- (a) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the board from whom it may be deemed expedient to require security ;

(b)

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for regulat-
ing leave;

(b) for regulating the grant of leave to the permanent officers and servants maintained by the board;

for settling
absentee
allowances;

(c) for authorizing the payment of allowances to the said officers and servants or to certain of them, whilst absent on leave;

for fixing
acting al-
lowances;

(d) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

for regulat-
ing length
of service;
for fixing
pensions,
&c.;

(e) for regulating the period of service of all such officers and servants;

(f) for determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances;

for contri-
buting to
provident
funds.

(g) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants:

Provided that:

Proviso as
to officers
lent by
Govern-
ment; and

(h) if an officer is lent to any local board by the Government or if an officer is employed partly in the service of Government and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by the rules in this behalf from time to time in force and shall not, except with the assent of Government, dispense with his further services at any time without giving the Government six months' previous notice;

asto approv-
al of regu-
lations by
Govern-
ment.

(j) no regulation made by any district local board under this section shall have effect unless and until it has been approved by the Governor in Council.

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40. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation framed under the last preceding section and to any rule or order made by the Governor in Council under section 69, vest in the said board.

Punishment and dismissal of officers and servants.

IV.—OF THE PROPERTY AND LIABILITIES
OF LOCAL BOARDS.

Vesting of Property.

41. All such immoveable and other property as is held by or in trust for any committee for the purposes of the Bombay Local Funds Act, 1869, or the Sind Local Funds Act, 1865, shall upon and after the date notified by the Governor in Council under section 13 for each district, vest in the district local board or the taluká local board established hereunder having authority over the same local area to which such committee's functions extended, but subject to all charges and liabilities affecting the same.

Transfer to local boards of property and assets of superseded committees.

It shall be competent to the Governor in Council from time to time to direct whether any such property as aforesaid shall vest in the district local board or the taluká local board having authority as aforesaid and any such direction of the Governor in Council shall be conclusive.

42. The Governor in Council may from time to time direct that any property, moveable or immoveable, which is vested in Government and which is situate within the local area under the authority of any local board, shall, with the consent of such board and subject to such exceptions and conditions as the Governor in Council may impose, vest in that board; and thereupon that property shall vest in that local board for the purposes of this Act, subject to all exceptions and conditions so imposed and to all charges and liabilities affecting the same.

Government may vest other property in local boards.

Every road, building or other work constructed by a local board shall vest in the board by which it has been constructed.

Vesting of future local works.

43.

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Liabilities.

Distribution of existing liabilities between district and taluka local boards.

43. It shall be competent to the Governor in Council from time to time to direct whether the liability for any such debt or other obligation, or any such contract, matter or thing as is described in the proviso to section 2, shall fall upon the district local board or the taluka local board having authority in the local area in which such debt or other obligation was incurred, or such contract entered into, or such matter or thing engaged to be done, and any such direction of the Governor in Council shall be conclusive.

V.—OF REVENUE AND EXPENDITURE.

Local Funds.

Local funds where to be kept and of what to consist.

44. There shall be formed in each district a fund which shall be called "The Local Fund" and which shall be kept in the Government treasury.

To it shall be credited :

(a) in Sind, the net proceeds (after deducting the expenses of assessment and collection) of the cess on land and of the shop-tax levied under the Sind Local Funds Act, 1865,

(b) elsewhere, the net proceeds (after deducting the expenses of assessment and collection) of the cess levied under the Bombay Local Funds Act, 1869, in the district ; and

wherever this Act is in force :

(c) the net proceeds (after deducting the expenses, if any, of collection and of the maintenance of the ferries) of all public ferries established in the district under the Bombay Ferries Act, 1868, and all penalties inflicted and levied under the said Act in the district ; and

(d) the net proceeds (after deducting the expenses, if any, of collection) of all tolls and leases of tolls on roads and bridges vested in the local boards under section 41, or by order

of

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- of the Governor in Council under section 42, or constructed by the local boards at the cost of the local fund under this Act, levied in the district under Bombay Act III. of 1875; and
- (e) such portion of the net proceeds of fees, fines and penalties levied under Bombay Act VIII. of 1866 (an Act to regulate and restrict the sale of poisons in the Bombay Presidency) as the Collector, under section 10 of the said Act, from time to time directs; and
 - (f) the proceeds of all fees levied in the district under the Bombay Land Revenue Code, 1879, for permission to remove sand or to quarry; and
 - (g) all sums placed by Government to the credit of the fund under section 1 (b) of Act XVIII. of 1883 or otherwise, or contributed by private persons; and
 - (h) all sums received by any local board in the district in execution of this Act :

Provided that when a public ferry, road or bridge is partly in one district and partly in another, the Governor in Council may assign to the local fund of each district such proportion of the net proceeds of such ferry, or of the toll, or of the lease of the tolls levied on such road or bridge as he shall think fit.

45. The local fund of a district shall be available for expenditure for any of the purposes of this Act as follows, namely:—

Local funds
by what
boards to be
expended.

- (a) by or under the direction of each taluka local board:—
 - (1) the whole of the sums described in clauses (e) and (f) of the last preceding section, levied in the taluka; and
 - (2) the portion accruing within the area subject to the authority of such board of any sums which may be placed by Government to the credit of the fund under section 1 (b) of Act XVIII. of 1883; and

(3)

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- (3) all other sums placed to the credit of the fund by the Government or contributed by private persons for expenditure by such board within the area subject to its authority ; and
 - (4) all sums described in clause (h) of the last preceding section, received by it or on its account ; and
 - (5) the balance of the revenue described in clause (a) or clause (b) of the last preceding section levied in the area subject to its authority, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 48 and for such share of the charges payable by the district local board under sections 46 and 49 as the said board shall deem equitable ;
- (b) by or under the direction of the district local board, the remaining portion of the fund.

Expenditure by the local boards out of the local fund shall ordinarily be made within the areas respectively subject to their authority only but may, with the sanction of Government and for the use or benefit of the said area, be made outside of that area on any of the purposes of this Act.

General charges to be defrayed by district local boards.

46. Every district local board shall, from the portion of the local fund at its disposal, defray :

- (a) the salaries and other emoluments of all officers and servants maintained under section 38, and the pensions or other retiring allowances, if any, of such officers and servants ;
- (b) the expenses attending the audit of the accounts of the local boards of the district as hereinafter provided ; and
- (c) such sum as shall from time to time be fixed by Government for the payment of the salaries, allowances and contributions for pension according to the rules from time to time prescribed by Government, of any officers or servants employed in any Government office

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office or elsewhere on the business of the local boards of the district, and of the incidental expenses; if any, incurred by Government or any of the officers of Government in the district, for any of the purposes of this Act.

47. Every district local board shall assign and cause to be paid to every municipality and cantonment committee within the district for which such board has been established, out of the district local fund a sum equal to two-thirds of the amount of revenue described in clause (a) or clause (b) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee, the whole of the said amount (which amount shall, at the request of the district local board, be ascertained and certified by the Collector).

Assignments of certain portions to municipalities or cantonment committees.

The sum so assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 30, or for the remuneration of officers and servants whom they entertain for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in clause (a) or clause (b) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee, shall be expended by it for educational purposes only as defined in section 30, clause (d).

48. In every district the expenditure from the local fund for educational purposes as defined in section 30, clauses (d) and (j), shall be made by the district local board only, and for this purpose a sum equal to not less than one-third of the revenue described in clause (a) or clause (b) of section 44 (after deducting one-third of the amount thereof levied from lands or shops in any municipal district or cantonment), shall be set apart by the said board for expenditure by it on the said purposes: provided

Expenditure for educational purposes to be made by district local boards only.

(a)

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- (a) that no portion of the revenue so set apart levied in the area subject to the authority of any táluka local board shall, except with such board's consent, be expended out of the said area; and
- (b) that the charges to be necessarily defrayed by each district local board on account of primary education, the extent of the independent authority of district and táluka local boards in respect of education and their relations generally with the Government Educational Department and to each other in educational matters shall be from time to time prescribed by the Governor in Council.

The provisions of clause (b) of this section shall apply also to municipalities and cantonment committees in respect of the sums to be expended by them under section 47 for educational purposes.

Provisions for determining by which boards expenditure should be incurred for other purposes.

49. The responsibility of district and táluka local boards, respectively, for expenditure in respect of matters other than education, shall be determined in accordance with the following provisions, namely :

- (a) each local board shall be responsible for the maintenance of any building or other property which vests in it and of any work which has been executed at its cost;
- (b) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, the maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more tálukas are, or may be, interested;
- (c) táluka local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local and for all local services and institutions not maintained by the district local board;

(d)

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(d) large works of the nature described in the last preceding clause, which are beyond the means at the disposal of a táluka local board, may be undertaken by the district local board at its own cost, or the district local board may assist the táluka local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the táluka local board or by private persons, or by both.

If a difference of opinion arises between a district and a táluka local board as to which board is responsible for any charge or any work, institution or service, the question shall be referred for the decision of the Commissioner, which shall be final.

50. Subject to the provisions of sections 65, 66 and 67, no payment shall be made from the Government treasury out of a local fund except upon a cheque or letter of credit signed by the president and one other member of the local board which requires such payment.

How the local fund shall be drawn against.

Payment of any sum in excess of fifty rupees shall be made by a local board by means of a cheque signed as aforesaid and not in any other way.

Sums not exceeding fifty rupees may be paid by the president, or by such officer as each local board appoints for this purpose, in cash, cheques for sums not in excess of three hundred rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

Accounts.

51. Accounts of the receipts and expenditure of every local board shall be kept in such form as the Governor in Council from time to time prescribes and shall be balanced annually on the last day of every financial year, ending on the 31st March.

Accounts to be kept in form prescribed by Government.

52. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses,

Publication of abstract of accounts annually.

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expenses, the works undertaken and the sums expended on each work and the balance, if any, in hand, shall be forwarded by the president of the board every year, as soon as may be after the 31st March, in such form as the Governor in Council from time to time prescribes, to the Collector or to such other officer as the Collector nominates in this behalf, and shall be published in the official gazette.

Annual Budget Estimates.

Return to be rendered to local boards of actual and estimated income of local funds.

53. To enable local boards to prepare annual budget estimates, as hereinafter provided, the Collector shall annually render to each taluka local board in his district, not later than the 1st October, in such form as the Governor in Council from time to time directs, a return setting forth, for the taluka for which such board is established :

- | | |
|---|---|
| (a) the actual receipts in the last complete official year ; | } from each of the sources from which the local fund is derived ; |
| (b) a revised estimate of the receipts in the current official year ; and | |
| (c) a first estimate of the probable receipts in the next following official year ; | |

and, to the district local board, a similar return for the whole district.

The district local board shall, not later than the 1st November, communicate to each taluka local board in the district the probable amount of the revenue described in clause (a) or clause (b) of section 44 which will be at the disposal of such taluka local board in the next following official year, explaining the manner in which, with reference to section 45, clause (a), paragraph (5), the said amount has been fixed.

Preparation of annual budget estimates of income and expenditure.

54. Every local board shall have prepared, on or before the fifteenth day of November every year, in such form as the Governor in Council from time to time prescribes, a budget estimate of the income and expenditure of the board for the next official year.

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The board shall, on or as soon as may be after the said date, consider the budget estimate so prepared and approve of the same with or without modification as they shall think fit.

Consideration and approval of budget estimates by the boards:

55. Every budget estimate, as approved by a taluka local board, shall be forthwith submitted to the district local board to which such taluka board is subordinate, which may

Taluka local boards' budget estimates to be submitted for sanction to the district local board.

(a) as often as it thinks fit, send back such estimate to the taluka local board for revision, or

(b) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

56. Every local board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the local board, and in the case of a taluka local board, submitted to the district local board for sanction, in the same manner as if it were an original annual budget estimate.

Revised or supplementary budget estimates may be made when necessary.

Re-appropriations of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate.

Re-appropriations to be subject to approval or sanction like budget estimates.

57. No budget estimate of a local board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid unless :

Budget estimates and re-appropriations not to be approved or sanctioned unless :

(a) provision is therein made for such board's having at its credit at the end of the official year a balance of not less than five thousand

an annual balance is provided for; and

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rupees in the case of a district local board, and of two hundred rupees in the case of a taluka local board ;

in the case of works, detailed estimates are attached.

(b) for every work, whether of first construction or of repair, there is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work, which has been approved by the board and for which, in the case of a road of which the cost is to exceed, on an average, fifty rupees per mile or of any other work of which the total cost is to exceed five hundred rupees, plans and estimates have been prepared or approved by the Government Executive Engineer of the district.

Copies of budget estimates and re-appropriation statements to be sent to the Collector.

A copy of every budget estimate and a statement of every re-appropriation as finally approved or sanctioned under the foregoing provisions shall be forwarded by the president of each local board without delay to the Collector, or such officer as he nominates in this behalf. Annual budget estimates shall be so forwarded not later than the 10th December.

Except on a pressing emergency no sum not provided for in a budget estimate to be expended.

58. Save in case of pressing emergency, no sum shall be expended by, or on behalf of, any local board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid.

If any sum is so expended on a pressing emergency the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a taluka local board) together with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

Provision as to budget estimates in force when

59. Every budget estimate framed by, or binding upon any committee or authority heretofore charged with the administration of local funds under

the

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the Bombay Local Funds Act, 1869, or the Sind Local Funds Act, 1865, and in force on the date which shall be notified by the Governor in Council under section 13 for each district shall be deemed to have been duly prepared and approved or sanctioned under this Act so far as it relates to the period which intervenes between the date aforesaid and the thirty-first day of March next following that date.

this Act comes into operation.

If any such budget estimate would, but for the passing of this Act, have force and effect after the said thirty-first day of March, the local board having authority over the local area in which it would so have effect and force, may set it aside as from that date: provided that works in progress at the said date under any such budget estimate shall not be discontinued except with the sanction of the Governor in Council.

Audit of Accounts.

60. The accounts of every local board shall be examined and audited at such intervals in such manner and by or under the superintendence of such auditor as the Governor in Council from time to time directs.

Audit to be made periodically under the orders of Government.

Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession, or under the control of the local board, and the costs of audit shall be paid by the district local board at such rate as Government shall determine.

Auditor to have power to see all accounts, &c., costs of audit.

The report of the auditor on each local board shall be published in the official gazette and a copy thereof shall be sent to each board concerned and to the Collector. A copy of the report on every taluka local board shall also be sent to the district local board of the district.

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VI.—EXECUTION OF WORKS.

Works to be executed by the Government Executive Engineer.

61. Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by section 57, clause (b), as the Governor in Council shall from time to time in a general or special order direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for the Government and shall have control over all officers and servants of a local board, if any, assisting in the execution of any of the said works.

Works which may be executed by other agency.

All other works shall be executed by such agency and subject to such supervision as the local board at whose cost any such work is to be executed, thinks fit: provided that any such work shall, at the desire of the said board, be executed by the Government Executive Engineer of the district in the manner prescribed in the first paragraph of this section.

Payment of Government establishment employed by Government Executive Engineer.

When any work is executed under this section by a Government Executive Engineer either wholly or partly with the aid of his own Government establishment, such charge shall be payable on account of such establishment by the local board at whose cost the work is being executed as shall be agreed upon between such board and the said Executive Engineer: provided that no charge shall in any case be made on account of the services of the Executive Engineer.

VII.—CONTROL.

Collector's powers of inspection and supervision.

62. The Collector shall have power:

(a) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any local board, or any work in progress under it or under its direction;

(b) to call for any extract from any local board's or any committee's proceedings, any book, or document

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document in the possession of or under the control of a local board and any return, statement, account or report which he may think fit to require such board to furnish;

- (c) to require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such board, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the board, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

All or any of the powers given to the Collector under this section may be delegated by him to the Assistant or Deputy Collector in charge of the taluka in the case of a taluka local board.

63. If in the opinion of the Commissioner the number of persons maintained by a district local board as officers or servants, or whom a district local board proposes to maintain, or the remuneration assigned by the board to those persons or to any particular person, is excessive, the said board shall on the requirement of the Commissioner, reduce the number or remuneration of the said persons or person :

Power of Commissioner to prevent extravagance in establishments.

provided that the district local board may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

64. If, in the opinion of the Collector, the execution of any order or resolution of a local board, or the doing of anything which is about to be done or is being done, by or on behalf of a local board, is causing, or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

Collector's power of suspending execution of orders, &c., of local boards.

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Collector's order to be reported to Commissioner who may confirm or modify it.

When a Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the local board affected thereby a copy of the order with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Extraordinary powers of Collector in case of emergency.

65. In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible from the balance of such fund in his hands.

The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

Power of Government to provide for performance of duties in default of local board.

66. When the Governor in Council is informed, on complaint made, or otherwise, that a local board has made default in performing any duty imposed on it by or under this Act, the Governor in Council, if satisfied after due inquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty.

If

Boards Act, 1884.

If that duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Governor in Council may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

67. If in the opinion of the Governor in Council a local board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Governor in Council may by an order published, with the reasons for making it, in the official gazette, declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power of Government to supersede local boards in case of incompetency, default, or abuse of powers.

When a local board is so superseded, the following consequences shall ensue:—

Consequences of exercise of such power.

- (a) all members of the board shall, as from the date of the order, vacate their offices as such members ;
- (b) all powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Governor in Council, from time to time, appoints in that behalf ;
- (c) where a local board is superseded, all property vested in it shall, during the period of supersession, vest in Government.

On the expiration of the period of supersession specified in the order, the board shall be re-established by the election or appointment of new members under the provisions of this Act applicable thereto.

68.
41

The Bombay Local

Powers of
Government
and of the
Commis-
sioners over
Collectors;
&c.

68. In all matters connected with this Act, the Governor in Council and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

VIII.—RULES.

Purposes
for which
rules and
orders may
be made.

69. The Governor in Council may from time to time make and from time to time vary or rescind rules, or orders, consistent with this Act :

(a) prescribing the number of members for each local board and the proportion of elective and nominated members for each ;

(b) determining the mode in which elections of members of local boards, other than elections under sections 6 (c) and 7 (c), and the places at which and the authorities, if any, under whose superintendence such elections shall be held, and the manner in which votes thereat shall be recorded and how and by whom the results of such elections shall be declared ;

(c) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted and as to the appointment, control, punishment and dismissal of the officers and servants of local boards ;

(d) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act and not therein specially provided for.

All rules and orders so made shall be published in the official gazette.

IX.—MISCELLANEOUS.

Penalty for
member,
officer or

70. If any member of a local board or any officer or servant maintained by or employed under a local board

Boards Act, 1884.

board has, directly or indirectly, any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees :

servant of a local board being interested in any contract, &c., with that board.

provided that the penalty herein prescribed and the disqualification for membership of a local board prescribed in section 11, clause (f); shall not be deemed to apply by reason only of a person

- (a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of the local board, or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted, or
- (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or
- (d) being professionally engaged on behalf of the local board as a legal practitioner.

Nevertheless it shall not be lawful for a person having any share or interest such as is described in the above clauses (a) and (b) to act as a member of a local board in any matter relating to a contract or agreement between the local board and such company or the manager or publisher of such newspaper.

71. Every member of a local board and every officer and servant maintained by a district local board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members, &c., of boards to be public servants.

72. When any land is required for the purposes of this Act, the Governor in Council may, on the request of the local board requiring it, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and on payment by the local board of the compensation awarded under that Act, the land shall vest in the local board.

Acquisition of land.

73.

The Bombay Local

Powers and duties of Government to be discharged in Sind by the Commissioner.

73. The powers and duties conferred and imposed by this Act on the Governor in Council or the Government, except those so conferred and imposed by sections 8, 63, 64, 67 and 68, shall, in Sind, be exercised and performed by the Commissioner.

Limitation of suits, &c.

74. No action shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of ;

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Amendment of Bombay Act III. of 1875.

77. For clause two of section three of Bombay Act III. of 1875 the following clause shall be substituted, namely :

“ *Clause 2.* The word ‘persons’ in this section shall be deemed to include local boards established under the Bombay Local Boards Act, 1884.”

*NOTE.—Sections 75 and 76 and so much of the Schedule as relates to Bombay Act VIII. of 1865 and Bombay Act III. of 1869 are omitted because the last-named Acts, as amended by this Act, are printed at pp. 1—4 of this edition of the Bombay Local Boards Acts.

SCHEDULE

Boards Act, 1884.

***SCHEDULE.**

(See section 2.)

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Bombay Act II. of 1868.	An Act to amend the law relating to public ferries in the Presidency of Bombay.	Section 16.
Bombay Act III. of 1875.	An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay.	Section 12.

BOMBAY ACT No. I. OF 1884.

[Received the assent of the Governor of Bombay on the 23rd January 1884, and of the Governor General on the 5th March 1884, and published by the Governor of Bombay on the 21st March 1884.]

The Bombay Local Boards Act, 1884.

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BOMBAY ACT No. I. OF 1884.

An Act to make better provision for the Administration of Local Funds in the Presidency of Bombay.

WHEREAS it is expedient to amend the law relating to the administration of local funds by district and taluka committees ; It is enacted as follows :—

I.—PRELIMINARY.

1. This Act may be called “The Bombay Local Boards Act, 1884.” Short Title.

It extends to the whole of the Presidency of Bombay, except the City of Bombay and Aden. Local extent.

2. From the date notified by the Governor in Council under section 13 for each district the enactments mentioned in the schedule hereto annexed shall be repealed in such district to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them : Provided that Repealing section.

all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the committee or authority heretofore charged, in the local area over which the authority of any local board established under this Act extends, with the administration of local funds under Bombay Act VIII. of 1865 (which Act may be called “The Sind Local Funds Act, 1865,”) or the Bombay Local Funds Act, 1869, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the local board so established ;

and

and all sums of money due to the said committee or authority shall be deemed to be due to the said local board ;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against any such committee or authority may be continued or instituted by or against the said local board ;

and all rules or orders made under any enactment hereby repealed and all other rules, if any, now in force and relating to any of the matters hereinafter dealt with shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

Interpretation section.

3. In this Act, unless there be something repugnant in the subject or context :

“ Official Gazette.”

(1) the term “ official gazette ” means, in Sind, the *Sind Official Gazette*, and elsewhere, the *Bombay Government Gazette* ;

“ Commissioner.”

(2) the word “ Commissioner ” means, in Sind, the Commissioner in Sind, and elsewhere, the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879 ;

“ Salaried servant of Government.”

(3) the words “ salaried servant of Government ” do not include a retired servant of Government in receipt of a pension ;

“ taluka.”

(4) the word “ taluka ” means any local area for which a taluka local board is established, inclusive of the portion of such area, if any, for the time being within a municipal district or a military cantonment ;

Expressions defined in the Revenue Code.

(5) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that code.

II.

II.—OF LOCAL BOARDS.

Constitution of the Boards.

4. Local funds shall be administered by local boards established for this purpose as hereinafter provided. There shall be one local board for each district and also one for each *táluka* as constituted under the Bombay Land Revenue Code, 1879, or for such area consisting of one or more such *tálukas* or portions of such *tálukas* as the Governor in Council shall deem fit.

Establishment of district and *táluka* local boards.

Each district local board shall have authority for the purposes of this Act over the entire district and each *táluka* local board over the entire *táluka* for which they are respectively established, except such portions thereof as are for the time being within a municipal district or a military cantonment.

Local extent of the board's authority.

5. Every district and *táluka* local board shall consist of

Constitution of local boards.

(a) elective members, and

(b) such persons, if any, as the Governor in Council or any officer whom he authorizes in this behalf from time to time appoints, who shall be called "nominated members":

Provided that the number of elective members shall be not less than one-half of the whole board exclusive of the president, and that not more than one-half of the nominated members shall be salaried servants of Government.

6. The elective members of *táluka* local boards shall be as follows:—

Elective members of *táluka* local boards by whom to be elected.

(a) one member for each municipal district within the *táluka* for which a *táluka* local board has been established containing more than five thousand inhabitants, elected by the commissioners of such district from amongst their own number;

(b) one member (qualified as hereinafter provided) for each of the several groups into which for the purposes of this clause the Governor in

Council

Council shall from time to time deem fit to cause the villages in the area subject to the authority of such board to be divided, elected by persons qualified, as hereinafter provided, to vote at such elections ;

(c) one member elected by the holders of entire alienated villages, if any, within the taluka, from amongst their own number or, if there is but one such holder in the taluka, such holder himself or any person whom he nominates as his representative.

Elective members of district local boards by whom to be elected.

7. The elective members of district local boards shall be as follows :—

(a) one member or, if Government so direct, two or more members for each taluka local board in the district, or one member for two or more taluka local boards in the district, united for this purpose into a joint board, elected by the members of such board or joint board from amongst their own number ;

(b) one member for each municipal district within the district containing not less than eighteen thousand inhabitants elected by the commissioners of such district from among their own number ;

(c) one member elected by the holders of entire alienated villages, if any, within the district, from amongst their own number, or, if there is but one such holder in the district, such holder himself, or any person whom he nominates as his representative :

Provided that the person to be elected by any taluka local board under clause (a) may not be a Mámlatdár having jurisdiction in the area subject to the authority of such board.

Constitution of local boards in exceptional parts.

8. The Governor in Council may at any time by notification in the *Bombay Government Gazette* direct that the provisions of sections 5, 6 and 7, and the subsequent provisions of this Act which refer to those sections or any one or more of the said provisions

provisions shall not apply to the local board of any district or taluka to which for exceptional reasons which shall be set forth in the said notification he shall deem such provisions to be unsuitable.

