

INTRODUCTION

Legislative History of The Ports

At present, there are six major ports in the country, namely, Calcutta, Mumbai, Madras, Vishakhapatnam, Cochin and Kandla. The first three ports are administered by independent Port Trusts while the other three are administered directly by the Government of India.

The Port Trusts at the three major ports of Calcutta, Mumbai and Madras are statutory bodies. They consist of a Chairman and a Deputy Chairman appointed by the Central Government, elected representatives of Commercial, shipping and trade interests, representatives of Central government Departments concerned with the working of the Port i.e. Customs, Defence and Railways, representatives of the State Government and the Local Municipal Corporations or Municipalities concerned and the representatives of labour employed in the port. The Port Trusts administer the ports subject to the control of the Central Government in respect of certain specified matters, for example, creation of, and appointment to, certain senior posts, acquisition and sale of immoveable property, fixation of rates and charges, floating loans, annual budgets, vessels entry and using port facilities etc.

The remaining three major ports of Vishakhapatnam, Cochin and Kandla are under the immediate charge of a Port Administrative Officer appointed by the Central Government who has been vested with powers similar to those of a Head of a Department. These powers are limited in nature and the Port Administrative Officer has, therefore, to obtain the orders of the Central Government on many matters, which would normally be disposed of at local level in the Port Trust Commercial and trade interests, especially at Vishakhapatnam and Cochin, have also been agitating for some time that they should have a direct voice in the administration of those ports.

In the circumstances and in view of the fact that statutory Port Trusts have successfully administered the three older ports of Calcutta, Mumbai and Madras for many years, it is proposed to constitute Port Trusts at Vishakhapatna, Cochin and Kandla also. Provision has also been made for the extension of the Act, by notification, to any other port, which may be declared as a major port in future.

Prior to the passing of the Major Port Trusts Act, 1963, which came into effect from 29th February 1964, the Ports of Mumbai, Calcutta and Madras were governed by their respective Acts, passed in the years 1879, 1890 and 1905 respectively. The Major Port Trusts Act was made applicable to these Ports of Mumbai, Calcutta and Madras with effect from 1st February 1975.

Legislative History of the Act

The Legislative History, which ultimately led to the passing of the major Port Trusts Act, 1963. Central Act No. XXII of 1855 was passed by the Legislative Council of India and received the assent of the Governor-General on August 13, 1855. the legislation was enacted for regulation of ports and recovery of port dues and Section 41 of the Act provides for levy of port dues. The Section, inter alia, provides that the dues and fees usually collected at the several Ports be collected at such Ports respectively. it further provides that no Port dues or fees shall hereafter be levied in any such Port except under the authority of this Act or of an Act hereafter to be passed for fixing the amount thereof. It is not in dispute that this Act merely provides for regulation of Ports and port dues within the territories of the Government of the East India Company and the Act does not provide for levy and recovery of charges in respect of the goods such as wharfage and demurrage charges etc. Central Act No. XXXI of 1857 was passed by the Legislative Council of India and received the assent of Governor-General on October 23, 1857 and the Act was passed for the levy of port-dues and fees in the Port of Bombay. This Act also does not provide for levy and recovery of charges such as wharfage and demurrage charges. Later on this Act was repealed by the Central Act No. XXIX of 1861.

Bombay Act No. V of 1870 was promulgated on February 13, 1871 and the Act was passed for levy of fees for the use of Government Bunders, Wharves, Landig Places, piers, quays, sheds, etc., in the City of Bombay. The Act provided for fixation or determination of fees to be levied for the landing, shipping, wharfage, carnage, storage or demurrage of goods, and for permission for vessels or boat to approach or to be alongside, or on any Government Bunder, Wharf or landing place. The Act provides that Officers appointed to levy fees under the Act shall have same powers for collecting and enforcing the payment of fees as exercised by the Commissioner of Customs in Bombay. This Act was followed by Bombay Port Trust Act I of 1873. The Act received the assent of His Excellency the Governor on March 3, 1873 and the assent of the Governor-General on May 24, 1873 and was published on June 26, 1873. The preamble of the Act reads that whereas it is expedient to consolidate and amend the law relating to the harbour and foreshore of the Port of Bombay, and to make further provision for the regulation conservancy, and improvement of the said Port, the Act was enacted. The Act repeals the earlier Central Act No. XXII of 1855 and the provisions, which were inconsistent with the provision of the Act. It also repealed Section 1 of Act XXXI of 185, and the Bombay Act V of 1871. The Act of 1873 is a forerunner of the subsequent enactments relating to the Port Trust in India. Section 4 of this Act provides for creation of Corporation and the Trustees of Port of Mumbai to be appointed as provided under the Act are creating a Corporation under the name and style of the Trustees of the Port of Bombay.

This Act was repealed by Bombay Port Trust Act No. 6 of 1879, which came into force from September 4, 1879, Act I of 1872 stood repealed from November 1, 1879. The provisions of the Bombay Port Trust Act No. 6 of 1879 are identical with those of Act I of 1873. This Act No. 6 of 1879 was amended by introduction of S.67A by Bombay Act I of 1899. By this amended Section, an additional remedy was conferred on the Port Trust authorities to institute suits in the regular Civil Court for recovery of charges and dues.

Finally, the Parliament enacted the Major Port Trusts Act, 1963 (Act 38 of 1963) to make provision for the constitution of port authorities for certain major ports in India and to vest the administration, control and management of such ports in such authorities and for matters connected therewith. The Act, which received the assent of the President on October 16, 1963, came into force from February 29, 1964. Initially, the Act applied to major ports of Cochin, Kandla and Vishakhapatnam and the provisions of the Act were made applicable to the Port of Bombay, Madras and Calcutta only from February 1, 1975, in view of the passing of Act No. 29 of 1974.

The Indian Ports : An Overview

India has almost 5560 km of natural peninsular coastline strategically located on the crucial East-West trade route, which links Europe and the Far East. The coastline is serviced by 12 Major Ports and about 180 minor and intermediate ports. Ports have assumed enormous importance in the era of globalization with a phenomenal expansion in world trade. The volume of cargo traffic in India has also expanded significantly.

In this study, the author has focused exclusively on the major ports in India with particular reference to the Port of Mumbai. But one should not undermine the role of minor and intermediate ports in the Indian economy.

The 12 Major Ports, placed under the Union List of the Indian Constitution, are statutory bodies (trusts) administered by the Government of India under the Indian Ports Act, 1908 and the Major Port Trust Act, 1963.

The Indian Ports Act (1908) lays down rules regarding safety of shipping and conservation of ports for the entire port sector and regulates matters pertaining to the administration of port duties, pilotage and other charges. The Major Port Trusts Act (1963) lays down the institutional framework for the major ports in India. Accordingly, a Board of Trustees appointed by the Government of India governs each major port. The composition of these Boards reflects greater government representation compared to private interest groups. The trustees exercise powers vested in them and are bound by directions on policy matters and order from the Government of India. The port trusts are expected to serve public interest rather than maximizing profits or revenues, while at the same time, ensuring optimum deployment of assets.

Bombay Port Act

However, the working conditions of port labor are governed by the Dock Workers (Regulation and Employment) Act of 1948, which stipulates the terms and conditions of port labor employment, service rules standards and other welfare issues in the interest of port and dockworkers. The Act is highly protective of workers rights and offers them complete job security. Under this legislation, Dock Labor Boards (Dock Labour Boards) were set up at seven major Indian Ports (Calcutta, Chennai, Cochin, Kandla, Marmugao, Mumbai and Visakhapatnam). Establishment of Dock Labor Boards, however, was discretionary, and depended upon the individual port trust and the government. The Dock Labor Boards are exclusive suppliers of dock labor, who work on vessels. The shore labors, on the other hand, is employed by the port trusts themselves. The issue of complete interchangeability between dock and shore labor, for ensuring optimal labor utilization, has been under active consideration by the Government. This interchangeability, therefore, requires merging of Dock Labor Boards with port trusts. But there is no provision for such mergers under the Dock Workers Act, 1948. Accordingly an amendment of the Act was passed by the Indian Parliament in 1999 for facilitating merger of the Dock Labor Boards with port trusts. Subsequent three Docks Labour Boards (Cochin, Chennai and Mormugao) have been merged with the respective port trusts, while the Mumbai Port Dock Labour Boards has been superceded by resolution no. 6 dated 25.06.2002. The regulatory framework also includes shipping laws (Merchant Shipping Act of 1958) and Environmental Regulations (Environment Protection Act of 1986).

The entire Major Port Trusts Act is divided into XI chapters and 134 Sections. Each and every section has its own role in the Act. Yet there are some sections, 5, 34, 35, 42, 43, 47, 48, 49, 58 to 64, 120, 123, 131 etc, which are core legal sections in the Act concerning the Export/Import activities.

