

# ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE

YEARS 1887 AND 1888.

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	Year.	Act	Section
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	Year.	Act.	Section.	Clause.
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	Year.	Act.	Section	Clause
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	Year.	Act.	Section.	Clause.
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- B.*—Division of the city into wards.
- C.*—Form of debenture.
- D.*—Form of endorsement for transfer of debenture.
- E.*—Form of notice of transfer to be given when the transfer has been effected by instrument.
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- R.*—Transitory provisions.

	Year.	Act.	Section	Clause.
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Amendment of section 109 of Bombay Act III of 1888	"	"	3	...
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Amendment of schedule H of Bombay Act III of 1888	"	"	7	...
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The Aden Port Trust Act, 1888—				
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"Land" ... ..	"	"	"	(d)
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Appointment of other trustees	"	"	7	...
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Length of term of office of non-official trustees	"	"	10	...

	Year.	Act.	Section.	Clause.
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Acting Trustees ... ..	"	"	"	(2)
Re-eligibility of trustees ... ..	"	"	12	...
<i>Disqualifications of Trustees.</i>				
Disqualifications for office of trustees ... ..	"	"	13	(1)
Trustee who becomes disqualified to cease to be a trustee ... ..	"	"	"	(c)
Proviso ... ..	"	"	"	(2)
<i>Remuneration of Trustees.</i>				
Fee payable to non-official trustees... ..	"	"	14	
<i>Proceedings of Board.</i>				
Provisions concerning the board's proceedings ... ..	"	"	15	..
Vacancy not to affect board's proceedings ... ..	"	"	"	(1)
Board to meet together and arrange for transaction of business as they think fit, but... ..	"	"	"	(2)
there must be two ordinary meetings in each month, and ... ..	"	"	"	(a)
a special meeting may be called whenever necessary, and ... ..	"	"	"	(b)
three trustees shall form a quorum, and... ..	"	"	"	(c)
every meeting shall be presided over by the chairman, and ... ..	"	"	"	(d)
all questions must be decided by a majority of votes, and ... ..	"	"	"	(e)
votes must be recorded, if a poll is demanded, and ... ..	"	"	"	(f)
minutes of proceedings must be kept ... ..	"	"	"	(g)
Board may delegate powers to committees... ..	"	"	"	(3)
Committees' meetings to be presided over by a chairman ... ..	"	"	"	(4)
Committees when to meet ... ..	"	"	"	(5)
Questions how to be decided at committees' meetings ... ..	"	"	"	(6)
Acts of board, &c., not to be invalidated by informalities ... ..	"	"	"	(7)
Mode of executing contracts ... ..	"	"	16	(1)
Proviso ... ..	"	"	"	(3)
The board may compound for claims against them ... ..	"	"	17	

	Year.	Act.	Section.	Clause.
<b>II.—OF THE BOARD OF TRUSTEES—contd.</b>				
<i>The Chairman.</i>				
Duties of chairman ... ..	1888	V	18	...
<b>III.—OF THE OFFICERS AND SERVANTS OF THE BOARD.</b>				
<i>Strength of Staff.</i>				
Schedule of officers and servants and of their pay and allowances to be prepared and sanctioned by the board ... ..	"	"	19	(1)
Present staff maintained by authority of Government to be deemed to be sanctioned staff ... ..	"	"	"	(2)
And to have been appointed under this Act ... ..	"	"	"	(3)
Provisoes ... ..	"	"	"	(4)
Board to frame regulations ... ..	"	"	20	
for regulating leave ... ..	"	"	"	(a)
for settling absentee allowances ... ..	"	"	"	(b)
for fixing acting allowances .. ...	"	"	"	(c)
for regulating length of service .. ...	"	"	"	(d)
for fixing pensions, &c. ... ..	"	"	"	(e)
for authorizing contributions to provident fund ... ..	"	"	"	(f)
Proviso ... ..	"	"	"	"
<i>Powers of Appointment, &amp;c.</i>				
Appointments, &c, by whom to be made ... ..	"	"	21	(1)
Sanction of Political Resident at Aden when necessary ... ..	"	"	22	...
<b>IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.</b>				
<i>General Powers as to Property.</i>				
Powers of board as to property ... ..	"	"	23	(1)
Proviso ... ..	"	"	"	(2)
Procedure to be observed when the board are unable to acquire by agreement any immoveable property ... ..	"	"	24	(1)
Transfer of Government property to the board ... ..	"	"	25	"
Provisoes ... ..	"	"	"	(2)
Transfer to the board of the Aden port fund's liabilities and claims... ..	"	"	26	...

	Year	Act.	Section	Clause
<b>V.—ON THE POWERS AND DUTIES OF THE BOARD.</b>				
<i>Works.</i>				
Works to be constructed ... ..	1888	V	27	(1)
But no new work to be commenced without a plan and estimate, if its cost shall exceed Rs. 1,000 ... ..	"	"	"	(2)
nor without the sanction of Government to such plan and estimate, if the cost shall exceed Rs. 50,000 ... ..	"	"	"	...
Free landing-places to be provided ..	"	"	28	..
Removal of bathing and landing-places ...	"	"	29	...
Proviso .. ..	"	"	"	...
<i>Landing and Shipping of Goods.</i>				
Declaration that wharves, &c, are ready for receiving, landing and shipping goods ... ..	"	"	30	...
If accommodation sufficient, all sea-going vessels compelled to use wharves, &c. ...	"	"	31	...
Proviso ... ..	"	"	"	...
Inland vessels compelled to use wharves, &c. ... ..	"	"	32	(1)
Exemptions from obligation to use wharves, &c. ... ..	"	"	33	..
Discharge of liability on goods landed ...	"	"	34	..
<i>Customs Wharves, &amp;c.</i>				
Accommodation to be provided for Customs Officers on wharves, &c, appointed under Sea Customs Act ... ..	"	"	35	...
Dues at customs wharves, &c.... ..	"	"	36	...
<i>Erection of wharves, &amp;c, by private persons.</i>				
Private wharves, &c., prohibited ... ..	"	"	37	(1)
Power to permit erection of private wharves, &c., within the port subject to conditions ... ..	"	"	38	...
Wharves, &c., beyond port limits ... ..	"	"	39	...
<i>Rates.</i>				
Scale of tolls, rates and charges to be framed ... ..	"	"	40	(1)
With the approval of Government ..	"	"	"	(2)
Proviso ... ..	"	"	"	...

	Year.	Act.	Section.	Clause.
<b>V.—OF THE POWERS AND DUTIES OF THE BOARD—continued.</b>				
<i>Rates—continued.</i>				
Tolls, rates and charges may be remitted in special cases ... ..	1888	V	41	...
Agency for collection of tolls on landing and shipping of goods ... ..	"	"	42	..
Board's lien on goods for tolls and charges. ... ..	"	"	43	(1)
Prior lien on goods for freight, &c. ... ..	"	"	44	"
Discharge of lien for freight, &c. ... ..	"	"	45	"
Goods may be removed to warehouse ... ..	"	"	46	(1)
Liability of consignee ... ..	"	"	"	(2)
Recovery of tolls, rates and charges by sale of goods .. ..	"	"	47	(1)
Notice of sale to be given ... ..	"	"	"	(2)
Proviso ... ..	"	"	"	(4)
Application of sale-proceeds ... ..	"	"	48	(1)
Proviso ... ..	"	"	"	(2)
Power to distrain vessels for the non-payment of rates, &c. ... ..	"	"	49	(1)
And sell them ... ..	"	"	"	(2)
Port clearance not to be granted till rates, &c., are paid ... ..	"	"	50	...
Surplus of port dues to be paid to the board ... ..	"	"	51	...
<i>Control of Pilots.</i>				
Trustees to be vested with the right and privilege of maintaining pilots ... ..	"	"	52	(1)
And to make bye-laws ... ..	"	"	"	(2)
With the approval of Government ... ..	"	"	"	...
<i>Bye-laws.</i>				
Trustees empowered to make bye-laws ... ..	"	"	53	(1)
Approval and publication of bye-laws ... ..	"	"	54	"
Cancellation by Government ... ..	"	"	"	(2)
Penalties for infringement of bye-laws ... ..	"	"	55	...
Proviso ... ..	"	"	"	...
Bye-laws and scales of rates and charges to be exhibited .. ..	"	"	56	...
<b>VI.—OF REVENUE AND EXPENDITURE.</b>				
<i>Management of Funds.</i>				
Moneys where to be kept ... ..	"	"	57	(1)
How to be disbursed ... ..	"	"	"	(2)
Moneys on what purposes to be expended... ..	"	"	58	...



	Year.	Act.	Section.	Clause.
<b>VI.—OF REVENUE AND EXPENDITURE—continued.</b>				
<i>Annual Estimates.</i>				
Chairman to submit an annual estimate of income and expenditure to the board ...	1888	V	59	(1)
Board to revise and sanction the estimate .	"	"	60	...
Estimate to be submitted to Governor in Council ...	"	"	61	..
List of works to accompany estimate ...	"	"	62	...
Supplementary estimates may be made when necessary ...	"	"	63	...
No expenditure above Rs. 3,000 to be incurred unless sanctioned in an estimate .	"	"	64	(1)
If incurred, to be reported to Government .	"	"	"	(2)
<i>Audit of Accounts.</i>				
Accounts to be audited and examined ...	"	"	65	(1)
Auditors to have power to call for books, &c, their remuneration to be fixed by Government ...	"	"	"	(2)
their report to be published... ..	"	"	"	(3)
<i>Disposal of Balances.</i>				
Balances may be invested by the board in public securities ...	"	"	66	(1)
Amounts which may be so invested to be limited by Government ...	"	"	"	(2)
<b>VII.—PENALTIES.</b>				
For being interested in contracts with the board ...	"	"	67	(1)
Proviso ...	"	"	"	(2)
For obtaining illegal gratification ...	"	"	68	...
Infringement of sections 31, 32, 33, or 38... ..	"	"	69	...
For refusing or neglecting to appear before an auditor of accounts, &c ...	"	"	70	..
For understating quantity or weight of goods, &c. ...	"	"	71	...
For evading rates, &c. ...	"	"	72	...
Compensation for damage to property of board may be awarded by Magistrate after enquiry ...	"	"	73	(1)
Proviso ...	"	"	"	(3)
Cognizance of offences ...	"	"	74	(1)
Disposal of fines ...	"	"	"	(2)
Prosecutions ...	"	"	75	...

	Year.	Act.	Section.	Clause.
<b>VIII.—CONTROL.</b>				
Government may order survey ...	1888	V	76	...
Government may carry out neglected works ...	"	"	77	...
Governor in Council may prohibit execution of orders, &c, affecting the defensibility of Aden or the security or sanitary condition of the garrison ...	"	"	78	(1)
Pending orders of Governor in Council, Political Resident may act ...	"	"	"	(2)
In default, the Governor in Council may require the board to increase the rates ... and on the board's failing to do so, may himself increase them ...	"	"	79	(1)
Governor in Council may revoke powers of board ...	"	"	"	(2)
Governor in Council may revoke powers of board ...	"	"	80	(1)
<b>IX.—MISCELLANEOUS.</b>				
Saving of previous port regulations ...	"	"	81	...
Recovery of dues as fines under the Criminal Procedure Code ...	"	"	82	...
Trustees not personally liable ...	"	"	83	...
Trustees liable for breach of trust ...	"	"	84	...
Limitation of suits ...	"	"	85	(1)
Effect of tender of amends in suit for damages ...	"	"	"	(2)
Board not responsible for certain acts of their officers and servants ..	"	"	86	(1)
Proviso ...	"	"	"	(2)
The Gujarát Tálukdárs' Act, 1888—				
<b>PART I.—PRELIMINARY.</b>				
Short title ...	"	VI	1	(1)
Definitions ...	"	"	2	"
"Tálukdár" ...	"	"	"	(a)
"Registered Tálukdár" ...	"	"	"	(b)
"Jama" ...	"	"	"	(c)
"Alienation"; "Alienee" ...	"	"	"	(d)
"Incumbrance"; "Incumbrancer" ...	"	"	"	(e)
Expressions defined in the Bombay Land Revenue Code ...	"	"	"	(f)
Meaning of "Tálukdár" in Part II ...	"	"	"	(2)
Repeal of part of section 114, Bombay Act V. of 1879 ...	"	"	3	...