In the said notification or any subsequent notification published as aforesaid the Governor in Council may prescribe such provision or provisions as he deems fit in substitution for the provision or provisions declared inapplicable to any local board and the provision or provisions so prescribed shall have effect, so far as concerns such board, as if the same were inserted in this Act.

It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section, and in the event of any notification under the first paragraph being rescinded the local board affected thereby shall, from a date to be fixed in this behalf by the Governor in Council, be constituted in accordance with sections 5, 6 and 7 and the subsequent provisions of this Act having reference thereto.

9. Every local board shall be a body corporate by the name of "The District Local Board of " or "The Taluka Local Board of ", as the case may be, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by them, and to contract and to do all other things necessary for the purposes of this Act:

Incorporation of local boards.

Provided that no lease of immoveable property for a term exceeding three years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

Qualifications and disqualifications of Members.

Qualifica-
tions neces-
sary for
certain
members of
táluka local
boards.

10. Unless disqualified on any of the grounds set forth in the next following section, the following persons shall be entitled to have their names entered in the List No. I., to be prepared as hereinafter provided, qualifying them to be elected under section 6 (b) members of a táluka local board, namely :—

(1) landholders, whose holdings situate within the táluka are assessed (or in the case of alienated lands, would be assessed, if they were not alienated) to the land revenue at not less than forty-eight rupees per annum or such smaller minimum as the Governor in Council shall from time to time prescribe for each táluka ;

(2) persons who own immovable property within the táluka, other than a holding described in clause (1) of this section, estimated by the Collector to be not less than five thousand rupees in value ;

(3) persons, residing within the táluka, whose annual net earnings from any occupation are estimated by the Collector to be not less than five hundred rupees ;

(4) pensioned Government servants, residing within the táluka, whose pensions are not less than rupees fifty per mensem ;

(5) honorary magistrates residing within the táluka ;

(6) officiating revenue or police patels of villages within the táluka ;

(7) such other persons, if any, residing within the táluka, as the Governor in Council shall from time to time by notification in the official gazette direct.

11 No. female and no person

(a) who is less than twenty-one years of age, or

(b) who is a District or a Subordinate Judge or is acting in either of those capacities, or

(c)

General
disqualifica-
tions,

(c) who has been convicted by any criminal court of an offence which may not lawfully be compounded, such conviction not having been subsequently reversed or quashed, or

(d) who is an uncertificated bankrupt or an undischarged insolvent,
may be a member of a local board;
and no person—

(e) who is a subordinate officer or servant of a local board, or

(f) who has directly or indirectly any share or interest in any work done by order of a local board, or in any contract or employment with or under a local board,

may be a member of such board ;

and any member of a local board who, during the term for which he has been elected or appointed,

(g) becomes disqualified for any of the above reasons, or

(h) is absent for more than four consecutive months from the limits of the district in which the board is established,

shall cease to be a member and his office shall become vacant.

12. A person who has already been elected or appointed a member of a board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Re-eligibility of members.

Terms of office, casual vacancies.

13. The members of the first local boards to be established under this Act shall commence their terms of office on such date as shall be notified in this behalf for each district by the Governor in Council.

First local boards from what date to take office.

14. Except as is otherwise provided in the next following section, members of local boards shall, unless they become in the meantime disqualified, hold office for a term of three years.

Term of office.

Casual
vacancies
how to be
filled up.

15. In the event of the death, resignation or disqualification of a member of a local board or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Elections of Members.

Elections
when to be
held.

16. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf: provided that when the elections are for the first boards to be established in any local area under this Act or for filling the places of members whose terms of office have expired, such dates shall be:

(a) if the elections are under section 7 (a), as early as conveniently may be after the elections and appointments to the taluka local boards by which such elections are to be made, are completed and before the commencement of the term of office of the district local board to which such elections are to be made;

(b) in any other case, not sooner than three months and not later than one month before the commencement of the term of office of the members of the board to which such elections are to be made.

Elections
under sec-
tions 6 (c)
and 7 (c)
how to be
conducted.

17. The Collector shall, subject to the orders of Government, from time to time determine what persons are entitled to vote and what persons are qualified to be elected under section 6 (c) and section 7 (c) respectively, and his decision shall be conclusive.

When an election has to be made under section 6 (c) or section 7 (c), the Collector shall, not less than ten days before the date fixed for the election, cause a list of the persons qualified to be elected to be left

at

at the usual residence of each of the persons entitled to vote at such election, together with a notice inviting the last named persons, before the day fixed for the election, to make each a written return to him of the name of any one of the persons mentioned in the said list for whom they wish to vote.

On the day fixed for the election, or as soon as may be thereafter, the Collector shall inspect all returns duly made as aforesaid and shall record in writing under his signature the result of the election.

18. Unless disqualified under the next following section, the following persons shall be entitled to have their names entered in the List No. II., to be prepared as hereinafter provided, qualifying them to vote at elections of members of taluka local boards under clause (b) of section 6, namely :

What persons may be voters at elections of members of taluka local boards under section 6 (b).

(1) every person possessing the qualifications described in any of the clauses (1) to (7) of section 10 : provided that such person resides within the group of villages for which such list is prepared and that if his qualification is under clause (1) or clause (2) of that section, the holding or immovable property in respect of which he is so qualified is without the limits of a municipal district containing more than five thousand inhabitants ;

(2) all other persons, if any, residing within the group of villages for which the list is to be prepared to whom the Governor in Council shall by notification in the official gazette from time to time deem fit to extend the franchise :

Provided always that no alteration in, or addition to, the qualifications entitling persons as aforesaid, made at any time after the first elections have been held in any district under section 6 (b), shall take effect in such district within six months from the date on which such alteration or addition is made.

19. No person who is less than twenty-one years of age shall be entitled to have his name entered in the said List No. II.

General dis-qualifications,

Preparation
of lists of
persons
qualified to
be members
of táluka
local boards
and of
voters.

20. The Collector shall, as soon as may be after the coming into force of this Act, prepare

(a) a list (which shall be called "List No. I.") for each táluka, of the persons qualified to be members of the local board of that táluka; and

(b) a list (which shall be called "List No. II.") for each of the groups of villages into which for the purposes of clause (b) of section 6 the area subject to the authority of the said board has been divided, of the persons qualified to vote in such group at elections of members of the táluka local board under the said clause.

The said lists shall be prepared in the first instance from such information as shall be available in the records of the Collector and of the officers subordinate to him.

Similar new lists shall be prepared by the Collector whenever Government so direct and at least once in every three years; and such new lists shall be based upon information available as aforesaid and also upon the past decisions of the Collector under section 22.

Publication
of the lists.

21. The lists so prepared shall be published by affixing a copy of each of them in some conspicuous place in or near the office of the Mámlatdár, or of each Mámlatdár, having jurisdiction in the táluka to which they relate and by affixing in the chávdi or some other public building of each town or village in the táluka a copy of List No. I. and of so much of List No. II. as affects such town or village.

The publication aforesaid shall be made in the vernacular language of the táluka and at least two months before the date fixed for the election of members to the first local board to be established in the táluka, and, thereafter, at least two months before the date fixed for any election of persons to fill the places of members whose terms of office have expired.

22. The Collector may, on application being made to him at any time within one month after the publication of the lists aforesaid by any person claiming to be qualified to be a member, or to vote at an election of members of the taluka local board, correct any erroneous entry in either of the said lists, or insert therein the name of any applicant who satisfies him of his right to have it so entered.

Revision of lists.

23. No person whose name is not in the revised List No. I. last published before the date of any election under clause (b) of section 6 shall be qualified to be elected a member of the taluka local board for the taluka to which it refers ;

Lists conclusive evidence of right to be elected or to vote.

and no person whose name is not in the revised list No. II. last published before the date of any such election for any group of villages shall be qualified to vote at the election of a member for such group.

24. If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more persons who are willing to take office, the selection of one of such persons shall be made by the Collector, or by such officer as he may empower in this behalf, by lot in such manner as the Collector, or the officer so empowered, shall deem fit.

Provisions for particular cases.

If the person in whose favour the highest number of votes is recorded at any such election declines to take office, the person, if any, in whose favour the next highest number of votes has been recorded and willing to take office shall be deemed to be the member elected.

If at any election no votes are recorded, or if for any reason the election does not result in the return of any qualified person willing to take office, the Collector, in the case of a taluka local board, and the Commissioner, in the case of a district local board, shall, with the approval of Government, appoint some person who would have been qualified to be elected, and the person so appointed shall be deemed

to

to be a member of the local board as if he had been duly elected.

Determina-
tion of va-
lidity of
elections.

25. If the validity of any election of a member of a local board, or the legality of any order or proceeding made or held under the last preceding section, is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within fifteen days after the date of the declaration of the result of the election, or the date of the proceeding or order, apply to the District Judge of the district within which the election has been or should have been held.

The District Judge may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or the order of the Collector under the last preceding section, or for setting the election aside.

For the purposes of the said inquiry the District Judge may exercise any of the powers of a civil court, and his decision shall be conclusive.

If he sets aside an election a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Publication
of names
of members
in the
official
gazette.

26. The names of all members finally elected to any local board, as well as the names of the nominated members, if any, appointed thereto shall be published, as soon as conveniently may be, in the official gazette.

Presidents and Vice-Presidents.

Nomina-
tion of pre-
sidents ;

27. Every local board shall be presided over by a president who shall be one of the members of the local board and shall be appointed by the Government or, if the Governor in Council so directs, elected by the local board.

and of vice-
presidents.

If the president so appointed or elected is a salaried servant of Government, the board shall elect one of its members to be vice-president ; unless the Governor

in

in Council otherwise directs, no appointment of a vice-president shall be valid until it is approved by the Government, or by such other authority as the Government prescribe in this behalf.

Every president's and vice-president's term of office shall cease on the expiry of his term of office as a member of the local board over which he presides: provided that he shall be removeable from office, as such president or vice-president, by the Government for misconduct, or neglect of, or incapacity to perform his duty.

Their term of office and liability to be removed.

In the event of the death, resignation, or removal from office of a president or vice-president, or of his becoming incapable of acting, or disqualified to be a member of the local board, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment or election, as the case may be, of some other member of the board thereto.

Casual vacancies in their office how to be filled up.

28. The president of a local board shall

- (a) preside at the meetings of the board;
- (b) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require its orders;
- (c) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board; and, subject to the regulations at the time being in force framed by the board under section 39, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;
- (d) furnish to the Collector or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the board and any extract from the minutes of the board's

Functions of presidents.

board's proceedings, or other document or thing which the Collector may from time to time call for under section 62.

President in certain cases to have only casting vote.

When the president of a board is a salaried servant of Government and has been appointed to be president by the Government, he shall not vote upon any question which comes before such board for decision unless there is an equality of votes of the other members of the board present for and against the proposition under consideration, in which case he shall have a casting vote.

Functions of vice-presidents.

29. Vice-presidents of local boards shall

- (a) in the absence of the president preside at the meetings of the board ; and
- (b) exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him.

Duties of Local Boards.

Obligatory duties.

30. It shall be the duty of local boards, so far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely :—

- (a) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them ;
- (b) the construction and repair of hospitals, dispensaries, markets, dharmshálas and other public buildings, and the visiting, management and maintenance of these institutions ;
- (c) the construction and repair of public tanks, wells and water works, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution ;

(d)

- (d) the provision of suitable accommodation for, the visiting and maintenance of, and the training of teachers for, primary schools, and the general development and extension of primary education ;
- (e) public vaccination and sanitary works and measures necessary for the public health ;
- (f) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards ; and
- (g) the maintenance of any property vesting in them ;

and local boards may at their discretion provide out of the said fund for the following matters, namely :—

Discretionary powers of expenditure.

- (h) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, and the introduction and preservation of fish ;
- (i) the establishment and maintenance of relief and local relief works in time of famine or scarcity ;
- (j) educational objects other than those set forth in clause (d) of this section, and
- (k) any other local works or measures likely to promote the health, comfort or convenience of the public.

31. Subject to the control of the district local board and, as regards educational matters, to the provisions of section 48, clause (b), each taluka local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained at its cost, and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.

Relative duties of taluka and district local boards.

In

In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

Conduct of Business.

Provisions regulating local boards' proceedings. 32. The following provisions shall be observed with respect to the proceedings of a local board; namely:

Board to meet together and arrange for transaction of business as they think fit, but

a special meeting may be called whenever necessary upon an emergency, and

one-third of the members shall form a quorum, and

meetings must ordinarily be open to the public, and

(a) The board shall meet together and shall from time to time make regulations, consistent with this Act, and with any rules or orders made by Government under section 69 with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely:—

(1) that the president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members, call a special meeting;

(2) that no business shall be transacted at any meeting unless at least one-third of the members are present from the beginning to the end of such meeting;

(3) that every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings;

(4)

- (4) that every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-president, and if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion ;

every meeting to be presided over by the president, and
- (5) that, except as is otherwise provided in section 28, all questions shall be decided by a majority of votes of the members present, the president, vice-president, or chairman, having a second or casting vote in all cases of equality of votes ;

all questions must be decided by a majority of votes, and
- (6) that the board may delegate any of their duties or powers to committees consisting of such members as they think fit ; and that any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed ;

board may delegate their functions to committees, and
- (7) that a committee may elect a chairman of their meetings, and if no such chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their members to be chairman of such meeting ;

Committees' meetings to be presided over by a chairman, and
- (8) that committees may meet and adjourn as they think proper, but the president of the board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee ;

committees shall meet when they think proper, and
- (9) that questions at any meeting of a committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting

questions at committees' meetings shall be decided by a majority of votes, and

meeting unless at least two-thirds of the members of the committee are present from beginning to the end thereof;

notice must be given to Public Works and Educational officers when they are entitled under section 33 to be present, and

(10) that, except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 61 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted at any meeting of a local board or of a committee, unless at least fifteen days previous to such meeting a letter has been addressed to any officer of the Government Public Works and Educational Departments, respectively, who is not a member of the board, but is entitled under section 33 to be present at such meeting, informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business;

minutes of proceedings shall be kept, and

(11) that minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 33, and of the proceedings at each meeting of the board and each committee's meeting, and, if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president or vice-president or chairman of such meeting, and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district;

all regulations made by a taluka local board to be subject to the approval of the district local board.

(12) that every regulation made under this section by a taluka local board shall be subject to the approval of the district local board to which such taluka local board is subordinate.

(b)

(b) During any vacancy in the board, the continuing members may act as if no vacancy had occurred.

Vacancy not to affect board's proceedings.

(c) No act of the board, or of any committee, or of any person acting as a member or as a president, vice-president, or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, committee, president, vice-president, chairman, or member, or on the ground that they, or any of them, were disqualified for the office of member, or that formal notice of the intention to hold a meeting of a board or of a committee was not duly given, or for any other such mere informality.

Acts of board, &c., not to be invalidated by informalities.

33. The Executive Engineer, the Educational Inspector and the Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district, when charged with any of the duties of a health officer therein, if not members of a district local board, shall have the right of being present at any meeting of the said board, or of any committee thereof, and, with the consent of the board or committee, each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such board or committee: provided that the said officers shall not, unless they are members of the board, be entitled to vote upon any such question.

Certain Government officers may attend meetings of district local boards;

Any officer of the Government Public Works Department not lower in rank than an overseer employed in a taluka, and any officer of the Government Educational Department not lower in rank than the Deputy Educational Inspector of a taluka may, under the like circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the taluka local board of such taluka or of any committee of the said board.

and certain Government officers may attend meetings of taluka local boards.

Local boards may require the presence of the said officers at their meetings.

If it shall appear to a district local board or to a taluka local board that the presence of any of the above officers respectively is desirable for the purpose aforesaid at any future meeting of such board, or of any committee thereof, it shall be competent to such board by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting.

President may circulate written propositions.

34. Whenever it appears to the president of a local board, or to the chairman of a committee, unnecessary to convene a meeting, he may instead of so doing circulate a written proposition of his own, or of any other member of such board or committee, or of any executive officer of the board for the observations and votes of the members.

Previous to circulating any such proposition for the votes of members the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (10) of section 32, shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 33 to be present at any meeting at which such proposition might be considered, desires to record.

The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under clause (1) or clause (8) of section 32.

Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (11) of section 32.

Mode of executing contracts.

35. The president of a local board may, on behalf of the board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: provided that the amount or value of such contract or agreement

agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a táluka local board.

Every other contract or agreement on behalf of a local board shall be in writing and shall be signed by the president and by two other members of the board and shall be sealed with the common seal of the board.

No contract or agreement not executed as in this section provided shall be binding on a local board.

Joint Committees.

36. A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment committee, or with more than one such local board, municipality or committee:

Joint committees of two or more local bodies.

- (a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee; and
- (b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and
- (c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of Government shall be final.

Personal liability of Members.

37. Except as is hereinafter otherwise provided, no member of a local board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board; the local fund at the disposal of each local board shall

Local funds ordinarily liable for all costs and expenses incurred by boards.

shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses :

but members to be held responsible for misapplied funds.

provided that every member of a local board shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by gross neglect of his duty as a member, and may be sued for recovery of the monies so misapplied as if such monies had been the property of the Government.

III.—OF THE OFFICERS AND SERVANTS OF LOCAL BOARDS.

Schedule of establishment to be prepared and sanctioned by district local boards.

38. Every district local board may engage and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the taluka local boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

Until a schedule is prepared and sanctioned under this section the establishment, if any, entertained in any district for the administration of local funds on the day previous to the date notified by the Governor in Council under section 13 for each district, shall be deemed to have been duly sanctioned and appointed under the foregoing provisions for such district.

Local boards to frame regulations: for fixing the amount of the security to be furnished.

39. Every district local board may from time to time frame regulations :

- (a) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the board from whom it may be deemed expedient to require security ;

(b)

- (b) for regulating the grant of leave to the permanent officers and servants maintained by the board; for regulat-
ing leave;
- (c) for authorizing the payment of allowances to the said officers and servants or to certain of them, whilst absent on leave; for settling
absentee
allowances;
- (d) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave; for fixing
acting al-
lowances;
- (e) for regulating the period of service of all such officers and servants; for regulat-
ing length
of service;
- (f) for determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances; for fixing
pensions,
&c.;
- (g) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants: for contri-
buting to
provident
funds.

Provided that:

- (h) if an officer is lent to any local board by the Government or if an officer is employed partly in the service of Government and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by the rules in this behalf from time to time in force and shall not, except with the assent of Government, dispense with his further services at any time without giving the Government six months' previous notice; Proviso as
to officers
lent by
Govern-
ment; and
- (j) no regulation made by any district local board under this section shall have effect unless and until it has been approved by the Governor in Council. asto approv-
al of regu-
lations by
Govern-
ment.

Punishment and dismissal of officers and servants. 40. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation framed under the last preceding section and to any rule or order made by the Governor in Council under section 69, vest in the said board.

IV.—OF THE PROPERTY AND LIABILITIES
OF LOCAL BOARDS.

Vesting of Property.

Transfer to local boards of property and assets of superseded committees. 41. All such immoveable and other property as is held by or in trust for any committee for the purposes of the Bombay Local Funds Act, 1869, or the Sind Local Funds Act, 1865, shall upon and after the date notified by the Governor in Council under section 13 for each district, vest in the district local board or the taluka local board established hereunder having authority over the same local area to which such committee's functions extended, but subject to all charges and liabilities affecting the same.

It shall be competent to the Governor in Council from time to time to direct whether any such property as aforesaid shall vest in the district local board or the taluka local board having authority as aforesaid and any such direction of the Governor in Council shall be conclusive.

Government may vest other property in local boards. 42. The Governor in Council may from time to time direct that any property, moveable or immoveable, which is vested in Government and which is situate within the local area under the authority of any local board, shall, with the consent of such board and subject to such exceptions and conditions as the Governor in Council may impose, vest in that board; and thereupon that property shall vest in that local board for the purposes of this Act, subject to all exceptions and conditions so imposed and to all charges and liabilities affecting the same.

Vesting of future local works. Every road, building or other work constructed by a local board shall vest in the board by which it has been constructed.

Liabilities.

43. It shall be competent to the Governor in Council from time to time to direct whether the liability for any such debt or other obligation, or any such contract, matter or thing as is described in the proviso to section 2, shall fall upon the district local board or the taluka local board having authority in the local area in which such debt or other obligation was incurred, or such contract entered into, or such matter or thing engaged to be done, and any such direction of the Governor in Council shall be conclusive.

Distribution of existing liabilities between district and taluka local boards.

V.—OF REVENUE AND EXPENDITURE.

Local Funds.

44. There shall be formed in each district a fund which shall be called "The Local Fund" and which shall be kept in the Government treasury.

Local funds where to be kept and of what to consist.

To it shall be credited :

- (a) in Sind, the net proceeds (after deducting the expenses of assessment and collection) of the cess on land and of the shop-tax levied under the Sind Local Funds Act, 1865,
- (b) elsewhere, the net proceeds (after deducting the expenses of assessment and collection) of the cess levied under the Bombay Local Funds Act, 1869, in the district; and

wherever this Act is in force :

- (c) the net proceeds (after deducting the expenses, if any, of collection and of the maintenance of the ferries) of all public ferries established in the district under the Bombay Ferries Act, 1868, and all penalties inflicted and levied under the said Act in the district; and
- (d) the net proceeds (after deducting the expenses, if any, of collection) of all tolls and leases of tolls on roads and bridges vested in the local boards under section 41, or by order of

- of the Governor in Council under section 42, or constructed by the local boards at the cost of the local fund under this Act, levied in the district under Bombay Act III. of 1875; and
- (e) such portion of the net proceeds of fees, fines and penalties levied under Bombay Act VIII. of 1866 (an Act to regulate and restrict the sale of poisons in the Bombay Presidency) as the Collector, under section 10 of the said Act, from time to time directs; and
 - (f) the proceeds of all fees levied in the district under the Bombay Land Revenue Code, 1879, for permission to remove sand or to quarry; and
 - (g) all sums placed by Government to the credit of the fund under section 1 (b) of Act XVIII. of 1883 or otherwise, or contributed by private persons; and
 - (h) all sums received by any local board in the district in execution of this Act :

Provided that when a public ferry, road or bridge is partly in one district and partly in another, the Governor in Council may assign to the local fund of each district such proportion of the net proceeds of such ferry, or of the toll, or of the lease of the tolls levied on such road or bridge as he shall think fit.

Local funds
by what
boards to be
expended.

45. The local fund of a district shall be available for expenditure for any of the purposes of this Act as follows, namely:—

- (a) by or under the direction of each taluka local board:—
 - (1) the whole of the sums described in clauses (e) and (f) of the last preceding section, levied in the taluka; and
 - (2) the portion accruing within the area subject to the authority of such board of any sums which may be placed by Government to the credit of the fund under section 1 (b) of Act XVIII. of 1883; and

(3)

- (3) all other sums placed to the credit of the fund by the Government or contributed by private persons for expenditure by such board within the area subject to its authority; and
 - (4) all sums described in clause (h) of the last preceding section, received by it or on its account; and
 - (5) the balance of the revenue described in clause (a) or clause (b) of the last preceding section levied in the area subject to its authority, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 48 and for such share of the charges payable by the district local board under sections 46 and 49 as the said board shall deem equitable;
- (b) by or under the direction of the district local board, the remaining portion of the fund.

Expenditure by the local boards out of the local fund shall ordinarily be made within the areas respectively subject to their authority only but may, with the sanction of Government and for the use or benefit of the said area, be made outside of that area on any of the purposes of this Act.

46. Every district local board shall, from the portion of the local fund at its disposal, defray :

General charges to be defrayed by district local boards

- (a) the salaries and other emoluments of all officers and servants maintained under section 38, and the pensions or other retiring allowances, if any, of such officers and servants;
- (b) the expenses attending the audit of the accounts of the local boards of the district as hereinafter provided; and
- (c) such sum as shall from time to time be fixed by Government for the payment of the salaries, allowances and contributions for pension according to the rules from time to time prescribed by Government, of any officers or servants employed in any Government office

office or elsewhere on the business of the local boards of the district, and of the incidental expenses, if any, incurred by Government or any of the officers of Government in the district, for any of the purposes of this Act.

Assign-
ments of
certain por-
tions to
municipa-
lities or
cantonment
committees.

47. Every district local board shall assign and cause to be paid to every municipality and cantonment committee within the district for which such board has been established, out of the district local fund a sum equal to two-thirds of the amount of revenue described in clause (a) or clause (b) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee, the whole of the said amount (which amount shall, at the request of the district local board, be ascertained and certified by the Collector).

The sum so assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 30, or for the remuneration of officers and servants whom they entertain for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in clause (a) or clause (b) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee, shall be expended by it for educational purposes only as defined in section 30, clause (d).

Expend-
iture for
educational
purposes to
be made by
district local
boards only.

48. In every district the expenditure from the local fund for educational purposes as defined in section 30, clauses (d) and (j), shall be made by the district local board only, and for this purpose a sum equal to not less than one-third of the revenue described in clause (a) or clause (b) of section 44 (after deducting one-third of the amount thereof levied from lands or shops in any municipal district or cantonment), shall be set apart by the said board for expenditure by it on the said purposes; provided
(a)

- (a) that no portion of the revenue so set apart levied in the area subject to the authority of any táluka local board shall, except with such board's consent, be expended out of the said area ; and
- (b) that the charges to be necessarily defrayed by each district local board on account of primary education, the extent of the independent authority of district and táluka local boards in respect of education and their relations generally with the Government Educational Department and to each other in educational matters shall be from time to time prescribed by the Governor in Council.

The provisions of clause (b) of this section shall apply also to municipalities and cantonment committees in respect of the sums to be expended by them under section 47 for educational purposes.

