

Government Buildings Act, 1899

4 of 1899

[3rd February, 1899]

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"The provisions of the various Acts in force regarding the regulation of buildings in municipalities rest in the main On the necessity for controlling buildings and the maintenance of buildings with due regard to engineering and sanitary exigencies, and the powers conferred upon Municipal Committees with this object in the several Municipal Acts are wide and more or less absolute. It has been on several occasions represented to the Government of India that in the case of Government buildings this necessity does not exist, as the requirements in question are secured by departmental regulations and the advice of the experts who are employed by the State for the proper execution and supervision of public works. Moreover as regards works relating to imperial defence, it is evident that, if direct control is to be effectively exercised by Municipal Committees, the power of inspection must extend to the examination, on demand, of plans and records, which may be of a strictly confidential character, and this examination is inconsistent with the secrecy which, for obvious reasons, is essential in these matters. It will be generally admitted that the Government cannot permit its designs for the improvement of its coast batteries, magazines or arsenals to become practically public property merely

because such designs have to be carried out within a municipal area in which the local law requires their submission to the municipal authorities and admits of extraneous and, it may be, arbitrary interference with them. The object of this Bill is, therefore, to exempt from such regulations all buildings which are situate within municipalities and are or are to be created upon land which is, the property or in the occupation, of the Government. The Government of India have, however, no desire to ignore the internal arrangements and general administration of municipalities. On the contrary, they consider it incumbent on the administration to frame its projects with full consideration for the general plans of any municipal body concerned: and they consider it reasonable and right that municipal bodies should have opportunities of criticising such projects; but the final judgment on objections and suggestions must rest with the Local Government which has undertaken them, and not with a Municipal Board, which is itself under the control of the Local Government. It is proposed in the Bill, therefore, to provide that reasonable notice of any work which it is intended by the Government to undertake, shall be given to the municipality concerned, that the Municipal Committee shall be permitted, subject to suitable safeguards, to inspect the land and plans; that any representation such Municipal Committee may think fit to make with reference thereto shall be received and considered by the Local Government; that the work shall be executed in strict accordance with the orders passed by the Local Government on such a representation; and that every order so passed shall be liable, in the last resort to revision by the Governor-General in Council"-Gazette of India, 1896 Part V, page 256.

1. Short title and extent :-

(1) This Act may be called the Government Buildings Act, 1899.

(2) It extends to the whole of India except ¹[the territories which, immediately before the 1st November, 1956, were comprised in Part B States] ²[***] ³ [* * * * *].

1. Substituted for "Part B States" by 2 A.L.O., 1956.

2. The word "and" was omitted by the Repealing and Amending Act, 1914 (10 of 1914), Section 3 and Schedule II.

3. Sub-section (3) was omitted, 1914.

2. "Municipal authorities" defined :-

In this Act the expression "municipal authority" includes a municipal corporation or a body of municipal commissioners

constituted by, or under the provisions of, any law or enactment for the time being in force. OBJECTS AND REASONS In clause (2) and throughout the Bill we have substituted the more comprehensive expression "municipal authority", for "municipal committee" Municipal authorities are denominated "committees" in some, and "boards" in other parts of the country".- S.C.R.

3. Exemption of certain Government buildings from municipal laws to regulate the erection, etc., of buildings within municipalities :-

Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, alteration or maintenance of buildings within the limits of any municipality shall apply to any building used or required for the public service or for any public purpose,, which is the property, or in the occupation, of ¹[the Government], or which is to be erected on land which is the property, or in the occupation, of ¹[the Government]: Provided that, where the erection, re-erection, construction or material structural alteration of any such building as aforesaid (not being a building connected with ³[* * *] defence; or a building the plan or construction of which ought, in the opinion of ⁴ [the Government concerned], to be treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the municipal authority before it is commenced. "We have, by means of a n alteration in clause 3, confined the operation of the Bill to buildings used or required "for the public service or for any public purpose"; and, in adopting this phrase, we have followed the language of S.194 of the Public Health (Scotland) Act, 1897 (60 and 61 Vict., C. 38). A further amendment has here been made with the object of requiring notice to be given only in the case of material structural alterations; this probably would have been the construction put on the provision as originally drawn, but we think it better to make the point clear. Finally, the latter part of the clause seems to us to go too far, in that it contemplates the giving of notice in the case of all building operations undertaken by the Government. It is clearly necessary that buildings connected with imperial defence, and buildings, the plans or construction of which are of a confidential or secret character should be excluded from the purview of the provision and we have inserted words to effect that purpose."- S.C.R.

1. Substituted for the word "Crown" by A.L.O., 1950.

3. Word "Imperial" was omitted by A.C.A.O., 1948.

4. Substituted for "the Government" by A.O., 1937.

4. Objections or suggestions as to erection, etc., of certain Government buildings within municipalities how to be made and dealt with :-

(1) In the case of any such building as is mentioned in the last preceding section (not being a building connected with ¹[* * *] defence or a building the plan or construction of which ought, in the opinion of ²[the Government concerned], to be treated as confidential or secret), the municipal authority, or any person authorised by it in this behalf, may, with the permission of the State Government previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the State Government, inspect the land and building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the State Government a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the State Government, which shall, after such investigation (if any) as it shall think advisable, pass orders thereon, and the buildings, referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders: Provided that, if the State Government overrules or disregards any such objection or suggestion as aforesaid, it shall give its reasons for so doing in, writing. ³ [* * * * *]

1. The word "Imperial" was omitted by A.C.A.O., 1948.
2. Substituted for "the Government" by A.O., 1937.
3. Sub-section (3) was omitted, A.O., 1937.