	Year.	Act.	Section.	Clause.
<b>PART II.—SURVEY AND SETTLEMENT.</b>				
<i>Revenue Survey.</i>				
Government may direct survey of a tálukdári estate ... ..	1888	VI	4	...
<i>Settlement Registrar.</i>				
Settlement register of a tálukdári estate what to contain ... ..	"	"	5	...
<i>Determination of Disputes.</i>				
Disputes concerning matters which have to be recorded under Section 5 to be determined by Survey Officer ... ..	"	"	6	(1)
<i>Custody and Amendment of Records.</i>				
Settlement records by whom to be kept; and... ..	"	"	7	"
to be from time to time corrected ... ..	"	"	"	(2)
Bar of suits against Government, &c., to set aside decisions under section 6 or 7 ... ..	"	"	8	(1)
But effect to be given to decrees obtained by parties <i>inter se</i> ... ..	"	"	"	(2)
Changes in records to be communicated to parties affected thereby ... ..	"	"	9	...
<b>PART III.—PARTITION.</b>				
Persons entitled to partition ... ..	"	"	10	(1)
Applications for partition to whom to be made ... ..	"	"	11	...
Notification of application ... ..	"	"	12	(1)
Notice to co-sharers not joining in the application ... ..	"	"	"	(2)
Procedure where notice cannot be personally served on co-sharer ... ..	"	"	13	...
Power to refuse partition when objection is admitted ... ..	"	"	14	...
Procedure if question of title is raised ... ..	"	"	15	(1)
Decision when and how to be made by Tálukdári Settlement Officer or officer appointed by Government ... ..	"	"	"	(2)
Procedure previous to decision ... ..	"	"	"	(3)
District Court may hear appeal from Tálukdári Settlement Officer's or other officer's decision; ... ..	"	"	16	(1)
and may stay partition ... ..	"	"	"	(2)

	Year.	Act.	Section	Clause.
<b>PART III.—PARTITION—continued.</b>				
Partition how to be effected ... ..	1888	VI	17	(1)
When partition is complete, order to be made confirming it ... ..	"	"	18	"
Notification of order ... ..	"	"	"	(2)
Partition when to take effect .. ..	"	"	"	"
Delivery of possession ... ..	"	"	19	(1)
Resistance or obstruction how to be dealt with ... ..	"	"	"	(2)
Appeals against order confirming partition to the Commissioner ... ..	"	"	20	...
Civil Courts barred from entertaining suits or applications for partition ... ..	"	"	21	..
<b>PART IV.—REVENUE ADMINISTRATION.</b>				
<i>The Tálukdár's Jama.</i>				
Tálukdár's jama how to be calculated ... ..	"	"	22	(1)
Saving of existing agreements and settlements as to amount of jama... ..	"	"	23	"
Responsibility for jama ... ..	"	"	24	"
Liability of other persons if tálukdár makes default ... ..	"	"	"	(2)
Credit to be allowed for recoveries made from other persons ... ..	"	"	"	(3)
Distribution of jama in case of partition .. ..	"	"	25	(1)
<i>Management of Tálukdárs' Estates by Government Officers.</i>				
Management of Tálukdári Estate may be assumed by Collector in certain contingencies ... ..	"	"	26	(1)
Power to take up management of estate pending partition ... ..	"	"	27	"
Power to take up management of estate at tálukdár's request ... ..	"	"	28	...
Applicability of section 160 of Bombay Act V of 1879 when an estate is taken under management by a Government officer ... ..	"	"	29	(1)
Disposal of surplus receipts .. ..	"	"	"	(3)
<i>Police Officers and Establishment.</i>				
Government to fix the number and remuneration of police ... ..	"	"	30	(1)
Police charges how recoverable ... ..	"	"	"	(2)

	Year.	Act.	Section.	Clause.
<b>PART V.—MISCELLANEOUS.</b>				
Bar of incumbrances on a tálukdár's estates beyond tálukdár's own life, except with consent of the Tálukdári Settlement Officer ... ..	1888	VI	31	(1)
And of all alienations, except with consent of Governor in Council ... ..	"	"	"	(2)
Saving of rights of Government under section 3, Bombay Act VII of 1863 ..	"	"	32	(1)
Saving of sections 28 and 24 of Act XXI of 1881 ... ..	"	"	"	(2)
Applicability of the Land Revenue Code to tálukdárs' estates ... ..	"	"	33	(1)
Limitation of operation of Bombay Act VI of 1862 ... ..	"	"	34	..

# BOMBAY ACT No. I. OF 1887.

*An Act to further amend Bombay Act II. of 1874.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 21st March 1887.)

WHEREAS it is expedient to further amend Bombay Act II. of 1874 (*an Act for the Regulation of Jails in the City and Presidency of Bombay and the enforcement of discipline therein*) in manner hereinafter appearing; it is enacted as follows:—

1. For section nineteen of the said Act the following section shall be substituted, viz. :—  
Amendment of section 19, Bombay Act II. of 1874.  
“19. District Jails may be established at the stations at which criminal sessions are ordinarily held by Sessions Judges or Joint Sessions Judges and at such other places as the Governor in Council may from time to time direct, and the Governor in Council may abolish or from time to time remove a District Jail to another place.”  
District Jails.
2. After section twenty-two of the said Act, the following section shall be inserted, viz. :—  
New section to be inserted after section 22, Bombay Act II. of 1874.  
“22A. In districts in which there is no District Jail, convicts and persons committed for intermediate custody pending trial before the Court of Session shall be sent to such Subordinate Jail as the Governor in Council, by order published in the *Bombay Government Gazette*, shall from time to time direct :  
Provided that nothing in this section shall be deemed to affect the power of Government,  
Provision for the case of a district in which there is no District Jail.

ment, or of the Inspector-General of Prisons, if specially empowered by Government in this behalf, to direct the removal of prisoners from one jail to another."

Amend-  
ment of sec-  
tion 41 of  
Bombay  
Act II of  
1874.

3. \*The last sentence of section forty-one of the said Act, commencing with the words "The Superintendent," is repealed.

# BOMBAY ACT No. II. OF 1887.

*An Act to provide for the protection of pilgrims at the ports of Bombay and Karáchi.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 4th June 1887.)

**W**HEREAS it is expedient to provide for the protection of pilgrims at the ports of Bombay and Karáchi; It is enacted as follows:—

1. This Act may be cited as “The Protection of Pilgrims Act, 1887.” Short Title.

It extends only to the cities and ports of Bombay and Karáchi. Extent.

2. In this Act,—

(1) “pilgrim” means a Mahomedan who is about to proceed from the port of Bombay or Karáchi on a pilgrimage to the Hedjaz, whether he is going direct to Jeddah, or *viâ* any other port: Definitions.  
“pilgrim”:

(2) “pilgrim-broker” means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage-tickets for pilgrims: “pilgrim-broker”:

(3) “agent” includes a person who has chartered a vessel for the conveyance of pilgrims: “agent”:

(4) “the Commissioner” means, in Bombay, the Commissioner of Police or his deputy: and in Karáchi such officer as the Governor in Council may appoint. “the Commissioner”:

3. Any person who, without a license from the Commissioner, acts as a pilgrim-broker shall be liable for each such offence to a fine which may extend to five hundred rupees. Penalty for acting as a pilgrim-broker without a license.

4. Subject to the orders of the Governor in Council the Commissioner may grant to such persons as he thinks fit licenses to act as pilgrim-brokers. Persons may be licensed to act as pilgrim-brokers.

The said licenses shall be granted on such conditions and subject to such restrictions and limitations for the honest and good behaviour of the licensees as Government may from time to time prescribe.



Licenses  
what to  
specify.

5. Every license so granted shall specify :

- (a) the name and business-address of the licensee ;
- (b) the period for which it is to be in force ;
- (c) the conditions on which and the restrictions and limitations subject to which it is granted ;

and shall be granted on payment of such fee, if any, as Government may from time to time direct.

Penalty for  
misbehavi-  
our of lica-  
sed pilgrim-  
broker.

6. Any licensed pilgrim-broker who shall :

(a) commit a breach of any of the terms or conditions of his license ;

(b) purchase for or sell to any pilgrim a passage-ticket by any vessel to which the provisions of the Native Passenger Ships Act, 1876, VIII of 1876, apply, at any time before notice has been given by the master, owner, or agent of such vessel, under section seven of the said Act, of the date on which it is proposed that such vessel shall sail, and unless, in the case of any vessel, the proposed date of sailing is printed on the passage-ticket ;

(c) charge a pilgrim more than the cost price of any passage-ticket, provisions, or other articles purchased for him, or receive from him any fee or commission on account of such ticket ;

(d) receive from the master, owner, or agent of a vessel any fee or commission, in respect of the sale of any ticket, exceeding five per centum of the price of such ticket ;

(e) purchase for any pilgrim a passage ticket, on which there is not printed the price charged by the master, owner, or agent of the vessel for each class of accommodation ;

(f) by fraud or by false representation as to the size of, or accommodation on board, such vessel, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket ;

shall be liable for each such offence to a fine which may extend to five hundred rupees.

7. The Commissioner may suspend the license of any pilgrim-broker pending inquiry into any accusation against him of misconduct for which, if proved, he would be liable to a penalty under the last preceding section, and may cancel any license granted by him if the licensee is convicted of any offence under the said section or of any criminal offence.

Power to suspend and cancel licenses.

8. Government may from time to time appoint persons, being Mahomedans, to be Protectors of Pilgrims for the ports of Bombay and Karáchi.

Appointment of Protectors of Pilgrims. Their duties.

The persons so appointed shall, for the purposes of this Act, be subordinate to the Commissioner in Bombay and Karáchi respectively and shall, with the co-operation of the police, aid the Commissioner in giving effect to the provisions of this Act. They shall also advise and generally assist pilgrims during their stay in Bombay or Karáchi whilst proceeding to or returning from the Hedjaz, and exercise supervision over the proceedings of licensed pilgrim-brokers.

9. The Protectors of Pilgrims, or any persons authorized by the Commissioner in this behalf, shall be at liberty at all times to enter and inspect any vessel advertised or offering to convey pilgrims from the port of Bombay or Karáchi.

Power to enter vessels conveying pilgrims.

10. The master or any officer of any such vessel who does not afford every facility for such inspection shall be liable to a fine which may extend to five hundred rupees.

Penalty for not facilitating inspection.

11. The master, owner, or agent of every vessel advertised or offering to convey pilgrims shall be bound to supply the Protector of Pilgrims, on demand, with full particulars as to the class, tonnage, and age of the vessel, the number of tickets of each class to be issued, the price of each ticket, the accommodation to be provided, the latest date of sailing, the ports, if any, to be touched at, and the probable date of arriving at Jeddah.

Information to be supplied by the master, owner, or agent of vessel conveying pilgrims.

12. Any such master, owner, or agent, who refuses, or without lawful excuse omits, to give such information, on demand, or furnishes false information, shall be liable to a fine which may extend to five hundred rupees.

Penalty for refusal or omission to give such information.

*The Protection of Pilgrims Act, 1887.*

Penalty for issue of tickets in excess.

13. Any master, owner, or agent of any vessel carrying pilgrims, who shall issue any passage-ticket in excess of the number allowed by the certificate VIII of 1876 granted under section ten of the Native Passenger Ships Act, 1876, shall for every passage-ticket so issued be liable to a fine not exceeding four times the cost price of such ticket.

Passage-tickets how to be numbered. Penalty for issue of ticket bearing same number.

14. All passage-tickets shall be numbered consecutively according to the order of issue; and any master, owner, or agent, who shall issue two or more tickets bearing the same number, shall be liable to a fine not exceeding one thousand rupees.

Provisions of Native Passenger Ships Act, 1876, to apply to offences and penalties.

15. The provisions of sections thirty-nine, forty and forty-two of the Native Passenger Ships Act, VIII of 1876, shall apply to all offences punishable, and to all penalties leviable, under this Act.

Penalties to be enforced only at the instance of the Commissioner.

16. The penalties to which masters and owners of vessels are made liable by this Act shall be enforced only by information laid at the instance of the Commissioner.

# BOMBAY ACT No. III OF 1887.

*An Act to amend the Law for the periodical inspection and the management by competent Engineers of Boilers and Prime Movers in the Presidency of Bombay.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 31st October 1887.)

**W**HEREAS it is expedient to amend the law Preamble.  
for the inspection and management of steam  
boilers, and of prime movers; It is enacted as  
follows :—

## *Preliminary.*

1. This Act may be cited as “The Bombay Boiler Short Title.  
Inspection Act, 1887.”

It shall come into force at once in the city of Commence-  
Bombay and in the districts and places in which the ment and  
Boiler Inspection Act, 1873, is at present in force, extent of  
and may be extended from time to time by the Act.  
Governor in Council, by notification in the *Bombay* Bo. V of 1873.  
*Government Gazette*, to any other district or place in  
the presidency of Bombay that he shall deem fit.

But nothing in this Act shall be deemed to apply Limitation  
to any boiler or prime mover in any steam-vessel, or of applica-  
to any locomotive engine used upon any railway, or tion of Act.  
to any boiler or prime mover appertaining to a  
railway, or used exclusively for domestic purposes.

2. The Boiler Inspection Act, 1873, is hereby Repeal of :  
repealed: Bombay  
Act V of  
1873.  
Bo. V of 1873.

Provided that nothing in this Act shall affect the Proviso  
validity, according to its tenor, of any certificate  
granted under the said Boiler Inspection Act, 1873.

Every

Every such certificate shall, for all the purposes of this Act, be deemed to have been granted, and to be in force, under the corresponding provisions of this Act.

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

“ Boiler.” (1) “ boiler ” includes any cylinder or vessel for generating steam under pressure ;

“ Prime mover.” (2) “ prime mover ” includes any steam-engine, steam-hammer, fly-wheel, first driving-shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime mover ;

“ Owner.” (3) “ owner ” includes any agent or hirer using any boiler.

### *Inspection of Boilers.*

Appointment of inspectors. 4. Government may from time to time appoint one or more inspectors for the purposes of this Act, who shall be removeable at the pleasure of Government.

Local extent of their duties. The local extent of each such inspector's duties shall be fixed from time to time by Government.

Their subordination to the Collectors. Subject to such rules as may from time to time be framed by Government under section 31, the inspectors shall be under the control of the Collector of the place or district in which the boilers to be inspected by such inspectors are respectively situated.

Appointment of commission. 5. Government shall, as occasion may require, appoint commissions for hearing appeals preferred by owners under section 10, and for determining questions submitted to them under section 13. Such commissions shall consist of such person or persons as the Government shall deem fit to nominate, and their appointment shall endure for such term as shall be prescribed by Government.

6. It shall not be lawful for the owner of any boiler :

Owner not to use a boiler without a certificate.

(a) to use the same, or to permit the same to be used, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided ; or

(b) to continue to use the same, or to permit the use thereof to be continued, after the period for which any such certificate shall have been granted has expired ; or

(c) to work the same, or to permit the same to be worked, at a higher pressure than that allowed by such certificate :

Provided that the owner of a boiler who holds in respect thereof a certificate as aforesaid, and who, before the expiry of the period of such certificate, gives notice under the next following section of his intention to continue to use the same after the expiry of the said period, may continue to use the same or to permit the use thereof until it is inspected in pursuance of such notice. Proviso.

7. The owner of any boiler who does not hold in respect thereof a certificate as aforesaid which is at the time in force, shall, if such boiler be situate in the city of Bombay, before using or continuing the use of the same, give notice to an inspector appointed under this Act for the said city of his intention to use or to continue to use the same. On notice from owner an inspector to examine boiler.

The inspector to whom such notice is given shall appoint a time between sunrise and sunset and within four days after the receipt of such notice, for the inspection of such boiler, and at such time shall carefully examine such boiler and every appurtenance thereof.