B O M B A Y

Act No. 1 of 1873

(Received the assent of the Governor on 3rd March 1873, and the assent of the Governor General on the 24th May 1873, and published by the Governor of Bombay on the 26th June 1873)

THE BOMBAY PORT TRUST ACT OF 1873

C O N T E N T S

Preamble

Section

1. Repeal of Acts
2. Interpretation clause
3. Power of nominate Trustees
4. Trustees to be a Corporation
5. Term of Office under the Act
6. Salaries and Fees of Chairman and Trustees
7. Appointment of Successors
8. Property vested in the Trustees
9. The duties of the Trustees
10. Meetings of the Trustees
11. Who shall preside at Meetings
12. Minutes of Proceedings of Trustees to be kept and to be open for inspection
13. Poll how to be taken
14. Copy of Minutes to be transmitted to the Secretary to Government, and any Returns called for by Government to be furnished.
15. Trustees may appoint Committees
16. Emergent Meetings may be called
17. Chairman may exercise certain powers of Trustees

Bombay Port Act

18. Proceedings not to be invalidated by a vacancy on informality of appointment
19. Disqualification of Trustees
20. Power to remove Chairman or Trustee
21. Acting Trustee may be appointed during absence of Trustee
22. Leave of absence may be granted to Chairman
23. Establishment of Trustees to be sanctioned by the Governor in Council
24. Appointment of Establishment
25. Trustees to grant leave of absence
26. Allowances during absence on leave
27. Penalty on officers being interested in Contracts.
28. Penalty for accepting illegal gratification
29. General nature of Works under this Act.
30. Trustees to provide landing places
31. Power of Trustees as to property
32. Procedure to be observed when the Trustees are unable to acquire by agreement any Land or Building
33. Trustees to provide Land required for public purpose
34. No Wharf, Quay, etc. to be made without consent of Governor in Council
35. Power to Contract
36. Work to be sanctioned by the Governor in Council
37. Trustees may compound for breach of Contract
38. Model of executing Contracts
39. Trustees not authorized to demise, etc, without consent of the Governor in Council.
40. Money to be raised for works
41. Model for raising such money
42. Interest on Debentures to be a charge on Revenue prior to interest due to the Secretary of State.
63. Application of Capital raised

44. Payment of debt, etc. by issue of fresh Debentures.
45. Form of Debenture
46. Property of Trustees how to be applied
47. Revenue of Trustees how to be applied
48. Surplus revenue of Trustees how to be applied
49. Amount of Debt
50. Payment of Interest
51. Estimate of Income and Expenditure to be submitted annually to the Trustees
52. Revision and passing the Estimates
53. Estimates to be approved by the Governor in Council
54. Power to make supplemental Estimates
55. Expenditure to be made in pursuance of Estimate
56. Accounts to be audited and examined
57. Tolls to be levied
58. Appoints of existing officers for levy of Fees, etc to hold good
59. Toll on Troops
60. Power to increase Tolls etc.
61. On failure of Trustees, Governor in Council may impose tolls etc.
62. Recovery of Tolls in arrears
63. Lien for Freight preserved after landing Goods, if notice of lien be given
64. Discharge of lien by payment or release
65. If Tolls not paid, or the Lien for Freight not discharged, Goods may be sold at the expiration of two months.
66. Application of proceeds of sale
67. Power to distrain Vessels for the non-payment of Tolls
68. Port Clearances not to be granted till Tolls paid.
69. Compensation for damage to the property of Trustees
70. Wharves, etc. to be appointed under Customs Act

Bombay Port Act

71. Dues for Wharves in possession of Customs Officers
72. Sanitary provisions
73. Limits of the Port of Bombay how to be defined
74. Regulations as to Buoys and Moorings
75. Power to increase Port Dues
76. Power to make Trustees Conservators of the Port
77. Port Dues may be made payable to Trustees
78. Trustees to exercise power of Conservators
79. Trustees to receive Port Dues
80. Trustees to be vested with the exclusive right and privilege of appointed Pilots
81. Responsibilities of the Trustees as Conservators of the Port
82. Power to procure and charge for Steam Tugs.
83. Trustees empowered to make Port Rules –
 - i. Entering or leaving Port
 - ii. Berths of Vessels
 - iii. Striking yards, etc.
 - iv. Removal of anchors, etc.
 - v. Taking in or discharging ballast.
 - vi. Keeping free passage
 - vii. Regulating the anchoring
 - viii. Mooring and warping
 - ix. Use of mooring buoys
 - x. Rates for use of mooring buoys
 - xi. Cargo boats
 - xii. First and lights
 - xiii. Signal lights
84. Jurisdiction of offences committed with the Port of Bombay
85. Trustees empowered to make By-Laws

Bombay Port Act

86. Approval of By-laws
87. Governor in Council may revoke and annul By-laws
88. Penalty for breach of By-laws
89. By-laws and Tables of Tolls to be exhibited
90. Limitation of Suits
91. Government may order a local survey
92. Government may restore or complete works
93. Mode of realizing interest due to the Secretary of State
94. Government may take possession and revoke powers of Trustees
95. Sanction of Government how to be evidenced.
96. Reservation of the rights of Government to use the Bunders for collecting Customs duties
97. Reservation of powers of Chief Customs Officer
98. Short Title

BOMBAY ACT NO. 1 of 1873
THE BOMBAY PORT TRUST ACT, 1873

Preamble

Whereas it is expedient to consolidate and amend the law relating to the harbour and foreshore of the Port of Bombay, and to make further provisions for the regulation, conservancy, and improvement of the said Port.

I. Repeal of Acts

From and after the coming into operation of this Act, the Acts specified in Schedule A, hereunto annexed, shall be, and the same are hereby repealed, save as to any acts done, or rights or liabilities acquired or incurred, under or by any of the said Acts before the coming into operation of this Act.

II. Interpretation Clause

In the construction of this Act and of any Rules and By-laws made in pursuance thereof, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

The Trustees :

The words "The Trustees" shall mean the Trustees of the Port of Bombay hereinafter incorporated;

Trustee :

The word "Trustee" shall mean a member of the said Corporation;

Vessel :

The word "Vessel" shall denote any thing made for the conveyance by water of human beings or of property;

Master :

The word "Master", when used in relation in any vessel, shall mean any person, whether the owner, master or other person lawfully or defacto having or taking the command, charge, or management of the vessel for the time being;

Land :

The word "Land" shall include the bed of the sea below high-water marks;

Port :

The word "Port" shall mean the Port of Bombay as at present, or at any time hereafter, defined by the Local Government under the provisions of this or any other Act;

Wharf :

The word “Wharf” shall include any part of the foreshore of the harbour of Bombay that may be used for loading or unloading goods, and any wall enclosing or adjoining the same;

Docks :

The word “Docks” shall mean the present or future docks, basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, patent slips, gridirons, quays, piers, warehouses, and other works belonging to, or under the management of, the Trustees;

Prior :

The word “Prior” shall mean any prior, stage, stairs, landing place, hard, or jotty belonging to, or under the management of, the Trustees, and shall include any landing-stage, floating barge, or pontoon, and any bridges or other works connected therewith;

Goods :

The word “Goods” shall include wares and merchandise of every description.

Owner :

The word “Owner”, when used in relation to goods, shall include any consignor, consignee, shipper or agent for the sale or custody, loading or unloading, of such goods, as well as the owner thereof; and when used in relation to any vessel, shall include any part owner, charterer, consignee, or mortgage in possession thereof

III. Power to nominate Trustees

It shall be lawful for the local Government at any time after the commencement of this Act, by order published in the BOMBAY GOVERNMENT GAZETTE, to nominate and appoint not less than nine, nor more than twelve, persons, of whom not less than one-third nor more than one-half shall be persons holding salaried offices under Government, to be Trustees of the Port of Bombay, and by the same, or any other order, published in like manner, to nominate one other person to be Chairman of such Trustees and such persons and the Chairman shall be the Trustees of the Port of Bombay.

IV. Trustees to be a Corporation.

The Trustees of the Port of Bombay to be appointed as hereinbefore provided, and their successors shall be, and they are hereby created a Corporation under the name and style of the “Trustees of the Port of Bombay”, and they shall have a common seal, and by such name shall sue and be sued.

V. Term of Office under the Act

Every person who shall be appointed a Chairman, or Trustee, shall, subject to the provisions hereinafter contained, continue to hold the office to which he shall be appointed for the term of two years, but may, at the expiration of such term, be re-appointed.

VI. Salaries and Fees of Chairman and Trustees

It shall be lawful for the Local Government, by order, in writing, from time to time, to determine whether any and what salary or allowances shall be paid to the Chairman of the Trustees, and whether any and what fees shall be paid to the Trustees for attendance at meetings for transaction of the business of the Trust; and in the order directing the salaries and fees to be paid as aforesaid, the Local Government may declare any conditions and restrictions upon and under which such salaries, allowance, and fees, respectively, shall be payable.

VII. Appointment of Successors

The Local Government, within one month after any person appointed to be a Chairman, or Trustee, under this Act shall have died, or ceased to be such Chairman or Trustee shall, by an order published in the BOMBAY GOVERNMENT GAZETTE, appoint some other person to be a Chairman or Trustee, as the case may be, in the place or stead of the person so dying, or ceasing to be a Chairman or Trustee.

VIII. Property vested in the Trustees

Immediately on the passing of this Act, the land and property hereafter mentioned shall vest in the Trustees for the purposes of this Act

- i. The lands and property described in a deed of conveyance, dated 27th June 1872, and in the map or plan delineated thereon, or attached thereto, and which deed of conveyance was granted by the liquidators of the Elphinstone Land and Press Company, Limited, to the Secretary of the State for India in Council and is mentioned in Schedule B to this Act annexed, subject, nevertheless, to the covenants, conditions, and agreements, respectively, contained or expressed in the said deed of conveyance, so far as the same are to be observed and performed by the said Secretary of State, and subject also as to such portions of the aforesaid lands and property as have been agreed to be leased by the said Secretary of State, to the covenants, conditions, and agreements contained in such agreements to lease, so far as the same are to be observed and performed by the said Secretary of State. And subject also to the liabilities affecting or intended to affect the said Secretary of State under all or any of the deeds or instruments mentioned in the said Schedule B, to this Act annexed;