49. The responsibility of district and táluka local boards, respectively, for expenditure in respect of matters other than education, shall be determined in accordance with the following provisions, namely :

Provisions for determining by which boards

- (a) each local board shall be responsible for the maintenance of any building or other property which vests in it and of any work which has been executed at its cost ;

expenditure should be incurred for other purposes.

- (b) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, the maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more tálukas are, or may be, interested ;

- (c) táluka local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local and for all local services and institutions not maintained by the district local board ;

(d)

(d) large works of the nature described in the last preceding clause, which are beyond the means at the disposal of a taluka local board, may be undertaken by the district local board at its own cost, or the district local board may assist the taluka local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the taluka local board or by private persons; or by both.

If a difference of opinion arises between a district and a taluka local board as to which board is responsible for any charge or any work, institution or service; the question shall be referred for the decision of the Commissioner, which shall be final.

How the local fund shall be drawn against.

50. Subject to the provisions of sections 65, 66 and 67, no payment shall be made from the Government treasury out of a local fund except upon a cheque or letter of credit signed by the president and one other member of the local board which requires such payment.

Payment of any sum in excess of fifty rupees shall be made by a local board by means of a cheque signed as aforesaid and not in any other way.

Sums not exceeding fifty rupees may be paid by the president, or by such officer as each local board appoints for this purpose, in cash, cheques for sums not in excess of three hundred rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

Accounts:

Accounts to be kept in form prescribed by Government.

51. Accounts of the receipts and expenditure of every local board shall be kept in such form as the Governor in Council from time to time prescribes and shall be balanced annually on the last day of every financial year, ending on the 31st March.

Publication of abstract of accounts annually.

52. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses

expenses, the works undertaken and the sums expended on each work, and the balance, if any, in hand; shall be forwarded by the president of the board every year, as soon as may be after the 31st March, in such form as the Governor in Council from time to time prescribes, to the Collector or to such other officer as the Collector nominates in this behalf, and shall be published in the official gazette.

Annual Budget Estimates.

53. To enable local boards to prepare annual budget estimates, as hereinafter provided, the Collector shall annually render to each taluka local board in his district, not later than the 1st October, in such form as the Governor in Council from time to time directs, a return setting forth, for the taluka for which such board is established:

Return to be rendered to local boards of actual and estimated income of local funds.

- | | | |
|--|---|---|
| <p>(a) the actual receipts in the last complete official year;</p> <p>(b) a revised estimate of the receipts in the current official year; and</p> <p>(c) a first estimate of the probable receipts in the next following official year;</p> | } | <p>from each of the sources from which the local fund is derived;</p> |
|--|---|---|

and, to the district local board, a similar return for the whole district.

The district local board shall, not later than the 1st November, communicate to each taluka local board in the district the probable amount of the revenue described in clause (a) or clause (b) of section 44 which will be at the disposal of such taluka local board in the next following official year, explaining the manner in which, with reference to section 45, clause (a); paragraph (5), the said amount has been fixed.

54. Every local board shall have prepared, on or before the fifteenth day of November every year, in such form as the Governor in Council from time to time prescribes, a budget estimate of the income and expenditure of the board for the next official year.

Preparation of annual budget estimates of income and expenditure.

The

Consideration and approval of budget estimates by the boards.

The board shall, on or as soon as may be after the said date, consider the budget estimate so prepared and approve of the same with or without modification as they shall think fit.

Táluka local boards' budget estimates to be submitted for sanction to the district local board.

55. Every budget estimate, as approved by a táluka local board, shall be forthwith submitted to the district local board to which such táluka board is subordinate, which may

(a) as often as it thinks fit, send back such estimate to the táluka local board for revision, or

(b) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

Revised or supplementary budget estimates may be made when necessary.

56. Every local board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the local board, and in the case of a táluka local board, submitted to the district local board for sanction, in the same manner as if it were an original annual budget estimate.

Re-appropriations to be subject to approval or sanction like budget estimates.

Re-appropriations of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate.

Budget estimates and re-appropriations not to be approved or sanctioned unless :

57. No budget estimate of a local board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid unless :

an annual balance is provided for ; and

(a) provision is therein made for such board's having at its credit at the end of the official year a balance of not less than five thousand rupees

rupees in the case of a district local board, and of two hundred rupees in the case of a taluka local board;

- (b) for every work, whether of first construction or of repair, there is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work, which has been approved by the board and for which, in the case of a road of which the cost is to exceed, on an average, fifty rupees per mile or of any other work of which the total cost is to exceed five hundred rupees, plans and estimates have been prepared or approved by the Government Executive Engineer of the district,

in the case of works, detailed estimates are attached.

A copy of every budget estimate and a statement of every re-appropriation as finally approved or sanctioned under the foregoing provisions shall be forwarded by the president of each local board without delay to the Collector, or such officer as he nominates in this behalf. Annual budget estimates shall be so forwarded not later than the 10th December.

Copies of budget estimates and re-appropriation statements to be sent to the Collector.

58. Save in case of pressing emergency, no sum shall be expended by, or on behalf of, any local board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid.

Except on a pressing emergency, no sum not provided for in a budget estimate to be expended.

If any sum is so expended on a pressing emergency the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a taluka local board) together with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

59. Every budget estimate framed by, or binding upon any committee or authority heretofore charged with the administration of local funds under the

Provision as to budget estimates in force when

this Act comes into operation.

the Bombay Local Funds Act, 1860, or the Sind Local Funds Act, 1865, and in force on the date which shall be notified by the Governor in Council under section 13 for each district shall be deemed to have been duly prepared and approved or sanctioned under this Act so far as it relates to the period which intervenes between the date aforesaid and the thirty-first day of March next following that date.

If any such budget estimate would, but for the passing of this Act, have force and effect after the said thirty-first day of March, the local board having authority over the local area in which it would so have effect and force, may set it aside as from that date: provided that works in progress at the said date under any such budget estimate shall not be discontinued except with the sanction of the Governor in Council.

Audit of Accounts.

Audit to be made periodically under the orders of Government.

60. The accounts of every local board shall be examined and audited at such intervals in such manner and by or under the superintendence of such auditor as the Governor in Council from time to time directs.

Auditor to have power to see all accounts, &c., costs of audit.

Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession, or under the control of the local board, and the costs of audit shall be paid by the district local board at such rate as Government shall determine.

The report of the auditor on each local board shall be published in the official gazette and a copy thereof shall be sent to each board concerned and to the Collector. A copy of the report on every taluka local board shall also be sent to the district local board of the district.

VI.—EXECUTION OF WORKS.

61. Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by section 57, clause (b), as the Governor in Council shall from time to time in a general or special order direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for the Government and shall have control over all officers and servants of a local board, if any, assisting in the execution of any of the said works.

Works to be executed by the Government Executive Engineer.

All other works shall be executed by such agency and subject to such supervision as the local board at whose cost any such work is to be executed, thinks fit: provided that any such work shall, at the desire of the said board, be executed by the Government Executive Engineer of the district in the manner prescribed in the first paragraph of this section.

Works which may be executed by other agency.

When any work is executed under this section by a Government Executive Engineer either wholly or partly with the aid of his own Government establishment, such charge shall be payable on account of such establishment by the local board at whose cost the work is being executed as shall be agreed upon between such board and the said Executive Engineer: provided that no charge shall in any case be made on account of the services of the Executive Engineer.

Payment of Government establishment employed by Government Executive Engineer.

VII.—CONTROL.

62. The Collector shall have power :

(a) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any local board, or any work in progress under it or under its direction;

Collector's powers of inspection and supervision.

(b) to call for any extract from any local board's or any committee's proceedings, any book, or document

document in the possession of or under the control of a local board and any return, statement, account or report which he may think fit to require such board to furnish ;

- (c) to require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such board, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the board, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

All or any of the powers given to the Collector under this section may be delegated by him to the Assistant or Deputy Collector in charge of the taluka in the case of a taluka local board.

Power of Commissioner to prevent extravagance in establishments.

63. If in the opinion of the Commissioner the number of persons maintained by a district local board as officers or servants, or whom a district local board proposes to maintain, or the remuneration assigned by the board to those persons or to any particular person, is excessive, the said board shall on the requirement of the Commissioner, reduce the number or remuneration of the said persons or person :

provided that the district local board may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

Collector's power of suspending execution of orders, &c., of local boards.

64. If, in the opinion of the Collector, the execution of any order or resolution of a local board, or the doing of anything which is about to be done or is being done, by or on behalf of a local board, is causing, or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

When

When a Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the local board affected thereby a copy of the order with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Collector's order to be reported to Commissioner who may confirm or modify it.

The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Every case under this section to be reported to Government for their final orders.

65. In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the local board.

Extraordinary powers of Collector in case of emergency.

If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible from the balance of such fund in his hands.

The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

66. When the Governor in Council is informed, on complaint made, or otherwise, that a local board has made default in performing any duty imposed on it by or under this Act, the Governor in Council, if satisfied after due inquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty.

Power of Government to provide for performance of duties in default of local board.

If

If that duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Governor in Council may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

Power of Government to supersede local boards in case of incompetency, default, or abuse of powers.

67. If in the opinion of the Governor in Council a local board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Governor in Council may by an order published, with the reasons for making it, in the official gazette, declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of exercise of such power.

When a local board is so superseded, the following consequences shall ensue:—

- (a) all members of the board shall, as from the date of the order, vacate their offices as such members ;
- (b) all powers and duties of the board may during the period of supersession, be exercised and performed by such person or persons as the Governor in Council, from time to time, appoints in that behalf ;
- (c) where a local board is superseded, all property vested in it shall, during the period of supersession, vest in Government.

On the expiration of the period of supersession specified in the order, the board shall be re-established by the election or appointment of new members under the provisions of this Act applicable thereto.

68. In all matters connected with this Act, the Governor in Council and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

Powers of Government and of the Commissioners over Collectors, &c.

VIII.—RULES.

69. The Governor in Council may from time to time make and from time to time vary or rescind rules, or orders, consistent with this Act :

Purposes for which rules and orders may be made.

- (a) prescribing the number of members for each local board and the proportion of elective and nominated members for each ;
- (b) determining the mode in which elections of members of local boards, other than elections under sections 6 (c) and 7 (c), and the places at which and the authorities, if any, under whose superintendence such elections shall be held, and the manner in which votes thereat shall be recorded and how and by whom the results of such elections shall be declared ;
- (c) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted and as to the appointment, control, punishment and dismissal of the officers and servants of local boards ;
- (d) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act and not therein specially provided for.

All rules and orders so made shall be published in the official gazette.

IX.—MISCELLANEOUS.

70. If any member of a local board or any officer or servant maintained by or employed under a local board

Penalty for member, officer or

servant of a local board being interested in any contract, &c., with that board.

board has, directly or indirectly, any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees :

provided that the penalty herein prescribed and the disqualification for membership of a local board prescribed in section 11, clause (f), shall not be deemed to apply by reason only of a person

- (a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of the local board, or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted, or
- (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or
- (d) being professionally engaged on behalf of the local board as a legal practitioner.

Nevertheless it shall not be lawful for a person having any share or interest such as is described in the above clauses (a) and (b) to act as a member of a local board in any matter relating to a contract or agreement between the local board and such company or the manager or publisher of such newspaper.

Members, &c., of boards to be public servants.

71. Every member of a local board and every officer and servant maintained by a district local board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Acquisition of land .

72. When any land is required for the purposes of this Act, the Governor in Council may, on the request of the local board requiring it, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and on payment by the local board of the compensation awarded under that Act, the land shall vest in the local board.

73.

73. The powers and duties conferred and imposed by this Act on the Governor in Council or the Government, except those so conferred and imposed by sections 8, 63, 64, 67 and 68; shall, in Sind, be exercised and performed by the Commissioner.

Powers and duties of Government to be discharged in Sind by the Commissioner.

74. No action shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of ;

Limitation of suits, &c.

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

75. In the Bombay Local Funds Act, 1869 :

Amendment of Bombay Act III. of 1869.

(a) the words : " Bombay Land Revenue Code, 1879 " shall be substituted for the words : " (Bombay) Act I. of 1865 " wherever they occur ; and

(b) the words " Commissioner of the division " shall be substituted in section 8 for the words " Revenue Commissioner " ; and

(c) the words " if no such rate is so recorded or if the rate so recorded is " shall be substituted in rule 3 of section 7 for the words " if this rate be. "

76. In the Sind Local Funds Act, 1865, section 2, the word " of " shall be substituted for the words " heretofore customarily levied, namely. "

Amendment of Bombay Act VIII. of 1865.

The Bombay Local Boards Act, 1884. [BOM. ACT NO. 1. OF 1884.]

77. For clause two of section three of Bombay Act III. of 1875 the following clause shall be substituted, namely : Amendment of Bombay Act III. of 1875.

“*Clause 2.* The word ‘persons’ in this section shall be deemed to include local boards established under the Bombay Local Boards Act, 1884.”

SCHEDULE.
(See section 2.)

Enactment.	Subject.	Extent of repeal.
Bombay Act VIII. of 1865.	An Act to authorize taxation in the province of Sind for objects of public local utility and improvement.	In the preamble the words “and to aid in defraying the expense of the Department of Public Works in the Province of Sind.” Sections 6, 7 and 8.
Bombay Act III. of 1869.	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility and improvement and to constitute local committees for the due administration of such funds.	In the title the words: “and to constitute local committees for the due administration of such funds.” In the preamble the words: “and whereas it is expedient to constitute local committees to provide for the due appropriation of such funds to the purposes aforesaid.” Sections 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13.
Bombay Act II. of 1868.	An Act to amend the law relating to public ferries in the Presidency of Bombay.	Section 16.
Bombay Act III. of 1875.	An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay.	Section 12.

BOMBAY ACT NO. II. OF 1884.

[Received the assent of the Governor of Bombay on the 18th February 1884,
and of the Governor General on the 8th April 1884, and published by the
Governor of Bombay on the 1st May 1884.]

The Bombay District Municipal Act Amendment Act, 1884.

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[Price 6 annas and 3 pies.]

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BOMBAY ACT No. II. of 1884.

An Act to amend the Bombay District Municipal Act.

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

I.—PRELIMINARY.

1. This Act may be cited as “The Bombay District Municipal Act Amendment Act, 1884,” and this Act and the Bombay District Municipal Act, which is hereinafter referred to as “the principal Act,” may be together cited as “The Bombay District Municipal Acts of 1873 and 1884.” Short title.

This Act and the principal Act extend to the whole of the Presidency of Bombay, except the City of Bombay. Local extent.

2. This Act shall be construed as one with the principal Act. Construction.

3. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof. Repealing section.

Provided that the said repeal shall not affect the validity or invalidity of anything already done under either of the said enactments, and shall not apply in any temporary municipal district in existence when this Act comes into force ;

Provided further that the municipal commissioners in every permanent municipal district in existence when this Act comes into force shall continue to be appointed as if this Act had not been passed until the date notified by the Governor in Council for each such municipal district under section 11 of this Act.

4.

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The Bombay District Municipal [BOM. ACT NO.

Interpreta- 4. In the principal Act and in this Act, unless
tion section: there be something repugnant in the subject or con-
text :

“ *Bombay
Government
Gazette.*”

(1) the words “ *Sind Official Gazette* ” shall, in
Sind, be deemed to be substituted for the words
“ *Bombay Government Gazette,* ” wherever they
occur ;

“ *Municipal
district.*”

(2) the term “ *municipal district* ” means any
local area which is at present a municipal district
under the principal Act and any local area which
may hereafter be constituted a municipal district
under section 5 of this Act, if such municipal dis-
trict has not ceased to exist under the provisions
of the said section.

In the principal Act :

Certain ex-
pressions in
Bombay
Act VI. of
1873 de-
fined.

(3) the phrases “ the date of this Act coming
into force,” “ the date of the passing of this Act,”
and the like, shall, in Sind, be deemed to mean the
first day of October 1873.

In this Act :

“ *Salaried
servant of
Govern-
ment.*”

(4) the words “ *salaried servant of Govern-
ment* ” do not include a retired servant of Gov-
ernment in receipt of a pension ;

“ *Commis-
sioner of
the divi-
sion.*”

(5) the term “ *Commissioner of the division* ”
means, in Sind, the Commissioner of Sind and
elsewhere the Commissioner of a division appoint-
ed under the Bombay Land Revenue Code, 1879.

II.—CONSTITUTION OF MUNICIPALITIES.

Municipal Districts.

Definition
of muni-
cipal dis-
tricts.

5. Subject to the provisions of sections 8, 9 and
10 of this Act, the Governor in Council may, from
time to time by notification in the *Bombay Govern-
ment Gazette,* declare any local area to be a muni-
cipal district, and may, from time to time by a like
notification, extend, contract or otherwise alter the
limits of any municipal district, or declare that any
local area shall, from a date to be specified in the
notification, cease to be a municipal district.

Every

Every such notification for constituting a new municipal district, or for altering the limits of an existing municipal district, shall clearly set forth the local limits of the area to be included or excluded from such municipal district, as the case may be.

When any local area ceases to be a municipal district, the municipality constituted therein shall cease to exist, and the property and rights vested in any such municipality, or in any municipality which has ceased to exist under the operation of section 20 of the principal Act, or has been abolished under section 16 of that Act, shall, subject to all charges and liabilities affecting the same, vest in the Governor in Council, and the proceeds thereof, if any, shall be expended by the Governor in Council for the benefit of the local area in which such municipality had jurisdiction.

6. As soon as may be after the date when this Act comes into force the Governor in Council shall in a notification published in the *Bombay Government Gazette* clearly set forth the local limits of each municipal district in existence on the said date and which has not since ceased to exist, and the said notification shall be conclusive evidence that the principal Act and this Act and all rules, bye-laws and orders applicable to such municipal district are in force within the limits so set forth.

Determina-
tion of local
limits of
municipal
districts in
existence
when this
Act comes
into force.

It shall be the duty of the municipality in every such municipal district, and of every municipality newly constituted under this Act, and of every municipality whose local limits are altered as aforesaid, within six months from the date of the notification issued under the first paragraph of this section, or of the notification constituting the municipality or altering its local limits, as the case may be, to cause to be erected or set up, at its own costs, substantial boundary marks of such description and in such positions as shall be approved by the Collector, defining the limits or the altered limits of the municipal district subject to its authority as set forth in the said notification.

Definition
of muni-
cipal boun-
daries by
boundary
marks.

The Bombay District Municipal [BOM. ACT NO.

Municipal districts to be temporary or permanent.

7. Municipal districts constituted under section 5 may be either temporary or permanent.

What local areas may be declared to be temporary municipal districts.

8. Any local area in which a periodical fair is held, or which is visited periodically by pilgrims, together with any neighbouring local area to which the people attending such fair or the pilgrims resort whilst such fair or pilgrimage lasts, may be declared a temporary municipal district.

What local areas may be declared to be permanent municipal districts.

9. Any local area which comprises:—

(a) a city, town or station or two or more neighbouring cities, towns and stations, with or without any village, suburb or land adjoining thereto, or

(b) a village or suburb or two or more neighbouring villages and suburbs, may be declared a permanent municipal district: Provided that unless for exceptional reasons which shall be clearly set forth in the proclamation under section 10 and in the notification issued under section 5, no city, town, station or suburb shall be included in a permanent municipal district with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses; and no such municipal district shall be constituted in any area of which the population is less than two thousand.

Naming of municipal districts comprising two or more places.

When two or more places bearing different names are formed into one municipal district, the name of the municipal district shall be determined by the Governor in Council.

Permanent municipal districts.

10. Not less than two months before the publication of any notification declaring any local area a permanent municipal district, or altering the limits of any such district, or declaring that any local area shall cease to be a municipal district, the Governor in Council shall cause to be published in the *Bombay Government Gazette*, in English, and in at least one of

the

the local newspapers, if any, in the language of the district in which such local area is situated, and to be posted up in conspicuous spots in the said local area in the language of the said district, a proclamation announcing that it is proposed to constitute such local area a municipal district, or to alter the limits of the municipal district in a certain manner, or to declare that such local area shall cease to be a municipal district, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing, to a Secretary to the Government within two months from the date of the said proclamation.

No such notification as aforesaid shall be issued by the Governor in Council unless the objections, if any, so submitted, are, in his opinion, insufficient or invalid.

11. In every permanent municipal district there shall be a municipality.

General
constitution
of municipa-
lities.

Except as is hereinafter otherwise provided, every such municipality newly constituted under this Act, and on and after such date as shall be notified by the Governor in Council for each permanent municipal district in existence when this Act comes into force, the municipality in every such district shall consist of—

(a) elective commissioners ;

(b) such persons; if any, as the Governor in Council, or any officer whom he authorizes in this behalf, appoints, who shall be called "nominated commissioners :"

Provided that the number of elective commissioners shall be not less than one-half of the whole number, exclusive of the president, and that not more than one-half of the nominated commissioners shall be salaried servants of Government.

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The Governor in Council may

determine total number of commissioners;

fix proportion of elective and nominated commissioners;

make rules for regulating elections:

Proviso as to admission of certain qualifications; and

as to time when alteration in qualification shall take effect.

Constitution of municipalities in exceptional cases.

12. The Governor in Council shall from time to time—

(a) determine the total number of commissioners in each municipality;

(b) fix, subject to the provisions of the last preceding section, the proportion of the commissioners, if any, who shall be nominated and the number of those who may be salaried servants of Government;

(c) make rules, consistent with this Act, for fixing the dates and the time and manner of holding elections of the elective commissioners, prescribing the qualifications of candidates and of voters, and generally for regulating such elections: Provided that:

(d) subject to the disqualifications mentioned in section 16, as regards candidates, and in section 22, as regards voters, every fellow and every graduate of any university, every pleader holding a sanad from the High Court, every juror, every assessor and every Honorary Magistrate resident within a municipal district, and every person paying municipal taxes of an amount not less than such minimum as shall from time to time be fixed by Government for each municipal district, shall be qualified both as a candidate and a voter at such elections in the said district;

(e) no alteration in, or addition to, the qualifications of candidates or voters made at any time after the first elections have been held in any municipal district under this section, shall take effect in such district within six months from the date on which such alteration or addition is made.

13. Nothing in the two last preceding sections shall apply to any permanent municipal district at a hill station or to any permanent municipal district to which, owing to the smallness of such district or to the backward state of its inhabitants, or other

such

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such exceptional reason, the Governor in Council shall, in a notification setting forth such reasons and published in the *Bombay Government Gazette*, at any time declare the provisions of the said sections to be unsuitable.

In any such municipal district the municipality shall consist either entirely of nominated commissioners, or partly of nominated commissioners and partly of elective commissioners in such proportions, and appointed or elected by such persons, in such manner, and subject to such conditions, as the Governor in Council in the notification published under the first paragraph of this section, or in any subsequent notification published as aforesaid, shall think fit to prescribe.

It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section; and in the event of any notification under the first paragraph being rescinded, the municipality affected thereby shall from a date to be fixed in this behalf by the Governor in Council be constituted in accordance with the two last preceding sections.

14. The powers and duties conferred and imposed by this Act and by the principal Act on municipalities shall, in a temporary municipal district, be respectively exercised and discharged by a neighbouring municipality nominated in this behalf by Government, or by a municipality specially constituted for the time being and consisting of such commissioners nominated in such manner as the Governor in Council directs.

Temporary municipalities.

15. Every municipality in a permanent municipal district shall be a body corporate by the name of "The Municipality of _____," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell, or otherwise transfer any moveable or immoveable property which may have

Incorporation of municipalities.

become

The Bombay District Municipal [BOM. ACT NO.

become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act :

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner of the division.

Provisions relating to Municipal Commissioners.

General
disqualifica-
tions.

16. , No female, and no person—

(a) who is less than twenty-one years of age, or

(b) who is a District or a Subordinate Judge, or is acting in either of those capacities, or

(c) who has been convicted by any criminal court of an offence which may not lawfully be compounded, such conviction not having been subsequently reversed or quashed, or

(d) who is an uncertificated bankrupt or an undischarged insolvent,
may be a municipal commissioner ;
and no person—

(e) who is a subordinate officer or servant of a municipality, or

(f) who has directly or indirectly any share or interest in any work done by order of a municipality, or in any contract or employment with or under a municipality,
may be a member of such municipality ;

and any municipal commissioner who, during the term for which he has been elected or appointed,

(g) becomes disqualified for any of the above reasons, or

(h) not being a salaried servant of Government, is absent for more than four consecutive months from the limits of the district in which the municipality is established,

shall

shall cease to be a commissioner, and his office shall become vacant.

17. A person who has already been elected or appointed a municipal commissioner on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Re-eligibility of municipal commissioners.

18. Except as is otherwise provided in the next following section, municipal commissioners appointed or elected under this Act shall, unless they become in the meantime disqualified, hold office for a term of three years.

Term of office.

19. In the event of the death, resignation or disqualification of a municipal commissioner, or of his becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the commissioner in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

20. The names of all commissioners finally elected to any municipality as well as the names of the nominated commissioners, if any, appointed thereto shall be published, as soon as conveniently may be, in the *Bombay Government Gazette*.

Publication of names of commissioners in the *Bombay Government Gazette*.

21. Except as is hereinafter otherwise provided, no municipal commissioner shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipality; the funds at the disposal of each municipality shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Municipal funds ordinarily liable for all costs and expenses incurred by municipalities;

Provided that every municipal commissioner shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a commissioner, and

but commissioners to be held responsible for misapplied funds.

may

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may be sued for recovery of the monies so misapplied as if such monies had been the property of the Government.

Municipal Elections.

General dis-
qualifica-
tions of
voters.