If such boiler be situate elsewhere than in the city of Bombay, the owner shall, before using or continuing the use of the same, give notice to the Collector of his intention to use or to continue to use

use the same, and the Collector shall cause an inspection and examination as aforesaid to be made by an inspector within ten days after the receipt of such notice, and shall inform the owner of the date on which the said inspection will take place.

If any notice given under this section relates to two or more boilers used for working one engine, the inspection of each such boiler shall be fixed to take place on a separate date.

Every person giving a notice under this section shall simultaneously pay the fees prescribed for the inspection by a rule made under section 31.

Necessary information must be furnished by owner, and necessary dispositions made for facilitating examination.

8. The owner or person in charge of any boiler so examined shall :

(1) afford to the inspector all reasonable facilities for such examination, and all such information as may reasonably be required by him ;

(2) previously arrange that,

(a) the boilers shall be empty and cool, and shall be cleaned inside and outside,

(b) fire-flues shall be swept,

(c) fire bars and fire-bridges shall be removed,

(d) blow-off and other cocks shall be cleared for the purpose of inspection and examination ; and

(3) if required by the inspector, cause any brick-work or masonry in contact with the boiler to be removed.

Inspector to give a certificate to the owner.

9. If the Inspector is satisfied that the boiler and all its appurtenances are in good condition, and if the requirements of section 24 are fulfilled in respect thereof, he shall give to the owner a certificate to that effect.

Renewal of certificates.

Every certificate so granted shall be renewed by the inspector from time to time, if he is satisfied, after re-inspecting the boiler and all its appurtenances under

under the provisions of section 7, that the same are in good condition, and if the requirements of section 24 are fulfilled in respect thereof.

Every original or renewed certificate granted under this section shall be in the form of, and contain the particulars specified in, schedule A. Every such certificate shall be granted for such period not exceeding twelve months as the owner of the boiler shall desire, unless it shall appear to the inspector improbable that the boiler and its appurtenances will remain in good condition for so long a period, in which case the certificate shall be granted for such shorter period as the inspector in his discretion deems fit.

Form of certificates and periods for which they are to be granted.

10. If an inspector refuse to give a certificate or a renewed certificate to the owner of any boiler, or refuse to give the same for the full period applied for, he shall be bound to give to such owner, within twenty-four hours, his reasons for such refusal, in writing; and any owner aggrieved by the decision of the inspector, may, within one month from the date of the said refusal, lodge with the Collector an appeal to be heard by a commission appointed under section 5.

Appeal to lie from refusal by an inspector to give certificate.

11. The owner's petition of appeal shall be forthwith forwarded by the Collector to the commission, and the said commission shall, within four days after the date of the receipt of the same, if the boiler be situated in the city of Bombay, and within ten days after the date of its receipt, if the boiler be situated elsewhere, inquire into and determine such appeal.

Determination of the appeal.

The commission may either reject the appeal or grant the owner a certificate for such period not exceeding twelve months as it thinks fit.

The inquiry shall be held in public, and the decision of the commission shall be final.

12. If the commission is of opinion that the appeal is unfounded or frivolous, it may award any sum

When commission may award costs.



sum not exceeding one hundred and fifty rupees, to be paid by the owner as costs.

Recovery of costs. Any sum so awarded by the commission shall be recoverable by the Collector from the owner, as an arrear of land-revenue.

Revocation of certificates. 13. Any commission appointed under section 5 may revoke any certificate granted under section 9 or 11 :

(a) if any fee, lawfully due under this Act, shall not be paid after the same has been duly demanded, or

(b) if there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or

(c) if there shall be reason to believe that, since the granting of such certificate, the boiler in respect whereof it was granted has sustained injury or has ceased to be in good condition.

Fresh certificate may be granted after revocation of the first. After such revocation, the boiler in respect whereof the certificate has been revoked, shall not again be used until a further inspection shall have been made and a certificate granted by the inspector with the countersignature of the said commission, or, if the commission consists of more than two persons, of a majority thereof.

Inspector may examine a boiler for which certificate has been granted at any time. 14. It shall be lawful for an inspector, at any time between sunrise and sunset on any day during the period for which a certificate may have been granted under section 9, 11, or 13, to examine any boiler for which such certificate has been granted, in order to ascertain whether such boiler is still in good condition, and whether any cause exists for revoking the said certificate.

Owner to report occurrence of accident to boiler. It shall be the duty of every owner or person in charge of a boiler to report to the inspector, within twelve hours of its occurrence, every accident to

to the boiler or to the machinery attached thereto, which is calculated to weaken the strength of such boiler or to render it liable to explode.

15. The owner of any boiler who shall have obtained a certificate therefor, shall at all reasonable times during the period for which such certificate is in force, be bound to produce the same when called upon to do so by any Presidency Magistrate in the city of Bombay, or by the Collector elsewhere, or by any person authorized in writing by such Presidency Magistrate or Collector to demand its production.

Owner to produce certificate when called upon.

*Engineers' Certificates.*

16. Examinations shall be held periodically, at such intervals and on such dates as Government shall determine, of persons who desire to qualify as engineers for the management of boilers.

Examinations to be held for engineers.

17. The Governor in Council shall from time to time nominate one or more competent persons to be members of the board of examiners for the said examinations. In no case shall an inspector appointed under this Act be a member of such board.

Board of examiners to be appointed by Government.

18. Every applicant for examination who is reported by the said board to have passed an examination shall receive a certificate of competency in accordance with the board's report as to his qualifications, which shall be signed by the member or members of the board and by a Secretary to Government.

Certificate of competency to be granted to successful candidate.

Certificates of competency shall be of different classes, and a certificate of each class shall qualify the holder thereof to manage or be in charge of a boiler of such capacity or kind as the Governor in Council may from time to time direct in the rules to be framed under section 31.

Certificates to be of different classes.

19. If any engineer is in possession of a certificate of competency granted by any competent authority

Certain other certificates to be available in

proof of  
qualifica-  
tions.

thority in any other part of British India, or in the United Kingdom, or in any British colony he shall be entitled to receive a certificate of competency as aforesaid without undergoing examination.

Government may from time to time determine what authorities shall be deemed competent for the purpose of this section.

The certificate granted under this section shall be of such class as the board of examiners, or a majority of the members of the said board, on a consideration of the nature of the certificate in the engineer's possession, shall recommend.

Withdrawal  
or suspen-  
sion of cer-  
tificate.

20. If by means of any inquiry conducted under the provisions of this Act, it shall be established to the satisfaction of the Governor in Council that any engineer possessing a certificate of competency granted under section 18 or 19 is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Governor in Council may cancel such certificate, or suspend the same for such time as he shall deem fit.

Record of  
certificate  
to be kept.

21. A duplicate of every certificate of competency granted under this Act shall be kept and recorded in such manner as the Governor in Council shall direct; and all orders made under the last preceding section for cancelling or suspending any certificate shall be from time to time entered on the record containing such duplicates.

Duplicate  
of certifi-  
cate to be  
given.

22. Whenever any engineer proves to the satisfaction of the Governor in Council that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be furnished to him, which shall have for all purposes the same validity as the original certificate.

23. No person who does not possess a certificate of competency granted under section 18, 19, or 22, shall be deemed a fit and proper person to manage or be in charge of a boiler; and no holder of any such certificate shall be deemed a fit and proper person to manage or be in charge of any boiler except to the extent of his qualification indicated by his said certificate.

Who is to be deemed a fit and proper person to manage boiler.

24. No certificate shall be granted under section 9, 11, or 13 for any boiler, unless the owner of the same shall have in his employ as engineer in direct and immediate supervision thereof, a person who is a fit and proper person to manage or be in charge of the same.

Certificate not to be granted for boiler if it is not in charge of a certificated engineer.

*Penalties.*

25. Any owner or person in charge of a boiler who fails to report to the inspector, as required by section 14, any accident of the kind mentioned in that section to such boiler or to the machinery attached thereto, and

For failing to report accident to a boiler; and

any owner of a boiler who refuses or neglects to produce the certificate which he has obtained therefor, when duly called upon so to do under section 15,

for refusing to produce certificate.

shall, for every such omission, refusal or neglect, be punished with fine which may extend to one hundred rupees.

26. The owner of any boiler who shall use the same or permit it to be used, without a certificate duly obtained and in force in respect thereof,

For using boiler without certificate or at a

and any such owner or any engineer who shall work the same, or permit it to be worked, at a higher pressure than that allowed by any certificate duly obtained and in force in respect thereof,

higher pressure than allowed by certificate.

shall

shall be punished with fine which may extend to one hundred rupees for every day or part of a day that he shall so use or work the said boiler, or permit the same to be so used or worked ;

and if the said owner or engineer shall continue so to use or work the boiler, or to permit the same to be so used or worked after such fine shall have been imposed, he shall be held to have committed a separate offence, and shall be punished with a further fine which may extend to one hundred rupees for each day or part of a day after the first conviction during which the offence is continued, and in like manner after each subsequent conviction.

Fore employ- 27. Any owner of a boiler who knowingly places  
ing an un- or permits to be placed in management or charge  
qualified of such boiler any person who is not a fit and proper  
engineer. person for the management or charge of the same,  
shall be punished with fine which may extend to  
five hundred rupees.

Cognizance 28. All offences against this Act shall be cog-  
of offences. nizable in the city of Bombay by a Presidency Magis-  
against this. trate, and elsewhere by a Magistrate of the First  
Act. Class.

Charges 29. No charge shall be brought against any  
within what person of any offence punishable under this Act,  
period to be except within six months after the commission of  
brought. the offence, nor shall any such charge be brought  
except with the sanction or under the direction of  
the Collector.

When 30. No proceeding shall be taken to enforce the  
penalties are to be en- penalties mentioned in sections 26 and 27, nor shall  
forced section 24 take effect in any district or place in  
under sec- which the Boiler Inspection Act, 1873, is not now  
tions 26 in force, before such day after this Act shall have  
and 27. been extended to such district or place as Govern-  
Bo. V of 1873. ment shall fix by notification in the *Bombay Govern-  
ment Gazette*.

*Miscellaneous.*

31. Government may from time to time frame rules not inconsistent with this Act, for Rules to be framed.

(a) settling the duties and emoluments of commissions, inspectors and examiners appointed under this Act, and regulating the control to be exercised by Collectors over inspectors ;

(b) fixing the fees to be levied for inspection of boilers under section 7 at such rates not exceeding those prescribed in schedule B as Government thinks fit ;

(c) regulating the conduct of the examinations to be held under section 16 ;

(d) prescribing the qualifications to be required of candidates at the said examinations, the fees to be paid by them, the forms of the certificates to be granted to them, and the capacity or kind of boiler of which each such certificate shall qualify the holder thereof to be in charge.

All rules so framed may from time to time be varied, or cancelled, by Government, and shall be published in the *Bombay Government Gazette*, and when so published shall, until cancelled or varied, have the force of law.

32. All fees, costs and penalties levied under this Act shall be disposed of in such manner as Government shall from time to time direct. Disposal of fees, &c.

33. The Governor in Council may, from time to time, by notification, in the *Bombay Government Gazette* :- Certain provisions of this Act may be applied to prime movers.

(a) apply so much of this Act as relates to the taking out and grant of certificates for and the inspection of boilers, to prime movers generally, or to prime movers of any particular class, in any place or district in which this Act is at the time in force, and

(b)

(b) cancel any such notification.

During such period as any notification under the above clause (a) is in force in any place or district, the provisions of this Act thereby made applicable to prime movers shall be read and understood in such place or district as if the word "boiler" included the words "prime mover" wherever used therein.

SCHEDULE A. (see Section 9).

Form of Inspector's Certificate.

Name of owner.	Description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which boiler is to be used and certificate to be in force, and maximum pressure at which the boiler may be worked.	Remarks.

I, the undersigned, certify that I have examined the above-named boiler, and to the best of my judgment the boiler, as shown in the above statement, and all its necessary appurtenances, are in good condition.

A. B., Inspector.

SCHEDULE

SCHEDULE B. (*see Section 31*).

*Maximum Rates of Fees leviable for Inspections of Boilers under section 7.*

(1)	For the inspection of each boiler attached to a prime mover not exceeding 10 horse power nominal ... ..	Rs. 15
(2)	Ditto ditto exceeding 10 but not exceeding 20 ditto ... ..	„ 20
(3)	Ditto ditto exceeding 20 but not exceeding 30 ditto ... ..	„ 30
(4)	Ditto ditto exceeding 30 but not exceeding 50 ditto ... ..	„ 40
(5)	Ditto ditto exceeding 50 ditto ditto...	„ 50



## BOMBAY ACT No. IV OF 1887.

*An Act to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 5th January 1888.)

WHEREAS it is expedient to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay: It is enacted as follows:—

1. This Act may be cited as 'The Bombay Short Title. Prevention of Gambling Act, 1887.'

It extends to the city of Bombay, to the island Extent. of Sálsette, to all railway station-houses without the said city and island and to all places not more than three miles distant from any part of such station-houses, respectively, and all or any of its provisions may be extended from time to time by the Governor in Council, by an order published in the *Bombay Government Gazette*, to any local area, in the presidency of Bombay.

The Governor in Council may, from time to time, by an order published as aforesaid, cancel or vary any order made by him under this section.

2. The enactments mentioned in the schedule are Repeal of enactments. repealed to the extent specified in the third column thereof.

3. In this Act "common gaming-house" means "Common a house, room, or place, in which cards, dice, tables gaming-house" or other instruments of gaming are kept or used for defined. the

the profit or gain of the person owning, occupying, using or keeping such house, room, or place, whether by a charge for the use of the instruments of gaming or of the house, room, or place or otherwise howsoever.

Keeping common gaming-house.

4. Whoever :

(a) being the owner or occupier or having the use of any house, room, or place, opens, keeps or uses the same for the purpose of a common gaming-house,

(b) being the owner or occupier of any such house, room, or place, knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(c) has the care or management of, or in any manner assists in conducting, the business of any such house, room, or place, opened, occupied, kept or used for the purpose aforesaid,

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room, or place,  
shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months.

Gaming in common gaming-house.

5. Whoever is found in any common gaming-house, playing or gaming with cards, dice, counters or other instruments of gaming, or is found there present for the purpose of gaming, whether by playing for any money, wager, stake or otherwise, shall be punished with fine which may extend to two hundred rupees, or with imprisonment which may extend to one month.