- ii. All the right, title, estate and interest of the said Secretary of State in the several bandars, lands, and buildings specified in Schedule C to this Act annexed;
- iii. All the right, estate, and interest of the said Secretary of State in the several light-ships, buoys, light-houses and other erections and things specified in Schedule D to this Act annexed;
- iv. All the rents, tolls, and dues from time to time payable to the said Secretary of State or to the Local Government for the properties on the harbour foreshore south of Sewree Fort, up to the Frere Land Company's Reclamation, also all the rents, tolls, and dues payable to the said Secretary of State by the Said Frere Land Company, by Messers. Wadicol and Company at Tank Bunder, by the Mazgaon Land Company, by the Peninsula and Oriental Steam Navigation Company, by the Viegas Patent Slip Company, by Mirza Ally Mahumed Khan, by the Colaba Land Company, by the Appollo Press Company, and by Messers. Sassoon, specified in Schedule E to this Act annexed;
- v. Any sum that may be at the credit of the Port Funds in the accounts between the Government and the present Harbour and Pilotage Board when such accounts shall have been adjusted. But if there shall be a debit such shall not be charged to the Trustees;
- vi. Provided that as to so much of the Wares Bunder as defined in Schedule C to this Act annexed as is now vested in the Great Indian Peninsula Railway Company or to which the said Company is entitled, the said Company shall be entitled to possess and enjoy the said land for the purposes of their said Railway, but the said Company not be entitled to any wharfage fees, tonnage fees, rates, rents and dues in respect of good landed or stored in or upon the said Bunder other than those belonging to the said Company.
- vii. Provided also that as to as much of the Gun Carriage Reclamation as defined in Schedule C to this Act annexed as it now vested in the Bombay, Baroda and Central India Railway Company or to which the said Company is entitled, the said Company shall be entitled to possess and enjoy the said land for the purposes of their said Railway, but the said Company shall not be entitled to any wharfage fees, tonnage fees, rates, rents and dues in respect of goods landed or stored in or upon the said Gun Carriage Reclamation other than those belonging to the said Company;

- viii. Provided also that as to the Customs Bonded Warehouse in Schedule C mentioned, it shall be lawful for the Chief Customs authority of the Presidency to approve and appoint so much of the said Customs Bonded Warehouse as may in the opinion of the Local Government at any time be necessary to be a public warehouse for the reception of goods under Act VI of 1863; and the said Trustees shall forthwith set apart and shall maintain in good such portion of the said Customs Bonded Warehouse to be public warehouse as aforesaid : but the said Chief Customs authority shall from time to time as the Local Government may direct pay over to the said Trustees any surplus income, after payment of all charges and expenses of management, that may be derived from the use of any portion of the said Customs Bonded Warehouse as a public warehouse as aforesaid.

IX. The duties of the Trustees

The administration of the powers and trusts created and declared by this Act shall, subject to powers and authorities hereinafter conferred on the Local Government, be vested in the Trustees, and inasmuch as certain parts of the lands and property vested in the Trustees under the proceeding Section of this Act have heretofore been liable to be rated and taxed for the purposes of the Municipality of Bombay, there shall for the term of ten years from and after the taking effect of this Act be payable to the said Municipality of Bombay out of the revenues of the Trustees of the Port of Bombay the annual sum of Rupees 50,000 in lieu of all Municipal Rates and Taxes, except rates and taxes for the supply of water and Halalcore service, and in consideration of such annual payment when and as soon as any roads and thoroughfares have been duly leveled, paved, metalled, flagged, channeled and sewered by the Trustees, the Municipal Commissioner shall, on being satisfied of the same, declare such road or thoroughfare to be a public thoroughfare, and thereupon the said Municipality shall maintain and keep in repair and light and cleanse all such roads and thoroughfares, and shall also, on requisition by the Trustees, maintain and keep in repair and light and cleanse the roadway of any wharf, dock or port vested in the Trustees under this Act in such and the same manner and with the same liabilities in respect thereof as if the said roads and public thoroughfares and placed were vested in the Municipality of Bombay. Any dispute between the Municipal Commissioner and the said Trustees as to any road being Municipal Act in force for the time being to be declared a public street, shall be determined by the Government, whose decision shall be final in the matter.

The said sum of Rs.50,000 shall be payable and paid to the said Municipality of Bombay on the 30th day of September in every year.

X. Meetings of the Trustees

The Trustees shall meet for the transaction of business once at least in every fortnight. Such meeting shall be held upon such day, and at such hour and place as the Trustees shall, from time to time, determine. At every meeting of the Trustees, five members shall constitute a quorum, and no business shall be transacted at any meeting unless a quorum be present.

XI. Who shall preside at Meetings

The Chairman of the Trustees shall attend all meetings of the Trustees held under this Act, unless prevented by sickness or other reasonable cause, and the said Chairman shall preside at every such meeting. In the absence of the Chairman, the Trustees present at any meeting shall choose one of their members to preside. The President of any meeting at which a quorum of the Trustees shall be present may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

XII. Minutes of Proceedings of Trustees to be kept and to be open for inspection

Minutes of the proceedings of all meetings of the Trustees under this Act shall be drawn up, and fairly entered in a book to be kept for that purpose, and shall be signed by the President as soon as may be practicable after each meeting, and the said minutes shall, at all reasonable times, be open at the office of the Trustees to the inspection of any Trustees without charge.

XIII. Poll how to be taken

All questions which may come before the Trustees for decision shall be decided by a majority of votes. If a poll be demanded at any meeting of the Trustees, be votes of the Trustees present shall be recorded by the President, and the resolution supported by the greater number of votes given at such poll shall be deemed to be the resolution of the Trustees at such meeting. The President shall have a second or casting vote in all cases of equality of votes.

XIV. Copy of Minutes to be transmitted to the Secretary to Government, and any Returns called for by Government to be furnished.

A copy of the minutes of every meeting of the Trustees shall, as soon as the same have been signed by the President, be transmitted to such Secretary of the Local Government as shall from time to time be appointed to receive the same, and any other returns, or information, that the Local Government may, from time to time, call for, shall be forthwith supplied by the Trustees.

XV. Trustees may appoint Committees

The Trustees may, from time to time, by resolution passed at a meeting, appoint committees of their number for carrying into effect any part of the provisions of this Act, with such powers, and under such instructions, directions, or limitations as by such resolution shall be defined, and on any such committee three members shall be a quorum, and the Trustees shall have power at any time to alter or discontinue any such committee.

XVI. Emergent Meetings may be called

The Chairman may, whenever he thinks fit, and shall, upon request made in writing by three Trustees or two members of any committee, call an emergent meeting of the Trustees, or committee, as the case may be.

XVII. Chairman may exercise certain powers of Trustees

All the powers, authorities, and duties in and by this Act conferred or imposed upon the Trustees, may be exercised and preferred by the Chairman, save the powers, authorities, and duties by this Act, or by any rule, by-law, or order made under the provisions of this Act, conferred or imposed on, or restricted to, the Trustees at a meeting.

XVIII. Proceedings not to be invalidated by a vacancy on informality of appointment

No act or proceedings of the Trustees shall be invalidated or illegal in consequence only of there being a vacancy in the number of the Trustees at the time of doing or executing such act or proceeding. And no acts or proceedings of the Trustees, or of any person acting as a Trustee, shall be deemed to be invalid in consequence of its being afterwards discovered that there was some defect in the appointment of any Trustee or Trustees or person acting as a Trustee as aforesaid.

XIX. Disqualification of Trustees

Every person who at the time after his appointment as a Trustee shall be absent from six consecutive meetings of the Trustees – without having the permission in that behalf of the Trustees at a meeting, or who, having such permission, shall be absent from the meetings for a period exceeding a year, and every person who, at the time or during the term of his appointment as a Trustee, holds or shall accept, or agree to accept, any office or place of profit under this Act (except as hereinbefore provided in Section (6), or who shall participate, or agree to participate, in the profits of any work done by order of the Trustees, or be concerned, or participate in the profits of any contract entered into with the Trustees, or who is or becomes a bankrupt or insolvent, shall thenceforth cease to be a Trustee, and his office shall thereupon become vacant : Provided always that

no Trustee shall vacate his office by reason only of his being a shareholder in any duly Registered Joint Stock Company with which the Trustees may enter into any contract, or by reason of his being interested in any loan of money to the Trustees.

XX. Power to remove Chairman or Trustee

It shall be lawful for the Local Government, by an order under the hand of one of the Secretaries to Government, to direct that any Chairman or Trustee named in such order shall cease to be Chairman or Trustee, and thereupon the person so named shall cease to be Chairman or Trustee, as in such order may be directed.

XXI. Acting Trustee may be appointed during absence of Trustee

When any Trustee shall depart from Bombay with an intention of being absent for a longer period than three consecutive months, or when any such member shall have been so absent for a period exceeding three consecutive months, it shall be lawful for the Local Government to appoint some other person to act in the place and room of such absent Trustee until he shall return to Bombay, or until he shall cease to be a Trustee.

XXII. Leave of absence may be granted to Chairman

It shall be lawful for the Local Government to grant such leave of absence to any Chairman of the Trustees, and to make such arrangements for carrying on the duties of his office during his absence on leave as shall seem proper. Any person appointed under this section to act for such Chairman, shall, while so acting, have all the powers, and he liable to all the restrictions and limitation which the Chairman would, under this Act, have and be liable to. In any case in which leave of absence to any Chairman shall be granted as aforesaid, the Local Government may order to be allowed to such Chairman such portion of his salary, during absence on leave, as shall seem proper, and such allowance shall be paid accordingly, unless and until the Local Government shall otherwise direct : Provided that no greater expenditure shall be incurred on the whole, by reason of any allowance paid upon the absence on leave of the Chairman, than would have been incurred had no such leave been granted.

XXIII. Establishment of Trustees to be sanctioned by the Governor in Council

The Trustees shall from time to time, prepare and submit to the Local Government a schedule setting forth the number of officers and servants necessary and proper for carrying out the purposes of this Act, and the salaries, fees, and allowances which it is proposed to assign to such officers and servants, and the Local Government may sanction such schedule or modify and sanction the same; and every such schedule so sanctioned shall remain in force until some other such schedule shall be lawful for the Trustees to employ any officer or servant in any office or employment not sanctioned in and by the schedule, for the

time being in force, not to pay or allow to any officers or servants any salaries, allowances, or fees greater than or beyond these sanctioned in such schedule : Provided always that artisans, porters, and labourers and the muccadums of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section.