22. No person who is less than twenty-one years of age shall be entitled to vote at any municipal election.

Determina-
tion of
validity of
elections.

23. If the validity of any election of a municipal commissioner is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held.

The District Judge may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or for setting the election aside.

For the purposes of the said inquiry the District Judge may exercise any of the powers of a civil court, and his decision shall be conclusive.

If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Presidents and Vice-Presidents.

Nomination
of presi-
dents;

24. Every municipality shall be presided over by a president, who shall be one of the commissioners and shall be appointed by the Government or, if the Governor in Council so directs, elected by the municipality.

and of vice-
presidents.

If the president so appointed or elected is a salaried servant of Government, the municipality shall elect one of the commissioners to be vice-president; unless the Governor in Council otherwise directs, no appointment of a vice-president shall be valid until
it

it is approved by the Government, or by such other authority as the Government prescribe in this behalf.

Every president's and vice-president's term of office shall cease on the expiry of his term of office as a commissioner, provided that he shall be removable from office as such president or vice-president by the Government for misconduct, or neglect of, or incapacity to perform, his duty.

Their term of office, and liability to be removed.

In the event of the death, resignation, or removal from office, of a president or vice-president, or of his becoming incapable of acting, or disqualified to be a commissioner, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment or election, as the case may be, of some other commissioner thereto.

Casual vacancies in their office how to be filled up.

25. The president of a municipality shall—

Functions of presidents.

(a) preside at the meetings of the municipality;

(b) watch over the financial and executive administration of the municipality, and perform such executive functions as he may be empowered to perform by the rules of the municipality over which he presides;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality; and, subject to the rules of the municipality at the time being in force, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(d) furnish to the Collector, or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality and any extract from the minutes of the municipality's or of any committee's proceedings, or other document

or

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or thing which the Collector may from time to time call for under section 37.

President in certain cases to have only a casting vote.

When the president of a municipality is a salaried servant of Government and has been appointed to be president by the Government, he shall not vote upon any questions which come before such municipality for decision unless there is an equality of votes of the other commissioners present for and against the proposition under consideration, in which case he shall have a casting vote.

Functions of vice presidents.

26. Vice-presidents of municipalities shall—

(a) in the absence of the president, preside at the meetings of the municipality, and

(b) exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him.

Conduct of Business.

Provisions regulating municipalities' proceedings.

27. The following provisions shall be observed with respect to the proceedings of a municipality:—

General meetings.

(1) Except in municipalities at hill stations, there shall be held four quarterly general meetings in each year, for the disposal of general business, on or about the tenth day of each of the months of January, April, July, and October. In municipalities at hill stations there shall be held one general meeting on or about the tenth day of April and not less than one other periodical general meeting for the purpose aforesaid in each year.

A special meeting may be called when ever necessary upon an emergency. Notice to be given of meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the commissioners, call a special general meeting.

(3) Seven clear days' notice of a quarterly general meeting, and three clear days' notice of a special general meeting, specifying the time and place

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place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the commissioners and posted up at the municipal office or the local kacheri or some other public building in the municipal district. The said notice shall include any motion or proposition which a commissioner shall have given written notice of his intention to bring forward at the meeting not less than ten days previous thereto, and, in the case of a special general meeting, any motion or proposition mentioned in the written request for such meeting.

(4) If less than one-half of the commissioners be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such day and hour as he shall consider convenient to the commissioners, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and be transacted by it, whether there be a quorum present or not.

One-half of the commissioners shall form a quorum.

(5) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipality such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Meetings must ordinarily be open to the public.

(6) Every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-president, and, if both the president and vice-president are absent, by such one of the commissioners present as may be chosen by the meeting to be chairman for the occasion.

Every meeting to be presided over by the president.

(7) Except with the permission of the presiding authority, no business shall be transacted and no proposition discussed at any general meeting, unless it is mentioned in the notice convening such meeting

Business to be transacted at meetings.

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meeting and is brought forward by the presiding authority or by any commissioner who has given ten days' previous notice thereof to the president, or, in the case of a special general meeting, unless mention thereof has been made in the written request for such meeting.

Adjournments of meetings.

(8) Any general meeting may, with the consent of a majority of the commissioners present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

All questions must be decided by a majority of votes.

(9) Except as is otherwise provided in section 25, all questions shall be decided by a majority of votes of the commissioners present, the president, vice-president, or chairman having a second or casting vote in all cases of equality of votes.

Municipality may delegate their functions to committees.

(10) The municipality may delegate any of their duties or powers to committees consisting of such commissioners as they think fit, and may appoint any one of the said commissioners to be the chairman of the committee; and any committee so formed shall conform to any instructions that may from time to time be given to them by the municipality, and the municipality may at any time discontinue or alter the constitution of any committee so formed.

Committees' meetings to be presided over by a chairman.

(11) If no chairman of a committee has been appointed by the municipality, the members of such committee shall elect their chairman; and if no chairman appointed or elected as aforesaid is present at the time appointed for holding any meeting, the members present shall choose one of their members to be chairman of such meeting.

Committees shall meet when they think proper.

(12) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipality or of not less than two members of a committee

committee, call a special meeting of such committee.

(13) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

Questions at committees' meetings shall be decided by a majority of votes.

(14) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipality by a Government Executive Engineer, or to any educational matter, shall be transacted at any meeting of a municipality or of a committee, unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer or Educational Inspector.

(15) Minutes shall be kept in the vernacular language of the names of the commissioners and of the Government officers, if any, present under the provisions of section 28, and of the proceedings at each general meeting and each committee's meeting, and, if any commissioner present so desires, of the names of the commissioners voting respectively for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president or vice-president or chairman of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipal district: when practicable, the proceedings at general meetings shall be inserted in the minute-book in English as well as in the vernacular language.

Minutes of proceedings to be kept.

(16)

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Vacancy not to affect municipality's proceedings.

(16) During any vacancy in a municipality the continuing commissioners may act as if no vacancy had occurred.

Acts of a municipality, &c., not to be invalidated by informalities.

(17) No act of a municipality, or of any committee, or of any person acting as a commissioner or as a president, vice-president, or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such municipality, committee, president, vice-president, chairman, or commissioner, or on the ground that they, or any of them, were disqualified for the office of commissioner, or that formal notice of the intention to hold a meeting of a municipality or of a committee was not duly given, or for any other such mere informality.

Certain Government officers may attend meetings of municipalities.

28. The Executive Engineer, the Educational Inspector and the Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district, when charged with any of the duties of a health officer therein, if not members of a municipality within the district, shall have the right of being present at any meeting of the said municipality, or of any committee thereof, and, with the consent of the municipality or committee, each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such municipality or committee: provided that the said officers shall not, unless they are members of the municipality or committee, be entitled to vote upon any such question.

Municipalities may require the presence of the said officers at their meetings.

If it shall appear to a municipality that the presence of any of the above officers is desirable for the purpose aforesaid at any future meeting of such municipality, or any committee thereof, it shall be competent to such municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness

sickness, or other reasonable cause, shall be bound to attend such meeting.

29. Whenever it appears to the president of a municipality, or to the chairman of a committee, unnecessary to convene a meeting, he may, instead of so doing, circulate a written proposition of his own, or of any other commissioner, or, in the case of a committee, of any other member of the committee, or of any executive officer of the municipality, for the observations and votes of the commissioners, or of the members of the committee, as the case may be. Previous to circulating any such proposition as aforesaid, the president or chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in clause (14) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a commissioner, who would be entitled under the provisions of section 28 to be present at such meeting, desires to record.

Written propositions may be circulated for votes.

The decision on any proposition so circulated shall be in accordance with the majority of votes of the commissioners who vote upon it, unless a special meeting is convened to consider the propositions under clause 2 or clause 12 of section 27.

Every decision arrived at by the commissioners under this section shall be recorded in the minute-book kept under clause 15 of section 27.

30. The president of a municipality may, on behalf of the municipality, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf : provided that the amount or value of such contract or agreement shall not exceed five hundred rupees.

Mode of executing contracts.

Every other contract or agreement on behalf of a municipality shall be in writing and shall be signed by the president and by two other commissioners and shall be sealed with the common seal of the municipality.

No

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No contract or agreement not executed as in this section provided shall be binding on a municipality.

Joint committees of two or more municipalities or other local bodies.

31. A municipality may from time to time concur with any other municipality or with any local board or cantonment committee, or with more than one such municipality, local board or committee :

(a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ; and

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section the decision thereupon of Government shall be final.

III.—RULES AND BYE-LAWS.

Municipalities may make rules :

32. Every municipality shall, as soon as conveniently may be after it has been constituted, make and may from time to time alter or rescind rules, consistent with this Act and with the principal Act :

for regulating the conduct of business ;

(a) regulating the conduct of its business and the delegation of any of its powers or duties to one or more committees ;

for fixing the establishment ;

(b) determining the staff of officers and servants to be employed by it and their respective designations, duties, salaries, fees and absentee or other allowances ;

for determining mode of appointing, &c., municipal servants ;

(c) determining the mode of appointing, punishing or dismissing any such officer or servant ;

(d)

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(d) regulating the grant of leave to such officers or servants and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave ;

for granting leave to municipal servants ;

(e) regulating the period of service of all such officers and servants and determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances ;

for fixing pensions, &c. ;

(f) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with its approval, be established by the said officers and servants ;

for contributing to provident funds ;

(g) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security ;

for fixing the amount or the security to be furnished ;

(h) prescribing, subject to the provisions of section 21 of the principal Act, the tolls, cesses, taxes or other imposts to be levied in the municipal district for municipal purposes, and the fees to be charged for licenses or permissions granted under section 22 of the said Act, and the times and mode of levying or recovering the same ;

for prescribing the taxes, &c., to be levied for municipal purposes ;

(i) generally for the guidance of its officers and servants in all matters relating to the municipal administration :

for general guidance of municipal servants :

Provided that—

(j) if an officer is lent to any municipality by the Government, or if an officer is employed partly in the service of Government and partly in the service of a municipality, such municipality shall contribute to his pension and leave allowance to such extent as may be required by the rules in this behalf from time to time in force, and shall not, except with the assent of Government,

Proviso as to officers lent by Government ; and

dispense

The Bombay District Municipal [BOM. ACT NO.]

dispense with his further services at any time without giving the Government six months' previous notice ;

as to previous sanction of Government in certain cases.

(k) no rule made under this section shall have effect unless and until it has been approved by the Governor in Council, or by such officer as he appoints in this behalf.

Certain municipalities may make bye-laws :

33. Every municipality may from time to time, with the previous sanction of the Governor in Council, make, alter, or rescind bye-laws consistent with this Act and with the principal Act :

for markets and slaughter-houses, &c., &c. ;

(a) for regulating and inspecting markets and slaughter-houses and all places used by or for horses or other animals which are let out on hire or the produce of which is sold, and for the proper and cleanly conduct of business therein, and for fixing the charges to be made for the use of any of them which belong to the municipality ;

for regulation of dangerous or offensive trades ;

(b) for licensing and inspecting places used for any of the purposes mentioned in section 69 of the principal Act and for regulating the conduct of business in any such place so as to minimize the injurious, offensive or dangerous effect thereof ;

for water-supply and conservancy ;

(c) for regulating the water-supply, conservancy and the disposal of carcasses of dead animals ;

for registration of births, &c. ;

(d) for the registration of births, deaths and marriages and the taking of a census within the municipal district ;

for general administrative purposes.

(e) generally for the regulation of all matters relating to municipal administration :

Fine may be imposed for infringement of bye-laws.

And every municipality may, with the like sanction, prescribe a fine for the infringement of any such bye-laws.

Publication of drafts of proposed bye-laws.

34. Every municipality shall, before making any bye-law under the last preceding section, publish, in such manner as shall in their opinion be sufficient

for

for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the bye-law, receive and consider any objection or suggestion which may be made in writing by any person with respect to the draft before the date so specified.

When any bye-law made by a municipality is submitted to the Governor in Council for sanction, a copy of every objection or suggestion so made, and of the notice published as aforesaid, shall be submitted for the information of the Governor in Council along with the said bye-law.

35. Any rules or bye-laws made with the approval of the Governor in Council by any municipality under section 14 of the principal Act, and now in force, shall continue in force, so far as they are consistent with this Act, until they shall be altered or rescinded under section 32 or section 33.

Continuance in force of present rules and bye-laws of municipalities.

36. The rules and bye-laws for the time being in force under sections 32, 33 and 35 shall be kept open at the municipal office for public inspection at all reasonable times, and printed copies thereof in the vernacular language of the district shall be kept on sale at a reasonable price.

Rules and bye-laws to be printed and sold.

IV.—CONTROL.

37. The Collector shall have power—

(a) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any municipality, or any work in progress under it or under its direction ;

Collector's powers of inspection and supervision.

(b) to call for any extract from any municipality's or any committee's proceedings, any book, or document in the possession of or under the control of a municipality and any return, statement, account, or report which he may think fit to require such municipality to furnish ;

(c)

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(c) to require a municipality to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipality, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipality, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

All or any of the powers given to the Collector by this section may be delegated by him to the Assistant or Deputy Collector in charge of a táluka in so far as concerns any municipality in such táluka.

Power of Commissioner of division to prevent extravagance in the employment of establishment.

38. If, in the opinion of the Commissioner of the division, the number of persons employed by a municipality as officers or servants, or whom a municipality proposes to employ, or the remuneration assigned by the municipality to those persons, or to any particular person, is excessive, the municipality shall, on the requirement of the said Commissioner, reduce the number or remuneration of the said persons or person :

Provided that the municipality may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

Collector's power of suspending execution of orders, &c., of municipalities.

39. If, in the opinion of the Collector, the execution of any order or resolution of a municipality, or the doing of anything which is about to be done or is being done by or on behalf of a municipality, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner of the division,

When a Collector makes any order under this section, he shall forthwith forward to the Commissioner of the division and the municipality affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the

discretion

discretion of the said Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

who may confirm or modify it.

The said Commissioner shall forthwith submit to Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner of the division could have made.

Every case under this section to be reported to Government for their final orders.

40. In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a municipality is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipality.

Extraordinary powers of Collector in case of emergency.

If the expense and remuneration are not so paid, the Collector may make an order directing the person who has custody of the balance of the municipal fund to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands, and the said person shall be bound to obey such order.

The Collector shall forthwith report to the Commissioner of the division every case in which he uses the powers given to him by this section.

41. If it shall at any time appear to the Governor in Council, on complaint made or otherwise, that any toll, cess, tax, fee or other impost leviable by a municipality, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, he may require the said municipality, within such period as he shall fix in this behalf, to take measures for removing any objection which appears to him to exist to the said toll,

Power of Government to suspend or prohibit levy of objectionable taxes.

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toll, cess, tax, fee or other impost, and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Governor in Council, he may, by notification in the *Bombay Government Gazette*, suspend the levy of such toll, cess, tax, fee or other impost, or of such part thereof, until such time as the objection thereto shall be removed.

The Governor in Council may, at any time, by a like notification, rescind any such suspension.

Power of Government to provide for performance of duties in default of municipality.

42. When the Governor in Council is informed, on complaint made, or other wise, that a municipality has made default in performing any duty imposed on it by or under this Act, the Governor in Council, if satisfied after due inquiry that the municipality has been guilty of the alleged default, may fix a period for the performance of that duty.

If that duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipality.

If the expense and remuneration are not so paid, the Governor in Council may make an order directing the person who has custody of the balance of the municipal fund to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands, and the said person shall be bound to obey such order.

Power of Government to supersede municipality in case of incompetency, default, or abuse of powers.

43. If, in the opinion of the Governor in Council, a municipality is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Governor in Council may, by an order published, with the reasons for making it, in the *Bombay Government Gazette*, declare the municipality to be incompetent, or in default, or to have exceeded or abused

abused its powers, as the case may be, and supersede it for a period to be specified in the order.

When a municipality is so superseded, the following consequences shall ensue:—

Consequences of exercise of such power.

(a) all commissioners of the municipality shall, as from the date of the order, vacate their offices as such commissioners ;

(b) all powers and duties of the municipality may, during the period of supersession, be exercised and performed by such person or persons as the Governor in Council, from time to time, appoints in that behalf ;

(c) all property vested in the municipality shall, during the period of supersession, vest in Government.

On the expiration of the period of supersession specified in the order, the municipality shall be re-established by the election or appointment of new commissioners under the provisions of this Act applicable thereto.

44. In all matters connected with this Act, the Governor in Council, the Commissioners of divisions and the Collectors shall have and exercise the same authority and control over the Commissioners of divisions, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

Powers of Government and of the Commissioners of divisions over Collectors, &c.

V.—MISCELLANEOUS.

45. If any commissioner, officer or servant of a municipality has, directly or indirectly, any share or interest in any work done by order of a municipality or in any contract with or under that municipality, he shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees :

Penalty for commissioner, officer or servant of a municipality being interested in any contract, &c., with that municipality.

Provided that the penalty herein prescribed and the disqualification for a municipal commissionership prescribed

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prescribed in section 16, clause (f), shall not be deemed to apply by reason only of a person—

(a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the municipality, or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipality may be inserted, or

(c) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipality, or

(d) being professionally engaged on behalf of the municipality as a legal practitioner.

Nevertheless it shall not be lawful for a person having any share or interest such as is described in the above clauses (a) and (b) to act as a commissioner in any matter relating to a contract or agreement between the municipality and such company or the manager or publisher of such newspaper.

Municipal
commis-
sioners, &c.,
to be public
servants.

46. Every commissioner and every officer and servant of a municipality, and every farmer or agent for the recovery of any toll, cess, tax, fee or other impost on behalf of a municipality, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Powers and
duties of
Govern-
ment to be
discharged
in Sind by
the Com-
missioner.
Limitation
of suits, &c.

47. The powers and duties conferred and imposed by this Act on the Governor in Council or the Government, except those so conferred and imposed by sections 13, 38, 39, 43 and 44, shall, in Sind, be exercised and performed by the Commissioner.

48. No action shall be commenced against any municipality, or against any officer or servant of a municipality, or any person acting under the orders of a municipality, for anything done, or purporting to have been done, in pursuance of this Act, or of the principal Act, without giving to such municipality, officer, servant, or person one month's previous notice in writing of the intended action and of the
cause

II. OF 1884.] *Act Amendment Act, 1884.*

cause thereof, nor after three months from the date of the act complained of ;

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

49. The following amendments shall be made in the principal Act, namely :

Amendment of Bombay Act VI. of 1873 ;

(a) in section 3 the following definition of the word "street" shall be substituted for the existing one, namely :—

amendment of section 3 ;

"The word 'street' shall mean any street, way, road, square, court, alley or passage, over which the public have a right of way, or which is used by the public as a means of access" ;

(b) in section 17, clause (c), before the word "street" insert the word "public" and in clause (f) for the words "and spaces" the words "not being portions of provincial highroads or trunk roads specially reserved by Government" shall be substituted ;

amendment of section 17 ;

(c) to section 21 the following clause shall be added, namely :

new clause added to section 21 ;

"*Clause 5.*—If any tax imposed under this section is a tax on pilgrims resorting periodically to a shrine within the limits of a municipal district, the Governor in Council may require the municipality of such district to assign and pay to the district local board or to the taluka local board having authority in the taluka in which such municipal district is situate, or partly to the said district local board and partly to the said taluka local board, such portion of the total collections on account of such tax as he shall deem fit ; and the portion so assigned shall be expended

Taxes on pilgrims may be assigned in part to local boards.

The Bombay District Municipal [BOM. ACT NO.

expended by the said board or boards, within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims”;

amendment
of section
23;

(d) in section 23 for the words and figures “Local Funds District constituted under Bombay Act III. of 1869” the words “area subject to the authority of a local board or of a cantonment committee, or out of any public funds” shall be substituted;

new section
substituted
for section
24;

(e) for section 24 the following section shall be substituted, namely :

Duties of
municipalities.

“24. It shall be the duty of every municipality to make adequate provision, out of the municipal property and funds, for the following matters within the municipal district under its authority, namely :

- (1) lighting of public streets, places and buildings;
- (2) watering public streets and places;
- (3) cleansing of public streets, places and sewers, scavenging, removing of noxious vegetation, and the abatement of all public nuisances;
- (4) extinguishing of fires and protecting of life and property when fires occur;
- (5) regulating or abating offensive or dangerous trades or practices;
- (6) removing obstructions and projections in public streets or places;
- (7) securing or removing dangerous buildings or places and reclaiming unhealthy localities;
- (8) providing, changing and regulating places for the disposal of the dead;
- (9) constructing, altering and maintaining public streets, bridges, causeways, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, baths, washing-places

- washing-places, drinking fountains, tanks, wells, dams, and the like ;
- (10) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;
 - (11) naming of streets and numbering of houses ;
 - (12) public vaccination and the registration of births and deaths ;
 - (13) establishing and maintaining public hospitals and dispensaries and providing public medical relief ;
 - (14) providing special medical aid and accommodation for the sick in time of epidemic disease ;
 - (15) establishing and maintaining middle class and primary schools ;
and municipalities may, at their discretion, provide out of the said property and funds, either wholly or partly, for the cost of—
 - (16) erecting or maintaining public parks, gardens, libraries, museums, colleges, schools other than middle class or primary schools, lunatic asylums, halls, offices, dharmshálas, rest-houses and other public buildings ;
 - (17) planting and maintaining of road-side and other trees ;
 - (18) the taking of a census, and any lawful sanitary measure ;
 - (19) the establishment and maintenance of relief and relief-works in time of famine or scarcity ;
 - (20) a survey ;

Discretionary powers of expenditure of municipalities.

The Bombay District Municipal [DM. ACT NO.

(21) any other measure likely to promote the public safety, health, convenience or education.

Management of public institutions maintained by municipalities to vest in them.

The management, control and administration of every public institution maintained out of municipal property and funds shall vest in the municipality which maintains the same: Provided that the extent of the independent authority of any municipality in respect of public education and its relations with the Government Educational Department shall from time to time be prescribed by Government ” ;

Amendment of sections 26 and 57 ;

(f) in clause 2 of section 26, and also in clause 2 of section 57, the words “ of the said municipality ” shall be substituted for the words and figures “ contemplated in section 14 of this Act ” ;

amendment of section 30 ;

(g) for the first portion of section 30, clause 1, down to and inclusive of the words “ setting back,” the following words shall be substituted, namely :—

“ *Clause 1.*—If any part of a house or building projects beyond the regular line of a public street either as existing or determined upon for the future, or beyond the front of the house or building on either side thereof, the municipality may, whenever such house or building has been either entirely or in greater part taken down or burned down or has fallen down, or if the projecting part thereof is a platform, verandah, step or some other structure external to the main house or building, at any time, by written notice, require such house or building, when being rebuilt, to be set back to or towards the said regular line, or the front of the adjoining houses or buildings, or the part or some portion of the part, projecting beyond the said regular line, or the front of the adjoining houses or buildings, to be removed, as the case may be, and the portion

portion of land added to the street by such setting back or removal ;”

(h) in section 69 for the words “ as a soap-house, oil-boiling house, dyeing-house, tannery” the words “for salting and curing fish, soap-making, oil-boiling, dyeing, tanning, or the manufacture of leather or leather goods, or as a” shall be substituted ;

amendment
of section
69 ;

(i) in section 84 for the word “taxes” the words “cesses or other taxes, and such penalties in addition to the said arrears, not exceeding in any case one-fourth of the amount of the arrear, as shall be adjudged by the said Magistrate, and all arrears of” shall be substituted ;

amendment
of section
84 ;

(j) for clause 1 of section 88, the following clause shall be substituted, namely :—

new clause
substituted
for clause 1
of section
88 ;

“88. *Clause 1.*—Every municipality shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the municipal fund during the period since the 1st day of April last preceding, and at the general meeting in April a complete account of such receipts and expenditure for the financial year ending the 31st March last preceding, together with a budget estimate of the income and expenditure of the municipality for the financial year then just commenced ;”

Quarterly
and annual
accounts.

Budget
Estimates.

(k) in section 89 the words “ of the municipality ” shall be substituted for the words and figures “ required by section 14 of this Act ;”

Amend-
ment of sec-
tion 89.

(l) in section 94 the word “ public ” shall be inserted before the word “ inspection.”

amendment
of section
94.

The Bombay District Municipal Act Amendment Act, 1884.

SCHEDULE (*see Section 3*).

Enactments.	Subject.	Extent of Repeal.
Bombay Act VI. of 1873.	For the better management of municipal affairs in mofussil towns and cities.	<p>In Section 3 the words and figures "by Regulation XVI. of 1827, or" and the definitions of "place" and "bazaar."</p> <p>Sections 4 to 16, both inclusive.</p> <p>In section 17, clause (f), the two last words.</p> <p>Section 19, clause 1, and section 20.</p> <p>In section 22 the words and figures "The rates of such fees shall be specified in the rules contemplated in section 14 of this Act."</p> <p>Sections 27, 70, 72 and 86.</p> <p>In section 87, clause 2, the words "Collectors and other."</p> <p>Sections 91, 92 and 93.</p> <p>In section 94 the word "similarly."</p> <p>Sections 95, 96, 97, 98 and 99.</p>
Bombay Act I. of 1879.	To facilitate the introduction of the Bombay District Municipal Act into Sind.	The whole.

BOMBAY ACT No. I. OF 1885.

[Received the assent of the Governor of Bombay on the 18th December 1884, and of the Governor General on the 19th January 1885, and published by the Governor of Bombay on the 30th January 1885.]

An Act to legalize the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.