Any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be made to appear, to have been there for the purpose of gaming.

6.

6. It shall be lawful for the Commissioner of Police in the city of Bombay, and elsewhere for any Magistrate of the first class or any District Superintendent of Police or for any Assistant Superintendent empowered by Government in this behalf, upon any complaint made before him on oath that there is reason to suspect any house, room, or place to be used as a common gaming-house, and upon satisfying himself after such enquiry as he may think necessary that there are good grounds for such suspicion, to give authority, by special warrant under his hand, when in his discretion he shall think fit, to any inspector, or other superior officer of Police of not less rank than a chief constable,

Power to authorize entry of gaming-house by Police-officers,

(a) to enter, with the assistance of such persons as may be found necessary, by night or by day and by force if necessary, any such house, rooms or place, and

(b) to take into custody and bring before a Magistrate all persons whom he finds therein, whether they are then actually gaming or not, and

(c) to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and

and seizure of gaming instruments.

(d) to search all parts of the house, room, or place, which he shall have so entered, when he shall have reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he shall so find therein or take into custody, and to seize and take possession of all instruments of gaming found upon such search.

7. When any cards, dice, gaming-table, counters, cloth, board or other instruments of gaming used in playing any game, not being a game of mere skill, are found in any house, room, or place entered

Proof of keeping, or of gaming in, common gaming-house.

under

under warrant issued under the provisions of the last preceding section or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police officer or by any person acting under the authority of either of them.

On conviction for keeping, or gaming in, common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming house, or playing or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein, or on the persons of those who were found therein, to be forthwith destroyed ;

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein to be forfeited ; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found playing at any game was playing for any money, wager or stake.

Indemnification of persons concerned who are examined as witnesses.

10. Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said

said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

11. The Magistrate trying any case under the provisions of sections 4 and 5 may direct any portion, not exceeding one-fourth of any fine which may be levied under either of the said sections, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under section 8, to be paid to an informer.

Payment of portion of fine to informer.

12. A Police-officer may apprehend without warrant :

Power to arrest without warrant for gaming, and setting birds and animals to fight, in public streets.

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill, in any public street, place or thoroughfare ;

(b) any person setting any birds or animals to fight in any public street, place or thoroughfare ;

(c) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to one month.

And such Police-officer may seize all birds and animals and instruments of gaming found in such public street, place or thoroughfare or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited.

Seizure and destruction of instruments found.

13. Nothing in this Act shall be held to apply to any game of mere skill wherever played.

Saving of games of mere skill.

SCHEDULE

*The Bombay Prevention of Gambling Act, 1887.*  
 [BOM. ACT NO. IV OF 1887.]

SCHEDULE—(see Section 2.)

*Enactments repealed.*

Enactments.	Subject.	Extent of repeal.
Act XIII of 1856 ...	For regulating the Police of the towns of Calcutta, Madras and Bombay.	Sections 56, 57, 58, 60, 61, 62, 63, 65, and 66.
Act XLVIII of 1860.	To amend Act XIII of 1856.	Section 15.
Bombay Act III of 1866.	For the prevention of gambling.	The whole Act, so far as the same has not been already repealed.

# BOMBAY ACT No. V OF 1887.

*An Act to amend Bombay Act No. VI of 1863.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 12th January 1888.)

**W**HEREAS it is expedient to amend Bombay Act No. VI of 1863 (*an Act for the regulation of Public Conveyances in the Town, Suburbs and Harbour of Bombay*) for the purpose, principally, of enabling Government to extend its provisions as well to vehicles which do not, as to those which do, ply for hire in any town or place, other than the city of Bombay: It is enacted as follows:—

1. The following paragraphs shall be added to section 34 of the said Act, namely:—

Amend-  
ment of  
Bombay  
Act VI of  
1863, sec-  
tion 34.

“The Governor in Council may, by an order published as aforesaid, direct that, in any town or place to which he extends or has extended the provisions of this Act:

“(a) all or any of the said provisions shall apply to all vehicles, or to any class of vehicles, which are kept, or ordinarily let, for hire, although such vehicles be not used for the purpose of plying for hire;

“(b) any class of vehicles shall be exempt from all or any of the said provisions.

“In this section the word ‘place’ shall be deemed to include, and to have always included, a road between two towns or places.”

[Price— $\frac{1}{2}$  Anna.]

# BOMBAY ACT No. VI OF 1887.

*An Act to amend the Bombay Hereditary Offices Act so far as it relates to Matádárs.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 30th January 1888.)

WHEREAS some portions of the Bombay Hereditary Offices Act are found to be unsuited to matádárs, and it is therefore expedient to amend the said Act and to enact special provisions for the regulation of the service of matádárs: It is enacted as follows:—

1. This Act may be cited as “The Matádárs Act, 1887.” Short title.

It extends to the districts of Ahmedabad, Kaira, Broach and Surat; but the Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, extend its provisions to any village in the Panch Maháls district. Extent.

It shall come into force at once: Provided that every appointment to any patel's office to which this Act applies, made under the provisions of the Bombay Hereditary Offices Act, or of Act No. XI of 1843 (*an Act for regulating the service of hereditary officers under the Presidency of Bombay*), and still in force, shall hold good: Commencement.

- (a) until the time when, if this Act had not been passed, such appointment would become vacant, or until the expiry of two years from the coming of this Act into force, which ever first occurs, or
- (b) in the case of an appointment which has been made to have effect pending further orders, until such time as the Collector directs;

and



and a fresh appointment under this Act in lieu of any such appointment as aforesaid shall only be made to have effect from the time when the latter appointment ceases to hold good.

Interpretation. 2. In this Act, unless there be something repugnant in the subject or context :

" Matáádr family." (1) "matáádr family" means a family to which the office of village patel, or some share in the discharge of the duties or in the exercise of the powers ordinarily appertaining to that office, belongs hereditarily ;

" Mata." (2) "mata" means the aggregate of the rights, privileges and responsibilities vesting in a matáádr family as such ;

"Member of a matáádr family." (3) "Member of a matáádr family" does not include a female, or a person claiming through a female, whilst such female or person is, under section two of Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), postponed in the order of succession to the mata, or part thereof or interest therein, to a male member of the family ;

" Matáádr." (4) "matáádr" means a member of a matáádr family whose name is entered in the register kept under section 5, and includes a representative matáádr ;

"Representative matáádr." (5) "representative matáádr" means a member of a matáádr family whose name is entered as a representative matáádr in the said register ;

" Senior heir." (6) "senior heir" means the heir who first acquired the right of inheritance, whether by birth, marriage or otherwise ;

Expressions defined in the Bombay Land Revenue Code. (7) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall have the meaning given to it by that Code.

Modifications of Bombay Act III of 1874. 3. In applying the Bombay Hereditary Offices Act as amended by Bombay Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), and section two of

of the last mentioned Act to matádárs, the term "watan" shall be deemed to mean all and each of the matas of a village, and a member of a matádár family shall be deemed to be a watandár, and the said Act, as so amended, shall be read subject to the following modifications (namely) :

(1) sections 24 to 31, both inclusive, 36 to 59, both inclusive, 61, 62, 67, 69, 71 and clause (2) of section 73, and so much of section 73 as relates to orders passed under Part VI or Part VII or section 58 of the said Act, and in section 4 the definitions of "watandár" and "representative watandár", shall be deemed to be repealed ;

(2) in sections 33 and 34, the words "the coming into force of this Act," shall be taken to mean the coming into force of this present Act, and the word "matádár" shall be substituted for the words "registered representative watandár" and "watan-dár," wherever they respectively occur ;

(3) For the first four words of section 60, the words "when any person elected to officiate or a representative matádár" shall be deemed to be substituted.

4. Subject to the provisions of the last preceding section, this Act shall be read as one with the Bombay Hereditary Offices Act.

This Act and Bombay Act III of 1874 to be read as one.

#### *Of the Register.*

5. In the register of lands and allowances in consideration of which liability to perform service still exists, kept under section 65 of the Bombay Hereditary Offices Act, the Collector shall specify for every village in which there are matádárs :

Matádárs' service register what to contain.

(a) the number of distinct matádár families in the village separately recognized in the Collector's records ;

(b) the name of the representative matádár of each matádár family to which a right to hold the office of patel appertains ;

(c)

- (c) the name of every other person directed by the Collector to be entered in the register under section 7 or 9 ;
- (d) where there are more representative matádárs than one, the order of rotation in which, failing the appointment of an officiator by election, the right to the patel's office is to vest in the said representative matádárs ;
- (e) the number of persons required to officiate as patels contemporaneously ;
- (f) a description of the service lands held by each matádár family, showing the area, survey numbers and the assessment thereof, together with the quit-rent, if any, payable, and the net amount of revenue alienated by Government ;
- (g) the amount and nature of the cash or other allowances, if any, held by each matádár family ;
- (h) the watan property or profits assigned under section 23 of the Bombay Hereditary Offices Act for the emoluments of officiators ;
- (i) such other particulars as Government from time to time direct.

The said register shall be amended from time to time whenever any change is made in any of the particulars therein specified in accordance with the provisions of this Act or of the Bombay Hereditary Offices Act.

Right to patel's office to appertain ordinarily to every matádár family ; but

6. In every village in which there are two or more distinct matádár families separately recognized in the Collector's records, a right to hold the office of patel shall ordinarily be deemed to appertain to each of the said families :

exclusive right may be declared by Government to

Provided that it shall be competent to the Government nor in Council to declare, if, upon consideration of the past history of the tenure of the office in any village, and of the circumstances, so far as known, under

under which the village was founded, it shall appear to him equitable so to do, that the right to the patel's office in such village shall be conclusive evidence of the exclusive right thereby affirmed.

appertain to one matádár family.

7. In the register prepared under section 5 the Collector shall enter the name of every member of a matádár family contained in any list of matádárs made under the orders of Government subsequent to the year 1866 : Provided that—

Determination of matádárs.

(a) if, for any village, no such list exists, or if, in respect of any matádár family, no person's name has been entered in any such list, or if, at the time when this Act comes into force, there is any dispute pending as to the completeness or correctness of any such entry, the Collector shall hold a summary inquiry, and shall enter in the register the name of each member of a matádár family who shall appear to him to have been recognized in the records previous to the year 1867 as a matádár of the family for which such list or entry is wanting, or to which such dispute relates ;

(b) If any person whose name should be entered in the register in accordance with any of the foregoing provisions is dead, the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section two of Bombay Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), be entered in the register instead of his.

8. (1) The name of one matádár shall be entered in the said register as the representative matádár of each matádár family to which a right to hold the office of patel appertains.

Determination of representative matádárs.

(2)

(2) For every such matádár family of which there is only one matádár, the said matádár shall be the representative matádár.

(3) If there are two or more matádárs of any such matádár family, the Collector shall, as soon as may be after the passing of this Act, enter in the said register as representative matádár of the matádár family; such one of the said matádárs as shall appear to him to be the head of the matádár family.

Name of heir to be registered when a matádár dies.

9. On the death of a representative or other matádár, the fact shall be reported by the village officers to the Collector, and the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section two of Bombay Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), be registered in his stead.

Amendment of the Register.

10. If at any time any person shall by production of a certificate of heirship, or of a decree or order of a competent court, satisfy the Collector that he is entitled to have his name registered under section 7 (b) or section 9 in preference to the person whose name the Collector has ordered to be registered, the Collector shall cause the entry in the register to be amended accordingly.

### Of Service.

Duties and privileges of matádárs, as such.

11. Every matádár shall be bound, when so required by the Collector, to perform the duties customarily discharged by matádárs, and shall have the privilege of signing the abstract of village-lands and revenues, and such other village records as it may be customary for matádárs to sign.

Area to which matádárs' functions extend in certain cases be reduced.

12. If within the limits of any village in which there are matádárs a new village or hamlet has been, or shall hereafter at any time be, formed, it shall be competent to the Collector, with the previous sanction of Government, to exclude the limits of such

such new village or hamlet from the area to which the functions of the said matádárs extend.

13. The Collector may fix at his discretion, from time to time, the number of officiators requisite for the due discharge of the duties of every patel's office, Number of officiators requisite for patel's office to be fixed by the Collector.

14. In every village in which the Governor in Council declares, under section 6, that the right to the patel's office appertains exclusively to one matádár family, the said right shall vest in the representative matádár of that matádár family alone. Right of office to vest in representative matádár of one family alone when it appertains exclusively to that family.

15. In every other village, the right to the patel's office shall vest in each of the matádár families entitled thereto in rotation. In every other case right of office to be enjoyed by matádár families in rotation.

16. For the purpose of determining the order in which the said right shall vest in the said families, the Collector shall, as soon as may be after this Act comes into force, by written notice, require the matádárs of the village to assemble in his presence. Determination of order of rotation.

If a majority of the matádárs present in accordance with the said notice do not agree to some order of rotation, the order shall be forthwith determined by the Collector by lot, in the presence of the assembled matádárs, in such manner as he shall think fit : On failure of majority of matádárs to agree, Collector to determine order by lot.

Provided that if in the course of any proceeding held under the Bombay Hereditary Offices Act, an order of rotation for service of the representative watandárs of the same families has been already settled by lot or by agreement of the parties, the order Proviso.

order so settled shall hold good for the purpose of the last preceding section.

When officiator may be elected by matádárs.

17. On or in anticipation of the occurrence of a vacancy in the office of patel, in any village to which section 15 applies, the matádárs of the village may elect some member of the matádár family whose turn it is to enjoy the right of office to fill the vacancy.

Failing election of officiator by Matádárs, right of office to vest in representative matádárs.

If a majority of the said matádárs fail, within such reasonable period as shall be prescribed by the Collector in this behalf, to nominate some member of the matádár family aforesaid for the vacancy, or if the person nominated is disqualified for office, right of office shall vest in the representative matádár of the said family.

Rules for elections to be prescribed by Government.

18. Elections under the last preceding section shall be held in accordance with such rules as the Governor in Council, by notification in the *Bombay Government Gazette*, from time to time, prescribes in this behalf.

Representative matádár must ordinarily officiate in person.