XXIV. Appointment of Establishment

Of the officers and servants required to fill the offices and posts mentioned in the schedule for the time being in force; under the provision of the next preceding section, the Local Government shall appoint the Engineer, Secretary, Traffic Manager and Accountant, and the Deputy Conservator and Master Attendant of the Port, and, subject to the provisions of the said schedule, shall fix their remuneration. All other officers and servants shall be appointed by the Trustees at a meeting, who, subject in like manner to the provisions of the said schedule shall fix their remuneration. The Engineer, Secretary, Traffic Manager, Accountant and the Deputy Conservator and Master Attendant of the Port shall be removable from office by the Local Government if it think proper, or at the recommendation of not less than three-fourths of the Trustees present at a meeting called specially to consider such matter, and any other officer and servant shall be removable for misconduct, or neglect of, or incapacity to perform his duty by the Trustees at a meeting.

XXV. Trustees to grant leave of absence

It shall be lawful for the Trustees at a meeting to grant such leave of absence to any officer appointed under this Act as shall to them seem proper, or to delegate such power to the Chairman and to make fit arrangements for the performance of the duties of such officer during his absence on leave : Provided that, in any case in which leave of absence shall be granted to the Engineer, Secretary, Traffic Manager, or Accountant, or the Deputy Conservator and Master Attendant of the Port, the sanction of the Local Government shall be requisite, and the Local Government shall make fit arrangements for the performance of the duties of such officers during their absence on leave. Any person appointed under this section to act for any officer, shall, while so acting, have all the powers, and be liable to all the restrictions, limitations and provisions, which such officer for whom he may be appointed to act would under this Act have to be liable to.

XXVI. Allowances during absence on leave

The Trustees at a meeting, may, with the sanction of the Local Government, make by-laws authorizing or restricting the payment to officers of allowances during absence on leave granted under the last preceding section : Provided that, in the case of officers appointed by the Local Government under this Act, the Local Government shall fix the allowances to be paid during such absence on leave; and

provided also that no greater expenditure from the Port Fund shall be, in any case, incurred in the whole, by reason of any such allowances paid during absence on leave, than would have been incurred had no leave been granted.

XXVII. Penalty on officers being interested in Contracts.

No officer or servant of the Trustees shall be in anywise concerned or interested in any contract or work made with, or executed for, the Trustees, or in the purchase or ownership of any of the land or buildings made over, or hereafter to be made over to or acquired by the Trustees and if any such officer or servant be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Trustees, and shall forfeit and pay the sum of Rupees one thousand, which may be recovered by suit by any person, with full costs of suit : Provided that anything in this section shall apply to any person by reason only of his being a shareholder in any duly registered Joint Stock Company which may enter into any contract with the Trustees, or execute any work for the Trustees.

XXVIII. Penalty for accepting illegal gratification

If any person employed under this Act, not being a public servant within the meaning of Section XXI of the Indian Penal Code, 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, favor or disfavor to any person; or for rendering, or attempting to render, any service or dis-service to any person, with the Trustees, or with any public servant, as such or with the Government, he shall be liable to the same punishment as is in that behalf provided for by the Indian Penal Code in the case of public servants.

XXIX. General nature of Works under this Act.

The works to be constructed and carried out by the Trustees under the provisions of this Act may include :-

- i. Wharves, quays, docks, stages, jetties and piers within the Port or on the foreshore of the Port of Bombay, with all necessary and convenient arches, drains, landing places, stairs, fences, roads, railways and approaches;
- ii. Tramways, warehouses, sheds, engines, and other appliances for conveying, receiving and storing goods and merchandise landed, or to be shipped, or otherwise;

- iii. Lighthouses, light-ships, boacons, pilot boats, and other appliances necessary for the safe navigation of the Port of Bombay and the approaches thereto;
- iv. Laying down moorings, and the erection of cranes, scales, and all means and appliances necessary for berthing, loading and unloading vessels;
- v. Reclaiming, excavating, enclosing, and raising any part of the foreshore of the Port of Bombay which may be vested in the Trustees by this Act or which hereafter may be acquired by them, and which reclamation, excavation, enclosure or raising may be necessary for the execution of the works authorized by this act, or otherwise for the purposes of this Act;
- vi. The construction and application of dredges and other machines for cleaning, deepening, and improving any portion of the Port or foreshore of Bombay as aforesaid;
- vii. The construction, with the sanction of Government previously obtained, of such works, without the limits of the Port, as shall be necessary for the protection of works executed under this Act, and all such other works and appliances as may, in the opinion of the Trustees, at a meeting, be necessary for carrying out the purposes of this Act.

XXX. Trustees to provide landing places

The Trustees shall provide such number of public landing places as shall, in the opinion of the Local Government, be sufficient, to depend upon with the public shall be permitted to embark and to lay free of charge.

XXXI. Power of Trustees as to property

The Trustees shall, for the purposes of this Act, have power to acquire and hold immovable and moveable property, whether within or without the limits of the Port or City of Bombay, by conveyance, rent, lease, assignment, or sale, from the Governor in Council on behalf of the Secretary of State for India in Council, or any Corporate Body, or any registered Joint Stock Company or private Company and they shall also have power at a meeting to lease or sell any moveable or immovable property which may become rested in or been acquired by them, but which is no longer required for the purpose of this Act. Provided always that no such sale, or other alienation, or lease of any immovable property for any estate, or interest exceeding the term of 10 years, shall be valid, unless the sanction of the Local Government to such sale, alienation or lease shall be first had.

XXXII. Procedure to be observed when the Trustees are unable to acquire by agreement any Land or Building

When the Trustees are unable to acquire, by agreement any land or building required for the purposes of this Act, the Local Government, in their discretion, may declare that the land or building is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any law in force for the acquisition of land for public purpose. Such land or building, when acquired shall be conveyed to the Trustees on their paying the compensation awarded, and all costs connected therewith.

XXXIII. Trustees to provide Land required for public purpose

The Trustees shall be bound to provide from the land in their possession any land which the Government shall declare to be required for a public purpose, and the Government may order proceedings to be taken for obtaining possession of the same for Government and for determining the compensation to be paid to the Trustees according to any law in force for the acquisition of land for public purposes.

XXXIV. No Wharf, Quay, etc. to be made without consent or Governor in Council

It shall not be lawful for any person or persons, save the Trustees, to make, erect or fix, below high-water mark within the Port, any wharf, quay, stage, jetty, pier, erection, or mooring, without the consent, in writing; of the Local Government first had and obtained.

Any such matter or thing which may be so made, erected or fixed may be removed by the Trustees, and the person who shall have so made, erected, or fixed any such matter or thing, shall be liable, on conviction, to a fine which may extend to one thousand rupees, and to a further fine which may extend one hundred rupees for every day during which such matter or thing shall have been permitted to remain so made, erected, or fixed, after notice to remove the same shall have been given to him, and shall also be liable to pay all expenses which may have been incurred by the Trustees in removing such matter or things : Provided that this section shall not apply to moorings laid down, or to be laid down, by the Conservator of the Port.

XXXV. Power to Contract

The Trustees, at a meeting, may enter into contracts with any Body Corporate, registered Joint Stock Company, or private person, for the execution, or supply, by them or him, of any works, labour, materials, machines, stores, or for other matters necessary for carrying into effect the trusts and purposes of this Act :

Provided always, that no contract under or by virtue of which a sum greater than fifty thousand rupees may, in any event, be payable by the Trustees, shall be valid without the assent, in writing of the Local Government.

XXXVI. Work to be sanctioned by the Governor in Council

No new work, the estimated cost of which shall exceed two thousand rupees, shall be commenced by the Trustees, nor shall any contract be entered into by the Trustees in respect of any such new work, until a plan and estimate of such work shall have been determined upon and approved by the Trustees at a meeting; and, in case the estimated cost of any such new work shall exceed twenty-five thousand rupees, it shall not be commenced until such plan and estimate shall have been submitted to the Government and sanctioned by them.

XXXVII - Trustees may compound for breach of Contract

It shall be lawful for the Trustees, at a meeting to compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under the authority of and in the manner provided by this Act, or in respect of any action or suit instituted by or against them for such sum of money, or other compensation, as they shall deem sufficient : Provided that no composition or compromise involving the payment or receipt by the Trustees of a sum greater than ten thousand rupees shall be valid without the assent in writing of the Local Government.

XXXVIII - Model of executing Contracts

The Chairman may, for and on behalf of the Trustee, 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 administered by the High Court of the Judicature in Bombay, would bind him if such contract or agreement were on his own behalf; that every other contract and agreement, by or on behalf of the Trustees, shall be in writing, and signed by the Chairman, and by two other Trustees, and no contract nor agreement not executed as in this section is provided shall be binding on the Trustees.

XXXIX. - Trustees not authorized to demise, etc, without consent of the Governor in Council.

It shall not be lawful for the Trustees to demise, farm, sell or alienate any power which by or under this Act may become vested in them, of levying tolls, fees, wharfage or rent, rates or charges, unless the assent, in writing, of the Local Government to such demise, farm, sale or alienation shall have been first had and obtained.

XL. Money to be raised for works

In case the Local Government shall, by an order published in the BOMBAY GOVERNMENT GAZETTE, do direct it shall be _____ for the Trustees, from time to time, to raise money for the acquisition of any immovable property or of any work, plant, vessels or appliances, the purchase of which may be sanctioned by the Local Government, to such extent, and in such manner as the said Local Government may from time to time direct.

XLI. Model for raising such money

The Local Government shall, by rules or orders to be by the said Local Government, from time to time, published in the BOMBAY GOVERNMENT GAZETTE, with the sanction of the Governor General of India in Council, direct and appoint the manner in which such money shall be raised : Provided always that the Trustees shall not be required to borrow money at a rate exceeding 4½ rupees per cent per annum.

