

The Government Buildings Act, 1899
Act No. 4 of 1899

1864

[3rd February, 1899.]

An Act to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality.

WHEREAS it is expedient to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality;

It is hereby enacted as follows :-

LEGISLATIVE HISTORY ▼

- Amended by Act 38 of 1920.
- Adapted by A.O., 1937; A. C. A. O., 1948; 2 A.L.O., 1956.
- Extended by Acts 59 of 1949; 30 of 1950; 26 of 1968.
- Extended in Bombay by Born. Act 4 of 1950.
- Extended in Madhya Pradesh by M. P. Act 12 of 1950.
- Extended to Meghalaya by Meghalaya ALO (No. 3) 1973.
- Extended in Punjab by Punjab Act 5 of 1950.
- Repealed in part by Act 10 of 1914.

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 the territories which, immediately before the 1st November, 1956, were comprised in Part B States] [***] [***]

Object & Reasons ▼

Statement of Objects and Reasons. - 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.

2. "Municipal authority" 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.

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, construction, 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 the Government, or which is to be erected on land which is the property, or in the occupation, of [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 [***] defence, or a building the plan or construction of which ought, in the opinion of [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.

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 [***] defence or a building the plan or construction of which ought, in the opinion of [the Government concerned], to be treated as confidential or secret), the municipal authority, or any person authorized 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 building 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 foresaid, it shall give its reasons for so doing in writing.

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