WHEREAS certain deficits of interest which accrued due in the years 1873 to 1877, both inclusive, aggregating Rs. 2,36,013-11-9, were paid, on the 25th day of January 1884, by the Trustees of the Port of Bombay to the Secretary of State for India in Council out of the surplus revenue to the credit of the General Account of the Trust for the year 1882-83, and the said amount was held in hand by the said Trustees, pending settlement and payment of the amount due as aforesaid in lieu of being applied as directed in Section 51 of the Bombay Port Trust Act, 1879;

and whereas it is expedient to legalize the payment so made by the Trustees;

It is hereby enacted that, notwithstanding anything contained in the Bombay Port Trust Act, 1879, the said sum of Rs. 2,36,013-11-9 shall be deemed to have been lawfully paid by the said Trustees to the said Secretary of State.

[Price—Quarter Anna.]

BOMBAY ACT No. II OF 1885.

[Received the assent of the Governor of Bombay on the 18th December 1884, and of the Governor General on the 22nd January 1885, and published by the Governor of Bombay on the 30th January 1885.]

An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Fund of the Bombay International Exhibition and to enable the Municipal Commissioner of Bombay to be a Member of the Executive Committee of Management of the said Exhibition.

WHEREAS it is proposed to hold an International Exhibition in Bombay in the year 1886-87 or 1887-88 and the Municipal Corporation of the city of Bombay has entered into an agreement dated the 11th July 1884 and signed by the Municipal Commissioner of the city of Bombay with the Trustees of the Executive Committee of Management of the said Exhibition and other persons for the purpose of guaranteeing the said Committee against loss and it is expedient to give legal effect to the said agreement ;

and whereas it is also expedient to enact that the Municipal Commissioner for the city of Bombay shall not be incompetent to be a member of the Executive Committee of Management of the said Exhibition, and, in the event of his becoming a member of the said Committee, to provide for the appointment of a Deputy Municipal Commissioner to aid him in the discharge of his municipal duties ; It is enacted as follows :—

1. The agreement so entered into by the Municipal Corporation of the city of Bombay as aforesaid, shall, anything contained in the Bombay Municipal Corporation may guarantee the Committee

[Price—Quarter Anna.]

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of Management of the Bombay International Exhibition against loss to the extent of a lách of rupees. Acts of 1872 and 1878 to the contrary notwithstanding, be a valid and binding contract between the said Municipal Corporation and the said Trustees and other persons; and all property vested in the said Corporation, and all funds received or raised by them shall be lawfully applicable to the discharge of any sum or sums for which the said Corporation may become liable by the terms of the said agreement: Provided that the amount for which the municipal fund shall by such agreement be rendered liable shall not exceed a lách of rupees.

Municipal Commissioner may be a member of the Executive Committee of Management. 2. Nothing in section 43 of the Bombay Municipal Act of 1872, as amended by section 16 of the Bombay Municipal Act Amendment and Continuance Act, 1878, shall be deemed to prevent the Municipal Commissioner for the city of Bombay from being a member of the Executive Committee of Management of the said Exhibition or from devoting, as a member of the said Committee, such share of his time and attention as he shall think fit and necessary to the affairs of the said Exhibition.

Government may appoint a Deputy Municipal Commissioner, if the Municipal Commissioner becomes a member of the Executive Committee of Management. 3. Government may at any time, and from time to time, appoint a Deputy Municipal Commissioner, if, by reason of the Municipal Commissioner being a member of the Executive Committee of Management of the said Exhibition, it shall appear expedient so to do, and any such appointment may be for such period as Government shall deem proper.

Government may appoint a Deputy Municipal Commissioner, if the Municipal Commissioner becomes a member of the Executive Committee of Management.

A Deputy Commissioner so appointed shall:

receive allowances to be fixed by Government;

4. A Deputy Municipal Commissioner so appointed shall:

(a) receive such allowances as shall from time to time be fixed by Government;

II. OF 1885.]

(b) assist the Municipal Commissioner in the performance of his duties under the Bombay Municipal Acts of 1872 and 1878. assist the Municipal Commissioner in the discharge of his duties.

And all acts and things performed and done by a Deputy Municipal Commissioner by virtue of, and during his tenure of, the office of Deputy shall, for all purposes, be deemed to have been performed and done by the Municipal Commissioner.

5. If the Municipal Corporation shall sanction the payment of the allowances of the Deputy Municipal Commissioner, or of any portion thereof, from the municipal fund, such payment shall be deemed to be a purpose expressly authorized by the Bombay Municipal Act of 1872, within the meaning of section one hundred and thirty-six thereof: Provided that no such payment shall be made out of the municipal fund without the sanction of the said Corporation. Allowances of Deputy Commissioner may be paid, with the consent of the Corporation, from the municipal fund.

BOMBAY ACT No. III. OF 1885.

Received the assent of the Governor of Bombay on the 18th June 1885, and of the Governor General on the 30th June 1885, and published by the Governor of Bombay on the 2nd July 1885.]

An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.

WHEREAS it is expedient to make provision for the temporary appointment, whenever necessary, of a Deputy Municipal Commissioner for the City of Bombay; it is enacted as follows:—

1. Government may at any time, and from time to time, appoint a Deputy Municipal Commissioner for the City of Bombay, if it shall for any reason appear expedient so to do, and any such appointment may be for such period as Government shall deem proper.

Government may whenever necessary, appoint a Deputy Municipal Commissioner for the City of Bombay.

2. A Deputy Municipal Commissioner so appointed shall:

Allowances and duties of a Deputy Municipal Commissioner so appointed.

(a) receive such allowances as shall from time to time be fixed by Government;

(b) be subordinate to and assist the Municipal Commissioner in the performance of his duties under the Bombay Municipal Acts of 1872 and 1878.

And all acts and things performed and done by a Deputy Municipal Commissioner by virtue of and during his tenure of the office of Deputy shall, for all purposes, be deemed to have been performed and done by the Municipal Commissioner.

[*Price—Quarter Anna.*]

Allowances of a Deputy Municipal Commissioner may be paid with the sanction of the Corporation from the municipal fund.

3. If the Municipal Corporation of the City of Bombay shall sanction the payment of the allowances of a Deputy Municipal Commissioner, or of any portion thereof, from the municipal fund, such payment shall be deemed to be a purpose expressly authorized by the Bombay Municipal Act of 1872, within the meaning of Section 136 of that Act: Provided that no such payment shall be made out of the municipal fund without the sanction of the said Corporation.

Repeal of portion of Bombay Act II. of 1885.

4. Sections 3, 4 and 5 of Bombay Act II. of 1885 (*An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Fund of the Bombay International Exhibition and for other purposes*) and the words "and, in the event of his becoming a member of the said Committee, to provide for the appointment of a Deputy Municipal Commissioner to aid him in the discharge of his municipal duties," in the preamble of the said Act are repealed.

Repealed.

BOMBAY ACT No. IV. OF 1885.

[Received the assent of the Governor of Bombay on the 3rd August 1885, and of the Governor General on the 17th September 1885, and published by the Governor of Bombay on the 20th October 1885.]

An Act to amend the Bombay Local Boards Act, 1884, and the Bombay District Municipal Act Amendment Act, 1884.

Whereas it is expedient to amend the Bombay Local Boards Act, 1884, in manner, hereinafter appearing ; It is enacted as follows :

1. For clause (c) of section 11 of the said Act the following shall be substituted, namely :

“(c) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf.”

2. The first paragraph of section 42 of the said Act is repealed.

3. In paragraph two of section 50 of the said Act the words “or of a letter of credit” shall be inserted after the word “cheque”.

4. In clause (b) of section 57 of the said Act the words “for which” shall be omitted.

And whereas it is also expedient to amend the Bombay District Municipal Act Amendment Act, 1884, in manner hereinafter appearing ; It is further enacted as follows :

[Price—Three Pies.]

Amend-
ment of
clause (c),
section 11
of Bombay
Act I, of
1884.

Repeal of
paragraph
1 of section
42.

Amend-
ment of sec-
tion 50.

Amend-
ment of sec-
tion 57,
clause (b).

Amend-
ment of
section 16,
clause (c)
of Bombay
Act II. of
1884.

5. For clause (c) of section 16 of the said Bom-
bay District Municipal Act Amendment Act, 1884,
the following shall be substituted (namely):

“(c) who has been sentenced by a criminal
court to imprisonment or whipping for an offence
punishable with imprisonment for a term exceed-
ing six months, or to transportation, such sentence
not having been subsequently reversed or quashed
and whose disqualification on account of such
sentence has not been removed by an order which
the Governor in Council is hereby empowered to
make, if he shall think fit, in this behalf.”

RW 80/11/5-

BOMBAY ACT No. I. OF 1886.

[Received the assent of the Governor of Bombay on the 9th February 1886, and of the Governor General on the 18th February 1886, and published by the Governor of Bombay on the 19th February 1886.]

An Act to remove certain doubts in the construction of Section 9B of the Bombay Municipal Acts of 1872 and 1878.

Bo. III of
1872 & IV
of 1878.

WHEREAS doubts are entertained as to the power of Government, in rules framed by it under Section 9B of the Bombay Municipal Acts of 1872 and 1878, to divide the city of Bombay, for the purposes of elections by ratepayers, of members of the Municipal Corporation of the said city, into wards and to restrict the right of persons qualified to vote at any such election to voting in one ward and for one candidate only, and it is expedient to remove such doubts; It is enacted as follows:—

1. No rule which purports to have been framed by Government under the said section, either before or after the date when this Act comes into force, shall be deemed to have been, or to be invalid merely by reason :

Rules providing for ratepayers' elections by wards not to be deemed invalid.

- (a) that it divides the city of Bombay into wards and distributes the thirty-two members of the said Corporation to be elected at a ratepayers' election amongst the said wards and requires that the number of the said members so allotted to each such ward shall be returned for the prescribed ward only; or
- (b) that it contemplates the entry by the Municipal Commissioner of the names of persons qualified to vote at ratepayers' elections in the list to be prepared by him under Section 9D of the said Acts in one or more wards; or
- (c) that it prescribes the ward in which each person qualified to vote at ratepayers' elections shall exercise that right and restricts such person's right to voting at elections of members for the one ward so prescribed and for one candidate only at each such election.

[Price—Three Pies.]

BOMBAY ACT No. II. OF 1886

X [Received the assent of the Governor of Bombay on the 7th August 1886, and of the Governor General on the 25th August 1886, and published by the Governor of Bombay on the 28th August 1886.]

An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from Town-duties.

WHEREAS it is expedient to enable the Municipal Corporation of the City of Bombay to increase their revenue from town-duties, with effect from the first day of October 1886, and for this purpose to amend the Schedule B. annexed to the Bombay Municipal Acts of 1872 and 1878; It is enacted as follows:—

Bo. III of 1872 & IV of 1878.

New Schedule substituted for Schedule B to Bombay Acts III of 1872 and IV of 1878.

1. On and from the first day of October, 1886, the following schedule shall be deemed to be substituted for the Schedule B. annexed to the said Acts (namely):—

“SCHEDULE B.

(Referred to in Section 114.)

TOWN-DUTIES.

Articles liable to Duty.	Maxima rates leviable.
(1) Grain of all sorts ...	6 annas per candy.
(2) Wines and Spirits ...	4 do. per imperial gallon.
(3) Beer	$\frac{1}{2}$ anna per do.
(4) Petroleum, as defined in the Petroleum Act, 1886.	$\frac{1}{2}$ do. per do. XII of 1886
(5) Sugar, Molasses and Goor ...	8 annas per hundred-weight.
(6) Ghee	10 do. per Bombay maund.
(7) Timber, excluding Railway sleepers.	$2\frac{1}{2}$ per cent. on market value.
(8) Fire-wood	2 annas per candy.”

[Price— $\frac{1}{4}$. Anna.]

2. Notwithstanding anything contained in the The Municipal Corporation Act, 1862, as amended by the Bombay Municipal Act, 1882, Bo. IV of said Acts, as amended by the Bombay Municipal Act, 1882—
 1882. Amendment Act, 1882—

(a) it shall be lawful for the said Corporation, by resolution at a special general meeting held at any time within one month from the date when this Act comes into force, to fix with reference to the said substituted schedule, the articles on which and the rates at which town-duties shall be levied for the half-year commencing on the first day of October, 1886;

(b) any resolution so made by the said Corporation shall have effect, during the said half-year, in supersession of the resolution made by the said Corporation in the month of January, 1886, fixing, under Sections 67 and 115 of the said Acts, as so amended, the rates at which and the articles on which town-duties shall be leviable for the year 1886-87.

BOMBAY ACT NO. III. OF 1886.

Bo. X. of
1866.

An Act to amend the Bombay General Clauses Act, 1866, and to shorten the language of the enactments of the Governor of Bombay in Council.

[The assent of the Governor-General of India to this Act was first published by the Governor of Bombay on the 25th September 1886.]

Bo. X. of
1866.

WHEREAS it is expedient to amend the Bombay General Clauses Act, 1866, and to make other provisions for shortening the language of the enactments of the Governor of Bombay in Council, and for explaining their meaning; It is enacted as follows :—

1. This Act may be cited as “The Bombay Short Title. General Clauses Act, 1886.”

2. The Acts of the Governor of Bombay in Council mentioned in Schedule A are repealed to the extent specified in the third column of the said schedule. ^{Enactments repealed.}

The words quoted in the fourth column of Schedule B from the enactments made by the Governor of Bombay in Council respectively mentioned in the previous columns of the said schedule are repealed, and, where such intention is expressed in the said schedule, the words contained in the fifth column thereof shall be deemed to be substituted respectively for the words so repealed.

3. In this Act and in all Regulations and Acts made by the Governor of Bombay in Council, unless there be something repugnant in the subject or context :—

(1) words importing the masculine gender include females ;

(2)

[Price 2 annas.]

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- Number. (2) words in the singular include the plural, and *vice versa*;
- " Person." (3) " person " includes a company or association or body of individuals, whether incorporated or not;
- " Year " and " Month." (4) " year " and " month " mean, respectively, a year and a month reckoned according to the British calendar;
- " British India." (5) " British India " means the territories for the time being vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106 (*an Act for the better Government of India*), other than the settlement of Prince of Wales' Island, Singapore and Malacca;
- " Presidency of Bombay." (6) " presidency of Bombay " means the territories within British India for the time being under the administration of the Governor of Bombay in Council;
- " City of Bombay." (7) " city of Bombay " means the area within the local limits for the time being of the ordinary original civil jurisdiction of the Bombay High Court of Judicature;
- " Her Majesty." (8) " Her Majesty " includes Her heirs and successors to the Crown;
- " Government of India." (9) " Government of India " means the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, in respect of the powers which may be lawfully exercised by them or him respectively;
- " Govern- ment." (10) " Government " means the Governor of Bombay in Council;
- " Commis- sioner." (11) " Commissioner " means, in Sind, the Commissioner in Sind, and elsewhere the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879, or any other law for the time being in force in this behalf;
- Bo. V. of 1879.

(12)

- X. of 1882. (12) "Collector" means, in the city of Bombay, the Collector of Bombay, and elsewhere, the chief local officer in charge of the revenue administration of a district; "Collector."
- XLV. of 1860. (13) "Magistrate" means any person exercising magisterial powers under the Code of Criminal Procedure; "Magistrate."
- XLV. of 1860. (14) "imprisonment" means imprisonment of either description as defined in the Indian Penal Code; "Imprisonment."
- XLV. of 1860. (15) "to abet" means to abet within the meaning of that term as defined in the Indian Penal Code. "To abet."
- (16) "immoveable property" includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth; "Immoveable property."
- (17) "moveable property" means property of every description, except immoveable property; "Moveable property."
- (18) "vessel" means anything made for the conveyance by water of human beings or of property; "Vessel."
- (19) in every case in which a person is by law allowed to affirm or to declare instead of swearing, "oath" includes an affirmation, and "affidavit" includes a declaration, and to "swear" includes to affirm or declare; "Oath," "affidavit," "swear."
- (20) "writing" and "written" include printing, lithography, photography, engraving, and every other mode in which words or figures can be expressed on paper or on any substance; "Writing," "written."
- (21) "chapter", "part", "section", and "schedule" mean, respectively, a chapter, part or section of, and a schedule annexed to, the enactment in which the word occurs; "Chapter," "Part," "Section" and "Schedule".
- (22) "from" and "to", when used with reference to a series of days or other periods of time, respectively, "From" and "To".

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respectively, exclude and include the first and the last of the days or other periods in such series.

Official
chiefs and
subordi-
nates.

4. For the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior.

Successors.

5. For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations.

Substitu-
tion of func-
tionaries.

6. For the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

Revival of
repealed
enactments.

7. No provision of any Regulation or Act which has been repealed shall be deemed to be revived by any enactment of the Governor of Bombay in Council, unless such intention is expressly stated in the enactment.

Matters
done under
an enact-
ment before
its repeal to
be unaffec-
ted by the
repeal.

8. The repeal of any Regulation or Act by any enactment of the Governor of Bombay in Council shall not, unless a contrary intention is expressed, be deemed to affect anything done or any offence committed or any fine or penalty incurred or any proceeding commenced before the repealing enactment came or comes into force.

Publication
of orders
and notifica-
tions in the
Bombay
Government

9. Whenever in any enactment of the Governor of Bombay in Council or in any rule passed under any such enactment it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless
the

the enactment otherwise provides, be deemed to be *Gazette to*
duly made if it is published in the *Bombay Govern-* be deemed
ment Gazette. to be due
publication.

10. Whenever in any Act of the Governor of Commence-
Bombay in Council no time is mentioned at which ment of
the same shall come into force, such Act shall be Acts in
deemed to have come into force or shall come into which no
force, as the case may be, upon the first publication time for
by the Governor of Bombay of the assent of the their
Governor General of India thereto. coming into
force is ex-
pressly men-
tioned.

In every such Act the date of the said publication shall be printed either above or below the title of the Act and shall form part of such Act.

11. Whenever by any enactment of the Governor of Bombay in Council, Government is empowered to extend or apply an Act or any provision of an Act to any place in, or to any portion of the presidency of Bombay, the Government may, in any order extending or applying such Act or provision, or in a subsequent order, notify the time at which the same shall come into force in the place or portion of the presidency to which it is so extended or applied ;

and, unless it is otherwise provided in the Act, Government may, by notification in the *Bombay Government Gazette*, from time to time postpone the time at which the Act or provision shall come into force in such place or portion of the presidency, or cancel the order for extending or applying the same to such place or portion of the presidency :

Provided that no order postponing the time at which an Act or provision shall come into force, or cancelling an order for extending or applying the same, shall be made after the Act or provision has actually come into force in the place or portion of the presidency to which such order relates.

12. The provisions of sections sixty-three and sixty-eight to seventy, both inclusive, of the Indian Penal Code shall be deemed to apply to every fine imposable

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Code applicable to fines. impossible under any enactment of the Governor of Bombay in Council, unless a contrary intention is expressed in the enactment or appears from the subject or context.

Sections 3 to 12 to apply to all enactments of the Governor of Bombay in Council in force. 13. Sections three to twelve, both inclusive, apply to all enactments of the Governor of Bombay in Council now in force or which shall hereafter at any time be in force.

SCHEDULE A.

Acts of the Governor of Bombay in Council repealed.

Number and year.	Subject or Short Title.	Extent of repeal.
IV. of 1862	Markets and Fairs	Section 11.
VI. of 1862	Relief of Ahmedabad Talukdárs.	Section 21, cla. (2) and (3).
I. of 1863	Registry of Vessels on Indus.	Section 18.
II. of 1863	Summary Settlement of claims to exemption from land-revenue.	Section 16, cl. (a).
V. of 1863	Gas Company	So much of section 28 as relates to words importing the singular or the plural number or the masculine gender; and the definitions, in the same section, of the words "person" and "Magistrate."
VII. of 1863	Summary Settlement of claims to exemption from land-revenue.	Section 32, cl. (a).
III. of 1865	Avoiding of Wagers	Section 5.

SCHEDULE A—continued.

Number and year.	Subject or Short Title.	Extent of repeal.
VII. of 1866 ...	Hindu Heirs' Relief Act.	The latter part of section 7, commencing with and inclusive of the words "and unless."
VIII. of 1866 ...	Sale of Poisons ...	In section 2, the definitions of the words "month" and "person."
X. of 1866 ...	General Clauses Act ...	The whole Act.
VI. of 1867 ...	Sanitary regulation of city of Bombay.	Section 15.
VII. of 1867 ...	Bombay District Police Act.	In section 1 the definitions of "Magistrate of the district" and "Magistrate."
II. of 1871 ...	Duties on Non-agricultural classes.	In section 1 the definition of "Collector."
VI. of 1873 ...	Bombay District Municipal Act.	In section 3 the definitions of "Collector," "Magistrate of the district" and "Magistrate."
VII. of 1873 ...	Salt revenue ...	In section 1 the definition of "vessel."
II. of 1876 ...	Bombay City Land-revenue.	In section 3 the definition of "Collector."
III. of 1878 ...	Bombay License Act ...	Section 2.
V. of 1878 ...	Bombay Ábkári Act ...	Section 57
IV. of 1879 ...	Karáchi Vaccination Act.	Section 28.
V. of 1879 ...	Bombay Land Revenue Code.	Section 3, cls. (22) and (23).
VI. of 1879 ...	Bombay Port Trust Act.	Section 3, cl. (3).
I. of 1880 ...	Khoti Settlement Act ...	Section 3, cl. (11).
I. of 1884 ...	Bombay Local Boards Act.	Section 3, cl. (2).

SCHEDULE B.

Verbal amendments made in the Regulations and Acts of the Governor of Bombay in Council.

Enactment.			Words repealed	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
REGULATIONS.				
XII. of 1827	19	1	"Magistrate" ...	"District Magistrate."
	"	6	"the Magistrate" (the first time the words occur).	"the District Magistrate."
	"	"	"the Magistrate" (the second time the words occur).	"any Magistrate."
	"	"	"ordinary" ...	"simple."
	"	"	"without labour" ...	"....."
	"	7	"Magistrate" (the first time the word occurs).	"District Magistrate."
	"	"	"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held."
	"	8	"The Magistrate shall also."	"Any Magistrate may."
	20	...	"Magistrate" ...	"District Magistrate."
	27	2	"Magistrate" (each time the word occurs).	"District Magistrate."
	"	"	"ordinary" ...	"simple."
	"	"	"without hard labour" ...	"....."
	37	1	"Magistrate" ...	"District or Sub-divisional Magistrate."
XXII. of 1827	19	...	"the Magistrate"	"a Magistrate."
	21	1	"local"	"District."
	"	2	"Magistrate"	"District Magistrate."
	40	..	"Magistrate"	"District Magistrate."
	41	1	"local"	"District."
	42	1	"local"	"District."
	42	2, 3, 4	"Magistrate" (each time the word occurs).	"District Magistrate."

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
REGULATIONS.				
XXV. of 1827	4	2	"Magistrate" (both times the word occurs).	"District Magistrate"
	7	...	"Magistrate"	"District Magistrate."
ACTS.				
I. of 1862 ...	1	...	"annexed to this Act."	.....
IV. of 1862	1	...	"the Magistrate" (the second time the words occur).	"a Magistrate of the first class."
	6	...	"calendar"	.....
	6	...	"Magistrate"	"District Magistrate."
	"	...	"this Act"	"section four."
	"	...	"of Police"	.....
	7	...	"of either kind"	.....
	"	...	"calendar"	.....
	10	...	"Magistrate"	"District Magistrate."
	"	...	"of Police"	.....
V. of 1862 ...	3	...	"calendar"	.....
VI. of 1862 ...	8 and 9	...	"calendar" (each time the word occurs).	.....
	21	...	"The following words and expressions."	.....
	"	...	"shall have the meanings hereby assigned to them."	.....
	"	...	"(that is to say)"	.....
I of 1863 ...	6	...	"Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind."	"of the first class."
	12	...	Do.	Do.
	11	...	"of this Act"	.....
II. of 1863 ...	2	...	"of this Act" (the first time the words occur).	.....
	3, 4, 5, 7, 8, 10, 11 and 13.	...	"of this Act" (each time the words occur).	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>ACTS—contd.</i>				
II of 1863 ...	4, 5 and 11.	...	"calendar" (each time the word occurs).	.....
	5 and 11.	...	"collectorate or" (each time the words occur).	.....
	11	4	"collectorate "	"district."
	"	6	"collectorate" (each time the word occurs).	"district."
III. of 1863...	1 and 2	...	"to this Act" (each time the words occur).	.....
V. of 1863 ...	20	...	"of this Act "	.....
VI. of 1863...	6, 9 and 11.	...	"of this Act" (each time the words occur).	.....
	36	...	The last thirteen words of the section.	.....
VII. of 1863 .	6	...	"of this Act" (the first time the words occur).	.....
	7, 8, 9, 11, 12, 13 and 26.	...	"of this Act" (each time the words occur).	.....
	9	1 and 2	"collectorate or" (each time the words occur).	.....
	"	3, 4, 6 and 7	"collectorate" (each time the word occurs).	"district."
	"	8	"calendar."	... ..
	"	9	"Revenue "	.....
VII. of 1863 .	9	9	"of the division "	... ..
	12	...	"or Sub-Collector "	... ..
	20	2	"annexed "	.....
III. of 1866..	2	...	"of this Act" (the first time the words occur).	.....
	3, 4 and 11	...	"either simple or rigorous" (each time the words occur).	.....
	"	...	"calendar" (each time the word occurs).	.....
	8 and 10	...	"of this Act "	.....
VII. of 1866 .	6	...	"of this Act "	.....
VIII. of 1866.	2	...	"to this Act annexed "	.....
	3, 4 and 13	...	"annexed to this Act" (each time the words occur).	.....
	18 and 19	..	"of this Act" (each time the words occur).	... ..