XLII. Interest on Debentures to be a charge on Revenue prior to interest due to the Secretary of State.

In case such money shall be advanced on debentures bearing interest, such interest shall be a charge on all rents, tolls, duties, rates, and charges leviable under this Act, prior to the charge for interest payable to the Secretary of State for India in Council, provided for by Section 50 of this Act.

XLIII. Application of Capital raised

All the moneys to be raised under Section 40 shall be applied by the Trustees in the acquisition of immovable property, or in payment of the cost of works, plant, vessels, or appliances sanctioned by the Local Government, and in accordance with the provisions of Sections 35 and 36 of this Act.

XLIV. Payment of debt, etc. by issue of fresh Debentures.

The Trustees may at any time, according to the provisions aforesaid, and with the approval of the Local Government, raise, in the manner provided by Section 41 any money that may be required to pay any amount of capital for the time being due by the Trustees under the provisions of this Act.

XLV. Form of Debenture

All debenture which may be issued under the authority of this Act shall be in the form contained in Schedule F to this Act annexed, and shall be transferable by endorsement; and the right to due in respect of the moneys secured by any or such debentures shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

XLVI. Property of Trustees how to be applied

All property vested in, or acquired by, the Trustees, under or by virtue of this Act, shall be held in trust, and be applied, in the first place, for the payment of all sums which shall be raised under the provisions of Sections 40 and 44 of this Act, or which shall be due and payable to the Secretary of State for India in Council under the provisions of Section 49 of this Act, or for moneys advanced or applied, or to be advanced or applied, with consent of the Trustees, by or on behalf of the said Secretary of State, for the improvement of the Port of Bombay, or otherwise under the provisions of this Act, and subject thereto upon trust for the purposes of this Act, and not otherwise.

XLVII. Revenue of Trustees how to be applied

All rents, rates, dues and other income raised by, or payable to, the Trustees, under or by virtue of this Act, shall be held in trust, and be applied, in the first place, for the payment of salaries, of the cost of repairs to, and maintenance of, the property vested in the Trustees, and of other necessary working charges; and, in the second place, to the payment of interest on any money that may have been raised by the Trustees under the provisions of Section 40 and 44 of this Act; and, in the third place, to the payment of interest according to the provisions of Section 50 of this Act.

XLVIII - Surplus revenue of Trustees how to be applied

The surplus revenue (if any) on the 31st day of March in each year, after the payments mentioned in the preceding Section are made, shall, on or before the 1st August following, be paid to the said Secretary of State towards the liquidation of any sums that may be due to him under the provisions of Sections 49 and 50 of this Act, or shall be applied to paying off any of the money that may have been raised by the Trustees under the provisions of Sections 40 and 44 of this Act, the principal sum due in respect whereof may be then payable.

XLIX. Amount of Debt

There shall be deemed and taken to be due from the Trustees to the Secretary of State for India in Council immediately upon the commencement of this Act, the several sums set forth in Schedule G to this Act annexed, for the lands, works, and matters therein respectively set forth.

L. Payment of Interest

Interest shall be paid by the Trustees to the said Secretary of State upon the sums which, for the time being, may be due to him from them as follows :

- i. Upon the sums mentioned in column no.1 of Schedule G to this Act annexed, or upon so much thereof as for the time being may be due as aforesaid. Interest shall be paid at the rate of 4 rupees per centum per annum for a period of ten years, commencing from the date of the coming into operation of this Act, and at the rate of 4½ rupees per centum per annum after the expiry of the said ten years;
- ii. Upon any sums which may hereafter be advanced by the said Secretary of State to the said Trustees, or upon so much thereof as for the time being may be due, interest shall be paid at the rate of 4½ rupees per centum per annum.
- iii. Upon the sums mentioned in column No.2 of Schedule G to this Act annexed, no interest shall be payable.
- iv. Interest due, as aforesaid, shall be payable to the said Secretary of State on the 1st day of April in each year.

LI. Estimate of Income & Expenditure to be submitted annually to the Trustees

The Chairman shall, at a special meeting to be held within two months after the commencement of this Act, lay before the Trustees a separate estimate of the expenditure and income of the Trustee for the period between the date on which this Act shall come into operation and the 1st day of April then next ensuing and shall thereafter, at a special meeting to be held in the month of February in each year, lay before the Trustees a like estimate of such income and expenditure for the year commencing on the 1st day of April then next ensuing. Every such estimate shall be in such form as the Local Government shall, by an order published in the BOMBAY GOVERNMENT GAZETTE, direct : Provided always, that such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

LII. Revision and passing the Estimates

It shall be in the discretion of the Trustees, at such meeting, by resolution, to pass or to modify, or alter, such estimate, and to pass such estimate so modified or altered.

LIII. Estimates to be approved by the Governor in Council

Every such estimate, when passed by the Trustees, in pursuance of the provisions of this Act, shall be submitted to the Local Government, and it shall be lawful for such Local Government either to approve of such estimate, or to return the same with such modifications or alterations or remarks as may seem proper, and the Trustees shall forthwith, at a meeting, proceed to reconsider such estimate in reference to such modifications or alterations or remarks, and to modify or alter the same, and to resubmit such estimate to the said Government; and it shall not be lawful for the Trustees to expend any sum under such estimate otherwise than shall be approved by the said Government.

LIV. Power to make supplemental Estimates

It shall be lawful for the Trustees, in the course of any year for which an estimate shall have been approved by the Local Government, to cause a supplemental estimate for the residue of such year to be prepared and laid before the Trustees at a meeting, and thereupon such proceedings shall be had as in and by sections 52 and 53 are directed to be had with respect to the estimate therein mentioned.

LV. Expenditure to be made in pursuance of Estimate

It shall not be lawful for the Trustees to expend a sum for any purpose not approved in some estimate for the time being in force, save in cases of pressing emergency, nor shall it be lawful for them to expend, for any purpose not so approved, any sum exceeding five thousand rupees, without the assent, in writing, of the Local Government.

LVI. Accounts to be audited and examined

The accounts of the receipts and expenditure of the Trustees under this Act shall, twice in every year, be laid before the Local Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by the Local Government. For the purposes of any audit and examination of accounts under this Act, 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; and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every such neglect or refusal to a penalty not exceeding one hundred rupees. All auditors, acting under this Act, shall, in respect of each audit, be paid by the Trustees such remuneration as the Local Government shall, from time to time, determine and within fourteen days after the

audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, who shall cause the same to be deposited in the officer of the Trustees and to be published together with an abstract of the said accounts in the BOMBAY GOVERNMENT GAZETTE.

LVII. Tolls to be levied

The Trustees shall frame a scale of tolls, dues, rents, rates, and charges to be levied for the landing, shipping, wharfage, carnage, storage, or demurrage of goods, and for permission for vessels or boats to approach, or be alongside, and for animals or vehicles carrying goods and merchandise to or from or entering upon or plying for hire at or any wharf, docks or pier, in the possession or occupation of the Trustees : such scale of tolls, dues, rents, rates, and charges shall be determined by a resolution of the Trustees at a meeting, and shall be submitted to the Local Government for sanction, and after receiving such sanction, shall be published by the Trustees in the BOMBAY GOVERNMENT GAZETTE, and may, from time to time, subject to the like sanction and publication, be in like manner altered or enlarges : Provided that it shall be lawful for the Trustees, subject to the provisions of any law for the time being in force, to land, ship, or transship goods between vessels in the harbour of Bombay and the wharves or bandars, and to make such charges in respect thereof as they shall think fit without the sanction of Government. Until such scale of tolls, dues, rents, rates, and charges as aforesaid shall be framed and approved and published, the fees leviable under Bombay Act V, of 1870, and under the Consolidated Customs Act (VI of 1863), so far as the same relates to the levy of fees on goods stored in the Customs Bonded Warehouse, shall continue to be levied on behalf of the Trustees, and shall be applied in the manner prescribed by Sections 47 and 48 of this Act.

LVIII. Appoints of existing officers for levy of Fees, etc to hold good

The appointment of officers made by the Local Government for the levy of fees imposed under Bombay Act V. of 1870, and for the performance of the other duties imposed under the said Act, and for the levy of fees under the Consolidated Customs Act, as mentioned in the last preceding section, shall continue and hold good unless and until other officers shall be appointed under the provisions of this Act.

LIX. Toll on Troops

On all troops, including their families, landing or embarking at Bombay, a toll at the rate of one rupee per head shall be payable by Government to the Trustees.

LX. Power to increase Tolls etc.

If, on the preparation of the estimate of any year, it shall appear that the estimated income of the Trustees for such year, from tolls, dues, rates, rents, and charges, and from all other sources, after deducting therefrom the estimated expenditure of such year to be incurred on account of salaries, cost of repairs to, and maintenance of, the property vested in the Trustees, and of other necessary working charges, will be insufficient for the payment of the interest which under the provisions of this Act will be payable, during such year, to the Secretary of State for India in Council, and to other creditors; or if at any time in the course of a year it may appear that the actual income, as aforesaid, of such portion of the year as may have then elapsed, and the estimated income as aforesaid, of the residue of such year, after deducting therefrom the actual expenditure, as aforesaid, of such past portion, and the estimated expenditure, as aforesaid, of such residue will, after making all such retrenchments as may be practicable, be insufficient for the payment of such interest, then and in every such case, the Trustees shall, upon the requisition in writing, of the Local Government, from time to time, and to the extent requisite in every case, increase the tolls, dues, rates, rents, and charges for the time being in force, under the provisions of Section 57 to such an extent as will, when added to the said income of the year suffice, as nearly as may be, for the payment of the said interest in full. Such additional tolls, dues, rates, rents, and charges shall be fixed and adopted by a Resolution of the Trustees at a meeting, and shall be submitted to the Local Government; and if the same shall be approved by them shall be published in the BOMBAY GOVERNMENT GAZETTE, and shall forthwith come into operation, and remain in operation, until altered or revoked by the Trustees at a meeting with the sanction of the Local Government, and shall be leviable and recoverable in like manner as any other tolls, dues, rate, rents and charges payable under this Act.