19. Every representative matádár, in whom the right of office vests under section 14 or 17, shall ordinarily be required by the Collector, if he is not disqualified for office, to officiate in person, but the Collector may, if he thinks fit, dispense with his personal service.

On refusal by one representative matádár to officiate in person, the turn to enjoy right of office to pass.

If in any village to which section 15 applies, the representative matádár of the family whose turn it is to enjoy the right of office declines, when so required by the Collector, to officiate in person, the turn to enjoy the said right shall pass to the matádár family next in the settled order of rotation.

Other employment when prohibited to representative matádárs.

A representative matádár who declines, whilst officiating, to forsake some other employment which, in the opinion of the Collector, is incompatible with the due discharge of the duties of the patel's office, or fails when so required by the Collector to reside

in

in the village for which he is appointed, shall be deemed to decline to officiate in person.

Failure to reside in village.

20. A deputy may be appointed at any time :

- (a) by a representative matádár who is, or who whilst officiating in person becomes, disqualified for office ; and
- (b) with the Collector's permission, by a representative matádár who does not wish to officiate or to continue to officiate in person, although not disqualified for office ; and
- (c) by a sole representative matádár, who proposes to officiate or is already officiating in person, when one or more other officiators are necessary.

When a deputy may be appointed by a representative matádár.

A deputy appointed by a representative matádár may at any time be removed from office by the Collector at the request of the representative matádár, if in the opinion of the Collector there are good reasons for such request.

Removal of deputy.

21. When an appointment of a deputy has to be made by a representative matádár, the Collector shall, by written notice, require him to nominate a fit person to be his deputy within twenty days from the date of service of the said notice.

Procedure when appointment of a deputy has to be made by a representative matádár.

Should the representative matádár fail, within the said period, to nominate any person, or if the person he nominates is not a member of a matádár family of the same village, or is disqualified for office, the Collector may, in his discretion, extend the period of nomination for a further term of ten days.

If within the prescribed period of twenty days, or, when the Collector extends the period, within the extended term, no person is nominated by the representative matádár, or the person nominated by him is not a member of a matádár family of the same village, or is disqualified for office, the turn to enjoy the right of office shall, in a village to which section 15 applies, pass to the matádár family next in the settled order of rotation.

22.



Appointment of deputy when to be made by the Collector.

22. If a sole representative matádr declines, when so required by the Collector, to officiate in person, or fails to appoint a fit person to be his deputy in accordance with the provisions of the last preceding section, the Collector shall appoint a deputy.

Such deputy ordinarily to be member of a matádr family; but with sanction of Government may be any other person.

A deputy so appointed by the Collector shall ordinarily be a member of a matádr family of the village for which he is appointed, but, with the previous sanction of Government, may be any other person

Guardian may act on behalf of a matádr legally incompetent.

23. If a matádr is under eighteen years of age, or is disabled by lunacy or imbecility of mind, the guardian or other legal curator of his person may act in his behalf in any of the matters provided for in sections 16, 17, 20 and 21.

Term of office of a sole representative matádr; and

24. The term of office of a sole representative matádr shall be for life, if the representative matádr shall not in the meantime become disqualified for office.

of an elected officiator.

The term of office of a person elected under section 17 shall be for five years, or for such longer period as a majority of the matádrs shall, at the time of election, desire, if the person elected shall not in the meantime die or become disqualified for office.

The desire of the matádrs as to the duration of the term of office of any person elected by them under section 17, shall be ascertained in accordance with the rules prescribed under section 18 for determining nominations.

Term of office of a representative matádr entitled to office on failure of election.

25. The term of office of a representative matádr in whom the right of office vests on failure of an election under section 17, shall be:—

- (a) five years, when the number of representative matádrs exceeds nine;

(b)

- (b) seven years, when the number of representative matádárs exceeds four but does not exceed nine ;
- (c) ten years, when the number of representative matádárs does not exceed four.

26. A deputy appointed by a representative matádár, or by the Collector in his stead, shall be appointed for the term, or for the residue of the term, of office of the representative matádár by or for whom he is so appointed ; and if a deputy dies or resigns or becomes disqualified for office during the said term, another deputy may be appointed for the residue of the said term in accordance with the provisions of sections 21 and 22 ;

Deputies to be appointed for the period of their principals' term of office.

Provided that—

- (a) if a representative matádár who has appointed a deputy because he himself was disqualified for office, or because he did not wish to officiate in person, subsequently at any time during his term of office wishes to officiate in person, he may, if he is not then disqualified for office, be permitted so to do by the Collector ;
- (b) if a representative matádár dies during his term of office, the deputy, if any, officiating in his stead shall cease to officiate, and the successor of the representative matádár shall, subject to the provisions of section 19, officiate in person for the residue of the said term, or a deputy shall be appointed by him or by the Collector in his stead for the said period, according to the provisions of sections 20, 21 and 22.

27. Notwithstanding anything herein before contained to the contrary, no representative matádár in any village to which section 15 applies shall be permitted to commence to officiate in person, and no new deputy shall be appointed by or for a representative matádár in any such village during the last year of the term of office of such representative matádár.

No change of officiator to be permitted during the last year of a representative matádár's term of office.

If

If occasion arises for any such change, office to be deemed vacant.

If occasion arises during any such year for any change of an officiator in any such village, there shall be deemed to be a vacancy in the office.

Appointment of temporary officiators by the Collector.

28. During any interval between the occurrence of a vacancy in a patel's office and its being filled up in accordance with the foregoing provisions, and during the time that any officiator is suspended, the Collector may appoint such person as he thinks fit, whether a member of a matádár family of the village or not, to officiate temporarily.

Officiators to retain substitutes during their absence or illness.

29. If an officiator is temporarily absent from his village, or is temporarily prevented by illness from discharging the duties of his office, he may depute some other fit person, whether a member of a matádár family of the village or not, to perform the said duties, but shall be responsible for the acts and omissions of the person so deputed as if they were his own acts and omissions.

*Of the Disqualifications for the Patel's Office.*

What persons are to be deemed disqualified for office.

30. The following persons shall be deemed to be disqualified for the patel's office (namely) :

- (a) females ;
- (b) persons under eighteen years of age ;
- (c) any person who has not passed such educational test, if any, as Government think fit, from time to time, to prescribe in this behalf ;
- (d) any person who has attained sixty years of age, except when such person's appointment or further continuance in office is specially permitted by the Collector ;
- (e) any person who, in the opinion of the Collector, is disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body :

(f)

- (f) any person who, at the time when he would otherwise be entitled to officiate, is adjudged by the Collector, after a summary inquiry, to be of general bad character ;
- (g) any person who has been sentenced by a criminal court to imprisonment or whipping for, an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having subsequently been reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf.
- (h) any person removed from office under section 31, except when such person's re-employment is expressly sanctioned by Government.

Any officiator who during his term of office becomes disqualified for any of the above reasons shall cease to officiate.

### *Of Penalties.*

31. Any matádár who shall neglect or refuse to comply with any order made by the Collector under section 11, and any matádár or officiator who shall be careless or negligent in the discharge of his duties, may be punished by the Collector, for each such offence, by fine which may extend to one-fourth part of the annual emoluments of such matádár or officiator.

If an officiator shall be accused of any misconduct which shall seem to the Collector to require a severer punishment than that aforesaid, the Collector may suspend him from office during investigation into such accusation, and, after holding a summary inquiry, may, if he consider the officiator guilty of misconduct meriting such punishment, suspend him from office for a further period not exceeding six months, or, if fraud or wilful framing of incorrect records or other grave misconduct or offence is proved against him, may,

Punishment of matádárs and officiators by fine ; and

of officiators by suspension or removal from office.

*The Matáddárs Act, 1887.*

[BOM. ACT NO. VI OF 1887.]

may, with the previous sanction of Government, remove him from office.

When a representative matáddár has been so removed from office, he shall, if Government so direct, be deprived for the rest of his life of any right which he would otherwise have of voting at an election of an officiator, or of appointing a deputy to officiate; and if any representative matáddár so deprived is a sole representative matáddár, a deputy shall be appointed by the Collector, subject to the provisions of paragraph two of section 22, to officiate in his stead during his lifetime.

Disabilities of a representative matáddár removed from office.

If any representative matáddár or deputy is removed from office under this section, the Governor in Council may direct the forfeiture of the life interest in the mata of the representative matáddár so removed from office, or of the representative matáddár by whom the deputy so removed from office was appointed, as the case may be.

Forfeiture of life interest of representative matáddár in case of removal from office.

32. Nothing in the last preceding section shall affect the liability of an officiator to a criminal prosecution for any offence which he may be accused of having committed; and the Collector may suspend any officiator subjected to any such prosecution pending the inquiry and trial, and at its close may take the proceedings and the finding of the criminal court into his consideration for the purpose of dealing with the case under the last preceding section.

Liability of officiator to criminal prosecution, and suspension pending inquiry and trial.

# BOMBAY ACT No. VII OF 1887.

*An Act to declare and amend the Law relating to Toda Girás Allowances.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 28th April 1888.)

**W**HEREAS it is expedient to declare and amend the law relating to toda girás allowances ;  
It is enacted as follows :—

1. This Act may be called “The Toda Girás Short title- Allowances’ Act, 1887.”

2. In this Act, “toda girás allowance” means a cash payment made periodically to any person on the part of Government, or by or on the part of a holder of alienated land, under the name of *girás*, *wol*, *toia girás*, or *toda girás*.  
“Todagirás allowance” defined.

3. Every toda girás allowance is continuable hereditarily to the lineal male heirs in male descent of the first recipient thereof under British rule :  
Toda girás allowances to be held hereditarily in male descent.  
Proviso.

Provided that, on failure of such heirs, the allowance, or some portion thereof, shall whenever the Governor in Council has already so directed, or shall hereafter so direct, be continuable hereditarily to the lineal male heirs in male descent of a brother of the first recipient of such allowance under British rule.

4. No mortgage, charge or alienation of a toda girás allowance, or of any part thereof, or of any interest therein, by any recipient of the same, shall be valid as to any time beyond such recipient’s natural life.  
Mortgage, &c., of toda girás allowance by any recipient thereof valid only for his life.

*The Toda Girás Allowances' Act, 1887.*

Exemption  
of toda  
girás  
allowances  
from  
attachment  
and sale in  
execution  
of decrees.  
Proviso.

5. No toda girás allowance shall be liable to attachment or sale in execution of a decree :

Provided that any money due or likely to become due to a judgment-debtor on account of a toda girás allowance may be attached in execution of the decree against him, but such attachment shall not affect any money which becomes due on account of such allowance after such judgment-debtor's death.

Saving of  
toda girás  
allowances  
already  
alienated

6. (1) Nothing in this Act applies to a toda girás allowance which has already been alienated :

(a) If the instrument purporting or operating to effect such alienation has before the date on which this Act comes into force been registered under any law for the time being in force relating to the registration of documents ; or

(b) If the said instrument, not being compulsorily registrable, and not having been registered under any such law as aforesaid, has been executed before the date on which this Act comes into force, and is presented for inspection, together with a copy thereof for record, at any time within six months after the said date, to the Collector of the district in which such allowance is payable ; or

(c) If, when such alienation has not been effected by an instrument, proof thereof is produced within the period and to the Collector aforesaid.

Collector  
how to  
proceed in  
respect of  
alienations  
notified to  
him under  
clauses (b)  
and (c).

(2) When any instrument is presented to a Collector under clause (b), he shall, before returning the same, endorse thereon, under his signature and official seal, the date of such presentation. When proof of an alienation is produced before a Collector under clause (c), he shall give to the alienor a certificate, under his signature and official seal, that the toda girás allowance so alienated is not subject to the provisions of this Act.

# BOMBAY ACT No. I OF 1888.

*An Act to further amend the Bombay Local Boards Act, 1884, and the Bombay District Municipal Act Amendment Act, 1884.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 13th April 1888.)

**W**HEREAS it is expedient to further amend the Bombay Local Boards Act, 1884, and the Bombay District Municipal Act Amendment Act, 1884, in manner hereinafter appearing; It is enacted as follows:—

1. To section 14 of the Bombay Local Boards Act, 1884, and to section 18 of the Bombay District Municipal Act Amendment Act, 1884, the following words shall be added, viz. :—

“extensible, by order of the Governor in Council, to a term not exceeding in the aggregate three years and six months, if on any occasion the Governor in Council shall think fit, for reasons which shall be notified, together with the order, in the *Bombay Government Gazette*, so to extend the same.”

2. Any order made by the Governor in Council before this Act comes into force for extending the term of office of the members of any local board or of the commissioners of any municipality, which would have been valid if this Act had been in force at the time it was made, shall have and be deemed to have had, from the date of the notification thereof in the *Bombay Government Gazette*, the same validity as if this Act had been then in force.

[Price—Three Pies.]



## BOMBAY ACT No. II OF 1888.

*An Act to amend the Sind Village Officers Act, 1881.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 29th June 1888.)

**W**HEREAS it is expedient to amend the Sind Village Officers Act, 1881, in manner hereinafter appearing; It is enacted as follows :—

1. In section 2 of the said Act, after the word “both,” shall be added the words “and includes Kotárs or Tapedárs’ peons.” Amendment of s. 2 of Bo. A. IV, 1881.

2. In section 3, after the word “Sind,” shall be added the words “or other authority prescribed by rule under section 8.” Amendment of s. 3 of Bo. A. IV, 1881.

3. For the first seventeen words of section 6 of the said Act the following shall be substituted, *viz.* : Amendment of s. 6 of Bo. A. IV, 1881.

“For the purpose of defraying the salaries, emoluments and contingent expenditure of village officers appointed under this Act, and of providing the pensions, gratuities or compassionate allowances, if any, payable to such officers on retirement, and of giving, with the sanction of the Commissioner in Sind, occasional special rewards to headmen of villages and others, who have rendered good service towards the administration of the district.”

4. In section 8 of the said Act, for clauses (a) and (b) the following shall be substituted, *viz.* : Amendment of s. 8 of Bo. A. IV, 1881.