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—cond.</i>				
XII. of 1866 .	13	...	“or solemn affirmation ” ...	.....
	14	...	“or solemn affirmations ” ...	.....
	15	...	“or affirmed ” ...	.....
XIII. of 1866.	2, 3	...	“annexed to this Act ” ...	.....
	2, 3	...	“or affirmation ” (each time the words occur in either section).	.....
III. of 1867...	4	...	“the provisions of section 23 of ”;	.....
	”	...	“Magistrate” (the first time the word occurs) ;	“Magistrate of the first class.”
	”	...	“and within the limits” and all the following words to the end of the section.	.....
	5	...	“exercise the powers of a Magistrate within the meaning and for the purpose of the Code of Criminal Procedure and when it shall have been so notified by the Government, he shall”.	.....
	6	...	“the provisions of section 23 of ”;	.....
	”	...	“Subordinate Magistrate of the 1st or 2nd class ” ;	“Magistrate of the second or third class.”
	”	...	the last sixteen words of the section ;	.....
	11, 12, 13, 18, 19, 20, 24 and 25.	...	“with or without labour.” ...	.....
III. of 1867 .	14	...	“of this Act” (each time the words occur).	.....
	14	...	“be imprisoned without labour .”	“ simple im- prisonment.”
	17	...	“calendar ” ...	.....
	21	...	“of this Act” (the second time the words occur).	.....
	21	...	“with or without hard labour .”	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>ACTS—contd.</i>				
III of 1867...	23	...	"with or without hard labour."	.....
VI. of 1867...	5, 9 and 10.	...	"calendar"	.....
VII. of 1867.	'6	...	"of this Act" (each time the words occur).	.....
	"	...	"full";	.....
	"	...	"Magistrate"	"Magistrate of the first class."
	7	...	"all or any of the powers of a Magistrate."	"magisterial powers."
	8, 29 and 34.	...	"of this Act" (each time the words occur).	.....
	25, 26 and 29.	...	"of either kind" (each time the words occur).	.....
	34	...	"full-power Magistrate"	"Magistrate of the first class."
	39	...	"calendar" (each time the word occurs).	.....
	44	...	"of Police"	.....
VIII. of 1867	3, 4, 5, 15 and 18.	...	"of Police" (wherever in the said sections those words follow the word "Commissioner").	.....
	5 and 9	...	"Police" (in each place in which the word precedes the word "Commissioner").	.....
	18	...	"of this Act"	.....
II. of 1868 ...	17	...	"Revenue or Police"	.....
III. of 1869 ...	8	...	"of this Act"	.....
II. of 1871 ...	6	...	"hereto annexed"	.....
I. of 1872 ...	6 and 7	...	"the Local" (each time these words occur).	.....
III. of 1872 .	2	Definition of "Magistrate."	"all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure in force for the time being, as well as any."	"a."
V. of 1873 ...	5	...	The last three words	.....
	8	...	"hereunto annexed"	.....
	"	...	"to this Act annexed"	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>ACTS—contd.</i>				
V. of 1873...	9, 10, 23 and 24.	...	"of this Act" (each time the words occur).	.....
	22	...	"of this Act" (the first time the words occur).	.....
	"	...	"of either description" ...	.....
VI. of 1873...	61, 74 and 75.	...	"of this Act" (each time the words occur).	.....
VII. of 1873	30, 34, 37, 38, 56 and 60.	...	"of this Act" (each time the words occur).	.....
	33	2	The last three words ...	.....
	49, 51, 52, 54, 55.	...	"of either description, as defined in the Indian Penal Code" (in each place in which those words occur).	.....
	53	...	"of either description" ...	.....
	60	...	"or affirmation" ...	.....
I. of 1874 ...	In the pre- amble.	...	"to this Act" ...	.....
	4	...	The last three words ...	.....
	13	...	"of this Act" (the first time the words occur).	.....
	14	...	"of this Act" ...	.....
	29	...	"calendar" ...	.....
II. of 1874 ...	15, 33, 35 and 38.	...	"of this Act" (each time the words occur).	.....
III. of 1874...	3, 4, 6, 7, 10, 11, 12, 13, 21, 31, 37, 38, 39, 44, 47, 50, 53, 55, 59, 67, 73, 75, 76 and 83.	...	"of this Act" (each time the words occur).	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>ACTS—contd.</i>				
III. of 1874...	6	1	"Revenue" (each time the word occurs).	.....
	20	...	"of this Act" (the first time the words occur).	.....
	40	1	The last three words ...	.....
	73	2	"thereof" ... ..	.....
III. of 1874...	74	...	"revenue" ... ..	.....
	74	...	"appointed under Regulation V. of 1830, or other law in force for the time being."	.....
III. of 1875...	77	...	"empowered under the provisions of Bombay Act I. of 1868."	.....
	"	...	"so empowered" ... ..	.....
	84	...	"Revenue" ... ..	.....
III. of 1875...	7	...	"of either description" ...	.....
	"	...	"calendar" ... ..	.....
II. of 1876 ...	14, 16, 18, and 33.	...	"of this Act" (each time these words occur).	.....
	16	...	"hereunto annexed" ...	.....
III. of 1876...	31	...	"annexed to this Act" ...	.....
	15	...	"of this Act" ... ..	.....
I. of 1877 ...	3, 9, 16, 17, and 25.	...	"of this Act" (each time the words occur).	.....
	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	12	(b)	"of this Act" ... ..	.....
	19	...	"of this Act" (the first time the words occur).	.....
	23	(b)	"of this Act" ... ..	.....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur).	.....
	28	...	"The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to";	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>ACTS—contd.</i>				
1. of 1877 ...	28	...	"and all such fines" ...	.....
V. of 1878 ...	3	3	"means, in Sind, the Commissioner in Sind, and elsewhere a Commissioner of land-revenue, or if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer."	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act."
	3	4	"means a collector of land-revenue or."	"includes."
	45 and 50	...	"of this Act" (each time the words occur).	.....
IV. of 1879...	3	...	The last three words.	.....
	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	9, 16, 17, and 25.	...	"of this Act" (each time the words occur).	.....
	12	(b)	"of this Act" ...	.....
	19	...	"of this Act" (the first time the words occur).	.....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	.....
V. of 1879 ...	23	(b)	"of this Act" ...	.....
	2	...	"hereto annexed" ...	.....
	3	2	"of this Act" ...	.....
	10, 13, 18, 38, 86, 87, 161 and 216.	...	"of this Act" (each time the words occur).	.....
	23	...	"to this Act" ...	.....
	214	(h)	"of this Act" ...	.....
	215	...	"of either description within the meaning of the Indian Penal Code."	.....
VI. of 1879...	21 and 34	...	"of this Act" ...	.....

The Bobmay General Clauses Act, 1886.

SCHEDULE B—concluded.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—contd.</i>				
VII. of 1879 .	3	5	“means the head revenue officer of a district and.”	.....
	57	...	“of this Act” ... ..	... ..
	61 and 62	...	“of either description within the meaning of the said Code” (in each place in which these words occur).	... ..
	67	...	“of the division” ... ..	.....
I. of 1880 ...	3	7	“hereto annexed” ... ..	.....
	17 and 18	...	“of this Act” (each time the words occur).	.. ...
	33	(b)	“hereto annexed” ... ..	.....
I. of 1883 ...	3, 5 and 8	...	“of this Act” (each time the words occur).	.....
	3	...	“annexed to this Act” . ...	.....
II. of 1883 ...	In the preamble	...	“to this Act” ... ..	.....
	4	...	“to this Act” .. ...	.....
	17	...	“of this Act” (the first time the words occur).	.....
I. of 1884 ...	2	...	“hereto annexed” ... ..	... ..
II. of 1884 ...	3	...	“hereto annexed” .. ...	.....
	3, 4 and 5	...	“of this Act” (each time the words occur).	.....

BOMBAY ACT NO. IV. OF 1886.

An Act to amend the Bombay Land Revenue Code, 1879.

[The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 10th November 1886.]

Bo. V. of 1879. **W**HEREAS, for the purpose of assuring to holders of unalienated land the full advantage of all improvements in their holdings effected by them or at their cost, it is expedient to define more clearly the conditions affecting the revision of land-revenue assessments and, with this object, to amend the Bombay Land Revenue Code, 1879; It is enacted as follows :

1. For the latter portion of section one hundred and six of the said Code, beginning with and inclusive of the words "A revised assessment" the following words shall be substituted (namely):

Amendment of section 106.

"Provided that when a general classification of the soil of any area has been made a second time, or when any original classification of any area has been approved by the Governor in Council as final, no such classification shall be again made with a view to the revision of the assessment of such area."

2. For section one hundred and seven of the said Code the following section shall be substituted (namely):

Amendment of section 107.

"107. In revising assessments of land-revenue regard shall be had to the value of land and, in the case of land used for the purposes of agriculture, to the profits of agriculture :

Conditions applicable to revisions of assessment.

"Provided that if any improvement has been effected in any land during the currency of any previous settlement made under this Act, or under Bombay Act I. of 1865, by or at the cost of the holder thereof, the increase in the value of such land or in the profit of cultivating the same, due to the said improvement, shall not be taken into account in fixing the revised assessment thereof."

[Price— $\frac{1}{4}$ Anna.]

BOMBAY ACT No. V. of 1886.

An Act to amend Bombay Act III. of 1874.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 28th January 1887.)

WHEREAS it is expedient to amend the Bom- Bom. III. of 1874.
bay Hereditary Offices Act, 1874, in manner
hereinafter appearing; It is enacted as follows :

1. For section 5 of the said Act the following Amendment of section 5.
section shall be substituted (namely) :—

“ 5 (1). Without the sanction of Government it Prohibition of alienation of watan and watan rights.
shall not be competent :

(a) to a watandár to mortgage, charge, alienate or lease, for a period beyond the term of his natural life, any watan, or any part thereof, or any interest therein, to or for the benefit of any person who is not a watandár of the same watan ;

(b) to a representative watandár, to mortgage, charge, lease or alienate any right with which he is invested, as such, under this Act.

“ (2). In the case of any watan in respect of which a service commutation settlement has been effected, either under section 15 or before that section came into force, clause (a) of this section shall apply to such watan, unless the right of alienating the watan without the sanction of Government is conferred upon the watandárs by the terms of such settlement or has been acquired by them under the said terms.”

2. Every female member of a watan family other Female members to be postponed.
than the widow of the last male owner, and every person claiming through a female, shall be postponed, in the order of succession to any watan, or part thereof, or interest therein, devolving by inheritance after the date when this Act comes into force, to every

[Price—9 Pies.]

every male member of the family qualified to inherit, such watan, or part thereof, or interest therein. <

Widow's interest. The interest of a widow in any watan or part thereof shall be for the term of her life or until her marriage only.

Amendment of section 10. 3. In section 10 of the said Act the words "or may pass" shall be inserted after the words "or have so passed."

Repeal of portion of section 11. 4. The last portion of section 11 of the said Act commencing with the words "and shall either" is repealed.

New section added after section 11. 5. After section 11 of the said Act the following section shall be inserted, namely:—

Resumption of property to which an order made under section 10 or 11 applies. "11A. The Collector shall either summarily resume possession of all property to which an order of a court passed on receipt of his certificate under section 10, or his own declaration under section 11, relates, or assess it at the rate prescribed in clause 2 of section 9, as he may think fit, and the said property shall thenceforward revert to the watan."

Amendment of section 30. 6. In section 30 of the said Act the word "officiators" shall be substituted for the word "sharers."

Amendment of section 35. 7. In section 35 of the said Act the words "notice or" shall be inserted after the word "which."

Amendment of section 38. 8. For section 38 of the said Act the following section shall be substituted (namely):—

Representative watan-dárs to serve for life or for fixed periods of five or ten years. "38. Subject to the provisions of sections 45 and 46 representative watan-dárs shall be entitled to office for the following periods, respectively (namely):

(a) in cases falling under section 28 or section 29, clause 2, or section 30 or section 31, in which the representative watan-dárs are entitled to office contemporaneously, and in cases falling under section 27 or section 29, clause 1, } for life;

(b) in cases falling under section 28 or section 29, clause 2, or section 30 or section 31, in which the representative watandárs are entitled to office in successive periods, } for such period as the Collector shall in each case determine, the same being not less than five nor more than ten years.

9. For section 45 of the said Act the following section shall be substituted (namely):

Amendment of section 45. Collector when to refuse service of representative watandár or of deputy nominated by him.

“45. The Collector shall refuse to accept the service of any representative watandár or of any person nominated by a representative watandár to be his deputy, if such representative watandár or person:

- “ (a) is under eighteen years of age;
- “ (b) has not passed such educational test, if any, as Government think fit from time to time to prescribe in this behalf;
- “ (c) has attained sixty years of age, except when such person's appointment or continuance in office is specially permitted by the Collector;
- “ (d) is in the opinion of the Collector disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body;
- “ (e) has been adjudged by the Collector after a summary inquiry held in accordance with the provisions relating to summary inquiries contained in the Bombay Land Revenue Code, 1879, to be of general bad character;
- “ (f) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered

Bom. V. of 1879.

powered to make, if he shall think fit, in this behalf;

“(g) declines to forsake, whilst officiating, some other employment which is in the opinion of the Collector incompatible with the due discharge of the duties of the office.”

New section substituted for section 46.

10. For section 46 of the said Act the following shall be substituted (namely):

Procedure when representative watandár or his deputy is unfit to officiate.

“46. If a representative watandár whose duty it is to officiate is, or at any time becomes, unfit to officiate for any of the reasons set forth in the last preceding section, the Collector shall call upon him to appoint a deputy, or if he is disabled by lunacy or imbecility of mind, the Collector shall himself appoint a deputy.

“If a deputy so appointed becomes unfit to officiate for any of the reasons aforesaid, the Collector shall call upon the representative watandár to appoint another, or himself appoint another, as the case may be.

“A deputy appointed by a representative watandár may at any time be removed from office by the Collector at the request of the representative watandár, if, in the opinion of the Collector, there are good grounds for such request.”

Amendment of section 50.

11. In section 50 of the said Act, the word “general” shall be substituted for the word “known.”

New section substituted for section 53.

12. For section 53 of the said Act the following section shall be substituted (namely):

Deputy must ordinarily be a member of the same family as the representative watandár whose duty it is to officiate.

“53. Except as is otherwise provided in the last preceding section and in section 56, and except as the Governor in Council shall by a general or special order from time to time otherwise direct, every deputy appointed under this Act shall be a member of the same family to which the representative watandár whose duty it is to officiate, belongs, if there be a member of such family fit and willing to officiate.

“If a representative watandár declines to appoint as his deputy any such person as aforesaid, the appointment shall be made by the Collector.”

13. For section 60 of the same Act the following section shall be substituted (namely) :

New section substituted for section 60.

“60. When any representative watandár or any deputy or substitute appointed by him is convicted by a criminal court not inferior to a court of session of any offence in the discharge of his official duties, or of any of the offences specified in the second schedule or of the abetment of any such offence, and such conviction is not subsequently reversed or quashed, the Governor in Council may direct the forfeiture of the whole or of any part of the watan. Such forfeiture may be either absolute or for such period as the Governor in Council thinks fit.”

Government may direct the forfeiture of a watan.

14. For section 70 of the said Act the following section shall be substituted (namely):

New section substituted for section 70.

“70. All records which have been or may be prepared by any watandár or by any officiator in an hereditary office in pursuance of the duties of the office, or by order of a superior officer or of the present or former Government, are hereby declared to be the property of Government, and the Collector may enforce their production or the production of any State records in the possession of a watandár or of an officiator, in accordance with the provisions of sections 25 and 26 of the Bombay Land Revenue Code, 1879.”

Watan records the property of Government.

Bom. V. of 1879.

15. (1). In section 84 of the said Act the following words shall be inserted after the word “purpose,” viz., “or, so far as concerns any alienated village, on the holder or on any of the holders of such village or on any agent of the holder of such village.”

Amendment of section 84.

(2) And the following paragraph shall be added to the said section, viz.:—

“Powers and duties conferred under this section shall be exercised or performed subject to such conditions, if any, in addition to those specified in this Act as the Governor in Council shall from time to time think fit to prescribe, and any order confer-

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An Act to amend Bombay Act No. III of 1874.

ring powers and duties under this section may at any time be cancelled by the Governor in Council."

Addition of
a new
schedule.

16. The following schedule shall be added to the said Act. (namely) :

"SECOND SCHEDULE.

Offences referred to in Section 60.

Description of Offence.	Sections of the Penal Code under which punishable.
* " (1) Every offence described in Chapter VI. of the Indian Penal Code	121, 121A, 122-124, 124A, 125-130.
" (2) Causing disappearance of evidence of any offence committed or giving false information touching it to screen the offender, when the offence committed is a capital offence or punishable with transportation for life or imprisonment for ten years ...	201.
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BOMBAY ACT No. VI. OF 1886.

THE KARA'CHI PORT TRUST ACT, 1886.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 8th February 1887.)

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[Price—Four Annas.]

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BOMBAY ACT No. VI. OF 1886. ✓ A.C.

An Act to vest the Port of Karáchi in a Trust.

WHEREAS it is expedient to vest the port of Karáchi in a trust and to provide for the management of the affairs of the said port by trustees; It is enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called “The Karáchi Port Short title Trust Act, 1886.”

2. In this Act, unless there be something repugnant in the subject or context,

(1) “port” means the port of Karáchi as “port”; defined for the purposes of this Act;

(2) “high-water mark” means a line drawn “high- through the highest points reached by ordinary water spring-tides at any season of the year; mark”;

(3) “low-water mark” means a line drawn “low-water through the lowest points reached by ordinary mark”; spring-tides at any season of the year;

(4) “land” includes the bed of the sea below “land”; high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth;

(5) “master,” when used in relation to any “master”; vessel, means any person having for the time being the charge or control of such vessel;

(6) the word “goods” includes wares and “goods”; merchandise of every description;

(7) “owner,” when used in relation to goods, “owner.” includes any consignor, consignee, shipper or agent for the sale or custody of such goods; and when used in relation to any vessel, includes any part-owner, charterer, consignee, or mortgagee in possession thereof.

Power to define and alter limits of port.

3. Government may, with the approval of the Governor General in Council, by notification in the *Bombay Government Gazette* :

- (a) define the limits of the port for the purpose of this Act, and
- (b) from time to time alter such limits.

Such limits may extend to any part of the navigable approaches to the port, and may include any wharves, tramways, warehouses, sheds and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance, and good government of the port, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore within fifty yards of high-water mark.

II.—OF THE BOARD OF TRUSTEES.

Constitution of Board.

Act to be carried out by trustees.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a board to be called "The Trustees of the Port of Karachi"; and such board, hereinafter referred to as "the board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Number of trustees.

5. The board shall consist of nine members of whom not less than two shall be natives of India residing in Karachi.

Appointment of chairman and vice-chairman.

6. Government shall from time to time appoint a person to be chairman of the board and may, if they think fit, from time to time appoint a person to be vice-chairman of the board. Any person so appointed may be a public officer or not.

The chairman and, if any be appointed, the vice-chairman of the board, shall be trustees.

7. Of the rest of the trustees, one shall be the Manager, for the time being, of the North-Western Railway, or such officer of the said Railway as the said Manager shall from time to time appoint to act for him in this behalf, two shall be elected by the members for the time being of the Karáchi Chamber of Commerce, and two shall be elected by the municipal commissioners of Karáchi from among their own number.

Nomination
of other
trustees.

The remaining trustees shall be appointed by Government.

Any trustee elected or appointed under this section may be a public officer or not.

8. The election of trustees by the Karáchi Chamber of Commerce and by the municipal commissioners shall be conducted in such manner as shall from time to time be determined at a meeting of the members of the said chamber or of the said commissioners as the case may be, convened in accordance with the rules at the time in force in this behalf. The secretary to the said chamber and the President of the Municipality of Karáchi shall, respectively, make a return to the Commissioner of the name of every person so elected.

Conduct of
elections.

In the event of default being made by the chamber or by the municipal commissioners in electing any trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government to appoint a person, and the person so appointed shall be deemed to be a trustee as if he had been duly elected by the chamber, or municipal commissioners, as the case may be.

Nomination
by Govern-
ment in
default of
election.

9. The name of every person appointed by Government to be chairman or vice-chairman of the board, and the names of all trustees duly elected or appointed to the board shall be published in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

Publication
of names of
trustees in
the official
gazettes.

Term of office of first trustees when to commence. Trustees to retire from office by rotation.

10. The term of office of the first trustees shall commence on such date as shall be notified in this behalf by Government.

11. One of the first trustees elected by the chamber and one of the first trustees, other than the chairman, appointed by Government shall, unless they become in the meantime disqualified, hold office up to and inclusive of the thirty-first day of March next succeeding the date on which their term of office shall commence, the selection of the said trustees being made by lot at such time and in such manner as the chairman of the board shall determine.

The rest of the first trustees, other than the chairman, shall, unless they become in the meantime disqualified, hold office until and inclusive of the thirty-first day of March next following the thirty-first day of March aforesaid.

In every other case every trustee, other than the chairman, shall, unless he becomes in the meantime disqualified, hold office for a term of two years.

The chairman shall hold office for a renewable period of five years, unless he becomes in the meantime disqualified for being a trustee, or is removed by Government.

Time for holding elections and making appointments.

12. The first election of trustees by the chamber and by the municipal commissioners shall be held on some day not later than a month previous to the date which shall be notified by Government under section 10, and the first appointment of trustees by Government shall be made on some day during the said month.

Elections of trustees by the chamber and by the municipal commissioners to succeed trustees whose term of office expires shall be held on some day not earlier than the fifteenth and not later than the last day of the month of February next preceding the first day of April from which the term of office of the

the new trustees is to commence ; and appointments of such trustees by Government shall be made on some day in the month of March next preceding the said first day of April.

13. In the event of the death, resignation or dis-qualification of a trustee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the trustee in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

Filling up
of casual
vacancies.

If a trustee departs from Karáchi with an intention of being absent for a longer period than three months, or if a trustee shall have been absent from Karáchi for such period, a person shall be elected or appointed as aforesaid to act for such trustee during his absence, or until he shall cease to be a trustee ; and the person so acting shall be deemed for all the purposes of this Act to be a trustee.

Acting
trustees.

14. A person who has already been a trustee on one or more occasions shall, if not disqualified under section 15, be again eligible at any time for election or appointment.

Re-eligibility of
trustees.

Disqualifications of Trustees.

15. No person shall be qualified to be a trustee :

Disqualifications for
office of
trustee.

(a) who, under any law for the time being in force, is an uncertificated bankrupt or an undischarged insolvent, or

(b) who holds any office or place of profit under the board, or

(c) who has, directly or indirectly, any share or interest in any work done by order of the board, or in any contract or employment with, by, or on behalf of the board ; or

(d)
5

(d) who has been sentenced by a criminal court to imprisonment or to whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order, which Government is hereby empowered to make, if it shall think fit, in this behalf; and any trustee who—

Trustee who becomes disqualified to cease to be a trustee.

(e) becomes disqualified for any of the aforesaid reasons, or

(f) is absent from the meetings of the board for a period exceeding twelve consecutive months, or, without the permission of the board, from six consecutive meetings of the board, shall cease to be a trustee, and his office shall thereupon become vacant :

Proviso.

Provided always that no trustee shall vacate his office by reason only of his—

(g) having a share in any joint-stock company which shall contract with or be employed by, or on behalf of, the board, or

(h) having a share or interest in any newspaper in which any advertisement relating to the affairs of the board may be inserted, or

(i) being interested in any loan of money to the board.

Remuneration of Trustees.

Remuneration of chairman and vice-chairman to be fixed by Government.

16. The chairman and the vice-chairman shall respectively receive such remuneration, if any, as Government shall from time to time determine.

Fees payable to other trustees.

Every trustee, other than the chairman and vice-chairman, shall be entitled to a fee of such amount not exceeding thirty rupees as shall from time to time be prescribed by Government for each meeting of

of the board at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: provided that if more than one such meeting is held in any one week, no more than one fee shall be paid to any trustee for his attendance at all or any such meetings during that one week.

Proceedings of Board.

17. The following provisions shall be observed with respect to the proceedings of the board (namely)—

Provisions concerning the board's proceedings.

(1) During any vacancy in the board the continuing trustees may act as if no vacancy had occurred.

Vacancy not to affect board's proceedings.

(2) The board shall meet together and shall from time to time make such arrangements, not in consistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):—

Board to meet, together and arrange for transaction of business as they think fit, but

(a) that two ordinary meetings at least shall be held in every month;

there must be two ordinary meetings in each month, and

(b) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting;

a special meeting whenever necessary, and

(c) that no business shall be transacted at any meeting unless at least four trustees are present from the beginning to the end of such meeting;

four trustees shall form a quorum, and

(d) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-chairman or, in his absence, by such

every meeting shall be presided over by the chairman, one and

one of the trustees present as may be chosen by the meeting ;

all questions must be decided by a majority of votes, and votes must be recorded if a poll is demanded and minutes of proceedings must be kept.

(e) that all questions shall be decided by a majority of votes of the trustees present, the president having a second or casting vote in all cases of equality of votes ;

(f) that if a poll be demanded, the names of the trustees voting and the nature of their votes shall be recorded by the president ;

(g) that minutes shall be kept of the names of the trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president of such meeting, and shall be open to inspection by any trustee during office hours.

Board may delegate powers to committees.

(3) The board may delegate any of their powers to committees consisting of such trustees as they think fit ; any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed.

Committees' meetings to be presided over by a chairman.

(4) A committee may elect a chairman of their meetings, and, if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

Committees when to meet.