LXI. On failure of Trustees, Governor in Council may impose tolls etc.

In case the Trustees shall, for fifteen days after the receipt by them of any such requisition from the Local Government, as in Section 60 is mentioned, neglect or refuse to increase such tolls, dues, rents, rates, and charges, it shall be lawful for the Local Government, by order published in the BOMBAY GOVERNMENT GAZETTE, to increase such tolls, dues, rents, rates and charges, and the tolls, dues, rents, rates and charges mentioned in such order shall be levied by the Trustees, and shall have such and the same effect as if they had been fixed and adopted by the Trustees at a meeting and approved by the Local Government, and published in the BOMBAY GOVERNMENT GAZETTE, as in Section 5 is mentioned.

LXII. Recovery of Tolls in arrears

For the amount of all tolls, charges, dues, rates and rents duly leviable under this Act, in respect of any goods, the Trustees shall have a lien on such goods, and shall be entitled to seize and detain the same, until such tolls charges, rates, rents, and dues are fully paid. Tolls, charges, rates, rents, and dues, in respect of goods to be landed, shall become payable immediately on the landing of the goods. Tolls, charges, rates, rents, and dues, in respect of goods to be removed from the premises of the Trustees, or to be shipped for export, shall be payable before the goods are removed or shipped. The lien for such tolls, charges, rates, rents, and dues, shall have priority over all other liens and claims, except for general average for the ship-owner's lien for freight upon the said goods where such lien exists and has been preserved, in the manner hereinafter provided, for primage and for money payable to Hon'ble Majesty or the Secretary of State for India in Council under any law for the time being in force.

LXIII. Lien for Freight preserved after landing Goods, if notice of lien be given

If the master or owner of any vessel, or his agent, at or before the time of landing from such vessel any goods at any wharf, docks or pier in the possession or occupation of the Trustees, shall give to the Trustees notice, in writing, that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner, to an amount to be mentioned in such notice, such goods shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Such goods shall be retained either in the warehouses and sheds of the Trustees, or, with the consent of the Chief Customs authority of the Presidency, in the public warehouses, at the risk and expense of the owners of the said goods until the lien is discharged as hereinafter mentioned.

LXIV. Discharge of lien by payment or release

Upon the production to the officer of the Trustees in that behalf of a document purporting to be a receipt for the amount claimed as due, or a release of freight from the person by or on whose behalf such notice shall have been given, it shall be lawful for the Trustees to 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.

LXV. If Tolls not paid, or the Lien for Freight not discharged, Goods may be sold at the expiration of two months.

If the tolls, rates, rents, dues, and charges payable to the Trustees in respect of any goods under this Act are not paid, or if the lien of the ship-owner for freight when such notice as aforesaid has been given, is not discharged, the Trustees may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were

placed in their custody, or if the goods are of a perishable nature, at such earlier period, being not less than twenty-four hours after the landing of the goods, as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale. Before making such sale, ten days' notice of the same shall be given by publication thereof in the BOMBAY GOVERNMENT GAZETTE, unless the goods are of so perishable nature as, in the opinion of the officer of the Trustees in that behalf, to render immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of. If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Trustees, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address, or sent by post; but the title of a BONAFIDE purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

LXVI. Application of proceeds of sale

In every case of any such sale as aforesaid, the moneys received from the sale shall be applied as follows :

1stly –

In payment, according to their respective priorities, of the liens and claims excepted in Section 62 from the priority of the liens of the Trustees for tolls, rates, rents, charges, and dues;

2ndly

In payment of the expenses of the sale;

3rdly

In payment of tolls, charges, rents, rates, dues and expenses due to the Trustees under this Act in respect thereof.

The surplus, if any, shall be paid to the owner of the goods of his agent on his applying for the same, provided such application be made within one year from the sale of the goods, or good reason be shown why such application was not so made to the satisfaction of the Trustees; and in case such application shall not be so made, nor reason shown, such surplus shall be applied by the Trustees to the purpose of this Act.

LXVII - Power to distrain Vessels for the non-payment of Tolls

If the master of any vessel in respect of which any tolls, dues, rates, penalties, or charges shall be payable under this Act, or any rules or by-laws made in pursuance thereof, shall refuse or neglect to pay the same, or any part thereof, on demand, it shall be lawful for the Trustees 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 to the Trustees shall be paid; and, in case any part of the said tolls, dues, rates, penalties, or charges, 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 shall have been so made, the Trustees 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, penalties, or charges and costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

LXVIII - Port Clearances not to be granted till Tolls paid.

If the Trustees shall give to the officer of Government, whose duty it shall be to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates or charges or penalties chargeable under this Act, or any by-laws, rules, or order made in pursuance thereof, 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.

LXIX. Compensation for damage to the property of Trustees

In case any damage or mischief shall be done to any wharves, docks, piers, or works constructed or acquired by the Trustees under the provisions of this Act, by any vessel, through the negligence of any person having the guidance or command thereof, or of any of the mariners or persons employed therein, it shall be lawful for any Magistrate of Police for the City of Bombay, on the application of the Trustees, to issue a summon to the master of, or agent for, 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 by the summons, and whether the person summoned shall appear or not, it shall be made out to the satisfaction of the Magistrate that the alleged damage was done through such negligence as aforesaid, it shall be lawful for the Magistrate to 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 amount of damage as aforesaid, and such last mentioned amount shall be paid to the Trustees out of the proceeds of the distress : 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 the Master Attendant's Department, the case shall not be cognizable by the Magistrate under this Section.

LXX. Wharves, etc. to be appointed under Customs Act

When the Local Government shall, under the provisions of any Act for the regulation or duties of customs, appoint any wharf, docks or pier, erected or acquired under this Act, for the use of vessels, to be a wharf, for the landing and shipping of goods within the meaning of such Act, or when the Chief Customs Authority of the Presidency shall license any warehouse or portion of a warehouse erected or acquired under this Act as a warehouse for the reception of goods under any Act for the regulation of duties of Customs, the Trustees shall set apart, maintain, and secure on such wharf, docks, or piers or in such warehouse or portion of a warehouse such portion thereof, or place therein, or adjoining thereto, for the use of the Officers of Customs, as the Local Government shall in that behalf approve or appoint.

LXXI. Dues for Wharves in possession of Customs Officers

Notwithstanding that any wharf, docks, pier or warehouse; or portion thereof, shall, under the provisions of the last section, have been set apart for the use of the Officers of Customs, all dues, rates, tolls and rents payable in respect thereof, of for the use thereof, or for the storage of goods thereupon or therein, shall be paid, and payable, to the Trustees, or to such person or persons as they may appoint to receive the same.

LXXII - Sanitary provisions

Any person who willfully deposits, or permits his servants to deposit, any dust, dirt, dang, ashes, refuse, or filth of any kind, or broken glass, earthenware, or rubbish, in or upon any wharf, dock, or pier belonging to the Trustees, or in or upon any part of the foreshore of the City of Bombay, shall be liable to a fine not exceeding ten rupees for each offence.

LXXIII - Limits of the Port of Bombay how to be defined

It shall be lawful for the Local Government, by an order published in the Bombay Government Gazette, to define the limits of the Port for the purpose of this Act, and from time to time, by any notice to be in like manner published, to alter, vary or revoke the same, or any part thereof, and by the same or any other order, to be in like manner published, to define the limits of the Port, and the limits so defined in any such order shall, while such order is in force, be, for the purposes of this Act, the limits of the Port : Provided, however, that until such order shall be published, the limits of the Port as for the time being defined by a declaration made by the Local Government, under the provisions of the Act XXII of 1855, passed by the Legislative Council of India, shall, for the purposes of this Act, be the limits of the Port.

LXXIV - Regulations as to Buoys and Moorings

All regulations under and provisions of the said Act XXII of 1855, passed by the Governor General of India in Council, with regard to buoys and moorings, shall extend to the buoys and moorings land down by or belonging to the Trustees, unless and until other regulations shall be made by the Trustees under Section 83 of this Act. The Conservator of the Port, and his Assistants, in carrying out and enforcing such regulations, shall act under the direction of the Trustees.

LXXV - Power to increase Port Dues

From and after the date on which this Act shall come into operation, Section I of Act XXXI of 185, passed by the Governor General of India in Council, shall be repealed, and in lieu thereof it is enacted that port dues, at rates not exceeding the rate of four annas or below the rate of two annas for every ton of register, and varying for different classes of vessels as the Trustees may deem fit, shall be chargeable in respect of sea-going vessels of the burthen of 10 tons and upwards (except fishing-boats) which shall enter the Port.

LXXVI - Power to make Trustees Conservators of the Port

It shall be lawful for the Local Government, at any time after the passing of this Act, by an order published in the BOMBAY GOVERNMENT GAZETTE, to confer on the Trustees the powers of the Conservator of the Port of Bombay, under Act XXII of 1855 or any other law for the time being in force.

LXXVII - Port Dues may be made payable to Trustees

Every such order may direct the Port dues, pilotage, or other fees payable under the provisions of any Act authorizing the levy, or requiring payment, of port dues, pilotage, or other fees, from, or in respect of, vessels entering or leaving the said Port, or being or lying therein, or using the said Port, shall be received by the Trustees.

LXXVIII - Trustees to exercise power of Conservators

From and after the publication of any such order, the Trustees shall have within the Port, all the singular the rights, powers, and authorities in and by Act XXII of 1855, passed by the Governor General of India in Council, or any other Act, conferred on the Conservator of the Port, and may exercise such rights, powers and authorities by any officer to be thereunto appointed, as prescribed by Sections 23 and 24 of this Act, and the said rights, powers, and authorities shall not be exercised by any other persons within the said Port.