“(a) determining the duties of the different village officers, and the authority by whom appointments of such officers may be made and cancelled ;

“(b) fixing the salaries and other remunerations of village officers, and regulating the payment of pensions, gratuities, or compassionate allowances on retirement to such classes of them and under such conditions as may appear expedient.”

ACT No. III OF 1888.

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THE CITY OF BOMBAY  
MUNICIPAL ACT, 1888.

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Bombay:  
PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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1888.

[Price—Rs. 1-4-0.]

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# BOMBAY ACT No. III OF 1888.

## *The City of Bombay Municipal Act, 1888.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 14th September 1888.)

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# BOMBAY ACT No. III OF 1888.

*An Act to consolidate and amend the law relating to the municipal government of the City of Bombay.*

**W**HEREAS it is expedient to consolidate and amend the law relating to the municipal government of the city of Bombay; It is enacted as follows :

## CHAPTER I.

### PRELIMINARY.

1. This Act may be cited as "The City of Short title. Bombay Municipal Act, 1888."

• Except as is herein otherwise expressly provided, *Extent.* it extends only to the city of Bombay.

2. The enactments mentioned in schedule A. are *Repeal of* repealed to the extent specified in the third column *enactments.* of the said schedule :

Provided that :

(a) all rules and by-laws made, all notifications published, all orders issued and all licenses and permissions granted under any of the said enactments and still in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, published, issued and granted hereunder ; and

(b) all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the municipal corporation constituted under this Act ; and

(c) all rates, taxes and sums of money due to the corporation when this Act comes into force shall

shall be deemed to be due to the corporation under this Act; and

(d) all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against the corporation or the commissioner, may be continued or instituted, subject to the provisions of section 13 of schedule R, as if this Act had not been passed; and

(e) all references made in any Act of the Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definition of terms.

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

“The city;”  
“The corporation;”

(a) “the city” means the city of Bombay;

(b) “the corporation” means the Municipal Corporation of the city of Bombay;

“Councillor;”

(c) “councillor” means a member of the corporation duly elected or appointed under this Act;

“The commissioner;”

(d) “the commissioner” means the Municipal Commissioner for the city of Bombay appointed under section 54 and includes an acting commissioner appointed under sub-section (3) of section 59;

“Deputy commissioner;”

(e) “deputy commissioner” means a Deputy Municipal Commissioner appointed under section 55 and includes an acting deputy commissioner appointed under sub-section (3) of section 59;

“The police commissioner;”

(f) the “police commissioner” means the Commissioner of Police of Bombay;

“Justice;”

(g) “justice” means a justice of the peace for the town of Bombay appointed under the provisions of the Justices of the Peace Act, 1869, or of any other law for the time being in force in this behalf;

II of 1869.

(h).

(h) "fellow" means a fellow of the University "Fellow;" of Bombay;

(j) "justices' election" and "fellows' election" "Justices' election;" mean, respectively, an election of a councillor by "Fellows' election;" justices or by fellows;

(k) "licensed plumber" and "licensed surveyor" "Licensed surveyor;" mean, respectively, a person licensed by "licensed plumber;" the commissioner for the purposes of this Act, as a plumber or surveyor, under section 355;

(l) "small cause court" means the Court of "Small cause court;" Small Causes of Bombay;

(m) "owner," when used in reference to any "Owner;" premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes:

(i) an agent or trustee who receives such rent on account of the owner; and

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes; and

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of, an owner of the said premises;

(n) a person is deemed "to reside" in any "To reside;" dwelling which he sometimes uses, or some portion of which he sometimes uses, though, perhaps, not uninterruptedly, as a sleeping apartment;

and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto;

(o)



- “ Public securities ;** (o) the term “ public securities ” means securities of the Government of India and any securities guaranteed by Government, securities of the Bombay Port Trust, securities issued under this Act and any Bombay municipal debentures or other securities heretofore issued ;
- “ Tax ;** (p) “ tax ” includes any impost leviable under this Act ;
- “ Vehicle ;”** (q) “ vehicle ” includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city ;
- “ Land ;”** (r) “ land ” includes land which is built upon or covered with water ;
- “ Build- ing ;”** (s) “ building ” includes a house, out-house, stable, shed, hut and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever ;
- “ Water- work ;”** (t) “ waterwork ” includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main, pipe, culvert, engine and any machinery, land, building or thing for supplying, or used for supplying water ;
- “ Drain ;”** (u) “ drain ” includes a sewer, pipe, ditch, channel and any other device for carrying off sullage, excrementitious matter and polluted water or rain-water or sub-soil water ;
- “ House- gully ;”** (v) “ house-gully ” means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom ;
- “ Street ;”** (w) “ street ” includes any highway and any causeway, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare

thoroughfare or not over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a footway as well as a carriage-way in any street, the said term includes both;

(x) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the corporation and any street which becomes a public street under any of the provisions of this Act; "Public street;"

(y) "private street" means a street which is not a public street; "Private street;"

(z) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing or which is, or may be dangerous to life or injurious to health or property; "Nuisance;"

(aa) "dangerous disease" means cholera and any endemic, epidemic or infectious disease by which the life of man is endangered; "Dangerous disease;"

(bb) "official year" means the year commencing on the first day of April; "Official year;"

(cc) "public holiday" means a day or other period of time on or during which, by an order of Government published in the *Bombay Government Gazette*, Government offices in the city are closed; "Public holiday;"

(dd) "sub-section" and "clause" denote, respectively, a sub-section or clause of the section in which the word occurs. "Sub-section;"  
"clause."

## CHAPTER II.

### THE MUNICIPAL CONSTITUTION.

#### *Municipal Authorities.*

4. The municipal authorities charged with carrying out the provisions of this Act are: Municipal authorities charged

(A) with execution of this Act,

- (A), a corporation;
- (B), a standing committee;
- (C), a municipal commissioner.

(A). *The Municipal Corporation.*

Constitu-  
tion of cor-  
poration.

5. (1) On and after the first day of April, 1889, the corporation shall consist of seventy-two councillors, as follows (namely) :

- thirty-six elected at ward-elections;
- sixteen elected by justices;
- two elected by fellows;
- two elected by the Bombay Chamber of Commerce;
- sixteen appointed by Government.

(2) The corporation shall, by the name of "The Municipal Corporation of the city of Bombay," be a body corporate and have perpetual succession and a common seal, and by such name may sue and be sued.

*Terms of office of Councillors ; Casual vacancies, &c.*

Day on  
which  
councillors  
are to come  
into office.

6. (1) The first members of the corporation constituted according to the provisions of section 5 shall come into office on the first day of April, 1889.

(2) Councillor selected or appointed to succeed retiring councillors shall come into office on the day for the retirement of the councillors whom they are to succeed.

Day for re-  
tirement of  
councillors.

7. All members of the corporation constituted as aforesaid shall retire from office at noon on the first day of April three years after they take office, which day is in this Act referred to as the day for retirement.

Re-eligibili-  
ty of per-  
sons ceasing  
to be coun-  
cillors.

8. Any person who ceases to be a councillor shall, unless disqualified, be re-eligible.

9. In the event of non-acceptance of office by a person elected or appointed to be a councillor or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office and such vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold it, if the vacancy had not occurred.

Casual vacancies how to be filled up.

10. The names of all persons elected or appointed to be councillors shall be published by the commissioner in the *Bombay Government Gazette*.

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

*Qualifications and Disqualifications of Voters and Councillors.*

11. (1) A person shall not be entitled to vote at a ward-election; unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held.

Qualification of voters at ward-elections.

(2) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person :

(a) resides or is the owner of some building or land, in that ward ; and

(b) has attained the age of twenty-one years ; and unless such person, either :

(c) has been assessed to the qualifying tax for the half-year from the first day of April to the thirtieth day of September last preceding the preparation of the roll, at a rate of not less than thirty rupees per annum ; or

(d) is a graduate of some university in British India or in the United Kingdom.

(3) In clause (c) "the qualifying tax" means either the general tax or the tax on vehicles and animals; other than vehicles and animals plying for hire

hire or kept for the purpose of being let for hire, levied according to the provisions hereinafter contained, or the aggregate of both the said taxes.

Qualification of voters at justices' elections.

12. (1) A person shall not be entitled to vote at a justices' election, unless he is at the time of such election a justice and is enrolled as a justice, in the municipal election roll.

(2) A person shall not be entitled to be enrolled in the municipal election roll as a justice, unless he resides in the city.

Qualification of voters at fellows' elections.

13. (1) A person shall not be entitled to vote at a fellows' election, unless he is at the time of such election a fellow and is enrolled as a fellow in the municipal election roll.

(2) A person shall not be entitled to be enrolled in the municipal election roll as a fellow, unless he resides in the city.

Qualification for election as a councillor at a ward-election.

14. (1) A person shall not be qualified to be elected at a ward-election to be a councillor, unless he is enrolled in the municipal election roll as a voter of some ward, or unless he is at the time of the election a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll :

(2) Provided that :

(a) if a joint stock company is enrolled in the said roll as a voter of a ward, such enrolment shall not be deemed to qualify any person to be elected to be a councillor ;

(b) if the name of any other company or of a firm is enrolled in the said roll, any one person duly authorized by power-of-attorney to represent such company or firm shall be deemed to be qualified to be elected a councillor at a ward-election.

Qualification for election as a councillor at an election by justices, or by fellows.

15. A person shall not be qualified to be elected to be a councillor at a justices' election or a fellows' election, or an election by the Bombay Chamber of Commerce, unless he is at the time of the election, a justice, or a fellow, or a member of the said chamber

ber, as the case may be, and unless, in the case of or by the  
a justice or a fellow, he is enrolled as such in the chamber of  
municipal election roll. commerce.

16. (1) A person shall be disqualified for being Disqualifi-  
elected or appointed and for being a councillor if cations for  
such person : being a  
councillor.

(a) is of the female sex ; or

(b) has been sentenced by any court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and if and so long as such person's disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf ; or if and while such person :

(c) is an uncertificated bankrupt or an undischarged insolvent ; or

(d) is the commissioner or a deputy commissioner or a municipal officer or servant, or a licensed surveyor or plumber ; or

(e) is the Chief Judge of the Small Cause Court or is acting in that capacity ; or

(f) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the corporation.

(2) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in :

(g) any lease, sale or purchase of land or any agreement for the same ; or

(h) any agreement for the loan of money or any security for the payment of money only ;  
or

(j)

(j) any newspaper in which any advertisement relating to the affairs of the corporation is inserted; or

(k) any joint-stock company which shall contract with or be employed by the commissioner on behalf of the corporation; or

(l) the occasional sale to the commissioner on behalf of the corporation to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

(3) Nor shall the police commissioner be deemed to be so disqualified by reason of his office merely.

17. Any councillor who—

A person becoming disqualified to cease to be a councillor.

(a) becomes disqualified for being a councillor for any reason mentioned in the last preceding section; or

(b) absents himself during three successive months from the meetings of the corporation, except from temporary illness or other cause to be approved by the corporation;

shall cease to be a councillor and his office shall thereupon be vacant.

Questions as to disqualifications to be determined by chief judge of the small cause court.

18. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the commissioner, at the request of the corporation shall, apply to the Chief Judge of the Small Cause Court; and the said chief judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor and his decision shall be conclusive.

*Municipal Election Roll.*

19. (1) On or before the first day of October, 1888, and on or before each first day of October thereafter, the commissioner shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards, justices and fellows respectively. Preparation and revision of list of persons qualified to vote.

(2) The arrangement of the list shall be alphabetical and it shall be in three parts, namely, for voters of wards, justices and fellows, respectively, and may be otherwise subdivided as the commissioner shall from time to time deem convenient.

(3) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the city is divided as hereinafter provided, containing the names of persons entitled to be enrolled as voters of that ward. The ward lists and the list of justices and the list of fellows shall be collectively deemed to constitute one list.

(4) In preparing the ward lists the commissioner shall enter therein the names of the persons who have been assessed to the qualifying tax, whether such persons be individuals, companies, firms, undivided families or other associations or bodies of individuals, and shall also enter the names of persons who have been assessed as the trustees of any building or land.

(5) If individual members of any company, firm, undivided family or other association or body so entered or if trustees whose names are so entered have been assessed on their own separate account to the qualifying tax, the commissioner shall enter their names in the list separately.

(6) The commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office on or before the ninth day of October and to be kept so fixed during



during the remaining days of October. Printed copies thereof shall also be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the commissioner, with the approval of the standing committee, in this behalf.

(7) On or before each tenth day of October, the commissioner shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(8) Every person whose name is not in the list so published and who claims to have it inserted therein shall, on or before the first day of November, give notice in writing of his claim to the commissioner.

(9) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein. Every person objecting shall, on or before the first day of November, give to the commissioner and also give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(10) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the commissioner, on or before the first day of November, choose for which one of those wards he shall be entitled to vote.

(11) If the name of an undivided family or of any association or body of individuals, other than a company or firm, has been entered in the list, or if the names of trustees being two or more in number, of any building or land have been so entered, any one individual person duly authorized in this behalf by the members of such family, association or body or by such trustees may, by notice in writing, which he shall give to the commissioner on or before the first

first day of November, apply that his name be entered in the list as the representative, for the purposes of the list, of such family, association, body or trustees.

(12) The commissioner shall, on some one of the first ten days of November, revise the list prepared as aforesaid.

(13) He shall for this purpose hear the claims, objections and applications which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the inquiry by written notice served upon each claimant, person objecting and applicant and upon each person objected to and also fixed on some conspicuous place in every municipal office.

(14) The commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the commissioner's satisfaction.

(15) The commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead and may correct any clerical error or omission in the list.

(16) Subject as aforesaid, the commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(17) The commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorized by him in this behalf, in support of the objection.

(18) Where the objector so appears, the commissioner shall require proof of the qualification of the person objected to, and if within such reasonable time as the commissioner, subject to the provision of sub-section (22), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(19) The commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the commissioner shall determine for which one of those wards he shall be entitled to vote. But this shall not be deemed to prevent the names of individual members of companies, firms, undivided families, or other associations or bodies, or of persons who are trustees, which have been separately entered in the list under sub-section (5), from being retained on the list for one ward each, in addition to the names of the companies, firms, undivided families or other associations or bodies of which they are, respectively, members, or in addition to the names of the trustees, as the case may be, if such individuals or persons are entitled on their own separate account to have their names so retained.