(5) Committees may meet and adjourn as they think proper, but the chairman of the board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

Questions how to be decided at committees' meetings.

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second

second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

(7) No act of the board, or of any committee, or of any person acting as trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such board, committee, or trustee, or on the ground that they, or any of them, were disqualified for the office of trustee. Acts of board, &c., not to be invalidated by informalities.

18. The chairman may, on behalf of the board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the board shall be in writing, and shall be signed by the chairman and by two other trustees, and shall be sealed with the common seal of the board. Mode of executing contracts.

No contract or agreement not executed as aforesaid shall be binding on the board:

Provided that the signatures of the chairman and two other trustees may be engraved, lithographed or impressed by any mechanical process on coupons attached to debentures which the board is at any time authorized to issue under the Local Authorities Loan Act, 1879, or other law for the time being in force, and the signatures so engraved, lithographed or impressed shall have the same validity as if they were written in the proper handwriting of the chairman and other trustees. XI of 1879

19. The board may compound or compromise for or in respect of any claim or demand made against them, for such sum of money, or other compensation, as they shall deem sufficient. The board may compound for claims against them.

The Chairman and Vice-chairman.

Duties of
chairman,
and

20. The chairman shall—

(1) attend every meeting of the board, unless prevented by sickness or other reasonable cause;

(2) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration and in matters concerning the accounts and records of the board; and, subject to the regulations at the time being in force framed by the board under section 22, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(3) furnish to Government a copy of the minutes of any of the board's proceedings and any returns or other information which Government may from time to time call for.

of vice-
chairman.

The vice-chairman shall exercise such of the powers and perform such of the duties of the chairman as the chairman from time to time deposes to him.

III.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

Schedule of
officers and
servants
and of their
pay and
allowances
to be pre-
pared and
sanctioned
by the
board.

21. The board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the board sanctions for each such officer or servant.

Until a schedule is prepared and sanctioned under this section, the staff of officers and servants maintained, on the day previous to the date notified by the Governor in Council under section 10, under the authority of Government, by the Karáchi Harbour

Board

Board and the officers and servants, if any, maintained on the said day by Government at the cost of the provincial revenues for employment in the Karáchi harbour shall be deemed to be the staff sanctioned by the board under the foregoing provisions :

and all officers and servants holding any office on the said day under the said Karáchi Harbour Board and the officers and servants aforesaid, if any, so maintained by Government on the said day shall be deemed to have been appointed under this Act, and shall continue to hold the same offices, respectively, and to receive the same remuneration under the board, until it is otherwise directed under this Act :

Provided :

Provisoos.

- (1) that artisans, porters, and labourers and mukádams of porters and labourers, and persons temporarily employed in the engineering department shall not be deemed to be officers or servants within the meaning of this section or of section 22, clauses (1) to (4), both inclusive, or of section 23 ;
- (2) that if an officer is lent to the board by Government, the board shall make such contributions, if any, on account of his pension and leave allowances as may be required by the rules in this behalf from time to time in force and shall not, except with the consent of Government, dispense with his further services at any time without giving the Government six months' previous notice ;
- (3) that every officer and servant, if any, maintained by Government on the day aforesaid at the cost of the provincial revenues for employment in the Karáchi harbour shall, if he is entitled as a Government servant to pension and leave allowances, be deemed to be lent to the board on and from the date notified by the Governor in Council under section 10.

The Karachi Port [BOM. ACT NO.

- Board to frame regulations. 22. The board shall from time to time frame regulations :
- for regulating leave ; (1) for regulating the grant of leave to the officers and servants of the board ;
- for settling absentee allowances ; (2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;
- for fixing acting allowances ; (3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;
- for regulating length of service ; (4) for regulating the period of service of all such officers and servants ;
- for fixing pensions, &c. ; (5) for determining whether any of the said officers and servants and, if so, which of them, shall on retirement receive pensions, gratuities or compassionate allowances, and whether compassionate allowances shall be paid to the surviving relatives of any of the said officers and servants who are killed in the execution of their duty, and, if so, to which of them, and the conditions under which such pensions, gratuities or compassionate allowances shall be payable and the amount of the same ;
- for authorizing contributions to provident fund. (6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any provident fund which may be established by the board for the benefit of their officers and servants or which, with their approval, may be established by their officers and servants themselves :

Provided that no regulation framed by the board under clause (5) shall have validity, unless or until the same has been sanctioned by Government.

Powers

Powers of Appointment, &c.

23. Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the board under section 21, the power of appointing, promoting, suspending, dismissing for misconduct, fining, reducing or granting leave to the officers and servants of the board shall be exercised by the chairman in the case of officers and servants whose monthly salary does not exceed one hundred rupees, and in every other case by the board.

Appoint-
ments, &c.,
by whom to
be made.

An appointment so made by the board shall not be held to be a contract or agreement within the meaning of Section 18.

The power of dispensing with the services of any officer or servant of the board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the board alone.

Every order of the chairman dismissing for misconduct an officer or servant whose monthly salary exceeds thirty rupees shall be subject to the approval of the board.

24. Every order or regulation made by the board under any of the three last preceding sections shall, so far as the same relates to any officer whose monthly salary is three hundred rupees or more, be subject to the previous sanction of the Commissioner.

Sanction of
Commis-
sioner when
necessary

IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.

General Powers as to Property.

25. The board shall, for the purposes of this Act, have power to acquire and hold moveable and immovable property whether within or without the limits of the port or city of Karáchi; and shall also have

Powers of
board as to
property.

power

power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them :

Provided that no sale of immoveable property and no lease of any such property for a term exceeding twenty-one years shall be valid unless such sale or lease shall have been made with the previous sanction of Government.

Procedure to be observed when the board are unable to acquire, by agreement, any immoveable property.
X. of 1870.

26. When the board are unable to acquire, by agreement, any immoveable property required for the purposes of this Act, Government may, in their discretion, order proceedings to be taken for acquiring the same on behalf of the board, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.

The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the board, and thereupon the said property shall vest in the board.

Transfer of Government property to the board.

27. The property specified in schedule A shall, upon and after the date notified by Government under section 10, vest in the board :

Provided that—

(1) if any question arises between the Government and the board as to the boundaries of any portion of such property, Government may define and demarcate such boundaries, and the decision of Government in respect to such boundaries, when approved by the Governor General in Council, shall be conclusive ;

(2) any portion of the land specified in the said schedule which shall be required by Government for a public purpose may be resumed by Government, with the approval of the Governor General in Council, without claim to compensation on the part of the board, except for buildings or other permanent structures erected thereon ;

(3)

(3) the railway now under construction between the Bandar station and the Keamári station may be constructed by Government along the foreshore or on reclaimed land, and any other work which the Governor General in Council may consider necessary in the public interests may be executed by Government in or upon any of the property specified in the said schedule, without claim to compensation on the part of the board except for building or other permanent structures, which it shall be necessary to clear away for the purposes of such railway or work.

28. The loans specified in Schedule B, which have been contracted by the Karáchi Harbour Board and have not yet been discharged, and all other debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Karáchi Harbour Board, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the board ;

Transfer to the board of the Karáchi Harbour Board's liabilities and claims.

and all sums of money due to the said Karáchi Harbour Board shall be deemed to be due to the board ;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against the said Karáchi Harbour Board, may be continued or instituted by or against the board.

V.—OF THE POWERS AND DUTIES OF THE BOARD.

Works.

29. The works to be constructed and carried out by the board may include the following :—

Works to be constructed.

(1) wharves, quays, stages, jetties, piers and docks, with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways, and approaches ;

(2) tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods landed, or to be shipped, or otherwise ;

(3) light-houses, light-ships, beacons, pilot-boats, and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port ;

(4) laying down moorings, and the erection of cranes, scales, and all means and appliances necessary for berthing, loading and unloading vessels ;

(5) reclaiming, excavating, enclosing, and raising any part of the foreshore of the port vested in the board ;

(6) the construction, procuring and application of dredges and other machines for cleaning, deepening, and improving any portion of the port or foreshore aforesaid ;

(7) procuring and employing steam-vessels for towing vessels into, out of, or within the port ;

(8) the construction of such works, without the limits of the port, as shall be necessary for the protection of works executed by the board within the port, and all such other works and appliances as may, in the opinion of the board, be necessary or desirable for carrying out the purposes of this Act :

But no new work to be commenced without a plan and estimate, if its cost shall exceed Rs. 1,000; nor without the sanction of Government to such plan and estimate, if the cost shall exceed Rs. 50,000.

Provided always that no new work, the estimated cost of which exceeds one thousand rupees, shall be commenced by the board, nor shall any contract be entered into by the board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the board and considered and approved by them; nor shall any new work, the estimated cost of which exceeds fifty thousand rupees, be commenced until such plan and estimate shall have been submitted to, and approved by, Government.

30. The board shall provide such number of public landing-places as shall, in the opinion of the Commissioner, be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

Free land-
ing-places
to be pro-
vided.

31. The board may occupy or remove or alter any bathing-place or landing-place within the port, and prohibit the public from resorting to or using the same: Provided that the board shall provide for the use of the public such other bathing-places or landing-places, if any, as the Commissioner may direct.

Removal of
bathing and
land-
ing
places.

Landing and Shipping of Goods.

32. The board shall, so far as the funds at their disposal will allow, provide and maintain wharves, quays, stages, jetties, piers, warehouses, sheds and appliances for the expeditious and convenient shipment and landing of goods in and from sea-going vessels within the port and for the storing of such goods, and shall by their servants land and ship all goods from and in any such vessel coming to any such wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is, under any enactment for the time being in force, not entitled to have her cargo shipped or discharged: Provided that—

Appliances
for ship-
ping, &c.,
for sea-go-
ing vessels.

(1) the board shall not be bound to land, ship or move any single article or package exceeding ten tons of twenty hundredweight in weight, except at such special charge as may be agreed on in respect of such article or package;

(2) the board may, by special agreement with the masters of vessels or the owners of goods, permit goods to be landed and shipped by others than the servants of the board; but every such permission shall be subject to the condition that the means to be employed and the appliances to be used by the said masters or owners for landing or shipping goods shall be subject to the ap-
proval

proval of the board, whose duty it shall be to satisfy themselves that the said means and appliances are at all times such and in such condition as not to endanger the lives or safety of the persons employed.

Sea-going vessels compelled to use wharves, &c.

33. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in sea-going vessels, the board may, with the previous sanction of the Commissioner, by a notification published in three consecutive numbers of the *Sind Official Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

From and after such publication, the board may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to do so. In making such order the board shall have regard, as far as possible, to the convenience of such vessel, and of the shippers, in respect of the use of any particular wharf, quay, stage, jetty, or pier.

If accommodation sufficient, all sea-going vessels compelled to use wharves, &c.

34. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the board may, with the previous sanction of the Commissioner, by an order published in three consecutive numbers of the *Sind Official Gazette*, direct that no goods shall be landed or shipped from or in any sea-going vessel within the port, save at such wharves, quays, stages, jetties and piers, and may,
in

in like manner, alter, vary or revoke any such order: Provided that it shall be competent to the board at any time to exempt any specified vessel from the operation of any order made under this section.

35. The board may, in cases of emergency, or for any reason which appears to them sufficient, by notice in writing, order the master or owner of any vessel not to bring such vessel alongside of, or to remove such vessel from, any wharf, quay, stage, jetty or pier belonging to the board, and, if such notice is not obeyed, the board may charge in respect of such vessel such sum as they think fit, not exceeding one hundred rupees for each day of twenty-four hours or portion of such day, during which such vessel remains at such wharf, quay, stage, jetty or pier:

Power to order vessels not to come alongside of, or to be removed from, wharves, &c.

Provided that in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of thirty-six hours from the service of the board's notice on the master or owner of the vessel.

36. Notwithstanding anything contained in sections 33 and 34, the Commissioner may, by notification in the *Sind Official Gazette*, from time to time permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments and on such conditions, as he may think fit, and otherwise grant exemption from the provisions of such sections.

Power to Commissioner to exempt from obligation to use wharves, &c.; and

The Commissioner may also, by like notification, cancel or modify any such notification.

The Commissioner may also at any time require that any vessel belonging to or in the service of Her Majesty or the Government of India shall be permitted to come alongside of any wharf, quay, stage, sels.

to require preference to be given to Government vessels.

stage, jetty or pier belonging to the board in preference to all other vessels at the time in port: and it shall be incumbent on the board to give effect to any such requisition.

Discharge
of liability
on goods
landed.

37. Whenever any goods are landed by the board from any vessel, the board shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in schedule C., and may in any such receipt include all goods landed from such vessel during one day.

No master or owner of a vessel from which the goods in respect of which such receipt is given may have been landed shall be liable for any loss or damage to such goods which may occur after they have been so landed.

Customs-wharves, &c.

Accommo-
dation to
be provided
for customs
officers in
wharves,
&c., ap-
pointed
under Sea-
customs
Act.

38. When Government appoint, under the provisions of any Act for the levy of sea-customs duties, any wharf, quay, stage, jetty, pier, warehouse or shed provided under this Act for the use of sea-going vessels to be a wharf for the landing or shipping, or a warehouse for the storing of goods within the meaning of such Act, the board shall set apart, maintain and secure on or in such wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of customs as the Commissioner approves or appoints in that behalf.

Dues at
customs-
wharves,
&c.

39. Notwithstanding that any wharf, quay, stage, jetty, pier, warehouse or shed or portion thereof has, under the provisions of the last section, been set apart for the use of the officers of customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the stowage of goods therein, shall be paid and be payable to the board or to such persons as they may appoint to receive the same.

Erection

*Erection of Wharves, &c., by
private persons.*

40. Save as hereinafter provided, no person except the board shall make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring. Private wharves, &c., prohibited.

Any matter or thing so made, erected or fixed may be removed by the board, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine, which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notice to remove the same has been given to him, and shall also be liable to pay all expenses which may have been incurred by the board in removing such matter or thing.

41. The board may, by an order in writing and subject to the conditions contained in the same, permit any person to make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring. Power to permit erection of private wharves, &c., within the port subject to conditions.

42. In case any wharf, dock, quay, stage, jetty, pier, erection or mooring is, after the date on which this Act comes into force, without the written consent of Government, made, erected or fixed below high-water mark without the limits for the time being of the port, and thereafter the limits of the port are extended so as to include the place in which such wharf, dock, quay, stage, jetty, pier, erection or mooring has been made, erected or fixed, the board may remove, fill up or destroy such wharf, dock, quay, stage, jetty, pier, erection or mooring without making any compensation therefor. Wharves, &c., beyond port limits.

Rates.

Rates.

Scale of
tolls and
charges to
be framed.

43. The board shall frame and may from time to time alter—

(a) a scale of tolls, dues, rates and charges for the landing and shipment of goods at the wharves, quays, stages, jetties and piers, and for the use of such wharves, quays, stages, jetties and piers, and for the storing and keeping of any goods stored in any premises belonging to the board, and for the removal of goods and for the use of any mooring;

(b) a scale of tolls for the use of the said wharves, quays, moorings, stages, jetties and piers, in case the board permit the goods to be landed or shipped by others than their own servants; and

(c) a scale of charges for any services to be performed by the board or their servants in respect of any vessel, or goods, or for the use of any works or appliances to be provided by the board.

Such scales or altered scales shall be submitted, through the Commissioner, to Government and, after approval or modification by Government, shall be published in the *Bombay Government Gazette* and the *Sind Official Gazette* and shall thereupon have the force of law: Provided that no such scale or altered scale shall be approved or modified by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the *Sind Official Gazette* and in such other manner as Government from time to time prescribe.

Bom. VII. of 1882. From the time when any scale framed under this section comes into force, the Bombay Landing and Wharfage Fees Act, 1882, shall be repealed so far as regards the port of Karáchi.

Tolls and
charges
may be re-
mitted in
special
cases.

44. The board may, in special cases, with the previous sanction of Government, remit the whole or any portion of any toll, due, rate, or charge leviable under the last preceding section.

45.

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 troops nor in respect of the baggage or other effects of any troops landing or embarking at the port. Tolls on troops.

In lieu thereof, a toll shall be payable by Government to the board on all troops and all the families of troops landing or embarking at Karáchi at the rate of one rupee per head.

46. For the amount of all tolls, dues, rates and charges leviable under this Act in respect of any goods, the board shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid. Board's lien for tolls and charges.

Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the board or to be shipped for export, shall be payable before the goods are removed or shipped.

The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average, where such lien has been preserved in the manner hereinafter provided, and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

47. If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any wharf, quay, stage, jetty or pier, gives to the board notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable, after the landing thereof, to such lien. Owner's lien for freight.

Such goods shall be retained either in the warehouses and sheds of the board, or, with the consent of

of the Chief Officer of Customs, in a public warehouse, at the risk and expense of the owner of the said goods, until the lien is discharged as hereinafter mentioned.

Discharge
of ship-
owner's lien
for freight.

48 Upon the production to any officer appointed by the board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the board may permit such goods to be removed without regard to such lien : Provided they shall have used reasonable care in respect to the authenticity of such document.

Goods may
be removed
to ware-
house.

49. Whenever goods which have been landed have, without any default on the part of the board, been left for five clear days on or in any wharf or shed belonging to the board, the board may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Chief Officer of Customs, to a public warehouse ; and the removal to and detention in any such warehouse shall be at the risk and expense of the owner of the said goods.

Whenever any goods are so removed, the board shall give notice of such removal to the consignee of such goods or to his agent, if any, if such consignee's or agent's address be known, by letter sent by post to such address or left thereat ; and shall also publish in the *Sind Official Gazette* and in two local newspapers notice of such removal, and shall specify therein the numbers, marks and descriptions of such goods so far as the same appear ; and the consignee of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods are removed to any warehouse of the board, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

If the goods are removed to a public warehouse, the said consignee shall be liable to the charges for warehousing goods in such public warehouse ; and
the

the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the board and shall be subject to the power of sale hereinafter given.

50. If the tolls, dues, rates and charges payable to the board under this Act in respect of any goods which have been landed are not paid, or if the lien for freight, primage or general average, where such notice as aforesaid has been given, is not discharged, the board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Recovery of tolls and charges by sale of goods.

Before making such sale at least ten days' notice of the same shall be given by publication thereof in the *Sind Official Gazette* and in two local newspapers.

If the address of the consignee of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the board, or is otherwise known, notice shall also be given to the consignee of the goods or to his agent by letter delivered at such address or sent by post; but the title of a *bond fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to enquire whether such notice has been sent :

Provided that, if such goods are of so perishable a nature as, in the opinion of the officer appointed by the board in that behalf, to render early or immediate sale necessary or advisable, the board may, within such period, being not less than twenty-four hours after the landing of the goods as they think fit, sell by public auction the said goods or such

portion

portion of them as aforesaid, in which event such notice, if any, shall be given to the consignee of the goods or his agent as the urgency of the case admits of.

Application
of sale-pro-
ceeds.

51. The proceeds of every such sale shall be applied as follows :—

(a) in payment of the expenses of the sale ;

(b) in payment, according to their respective priorities, of the liens and claims excepted in section 46 from the priority of the lien of the board ;

(c) in payment of the tolls, dues, rates and charges of landing, removing, storing or warehousing the same, and of all other charges due to the board in respect thereof.

The surplus, if any, shall be paid to the importer or owner of the goods, or to his agent, on his applying for the same : Provided such application be made within one year from the sale, or reason be shown to the satisfaction of the board why such application was not so made, and, in case such application shall not be so made nor reason shown, such surplus shall be held by the board upon trust for the purposes of this Act.

Power to
distrain
vessels for
the non-pay-
ment of
rates, &c.

52. If the master of any vessel in respect of which any tolls, dues, rates, charges, or penalties shall be payable under this Act, or any bye-laws made in pursuance hereof, refuses or neglects to pay the same, or any part thereof, on demand, it shall be lawful for the board to distrain or arrest of their own authority such vessel, and the tackle, apparel, or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid.

And, in case any part of the said rates or penalties, or of the costs of the distress or arrest or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or
arrest

arrest shall have been so made, the board may cause the vessel, or other thing so distrained or arrested, to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, charges or penalties and costs of sale remaining unpaid, rendering the surplus, if any, to the master of such vessel on demand.

53. If the board shall give to the officer of Government, whose duty it is to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any bye-laws or orders made in pursuance hereof, against such vessel or the owner or master of such vessel, in respect thereof, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

Port clearance not to be granted till rates, &c., are paid.

54. The surplus, if any, of the moneys credited under section 47 of the Indian Ports Act, 1875, to the account of the Port Fund of Karáchi, after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the board.

Surplus of port dues to be paid to the board. XII. of 1875.

Control of Pilots.

55. The board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and shall be bound to provide a sufficient number of pilots for that purpose, and all fees for pilotage shall be paid to the board: Provided that no person shall be appointed to be a pilot by the board who is not for the time being authorized by Government, under the provisions of the Indian Ports Act, 1875, to pilot vessels.

Trustees to be vested with the right and privilege of maintaining pilots.

XII. of 1875.

The board may also, from time to time, make such bye-laws and regulations as they shall think fit—

(a) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(b)

(b) for regulating the behaviour and conduct of pilots ;

and shall enforce the observance of such bye-laws and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise as to them may appear expedient : Provided that such bye-laws shall first have been approved by Government, and published in the manner directed by section 57.

Bye-laws.

Trustees
empowered
to make
bye-laws.
XII. of 1875.

56. The board may from time to time make bye-laws, consistent with this Act and with the Indian Ports Act, 1875,—

(a) for regulating, declaring and defining the wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the port ;

(b) for the safe and convenient use of such wharves, quays, stages, jetties, piers and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same ;

(c) for regulating the reception and removal of goods within and from the premises of the board, and for declaring the procedure to be followed in taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged ;

(d) for settling the mode of payment of tolls, charges, dues and rates levied under this Act ;

(e) for providing water for ships and for licensing and regulating water-boats within the port ;

(f) for the removal of wrecks from the port and keeping clean the port, the foreshore and the works of the board, and for preventing filth or rubbish being thrown therein or thereon ;

(g)

(g) for the guidance of persons employed by them under this Act, and generally for carrying out the purposes of this Act.

The board may also from time to time alter or revoke any bye-laws so made by them.

57. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette*, and in the *Sind Official Gazette*; and no bye-law or alteration or revocation of a bye-law shall be approved by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the *Sind Official Gazette*, and in such other manner as Government from time to time prescribe, nor unless the said draft shall have been submitted for their approval through the Commissioner.

Approval and publication of bye-laws.

It shall be lawful for Government at any time, by notification in the *Bombay Government Gazette*, and in the *Sind Official Gazette*, to cancel any bye-law or regulation made and published under the provisions of this and of the two last preceding sections.

Cancelment by Government.

58. The board may, in the bye-laws made under section 56, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the board to the person guilty of such infringement.

Penalties for infringement of bye-laws.

59. The board shall cause the said bye-laws, and every scale of tolls, dues, rates and charges leviable by the board, to be printed in the English, Gujaráti and Sindi languages, and to be kept hung up in some conspicuous place at each of the several wharves, quays, stages, jetties, piers, warehouses and sheds belonging to the board.

Bye-laws and scales of rates and charges to be exhibited.

VI.—OF REVENUE AND EXPENDITURE.

Management of Funds.

Moneys where to be kept. 60. All moneys raised by or paid to the board under this Act shall be kept in the bank which is at the time appointed to conduct the business of Her Majesty's treasury at Karachi.

How the funds are to be drawn against. No disbursement of such moneys or any part thereof shall be made except upon a cheque signed by the chairman or vice-chairman and one other trustee.

Payment of any sum in excess of five hundred rupees, if it relate to the Port Engineer's department, or of one hundred rupees, if it relate to any other department, shall be made by the board by means of a cheque signed as aforesaid and not in any other way.

Payments of sums not exceeding five hundred rupees each may be made on behalf of the board by the Port Engineer on account of any charge in his department, in cash, cheques for sums not in excess of five thousands rupees each, signed as aforesaid, being drawn from time to time in favour of the Port Engineer to cover such payments.

In every department other than that of the Port Engineer, sums not exceeding one hundred rupees each may be paid, by such officer as the board appoints for this purpose, in cash, cheques for sums not in excess of five hundred rupees each, signed as aforesaid, being drawn from time to time in favor of such officer to cover such payments.

Moneys on what purposes to be expended. 61. The moneys belonging to the board shall be held by them in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely) :—

- (1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants

servants appointed under this Act or lent to the board by Government, and the contributions, if any, payable to Government on account of the pension and leave allowances of any officer lent to the board by Government and the contributions, if any, duly authorized to be made to any provident fund established by the officers and servants appointed under this Act;

(2) the cost of repairs and maintenance of the property vested in the board, and all charges upon the same and all working expenses;

(3) such sum as Government may from time to time require for the establishment and maintenance of police for the protection of the port and of the approaches thereto;

(4) the interest and instalments of capital due in respect of any loan that may have been raised by the board or for which it is liable;

(5) any charges for which the board may be liable under section 79 or section 80;

(6) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the board may determine to charge to revenue;

(7) any other charge which may be specially sanctioned by Government on the application of the board, or for which the board may be legally liable.

Annual Estimates.

62. The chairman shall, at a special meeting to be held in the month of January in each year, lay before the board an estimate of the income and of the expenditure of the board for the year commencing on the first day of April then next ensuing, in such detail and form as the board shall from time to time direct.

Chairman
to submit
an annual
estimate of
income and
expenditure
to the
Board.

Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each trustee,

trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

Board to revise and sanction the estimate. 63. The board shall consider the estimate so submitted to them, and shall sanction the same either unaltered or subject to such alterations as they shall think fit.