LXXIX - Trustees to receive Port Dues

From and after the publication of any such order all the port dues, pilotage, and other fees in an by such order directed to be received by the Trustees, and payable in respect of any vessel catering or leaving the Port, or being or lying therein or using the said Port, shall be payable to the Trustees, and shall be deemed to be a portion of their income, and shall be included in their annual estimates and accounts.

LXXX - Trustees to be vested with the exclusive right and privilege of appointed Pilots

The Trustees, at a meeting, shall have the exclusive right and privilege of appointing pilots for the navigation of vessels within the limits of the Port of Bombay; and it shall be lawful for the Trustees, at a meeting, from time to time, to make such by-laws and regulations as they shall think fit, for fixing and regulating the wages and allowances for pilotage to be received by the pilots to be appointed by the Trustees, and also for regulating the behaviour and conduct of such pilots, and to enforce the observance of such by-laws and regulations, by the imposition of pecuniary penalties not exceeding one hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise, as to the Trustees may appear expedient : Provided that such by-laws shall first have been approved by the Local Government, and published in the manner directed by Section 87 of this Act.

LXXXI - Responsibilities of the Trustees as Conservators of the Port

Neither the Local Government nor the Trustees of the Port shall be answerable for any act or default of any Deputy Conservator of the Port, or of any Master Attendant or Harbour Master, or of any pilot, or of any deputy or assistant or any of the officers above mentioned, or of any person acting under the authority or directions of any such officer, or assistant, done within the limits of the Port of Bombay, nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the said Trustees, within the said limits, which may be used by such vessel : Provided that nothing in this section shall protect the Local Government or the Trustees from an action in respect of any act done by or under the express order or sanction of them or either of them.

LXXXII - Power to procure and charge for Steam Tugs.

It shall be lawful for the Trustees, at a meeting, to provide or procure such steam vessels as they may think fit, and to employ the same, or any of them, in towing vessels into, out of, or in the Port of Bombay, and to make such charges for towage by the said steam vessels as they may deem expedient.

LXXXIII - Trustees empowered to make Port Rules

From and after the publication of any such order as is referred to in Section 76, the Trustees, at a meeting, may, from time to time, make such Port Rules, not inconsistent with Act XII of 1855, as they may think necessary, for any of the following purposes, namely :

- i. Entering or leaving Port
For regulating the time at which, and the manner in which vessels shall enter into, and go out of, the Port of Bombay.
- ii. Berths of Vessels
For regulating the berths and stations to be occupied by vessels in the said Port;
- iii. Striking yards, etc.
For striking the yards and top-masts, and for rigging in the jib and driver booms, of vessels in the said Port whenever it may be proper so to do;
- iv. Removal of anchors, etc.
For the removal, or proper hanging or placing, of anchors, spars, and other things in, or attached to, vessels in the said Port;
- v. Taking in or discharging ballast.
For regulating vessels whilst taking, in or discharging, ballast or cargo, or any particular kind of cargo, in the said Port, and the stations to be occupied by vessels whilst so engaged;
- vi. Keeping free passage
For keeping free passages of such width as may be deemed necessary, within the said Port, and along or near to the piers, docks, wharves, moorings, and other works in, or adjoining to, the same and for marking out the spaces so to be kept free;
- vii. Regulating the anchoring
For regulating the anchoring, fastening, mooring and unmooring of vessels in the said Port;
- viii. Mooring and warping
For regulating the moving and warping of all vessels within the said Port, and the use of warps therein;

- ix. Use of mooring buoys
For regulating the use of the mooring-buoys, chain and other moorings, in the said Port;
- x. Rates for use of mooring buoys
For fixing, from time to time, the rates to be paid for the use of such moorings, or of any port, hawser, or other thing;
- xi. Cargo boats etc.
For regulating cargo and other boats plying for hire in the said Port :
Provided that nothing in this Act shall authorize the Trustees charged for the use of any such boat;
- xii. Fires and lights
Fore regulating the use of fires and lights within the said Port;
- xiii. Signal lights
For enforcing and regulating the use of signal-lights by vessels at night in the said Port.

LXXXIV - Jurisdiction of offences committed with the Port of Bombay

Every charge of an offence against any provision of this Act, or of any by-law or Port rule made in pursuance thereof, alleged to have been committed within the Port of Bombay, shall be heard and determined in a summary way by a Magistrate of Police for the City of Bombay, according to the provisions of the law for the time being regulating the procedure of the Court of such Police Magistrate. All fines and penalties levied or payable under this Act of any by-law or port rule made in pursuance thereof shall be paid to the Trustees, and shall be applied by them to the purposes mentioned in Section 47 of this Act.

LXXXV - Trustees empowered to make By-Laws

It shall be lawful for the Trustees, at a Meeting from time to time, to make by-laws for the guidance of persons employed by them under this Act; for the safe and convenient use of the wharves, docks, piers, warehouses, tramways, and other works constructed or acquired by them under the authority of this Act; for the use of the public landing-places constructed by or belonging to them; for the reception and removal of goods brought within the premises of the Trustees; for keeping clean the harbour and basins and the works of the Trustees, and for preventing filth or rubbish being thrown therein or thereon; for the mode of the payment of the tolls, dues, rates, and charges leviabie under this Act; for regulating, declaring, and defining the wharves, docks, and piers vested in the Trustees for the time being on which goods shall be landed from vessels and shipped on board vessels; or otherwise for carrying out the purposes of this Act; and from time totime to vary, alter, or revoke any such by-laws so made by them.

LXXXVI - Approval of By-laws

No by-law or port rule, or alteration or revocation of a by-law or port rule, shall have effect until the same shall have been approved by the Local Government by an order published in the Bombay Government Gazette; and no by-law or port rule shall be approved by the said Local Government until it shall have been published for three weeks successively in the Bombay Government Gazette; and when such by-law or port rule shall have been so approved, all Courts of Law shall take judicial notice thereof.

LXXXVII - Governor in Council may revoke and annul By-laws

It shall be lawful for the Local Government, by an order published in the Bombay Government Gazette, to revoke, annul and make void any by-law made and published under the provisions of Sections 80, 85, and 86 and any port rule made under the provisions of Section 83.

LXXXVIII - Penalty for breach of By-laws

No penalty for any one infringement of a by-law or port rule 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 Trustees to the person guilty of such infringement.

LXXXIX - By-laws and Tables of Tolls to be exhibited

The Trustees shall cause the said by-laws and port rules, and the tables of tolls, dues, rates, rents and charges leviable to be printed in the English, Marathi and Gujarati languages and characters, and to be hung up at the several wharves, docks and piers, and other convenient places on the premises of the Trustees.

XC. Limitation of Suits

No suit shall be brought against any person for any thing done, or purporting or professing to be done, in pursuance of this Act after the expiration of six months from the day on which the cause of action in such suit shall have arisen.

XCI. Government may order a local survey

The Local Government may, at any time, order a survey or examination of any works in the possession of or in the course of construction by the Trustees under this Act, or of the intended site of any proposed works and the cost of such survey and examination shall be borne and paid by the Trustees out of the moneys in their hands by virtue of this Act.

XCII. Government may restore or complete works

If the Trustees shall allow any work constructed by them under this Act to fall into disrepute, or shall not complete any work commenced by them, or included in any estimate as aforesaid submitted or approved of, and shall not after due notice in writing proceed effectually to repair, or complete, such work under this Act, it shall be lawful for the Local Government to cause such work to be restored, completed, or constructed, either by the officers of Government, or any private contractor, and the cost of any such restoration, completion or construction shall be a charge on _____ due from the Trustees to the Secretary of State for India in Council.

XCIII. Mode of realizing interest due to the Secretary of State

If at any time, any money which may for the time being, be payable under the provisions of this Act to the Secretary of State for India in Council, for interest, or for work done under the provisions of the preceding section, shall be due and unpaid for one month after the same shall have become payable, it shall be lawful for the Local Government, if it shall think fit by an order published in the Bombay Government Gazette, to appoint some person to receive the rents, dues, and profits, tolls, rates, and charges, and other income which the Trustees may, under this Act, be entitled to receive, and to apply the same in discharge of the amount so payable; and the person so to be appointed shall have for recovery of such rents, dues, profits, tolls, rates, charges, and income, all and singular the powers and authorities herein and hereby conferred on the Trustees for the purposes aforesaid.

XCIV. Government may take possession and revoke powers of Trustees

If at anytime it shall appear, to the satisfaction of the Local Government, that the works intended to be accomplished, under this Act have not been, and are not likely to be, properly carried out, or if carried out have not been, and are not likely to be properly maintained by the Trustees, it shall be lawful for ___ said Governor in Council to give six months' notice, ___ published in the Bombay Government Gazette, that _____ that period the Trustees shall take measures _____ satisfaction of the said Local Government, for _____ proper maintenance, of the said works _____ conferred on the Trustees will, _____ withdrawn and revoked and the ___ government possession and management of ___ void and at the expiration of such periods ___ sections 80, 85, order in like manner published, to _____ Section 83. By such last mentioned order, and without _____ LXXXVIII. No conveyance, all immoveable and moveable property, all benefit of contracts, and all right of suit, which at the time of the publication of such order may be vested in the Trustees under this Act, shall be transferred to, and vested in, the Secretary of State for India in Council; and all rights of levying and recovering tolls, dues, rents, rates and charges, and all powers of every nature and kind

whatsoever vested in the said Trustees under this act shall be transferred to an vested in the Local Government. Provided always that the rights of all creditors of the Trustees under this Act shall continue as against the said Secretary of State to the extent of the property so transferred to, and vested in, the said Local Government.

XCIV. Sanction of Government how to be evidenced.

Any assent in writing, or sanction or order of the Local Government contemplated or required by this Act, shall be sufficiently evidenced by the production of a written or printed copy of an order of the Governor in Council signed by one of the Secretaries to Government.