(20) The name of one person may be separately entered and retained by the commissioner in the list as a voter of a ward and as a justice and as a fellow, or in any two of those capacities, if such person is entitled to be enrolled in the municipal election roll in all or both such capacities, as the case may be.

(21) If no individual person has applied as aforesaid to have his name entered in the list as the representative of an undivided family or other association or body, not being a company or a firm, or of two or more trustees of any building or land, the commissioner shall determine what individual person shall be entitled to represent such undivided family, or other association or body, or trustees, and enter his name in the list as the person qualified to vote or to be elected, in behalf of the undivided family or other association or body or of the trustees, as the case may be.

(22) The commissioner may adjourn the hearing of any matter under this section from time to time, so that no adjourned hearing be held after the tenth day of November.

20. In the event of the commissioner rejecting any claim, objection or choice duly made under the last preceding section, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the Chief Judge of the Small Cause Court, and the said chief judge shall, within twenty days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit and his order shall be conclusive.

Appeals  
against  
commis-  
sioner's  
orders on  
revision of  
the list by  
whom to be  
heard.

21. (1) When the list prepared as aforesaid has been revised by the commissioner and corrected in compliance with any order passed in this behalf by the chief judge aforesaid, a printed copy thereof, signed by the commissioner, shall be the municipal election roll and shall come into operation on the tenth of December and continue in operation for the twelve months beginning on that day.

Completion  
of the  
municipal  
election  
roll.

(2) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls and the justices' roll and the fellows' roll shall collectively be deemed to constitute the municipal election roll.

(3) Every person enrolled in the municipal election roll shall be deemed to be entitled to vote at a ward election or as a justice or fellow, as the case may be, provided, in the case of a justice or a fellow, that such person be still a justice or fellow, as the case may be, at the time of the election; and every person not enrolled in the said roll shall be deemed to be not entitled so to vote.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the commissioner, with the approval of the standing committee, in this behalf.

(5)

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

*Elections of Councillors.*

Dates of elections

22. (1) General elections of councillors shall be fixed by the commissioner, subject to the provisions of section 23, to take place triennially on such days in the months of January and February as he shall think fit.

(2) The first general elections shall be held in the year 1889.

(3) Elections to fill casual vacancies shall be fixed by the commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Order in which general elections are to be held.

23. The dates for all general elections shall be fixed in the following order and with the following intervals, namely :

*first*, the ward-elections shall be fixed to take place simultaneously for all the wards ;

*secondly*, the day for the election by the Bombay Chamber of Commerce shall be fixed at an interval not exceeding twenty-one days after the day fixed for the ward-elections ;

*thirdly*, the day for the justices' election shall be fixed at an interval not exceeding seven days after the day fixed for the election by the Bombay Chamber of Commerce ;

*fourthly*, the day for the fellows' election shall be fixed at an interval not exceeding fourteen days after the day fixed for the justices' election.

Division of the city into wards for purposes of elections.

24. (1) For the purposes of elections, the city shall be divided into wards and the number of councillors to be elected at ward-elections shall be apportioned over the said wards.

(2)

(2) The corporation may, with the sanction of Government, from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward-elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy.

(3) Unless and until they are so altered or re-apportioned, the number and respective boundaries of the wards and the number of councillors to be elected for each ward shall be as specified in schedule B.

25. Fifteen days at least before the day fixed for a ward-election or for a justices' election, notice of such election shall be given by the commissioner. Such notice shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers, and, in the case of a ward-election, by posting placards in conspicuous places in the ward for which such election is to take place.

Notice to be given of days fixed for ward-elections and justices' elections.

26. (1) Candidates for election at a ward-election or a justices' election must be duly nominated in writing in accordance with the provisions hereinafter contained.

Candidates at ward-elections and justices' elections must be nominated.

(2) With respect to such nominations, the following provisions shall have effect, namely :—

Provisions regarding nominations.

(a) The commissioner shall provide printed forms of nomination-papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the election, with as many such forms as may be required, free of charge ;

(b) Each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder ;

(c) Every nomination-paper subscribed as aforesaid must be delivered at the commissioner's office before

before five o'clock in the afternoon of the day fixed for the election ;

(d) Each candidate must be nominated by a separate nomination-paper, but any person entitled to vote at the election may subscribe as many nomination-papers as there are vacancies to be filled, but no more ;

(e) If any person nominated :

(i) is not enrolled in the municipal election roll as a voter of a ward or as a justice or as a fellow ; or

(ii) although enrolled in the municipal election roll as a justice or a fellow, has ceased to be a justice or a fellow ; or

(iii) is disqualified for being a councillor for any of the reasons set forth in section 16 ;  
the commissioner shall declare such person's nomination invalid ;

(f) If there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 34 ;

(g) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 34 ;

(h) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(j) If the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election" ;

(k) If, when two or more ward-elections are held simultaneously for different wards, any person

is

is deemed, under clause (g) or clause (h) to be elected a councillor for more than one ward, he shall within twenty-four hours after receipt of written notice thereof from the commissioner, choose, by writing signed by him and delivered to the commissioner, or in his default, the commissioner shall, when the time for choice has expired, declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(l) If, when ward-elections are held as aforesaid, any person who is deemed, under clause (g) or clause (h), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the commissioner choose, by writing signed by him and delivered to the commissioner whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

27. (1) When a ward-election or a justices' election is contested, a poll shall be taken seven days after the day fixed for the election. At such poll, the municipal election roll which was in operation

Poll to be taken when a ward-election or a justices' election is contested.



on the day fixed for the election shall be deemed to be the roll to which reference must be made for the purposes of the election.

Names of candidates validly nominated to be published. (2) At least four days before the day of the poll, the commissioner shall cause the names of all the persons validly nominated, with their respective abodes and descriptions and the names of the persons subscribing their respective nomination-papers as proposers and seconders, to be published in the *Bombay Government Gazette* and in the local newspapers.

Provisions respecting contested ward-elections. 28. With respect to contested ward-elections, the following provisions shall have effect, namely :

(a) One or more polling-places shall be provided by the commissioner for each ward, as he thinks fit, and the commissioner may appoint such and so many polling-officers and other persons to assist at the poll as he shall think fit and, with the approval of the standing committee, pay them such reasonable remuneration for their services as he shall determine ;

(b) The poll shall commence at nine o'clock in the forenoon and close at six o'clock in the afternoon of the same day ;

(c) The commissioner shall have voting-papers, in such form as he from time to time thinks fit, printed, and the said forms shall be supplied to persons entitled to vote, on any of the four days (not being a Sunday or a public holiday) previous to the day of the poll at the municipal office and on the day of the poll at each polling-place, free of charge ;

(d) At each election for any ward, every voter shall be entitled to a number of votes equal to the number of councillors to be elected at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit ;

(e)

(e) No vote shall be received for any candidate whose name has not been published by the commissioner, under sub-section (2) of section 27, as having been validly nominated ;

(f) No vote shall be received from any person, whose name is not enrolled in the ward-roll as a voter of the ward for which the election is being held ;

(g) When the name in the ward-roll is that of a joint-stock company, a vote on behalf of the said company may be received from its secretary, agent or manager ;

(h) When the name in the ward-roll is that of any company, other than a joint-stock company, or of a firm, a vote on behalf of such company or firm may be received from any person who produces to the polling-officer a power-of-attorney authorizing him to represent the said company or firm for the purpose of the election ;

(j) The polling-officer shall, if required by two persons whose names are enrolled in the ward-roll, or by a candidate, put to any person offering to vote, at the time of his presenting his voting-paper, but not afterwards, the following questions, or either of them :

(i) Are you the person enrolled in the ward-roll as follows (*read the whole entry from the roll*) ?

(ii) Have you already voted at the present election (*add, in case of simultaneous elections in two or more wards, or at any election being at present held for any other ward*) ?

(k) A person to whom either of the said questions is put shall be bound to answer the same truly. His voting-paper shall not be received until he has answered the question or questions so put to him ;

(l) Except as aforesaid, no inquiry shall be permitted at a ward-election as to the right of any person to vote thereat ;

(m) The answers or answer made by any person to whom the said questions or either of them are or is put, shall be recorded by the polling-officer under his signature in writing, and such writing, together with the said person's voting-paper, shall be forwarded by the polling-officer, at the close of the poll, separately from the voting-papers of the persons whose right to vote has not been challenged as aforesaid; and the polling-officer shall direct the parties to any such challenge to appear, within three days after the poll, before the commissioner ;

(n) The name of the person, or of every person for whom a voter votes and all other details prescribed by the form of the voting-paper shall be written legibly, in English, in the voting-paper, and the voter shall sign, or attach his mark to the voting-paper in the presence of the polling-officer ; and the said officer shall attest each such signature or mark and shall attach consecutive numbers to each of the voting-papers presented to him ;

(o) After the close of the poll, the polling-officer shall forward all the voting-papers presented to him, in one or more packets duly secured and sealed, to the commissioner, together with a list of the cases, if any, in which a person's right to vote has been challenged ;

(p) The commissioner shall, as soon as may be, hear and decide upon all challenges and other objections, if any, to or regarding the poll, made to him in writing not later than five o'clock in the afternoon of the day after the poll, and cause lists to be prepared of the valid votes given for each candidate. The said lists and the voting-papers on which they are based shall be kept in the commissioner's office, unless called for\* in the meantime by the Chief Judge of the Small Cause Court

Court for the purpose of any appeal, for three months ;

(q) The person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes, shall be deemed to be elected ;

(r) Where an equality of such votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the commissioner in such manner as he shall determine ;

(s) If a candidate is elected councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the commissioner, choose, by writing signed by him and delivered to the commissioner, or, in his default, the commissioner shall, when the time for choice has expired, declare for which of those wards he shall serve, and the choice or declaration shall be conclusive ;

(t) When any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, but for the said votes, would have been declared elected for such ward, shall be deemed to have been duly elected for the same.

29. With respect to justices' contested elections the following provisions shall have effect, namely:—

Provisions regarding justices' contested elections.

(a) The poll shall be taken at a meeting of the justices, of the time and place of which reasonable notice shall be given by the commissioner by advertisement in the *Bombay Government Gazette* and in the local newspapers and which shall be

presided

presided over by such one of the justices present, as may be chosen by the meeting to be chairman for the occasion.

(b) Every person entitled to vote may vote by signing and personally delivering, at the meeting held in accordance with the notice given under clause (a), to the chairman of such meeting, a voting-paper containing the name in full of the candidate or of each of the candidates for whom he votes ;

(c) Every voter shall be entitled to vote for any number of candidates not exceeding the number of vacancies ;

(d) No vote shall be received for any candidate whose name has not been published by the commissioner, under sub-section (2) of section 27, as having been validly nominated ;

(e) No vote shall be received from any person whose name is not enrolled in the justices' roll or who is not on the day of the meeting a justice ;

(f) The chairman of the meeting, as soon as all the voting-papers of the justices present and voting have been delivered to him, shall close the meeting and shall, as soon as may be, cause lists to be prepared of the valid votes given for each candidate. The said lists and the voting-papers on which they are based, shall be delivered by the chairman of the meeting to the municipal secretary by whom, unless they are called for in the meantime by the Chief Judge of the Small Cause Court for the purpose of any appeal, they shall be kept for three months ;

(g) The person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected ;

(h)

(h) In case of an equality of such votes, the chairman of the meeting shall have a second or casting vote ;

(j) The chairman of the meeting shall make a return in duplicate to the commissioner setting forth the name in full of every person elected at the meeting.

30. (1) Elections of councillors by fellows shall be made, subject to the provisions of section 15, in such manner as shall from time to time be determined at a meeting of the senate of the University of Bombay convened in accordance with the rules at the time in force in this behalf: Provided that no vote shall be received from any person whose name is not enrolled in the fellows' roll or who is not on the day of the meeting a fellow. Proceedings at fellows' elections.

(2) The registrar of the university shall make a return in duplicate to the commissioner setting forth the name, abode and description of every person so elected.

31. (1) Elections of councillors by the Bombay Chamber of Commerce shall be made by the members for the time being of the said chamber, subject to the provisions of section 15, in such manner as shall from time to time be determined at a meeting of the said chamber convened in accordance with the rules at the time in force in this behalf. Proceedings at elections by the chamber of commerce.

(2) The secretary to the said chamber shall make a return in duplicate to the commissioner setting forth the name in full of every person so elected.

32. (1) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place on the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate. Declaration of results of elections.

(2) The said notice shall be signed, in the case of a ward-election and in the case of a justices' election which is not contested, by the commissioner, in the

case

case of a contested justices' election, by the chairman of the meeting of justices at which the election took place, in the case of a fellows' election, by the registrar of the University of Bombay, and in the case of an election by the Bombay Chamber of Commerce, by the secretary of that chamber.

Election-  
petitions to  
be heard  
and dispos-  
ed of by  
chief judge  
of the small  
cause court.

33. (1) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may at any time, within eight days after the result of the election has been declared, apply to the Chief Judge of the Small Cause Court.

(2) If the said chief judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election. If he finds that the election was not a valid election he shall set it aside, so far as concerns the person whose election is objected to. If he finds that there is no objection to the validity of the election-proceedings, but that the person whose election is objected to is disqualified for being a councillor, he shall declare such person's election null and void, and direct that the candidate, if any, in whose favour the next highest number of votes was recorded after the said person, or after all the persons who were returned as elected at the said election, shall be deemed to have been elected.

(3) The said chief judge's order shall be conclusive.

(4) If he sets aside an election or if, when he declares a person who has been declared elected disqualified for being a councillor, there is no other candidate who can be deemed to have been elected, proceedings

proceedings for filling the vacancy or vacancies shall be taken under section 34.

(5) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

34. (1) If from any cause no councillor is elected at any general election, not being one of the first general elections held in accordance with this Act, the retiring councillor or councillors shall, if willing to serve, be deemed to be re-elected. Procedure if election fails.