Estimate to be submitted to Government. 64. The estimate, as sanctioned by the board, shall be submitted, through the Commissioner, to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The board shall, if the estimate is so returned by Government, forthwith proceed to amend the same, and shall resubmit the estimate so amended, through the Commissioner, to the Government.

List of works to accompany estimate. 65. Together with the said estimate, the board shall submit, through the Commissioner, to the Government, a list of the works which the board propose to execute during the year to which the estimate relates, showing the order in which the said works are to be executed and the date within which each of them will probably be completed or, in the case of any work which will not be completed within the year, the progress intended to be made therein during the said year.

Supplementary estimates may be made when necessary. 66. The board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the board and submitted to the Government in the same manner as if it were an original annual estimate.

No expenditure above Rs. 3,000 to be incurred unless sanctioned in an estimate. 67. Save in cases of pressing emergency, no sum exceeding three thousand rupees shall be expended by or on behalf of the board, unless such sum is included in some estimate at the time in force which has been finally approved by Government.

If

If any sum exceeding three thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the chairman, through the Commissioner, to Government, together with an explanation of the way in which it is proposed by the board to cover such extra expenditure.

Audit of Accounts.

68. The accounts of the receipts and expenditure of the board shall, twice in every year, be laid before Government, and shall be audited and examined in such manner and by such auditor or auditors as shall, from time to time, be appointed by Government.

Accounts to be audited and examined.

For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding, or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Auditors to have power to call for books, &c.

The auditors shall be paid by the board such remuneration as Government shall determine; and, within fourteen days after the audit and examination of the accounts for any half-year shall have been completed, the auditors shall forward a report upon the accounts for such half-year to the board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

Their remuneration to be fixed by Government. Their report to be published.

Disposal

Disposal of Balances.

Balances may be invested by the board in public securities. 69. The board may invest any balance remaining on the thirty-first day of March of each year in public securities and may from time to time sell the said securities, and either re-invest the proceeds in other such securities, or credit the same to the general funds of the board.

Amounts which may be so invested to be limited by Government. But the money so invested by the board shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government.

In this section "public securities" means securities of the Government of India, Karáchi Municipal debentures, and debentures or other securities issued by the Karáchi Harbour Board or by the board.

VII.—PENALTIES.

For being interested in contracts with the board. 70. Any person who being a trustee, or an officer or servant of the board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code :
XLV. of 1860.

Provided that nothing in this section shall apply to any person by reason only of his—

(a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the board ; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the board may be inserted ; or

(c) being interested in any loan of money to the board.

For obtaining illegal gratification XLV. of 1860. 71. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from

any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person with the board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant. XLV. of 1860.

72. Whoever infringes any order issued under section 33 or 34 or any condition prescribed under section 36 or 41 shall be punished with fine which may extend to one hundred rupees; and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order or condition is infringed. Infringement of sections 33, 34, 36, or 41.

73. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 68, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees. For refusing or neglecting to appear before an auditor of accounts, &c.

74. If it be found when goods are imported at, or exported from, any wharf, quay, stage, jetty or pier in the possession of the board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been, in the opinion of the board, intentionally understated in any document presented to any officer of the board for the purpose of enabling him to determine the tolls, dues, rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor, in the case of goods exported, shall be liable to pay to the board such sum not exceeding twice the proper tolls, dues, rates or charges. For understating quantity or weight of goods, &c.

charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the board, and the said sum shall, on the application of the board, be recoverable under the warrant of a magistrate as if it were a fine inflicted by such magistrate.

For evading rates, &c. XLV. of 1860.

75. Any person who removes, or attempts to remove, or abets, within the meaning of the Indian Penal Code, the removal of any goods, vessel, animal, or vehicle with the intention of evading payment of the tolls, dues, rates or charges lawfully payable in respect thereof to the board shall be punished with fine which may extend to fifty rupees.

Compensation for damage to property of board.

76. In case any damage or mischief is done to any wharf, dock, quay, jetty, stage, pier, or work constructed or acquired by the board under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, not being in the service of the board, any magistrate of the first class having jurisdiction at Karachi may, on the application of the board, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

If, at the time appointed in the summons and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees, the magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the board out of the proceeds of the distress :

Provided

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the pilot service or to the harbour master's or port officer's department, the case shall not be cognizable by the magistrate under this section.

77. Except as is otherwise provided in sections 74 and 76, all offences against this Act or against any bye-law made under section 56 shall be cognizable by a magistrate. Cognizance of offences against this Act.

All fines and damages recovered from any offender or by any distress under section 76 shall be paid to the board.

78. Prosecutions under this Act may be instituted by the board or by any person authorized by them in this behalf, and not otherwise. Prosecutions.

VIII.—CONTROL.

79. Government may at any time order a survey and examination of any work of the board under this Act, or of the site thereof, and the cost of such survey or examination shall be borne and paid by the board. Government may order survey.

80. If the board allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them or duly estimated for and sanctioned, and do not, after notice given by Government in writing, proceed effectually to repair or complete such work to the satisfaction of Government, Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the board. Government may carry out neglected works.

81. If it shall at any time appear to Government that sufficient provision is not being made by the board to meet their liabilities, Government may require the board, by an order in writing, to increase, subject to its sanction and to the provisions of section 56, the rates. In default Government may require the board to increase the rates.

tion 43, to such extent and for such period as shall appear necessary, the tolls, dues, rates and charges or any of them for the time being in force under the said section.

And on the board's failing to do so, may itself increase them.

If, within fifteen days after receipt of such order, the board do not comply with the same, Government may, by notification in the *Bombay Government Gazette*, and in the *Sind Official Gazette*, increase the said tolls, dues, rates, charges, or any of them, and such notification shall have the same force as if a new scale to the same effect had been duly framed, sanctioned and published under section 43.

Government may revoke powers of board.

82. If at any time the Government is satisfied that the purposes intended to be accomplished under this Act have not been and are not likely to be properly accomplished by the board, the Government may, by notification in the *Bombay Government Gazette*, and in the *Sind Official Gazette*, give notice that, unless within six months the board take measures to the satisfaction of Government for properly accomplishing such purposes, the powers by this Act conferred on the board will, at the end of such period, be withdrawn and revoked.

On the expiration of the period aforesaid, Government may, if no such measures to its satisfaction have been taken by the board, with the approval of the Governor General in Council, declare such powers to be withdrawn or revoked, and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the board shall thereupon vest in Government.

IX.—MISCELLANEOUS.

Saving of previous port regulations.

83. All acts done and proceedings taken by the Karáchi Harbour Board before this Act comes into force, and all orders, rules and regulations relating to the port and to wharves, quays, stages, jetties, piers and landing places within the port made and issued

issued before this Act comes into force, shall, whenever such acts, proceedings, orders, rules, or regulations would have been lawful if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act.

84. All fees and sums due on account of property for the time being vested in the board, and all arrears of tolls, charges, rates and dues imposed under this Act, may be recovered, in addition to the other modes hereinbefore provided, upon a summary proceeding before a magistrate in the manner provided in the Code of Criminal Procedure, 1882, for the recovery of fines. Recovery of dues as fines under the Criminal Procedure Code. X. of 1882.

85. No trustee shall be personally liable for any contract made or expense incurred by or on behalf of the board; but the funds from time to time in the hands of the board shall be liable for and chargeable with all contracts made in manner provided in this Act. Trustees not personally liable.

86. Every trustee shall be liable for any misapplication of money entrusted to the board to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty. Trustees liable for breach of trust.

87. No suit shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act, without giving to such person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit; Limitation of suits, &c.

and in the case of a suit for damages, if tender of sufficient amends shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Board not responsible for certain acts of their officers and servants.

88. The board shall not be responsible for any mis-feasance, mal-feasance or non-feasance of any officer or servant appointed under this Act;

XII. of 1875. nor, if they should be appointed by Government under the Indian Ports Act, 1875, conservators of the port, for any mis-feasance, mal-feasance, or non-feasance of any deputy conservator, port officer or harbour master, or of any assistant or deputy of any such officer or of any person acting under the authority or direction of or in subordination to any such officer, assistant or deputy;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the board, which may be used by such vessel:

Provided that nothing in this section shall protect the board from a suit in respect of damage to, or loss of, goods landed or shipped by them or retained in their custody.

SCHEDULE A.

(See Section 27.)

PROPERTY VESTED IN THE BOARD.

I.—All the right, title and interest of the Secretary of State for India in Council in the following lands, buildings, workshops, piers, breakwaters, groynes, embankments, bridge, light-house, signal stations, jetty, quay, graving-dock, and railway lines, together with all the fittings and other appurtenances thereof (namely):—

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
I,	Land at Manora occupied by Harbour Works' office, workshop, &c., together with the following buildings standing thereon, (namely):	Port Engineer, Karáchi.	On the North by plot No. III and the British India Steam Navigation Company's coalshed and quarantine buildings. On the South by Persian Gulf telegraph ground and buildings. On the East by harbour. On the West by backwater and mangrove swamp.	24	4,547
	Bungalows, with out-houses (supervisors').	Do. ...	Kutchá pucka.		
	Harbour Works' office and peons' quarters.	Do. ...	Do.		
	Bungalow, with out-houses (superintendent of machinery's).	Do. ...	Pucka.		
	Do. do. (clerks' and artificers').	Do. ...	Kutchá pucka.		
	Do. do.	Do. ...	Do.		

(supervisor

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
I.—contd.	(supervisor and clerks').				
	Do. do. (accountants').	.....	Kutchá pucka.		
	Do. do. (cashier and draftsmen's).	Port Engineer, Karáchi.	Do.		
	Do. do. (overseers').	Do. ...	Do.		
	Workshop, chimney, smiths' and carpenters' sheds and engine-house.	Do. ...	Includes workshop, engine, machinery and fittings, two pucka and remainder kutchá.		
	Store-room and office.	Do. ...	Pucka.		
	Four lines for khálásis and maistry and boat-house.	Do. ...	Kutchá pucka.		
	Four store-godowns	Do. ...	3 kutchá and 1 pucka.		
	Chauki for Harbour Works' Police.	Do. ...	Pucka.		
	Quarters for engine-men.	Do. ...	Kutchá pucka.		
	Firewood compound	Do. ...	Pucka.		
	Line for Harbour Works' Police.	Do. ...	Do.		
	Bungalow, with out-houses (dredge engineer's).	.. ...	Kutchá pucka.		
	Do. do. (store-keeper's).	Port Engineer, Karáchi.	Do.		
	Do. do. (time-keeper's).	Do. ...	Do.		
	Do. do. (supervisor's).	Do. ...	Pucka.		
	Tidal-instrument house.	Do. ...	Wood-work.		

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
II.	Land occupied by Harbour Works' work-people's lines, together with the following buildings standing thereon, (namely): Five lines for workmen. Five lines for carpenters and labourers.	Port Engineer, Káráchi. Do. ... Do. ...	On the North by plot No. 1. On the South by native dealers' and contractors' lines. On the East by open space and Persian Gulf telegraph premises. On the West by No. 2 Battery. Kutchá. Kutchá púcka.	7	806
III.	Line for sweepers .. Land occupied by Harbour Works' (Khalási lines).	Do. ... Do. ...	Do. On the North by British India Steam Navigation Company's coalshed. On the South by plot No. 1. On the East by harbour. On the West by backwater and mangrove swamp.	...	3,033
IV.	Land occupied by Harbour Works' quarry and reclaimed ground along shore between deep water point and the shore end of the breakwater, together with the following buildings standing thereon, (namely):	Do. ...	On the North by harbour and Port Department's ground. On the South by Manora breakwater. On the East by harbour. On the West by plots Nos. V, VI and VII.	17	4,038

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
IV.—contd.	Office and store-room of No. 1 Division with charging room.	Port Engineer, Karáchi.	Pucka.		
	Line for workmen...	Do. ...	Kutchá pucka.		
	Do. pointsmen...	Do. ...	Do.		
	Bungalow, with out-houses (dredge store and time-keeper's).	Do. ...	Do.		
	Powder Magazine...	Do. ...	Pucka.		
V.	Former site for Harbour Works, temporary jail, and new quarry.	Do. ...	On the North by plot No. 6. On the South by Mr. D. McIver's plot. On the East by plots Nos. IV and VII, and St. Paul's church. On the West by the sea.	1	1,590
VI.	Plot of ground, with Harbour Works' wells.	Do. ...	On the North by Captain Bishop's bungalow (formerly Lieutenant A. W. Stiffe's). On the South by plot No. V. On the East by plot No. IV. On the West by open space and the sea.	...	1,069

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
VII.	Plot of ground with Harbour Works' bungalow, together with the following buildings standing thereon, (namely):	Port Engineer, Karáchi.	On the North by St. Paul's church. On the South by open space and Hindu temple. On the East by plot No. IV. On the West by plot No. V.	...	3,499
	Harbour Works' bungalow and out-houses (Port Engineer's).	Do. ...	.....	
VIII.	Land occupied by Port Department, together with the following buildings standing thereon, (namely):	Port Officer	On the North by Persian Gulf telegraph premises. On the South by plot No. IV and open space. On the East by harbour. On the West by cemetery.	19	856
	Bungalow, with out-houses (dredge foreman's).	Port Engineer, Karáchi.	Kutchá pucka.		
	Coal-shed (formerly boat-shed).	Port Officer	Kutchá.		
	Godown at Manora.	Do. ...	Pucka.		
	Do. do. ...	Do. ...	Do.		
	Boat-shed (formerly coal-shed).	Do. ...	Do.		
	Four lines for lascar and sweepers.	Do. ...	Do.		
	Water-reservoirs, with service tanks for Port Department.	Do. ...	Do.		
	Firewood compound, Port Department.	Do. ...	Do.		

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
VIII.—continued.	European school with latrines.	Port Officer.	Pucka.		
	School mistress' quarters and out-houses.	Do. ...	Do.		
IX.	Reading-room ...	Do. ...	Kutcha pucka.		
	Land occupied by fort, light-house, signal station, &c., together with the following buildings standing thereon, (namely):	Do. ...	On the North by plots Nos. X and XI. On the South by Manora break-water. On the East by harbour. On the West by the sea.	3	2,967
	Light-house and light lascars' quarters and bastion godown.	Do. ...	Pucka.		
	Fort and Port Officer's quarters and out-houses.	Do. ...	Kutcha pucka.		
	Peons' quarters at fort.	Do. ...	Do.		
X.	Land occupied by out-houses near fort.	Do. ...	On the North by plot No. IV. On the South by plot No. IX. On the East by plot No. IV. On the West by plot No. XI.	...	4,501
XI.	Land occupied by bungalow and out-houses, together with the following buildings standing thereon, (namely):	Do. ...	On the North by open space and plot No. IV. On the South by plot No. IX. On the East by plot No. X. On the West by plot No. X and open space and the sea.	...	4,046

Bungalow

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XI.— <i>contd.</i>	Bungalow with out-houses and part of Master Attendant's quarters.	Port Officer.	Kutcha	...	
XII.	Land to the west of Napier Mole at its southern end, together with the following building standing thereon, (namely) : Workmen's quarters, late new channel office.	Port Engineer, Karachi. Do. ...	On the North by new channel. On the South by plot No. XIV. On the East by China creek backwaters. On the West by plot No. XIII. Pucka.	2	941
XIII.	Land to the west of Napier Mole between plot No. XII and the Commissariat premises, together with the following building standing thereon, (namely) : Office on ground occupied by Messrs. J. Cosser and Company.	Do. ... Do. ...	On the North by new channel. On the South by plot No. XIV. On the East by plot No. XII. On the West by Commissariat yard. Kutcha pucka.	4	1,408
XIV.	Land to the east of Napier Mole and former railway embankment.	Do. ..	On the North by plots Nos. XII and XIII. On the South by Andrew road. On the East by China creek backwaters. On the West by Customs-pier.	25	2,773

XV.

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XV.	Land to the east of Keamari Groyne.	Port Engineer, Karachi.	On the North by North-Western Railway's Keamari station-ground. On the South by sea. On the East by China creek. On the West by Keamari groyne and harbour.	61	3,023
XVI.	Merewether Pier shore plots A, B, C, D., together with the following buildings standing thereon, (namely): Engine and boiler-house chimney and accumulator tower. Office for Pier Master. Goods-shed ...	Port Officer. Do. ... Do. ... Do. ...	On the North by plot No. XVII. On the South by railway sheds and pier. On the East by railway ground. On the West by Merewether pier and harbour. Pucka. Do. Do.	2	1,940
XVII.	Land from Merewether pier to Customs-pier, together with the following building standing thereon, (namely): Wooden office near Customs-pier.	Do. ... Do. ...	On the North by Commissariat yard. On the South by plot No. XVI. On the East by plots Nos. XVIII and XIV. On the West by harbour. Wood-work.	1	3,710

XVIII.

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XVIII.	Land for Merewether Pier establishment on which the following buildings stand, (namey): Pier Master's quarters and out-houses Quarters for native establishment under Port Officer and Port Engineer.	Port Officer. 	On the North by plot No. XIV. On the South by Andrew road. On the East by open space. On the West by plot No. XVII. Pucka. Do.	1	3,130
XIX.	Land to the east of Hindu temple at north end of Napier Mole bridge with the following building standing thereon, (namely): Peons' quarters near Hindu temple.	Port Engineer, Karáchi. Do. ...	On the North by open space covered at high-water. On the South by new channel. On the East by open space. On the West by native jetty. Pucka.	...	2,967
XX.	Land for Harbour Works new quarry at Hands Hill, with the following building standing thereon, (namely): Peon's quarter at Hands Hill.	Do. ... Do. ... Do. ...	On the North by open space and hills. On the South by open space and old quarry. On the East by open space. On the West by do. Pucka.	46	3,249
XXI.	Land between China creek embankment and the sea.	Do. ...	On the North by China creek embankment. On the South by the sea.	90	769

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XXI— <i>continued.</i>			On the East by bare sand hills.		
XXII.	Anemometer-house, Manora with chaukidár's house adjoining.	Port Engineer, Karachi.	On the West by sandy ridges. On ridge of west bank, Manora—Anemometer-house, pukka; chaukidár's, kutcha.	...	111
XXIII.	Powder Magazine on Manora Point.	Port Officer.	On the North by open space. On the South by No. 1 Battery. On the East by fort. On the West by the sea. Pukka.	...	99
XXIV.	Powder Magazine near quarantine buildings.	Do. ...	On the North and South by sand crest running to Bhit village. On the East by harbour. On the West by Fullah creek. Pukka.	...	100
XXV.	Bungalow with out-houses at Keamari.	Port Engineer, Karachi.	On the North by North-Western Railway's station-ground. On the South by Keamari Groyne. On the East by open space. On the West by North-Western Railway's sheds. Kutchha pukka.	...	2,456

XXVI.

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XXVI.	Manora backwaters.	Port Engineer, Karáchi.	Extends from Manora Point on the west side of the entrance in S. by E. $\frac{1}{4}$ East direction for a length of 1,503 feet.	...	...
XXVII.	Keamari groyne ...	Do. ...	Runs in a slight curve about S.S.E. from west end of Keamari for a length of 7,548 feet.	...	...
XXVIII.	East pier ...	Do. ...	An extension of the groyne, total length 1,500 feet.	...	...
XXIX.	Napier Mole-bridge.	Do. ...	An iron bridge on screw piles with a masonry abutment at either end. Length 1,200 feet in 30 spans of 40 feet each.	...	...
XXX.	Native jetty and quay, together with the following buildings standing thereon, (namely) :	Port Officer.	Extends westward from north end of Napier Mole-bridge. The south wall is 1,400 feet in length.	5	...
	Chauki and store-room at native jetty.	Port Engineer, Karáchi	Pucka.		
	Godown and native jetty.	Port Officer.	Do.		
	Harbour Board office at native jetty.	Do. ...	Do.		
	Peons' quarter at jetty.	Do. ...	Do.		
	Goods shed do. ...	Do. ...	Do.		
	Do. do. ...	Do. ...	Do.		
	Do. do. ...	Do. ...	Do.		

XXXI.

SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Aeres.	Square yards.
XXXI.	China creek stoppage embankment.	Port Engineer, Karáchi.	An embankment 2,780 feet long.	...	...
XXXII.	Stone shipping-pier at Manora.	Do. ...	Situated at the northern limit of the plot of ground occupied by the office and workshops.	...	...
XXXIII.	Workshops' pier at Manora.	Do. ..	A wooden pier with fixed spur legs to lift twenty tons.	...	...
XXXIV.	Pilot pier, Manora .	Port Officer.	Wooden pier.	...	...
XXXV.	Coal-pier at Manora.	Do. ...	.....	...	...
XXXVI.	Water- do. ...	Do. ...	.....	...	...
XXXVII.	Pier at deep water point, Manora.	Port Engineer.	Called Humby Pier.	...	...
XXXVIII.	Merewether Pier at Keamari.	Port Officer.	An iron screw-pile pier T headed and with hydraulic cranes.	...	...
XXXIX.	Customs-pier at Keamari.	Do. ...	Wooden pier.	...	...
XL.	Commissariat pier do.	Do. ...	.....	...	...
XLI.	Railway-lines at Manora and Keamari.	Port Engineer, Karáchi.	.....	...	...
XLII.	Graving-dock at Manora.	Do. ...	.....	...	...
XLIII.	Layári Hard embankment and embankment in front of north wall of jetty.	Port Officer.	.....	...	...

II.—The following vessels and boats, together with all the fittings, gear and other appurtenances thereof (viz.) :—

Consecutive No.	Name and description.	Heretofore in charge of:
1	Steam tug "Manora", 441 tons, 250 horse-power, paddle wheel.	Port Officer, Karáchi.
2	"Nurbudda", cutter, 70 tons	Do.
3	Warp boat No. 1	Do.
4	Do. No. 2	Do.
5	"Keddimari", anchor boat	Do.
6	"Rose", steam barge	Do.
7	"Flirt", steam launch... ..	Do.
8	Bazar boat... ..	Do.
9	Cargo boat	Do.
10	Boat, cutter	Do.
11	Do.	Do.
12	Life-boat (White's)	Do.
13	Do.	Do.
14	"Jumbo", steam anchor hoy	Do.
15	Gig, 32 feet	Do.
16	Boat, 23 feet	Do.
17	Do.	Do.
18	Do.	Do.
19	Gig, small	Do.
20	Jolly-boat	Do.
21	"Billy," a crane barge... ..	Port Engineer, Karáchi.
22	Boat, country, for surveying, 28 feet long	Do.
23	Do. do. 30½ "	Do.
24	Boat, anchor, 23½ feet	Do.
25	Do. 24½ feet	Do.
26	Do. 23 feet 9 inches	Do.
27	Do. 30 feet 6 inches	Do.
28	Life-boat, 27 feet	Do.
29	Do. 20 feet 9 inches	Do.
30	Boat, canoe, 23 feet 4 inches	Do.
31	Boat, cutter, 25 feet 3 inches	Do.
32	Jolly-boat, 18½ feet	Do.
33	Do. 22 feet 5 inches	Do.
34	Do. 16 feet 8 inches	Do.
35	Boat, gig, 25 feet 5 inches	Do.
36	Do. 20½ feet	Do.
37	Boat for diver's use, 30½ feet	Do.

The Karachi Port

[DOM. ACT NO.]

Consecutive No.	Name and description.	Heretofore in charge of :
38	"Nearchus", steam dredger, 160 feet long, 65 horse-power nominal.	Port Engineer, Karachi.
39	"Albuquerque", steam dredger, 160 feet long, 117 horse-power nominal.	Do.
40	"Dubba", steam dredger, 100 feet long, 25 horse-power nominal.	Do.
41	"Gizree", steam dredger, 100 feet long, 25 horse-power nominal.	Do.
42	"Sindi", steam hopper barge, 130 feet long, 50 horse-power nominal, to carry 400 tons.	Do.
43	"Baluchi", steam hopper barge, 130 feet long, 50 horse-power nominal, to carry 400 tons.	Do.
44	Sailing hopper barge, 90 feet, to carry 200 tons.	Do.
45	Hopper barge, under construction, 90 feet, to carry 200 tons.	Do.
46	Do. do. do. 90 feet, to carry 200 tons.	Do.
47	"Midge", steam launch, 28 feet long, No. 451, built by Mr. John Samuel White, Cowes.	Do.

III.—All other lands, buildings, harbour-works, railway-lines, machinery, plant, tools, furniture, vessels and boats, and other property whatsoever not hereinbefore particularly described, heretofore in the charge of the Port Officer of Karachi, the Port Engineer of Karachi, or of the Karachi Harbour Board.

SCHEDULE B.

(See Section 28.)

(1). Loans raised by the Karachi Harbour Board from the public with the sanction of the Governor General in Council and not yet discharged.

Year in which taken up.	Amount taken up.	Rate of interest payable annually.
	Rs.	
Loan of 1880-81...	2,29,000	5 per cent.
„ 1882-83...	71,000	„
„ 1883-84...	2,88,500	„

(2).

(2). Loans promised by the Governor General of India in Council to the Karáchi Harbour Board and which are in course of being taken up.

Amounts of Loans.	Rate of interest payable annually.
(1) Rs. 7,11,500 (being ten lákhs, minus the amount of the loan of 1883-84 raised by the Board from the public).	4½ per cent.
(2) Rs. 15,50,000 	„

SCHEDULE C.

(See Section 37.)

Receipt for Goods by the Port Trust, Karáchi.

Landed, during the day of from the
by the Port Trust, Karáchi, the noted in the margin ;
contents and state of the contents unknown.

NOTE.—If there be any apparent injury, this is to be stated.

For the Board,
A. B.

the Karáchi;
 day of }