XCVI. Reservation of the rights of Government to use the Bunders for collecting Customs duties

The provisions of this Act shall not interfere with the rights of the Government to collect customs duties or of the Municipal Corporation of the City of Bombay to collect town duties at all or any of the Bandars mentioned in Schedule C, and it shall be lawful for the Government to use the said Bandars in such manner, from time to time, as the Government shall deem expedient for the purpose of collecting the Customs Duties leviable, under the existing or any future Acts.

XCVII. Reservation of powers of Chief Customs Officer

Nothing in this Act contained shall affect any power or authority vested in the Chief Customs authority of the Presidency under any law for the time being in force for the administration of Sea Customs in India

XCVIII - Short Title

This Act may be called "Bombay Port Trust Act 1873"

SCHEDULE 'A'
(Referred to in Section I)

So much of the provisions of Act XXII of 1855 as refer to the Port of Bombay and are inconsistent with the provisions of this Act.

Section of Act XXI of 1857
Bombay Act V. of 1870

SCHEDULE 'B'
(Referred to in Clause 1, Section VIII)

1. Deed of Conveyance, dated the 27th June 1872, signed by Colonel Michael Kavanagh Kennedy, Royal Engineers, one of the Secretaries to the Government of Bombay, on behalf of the said Government, and by Hamilton Maxwell and William Gilmour Hall, Liquidators of and on behalf of the Elphinstone Land and Press Company, Limited.
2. Deed of Indemnity and Release, dated 27th June 1872, granted by the Secretary of State in Council to the Elphinstone, Land and Press Company Limited.
3. Grant of Amenties by the Secretary of State in Council to Marwanjee Maneckjee, dated February 5th 1873.
4. Lease of Santa Cruz property, granted by Byramjee Jejeebhoy to the Secretary of State in Council, and dated 19th June 1872

SCHEDULE 'C'
(Referred to in Clause 2, Section VIII)

Sewree Bunder - Extending form a point 183 yards to the North of Sewree Fort on the North to the property in the property in the occupation of the Essa Fazul on the South-west, and bounded on the North-west partly by private property and partly by the Sewree Road, including the footpath to the Northward in continuation thereof, admeasuring 18¹/₅ acres.

Tank Bunder to the line of Elphinstone frontage (except the property leased to Messes. W.Elcol Co., and the Foreshore in front of the same). Bounded on the North partly by the Frere Land Company's property and partly by the sea, on the South partly by the Mazgaon Land Company's property and partly by the Hindoo Burial ground, and on the West partly by the Frere Land Company's property, partly by private property, and partly by the Mazgaon Road, and admeasuring 174¹/₂ acres.

Bombay Port Act

Kasara Bunder to the line of the Elphinstone frontage – Bounded on the North by the Harbour Defence Workshops, on the South by the property of the Peninsula and Oriental Steam Navigation Company, and on the West by Government land occupied by several individual, and admeasuring 11.194 acres.

Mazgaon Bunder – Bounded on the North by the Peninsular and Oriental Steam Navigation Company's property, on the South by the Viegas Patent Slip, and on the West by the Mazgaon Road and admeasuring 0.746 acres.

The right of levying wharfage fees, tonnage fees, rents, rates, and dues, on all goods, other than those belonging to the Great Indian Peninsula Railway Company, landed at or stored upon the "Railway Wharf" at Waree Bundar, which is bounded on the North by a portion of the Elphinstone Estate and by a part of the district of Mazgaon, on the west by a portion of the district of Mazgaon and by land in the possession of the Great India Peninsula Railway Company, on the South by the Elphinstone Estate, and on the East by the Harbour of Bombay and admeasuring (including the Basins) 91.81 acres.

Malet Bunder and Basin – Bounded on the North by the "Railway Wharf" at Frere Bunder before described, on the west and south by land described in the Deed of Conveyance first mentioned in Schedule B to this Act annexed, and on the East by the Harbour of Bombay, and admeasuring 12.121 acres.

Moody Bay Estate (seaward portion) to the line of the Elphinstone frontage, partly reclaimed and partly unreclaimed – Bounded on the North by Carnac basin and by a portion of the Elphinstone Estate, on the West by the Frere Road now in course of construction, on the South by the Mint premises, and on the East by the Harbour of Bombay, and admeasuring 225.19 acres.

Moody Bay Estate (landward portion) – All rents, rates and dues levied for a period of ten years from the date of the coming into operation of this Act, except rent of land occupied by the Government, upon that portion of Moody Bay Estate bounded on the North by a portion of the Elphinstone Estate and end by the Carnac Over-bridge; on the West by the Great Indian Peninsula Line of Railway, by Fort George, and the Eastern Boulevard; on the South by the Frere Road, now in course of construction, and on the East by the Frere Road, and admeasuring 37.6 acres.

Custom House Bunder – Bounded on the North by the Arsenal Basin and by the Castle, on the West by Marine Street, on the South by the Dockyard, and on the East by the Harbour, including the Customs Bonded Warehouse, but excluding the premises of the Fort Press Company with all the sheds, cranes, buildings, and erections, thereon, save those in the occupation of the Customs Authorities, as offices and (including the Custom-house and Arsenal Basins), admeasuring 10.217 acres.

The Wellington Reclamation, the Apollo Bunder, and the Apollo Bay Reclamation – Bounded on the North by the Dockyard premises, on the West partly by the Dockyard premises and partly by the Colaba Road, on the South by the Arthur Basin, and on the East by the Harbour, and (including the Basins pertaining to these reclamations and half of the Arthur Basin), admeasuring 43.069 acres.

The right of levying wharfage fees, tonnage fees, rents, rates and dues on all goods other than those belonging to the Bombay, Baroda and Central India Railway Company landed at or stored upon the Gun Carriage Reclamation, which is bounded on the North by the property of the Apollo Press Company and by Lower Colaba on the West by Lower Colaba and the Colaba Road, on the south by the Colaba Land Company's property, and on the East by the Harbour of Bombay, and (including half of the Basin) admeasuring 16.478 acres.

The right of levying wharfage fees and tonnage fees on all goods landed at on shipped from any portion of the foreshore from the South end of Sassoon's Reclamation to Colaba Point, together with the piece of land bounded on the North by Sassoon's Reclamation on the West by the Colaba Road, on the South by property belonging to or in the occupation of Pestonjee Merwanjee and on the East by the Harbour of Bombay, and admeasuring 1,325 square yards; also the piece of land bounded on the North by the Government Bungalow in charge of the Collector of Bombay, commonly called the "Colaba Personage", on the West by the Colaba Road, on the South by the School-house nearly opposite to Saint John's Church, and on the East by the Harbour of Bombay, and admeasuring 8,163 square yards.

Chowpatty Bunder – Comprising the land between the sea in Back Bay and the Queen's Road, from the foot of the landing slope at Chowpatty to opposite the Road to the French Bridge, and admeasuring 0.268 acres, together with all rights of collecting fees on drafts entering into or anchoring in Back Bay.

Foreshore from Worlee Fort to Mahim Causeway – Bounded on the landward side by the line of High-water mark, except at Mahim where the boundary extends on the East to the Causeway, and on the South to the Customs Chowkey.

SCHEDULE 'D'
(Referred to in Clause 3, Section VIII)

The Light-house on Dolphin Rock with all the fittings and appatenances thereof.

1. The Light-house on Kennery
2. The Light-house at Colaba

Buildings comprising

1. Two Boat-sheds at Colaba with Slip
2. Tankshall at Colaba
3. Time Ball Tower and Clock
4. Apollo Pier Refreshment Rooms, Post Office, Police Station and Carriage shed
5. Look-out House at Castle Signal Station
6. Mazgaon Pier shed and Crane
7. And all other buildings and land whatsoever heretofore in the charge of the Harbour and Pilotage Board

Signal Stations and Flag-staves at

1. Colaba, with the buildings and land
2. Centre Hill, with the buildings and land pertaining thereto
3. The Castle, with the buildings and land pertaining thereto

Light-Ships, Boats etc.

1. Outer Light ship "Bombay" with all stores and appurtenances
2. Inner Light ship "Colaba" with all stores and appurtenances
3. The Conservator's Boat
4. One Pilot Boat at Karwar
5. Thirteen Buoys for Shoals and Moorings
6. Three Pilot Schooners of about 100 tons each, with boats, stores, & appurtenances
7. Two Iron Steam Water Barges and Fire Engines, with the Stores, Boats and appurtenance thereof.

Bombay Port Act

8. One Iron Steam Anchor Hoy and Fire Engine
9. One National Society's Lifeboat
10. One White's Lifeboat
11. One 32-feet Gig
12. One Pilot Cutter
13. Two spare Boats for Pilot Schooners

Miscellaneous

1. One Red Revolving Light Apparatus for Outer Light, complete.
2. One Life-saving Rocket Apparatus with Rockets, etc., complete.
3. Sixty four Lamps and Lamp Posts for Piers
4. Nine Buoys, Iron, Shoals
5. Two Iron Beacons on Shoals
6. Six Iron Benches for Apollo Pier

SCHEDULE 'F'
(Referred to in Section XLV)

Form of Debenture

THE TRUSTEES OF THE PORT OF BOMBAY

The 18

By virtue of the Act No. _____ of 1873 of the Council of the Governor of Bombay for making laws and Regulations, entitled "The Bombay Port Trust Act, 1873", we, the Trustees of the Port of Bombay in consideration of the sum of Rupees _____ paid to use by A.B. of _____ promise to pay to the said _____ or order the said sum of Rupees _____ after the date hereof, together with interest at the rate of _____ per centum per annum payable half-yearly on the _____ day of _____ and the _____ day of _____

Given under our Corporate Seal this day of _____ 18____

(Signatures of the Chairman and two Trustees)

(Seal) of Corporation