(2) If, in any such case, the retiring councillor is not willing to serve, or some of the retiring councillors are willing to serve and some are not, or

if, in the case of a first general election held in accordance with this Act, or of an election to fill a casual vacancy, no councillor is elected, or

if, in the case of any election, an insufficient number of councillors are elected,

the commissioner shall without delay inform the corporation of the circumstances, and thereupon the corporation, so far as it is constituted, may appoint a duly qualified person to fill the vacancy, or each vacancy, as the case may be, and if the corporation shall fail within fifteen days after receipt of such information to appoint a person as aforesaid, the commissioner shall appoint another day for holding a fresh election.

(3) A fresh election held under this section shall be held subject in all respects to the same provisions as if it were an election to fill a casual vacancy.

*Appointment of Councillors by Government.*

35. (1) The first appointment of councillors by Government under this chapter shall be made not less than seven days before the first day of April, 1889. ment appointments of councillors

(2) when to be made.



(2) Subsequent appointment of councillors by Government to succeed retiring councillors shall be made triennially not less than seven days before the day for retirement.

(3) Appointments of councillors by Government to fill casual vacancies shall be made as soon as conveniently may be after the occurrence of such vacancies.

*Proceedings of the Corporation.*

Provisions  
regulating  
the corpo-  
ration's pro-  
ceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning-notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation as they think fit, subject to the following conditions :

(a) there shall be one ordinary meeting in each month; the ordinary meeting in the month of March shall be held not later than on the twentieth day of that month;

(b) the first meeting in the month of April, after general elections, shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the commissioner;

(c) the day, time and place of meeting shall in every other case be fixed by the president of the corporation, or in the event of the office of president being vacant, or of the death or resignation of the president, or of his ceasing to be a councillor, or of his being incapable of acting, by the chairman of the standing committee;

(d) the president of the corporation, or in any such event as aforesaid, the chairman of the standing committee may, whenever he thinks fit, and shall

shall, upon a written requisition signed by not less than sixteen councillors or by not less than four members of the standing committee, call a special meeting ;

(e) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the corporation is such as should be held in private and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings ;

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present falls short of twenty, inclusive of the presiding authority, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum of twenty members present thereat or not ;

(g) every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and if the office of president is vacant, or if the president is absent, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion ;

(h) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in

pursuance

pursuance of a written requisition signed by not less than four members of the standing committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable, having regard to the period of the adjournment;

(j) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat and shall be given by the municipal secretary by advertisement in the local newspapers and, except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the *Bombay Government Gazette* ;

(k) any councillor who desires at any meeting to bring forward any business, or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting ;

(l) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (j) or urgent business not specified in the said notice which the standing committee or the commissioner deem it expedient to bring before the meeting,— and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (k), or which is not in support of the recommendation of the standing committee or of the commissioner with reference to

any

any urgent business brought by either of those authorities, respectively, before the meeting: provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than fifteen in number, assent to its being brought forward thereat;

(*m*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget-estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget-estimate, as the case may be; and no proposition involving any change in the taxes which the standing committee propose to impose, or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget-estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*j*) or in the supplementary announcement, if any, published under clause (*k*), or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*n*) has been fulfilled;

(*n*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place: provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (*m*), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of

at

at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled (namely) :

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place ;

(ii) that the adjournment has been for not less than three clear days ; and

(iii) that a special announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in not less than one local daily newspaper not later than the day previous to the adjourned meeting ;

(o) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and fairly entered by the municipal secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting ; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of a fee of eight annas ;

(p) a councillor shall not vote or take part in the discussion of any matter before a meeting in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (q) to (l), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person ;

(q) every question other than the question whether the standing committee or the commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority  
having

having a second or casting vote when there is an equality of votes ;

(r) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration, by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition ;

(s) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book ;

(t) the commissioner shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a councillor, and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

*President of the Corporation.*

37. (1) The corporation shall, at their first meeting in each official year, appoint one of their own number to be president until the first meeting of the corporation in the next following official year, unless the councillors in the meantime retire from office, and then until the day for retirement.

Appoint-  
ment of  
president of  
the corpora-  
tion.

(2) Any councillor who ceases to be president shall be re-eligible.

(3) If any casual vacancy occurs in the office of president of the corporation, the corporation shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every president so chosen shall

shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

*Committees.*

Appoint-  
ment of con-  
sultative  
committees  
for special  
purposes.

38. The corporation may from time to time appoint out of their own body such and so many committees consisting of such number of persons, and may refer to such committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit.

Appoint-  
ment by the  
corporation  
and by Gov-  
ernment of  
a Joint  
Schools'  
Committee  
for pur-  
poses of  
primary  
education.

39. (1) It shall be the duty of the corporation and of Government each to appoint four members of a Joint Schools' Committee of eight members, for the purpose of giving effect to the provisions as to primary education hereinafter enacted.

(2) The first appointments to the said committee shall be made within one month from the date on which this Act comes into operation. The members then or thereafter duly appointed may perform all the functions legally pertaining to the committee, notwithstanding any default, delay or defect in the appointment of any member.

(3) At the end of each of the first three years after this Act shall come into operation, one of the members of the Joint Schools' Committee appointed by Government and one appointed by the corporation shall retire by ballot. Thereafter the two senior members shall retire at the end of each calendar year and two shall be appointed or re-appointed by Government or by the corporation, whereof each shall appoint to the place vacated by any member previously appointed by itself, whether such vacancy have arisen as aforesaid or by death or resignation of the member.

(4) The names of all persons appointed to be members of the said committee shall be published by the municipal secretary in the *Bombay Government Gazette*.

(5)

(5) The Joint Schools' Committee shall, by election from amongst its own members, appoint one member to be chairman for the current term of his office or for any shorter period. The chairman so appointed shall preside and, in his absence, the senior member according to date of first appointment or, in case of equality of date, the member whose name appears first in the list published in the *Bombay Government Gazette* shall preside at meetings of the committee. He shall have a vote and, in case of equal division, a casting vote.

(6) The corporation shall provide for the Joint Schools' Committee a competent secretary and such clerks and messengers as shall be necessary. It shall also supply the committee with accommodation, stationery and the other material requisites for the due discharge of its duties on the requisition of the chairman, signified by him, by any member of the committee, or by the secretary.

(7) The Joint Schools' Committee shall administer the school-fund hereinafter defined and prescribed and shall provide thereout for the accommodation and maintenance of primary schools which at any time vest wholly or partly in the corporation and for otherwise aiding primary education in accordance with by-laws duly made under section 461, and with rules made or approved by Government in this behalf.

(8) An order signed by the chairman of the said committee shall be sufficient warrant for the disbursement by any person holding the school-fund or any part thereof, of any sum thereout in accordance with such order.

(9) The Joint Schools' Committee shall appoint and remove masters, teachers and other persons employed in the primary schools maintained out of the school-fund, and shall direct and control the

instruction



instruction given in such schools and the terms and conditions of such instruction, and annex to the aid given to other primary schools such terms as shall seem expedient, subject always to by-laws duly made under section 461 and to rules made or approved by Government in this behalf.

(10) The Joint Schools' Committee may, by a by-law duly made under section 461, be invested with the powers and duties of any authority constituted under this Act, in so far as shall be necessary or expedient in order to the fulfilment of the functions imposed on such committee as contemplated in this section and in section 61, clause (g), and to the extent to which such committee is invested as aforesaid, the powers and duties of the said authority shall be in abeyance, save as so vested and exercised accordingly.

Committee may be appointed for other educational purposes. 40. The corporation may, for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction, appoint or join in appointing a committee in the manner described in the last preceding section or as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed the like powers and duties as are herein assigned to the Joint Schools' Committee, save as the same may be varied by any by-law made under the said section.

Appointment of a Hospital Committee. 41. The corporation, either singly or in concurrence with Government, may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds, as may be defined and provided by by-laws made under section 461 or by any agreement made with Government in this behalf.

(B). *The Standing Committee.*

42. The standing committee shall consist of twelve councillors, eight appointed by the corporation, and four by Government.

Constitution of standing committee.

43. (1) The corporation shall at their first meeting in the month of April, after general elections, appoint eight persons out of their own body to be members of the standing committee.

Members of the standing committee when to be appointed.

(2) Four other councillors shall be appointed by Government to be members of the standing committee within one week after such appointment by the corporation.

44. (1) The standing committee shall at their first meeting in each official year appoint one of their own number to be their chairman until the first meeting of the said committee in the next following official year.

Appointment of chairman of standing committee.

(2) A member of the standing committee who ceases to be chairman shall be re-eligible.

(3) If any casual vacancy occurs in the office of chairman, the standing committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

45. (1) One-half of the members of each standing committee appointed by the corporation and one half of those appointed by Government, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the chairman shall determine, shall retire from office at noon on the first day of April next following the date of their appointment.

Members of the standing committee to retire by rotation.

(2) The remaining members of the standing committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

Appoint- 46. (1) The corporation shall at their ordinary  
ment of meeting in the month of March appoint fresh mem-  
members of bers of the standing committee to fill the offices of  
standing those previously appointed by them who retire from  
committee to replace time to time as aforesaid, and, within one week after  
to replace those who any such appointment by the corporation, Govern-  
those who retire. ment shall appoint fresh members to fill the offices  
retire. of those previously appointed by them who retire  
as aforesaid.

(2) Any councillor who ceases to be a member  
of the standing Committee shall be re-eligible.

Casual 47. In the event of non-acceptance of office by  
vacancies in a councillor appointed to be a member of the stand-  
the stand- ing committee or of the death, resignation or dis-  
ing commit- qualification of a member of the said committee or  
tee how to of his becoming incapable of acting previous to the  
be filled up. expiry of his term of office, the vacancy shall be  
filled up, as soon as it conveniently may be, by the  
appointment by the corporation or by Government,  
as the case may be, of a person thereto, who shall  
hold office so long only as the member in whose  
place he is appointed would have been entitled to  
hold it, if the vacancy had not occurred.

Each stand- 48. The standing committee in existence on the  
ing commit- day for the retirement of councillors shall continue  
tee to con- to hold office until such time as a new standing  
tinue in committee is appointed under section 43, notwith-  
office till a standing that the members of the said committee or  
new com- some of them may no longer be councillors.

Provisions 49. The standing committee shall meet for the  
regulating despatch of business in the chief municipal office  
the pro- and may, from time to time, make such regulations  
ceedings of and with respect to such meetings and with respect to the  
the stand- scrutiny of the municipal accounts, as they think  
ing com- fit, subject to the following conditions :—  
mittee.

(a) there shall be a meeting of the standing  
committee once a week, and at such other times  
as shall be found necessary;

(b)

(b) the first meeting of each standing committee shall be held on a day and at a time to be fixed by the commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the commissioner ; and every subsequent meeting of the standing committee shall be held, on such day and at such time as the said committee from time to time determine ;

(c) the chairman of the standing committee shall, upon a written requisition signed by the commissioner, call a special meeting of the said committee within twenty-four hours for the transaction of any business which, in the opinion of the commissioner, cannot be delayed until the next ordinary meeting of the said committee ;

(d) no business shall be transacted at a meeting of the standing committee unless at least six members are present from the beginning to the end of such meeting ;

(e) every meeting of the standing committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion ;

(f) every question shall be decided by a majority of votes of the members of the standing committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(g) subject to any by-laws in this behalf made under clause (t) of section 461, the standing committee may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the said committee not less in number than three on each sub-committee, as they think fit ; and any sub-committee so formed shall

conform

conform to any instructions that may from time to time be given to them by the standing committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed ;

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

(*j*) sub-committees may meet and adjourn as they think proper, but the chairman of the standing committee may, whenever he thinks fit and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee ;

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

(*l*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the standing committee and at each sub-committee's meetings, in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting ;

(*m*) a member of the standing committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally

professionally interested on behalf of a client, principal or other person ;

(n) the commissioner shall have the same right of being present at a meeting of the standing committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

50. Every member of the standing committee shall be entitled to receive a fee of thirty rupees for each meeting of the said committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: provided that no more than one fee shall be paid to any member for his attendance at all such meetings in any one week. Fees payable to members of the standing committee.

*Provisions regarding validity of proceedings.*

51. No act or proceeding of the corporation or of the standing committee or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in their body. Vacancy in corporation, &c, not to invalidate their proceedings.

52. No disqualification of, or defect in, the election or appointment of any person acting as a councillor or as the president or presiding authority of the corporation or as the chairman or as a member of the standing committee or of any committee or sub-committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the corporation or standing committee or of any such committee or sub-committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act. Proceedings of corporation, &c., not vitiated by disqualification, &c., of members thereof.

53. Until the contrary is proved, every meeting of the corporation or standing committee or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act; shall be deemed to have Proceedings of meetings to be deemed to be good and valid,

until the contrary is proved. have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(C). *The Municipal Commissioner.*

Appointment of the commissioner. 54. (1) The Municipal Commissioner for the city of Bombay shall be from time to time appointed by the Governor in Council for a renewable period of three years.

(2) But he shall be forthwith removed by Government from office, if at a meeting of the corporation not less than forty-five councillors shall vote in favour of a proposition in this behalf; and he may be removed by the Governor in Council at any time, if it shall appear to the Governor in Council that he is incapable of performing the duties of his office, or has been guilty of any misconduct or neglect which renders his removal expedient.

*Deputy Municipal Commissioner.*

Appointment of a deputy municipal commissioner. 55. (1) Subject to confirmation by the Governor in Council, the corporation may at any time and from time to time appoint a person to be a Deputy Municipal Commissioner, if it shall appear to it expedient so to do.

(2) Every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the commissioner is subject.

Functions of a deputy commissioner. 56. (1) A deputy commissioner so appointed shall be subordinate to the commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the commissioner as the commissioner shall from time to time depute to him:

(2) Provided that

(a) it shall not be lawful for a deputy commissioner to appear in the commissioner's stead at

any

any meeting of the corporation or standing committee or to exercise thereat any right or power of the commissioner;

(b) the commissioner shall inform the corporation of the powers and duties which he from time to time deposes to a deputy commissioner.

(3) All acts and things performed and done by a deputy commissioner, during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the commissioner.

*Remuneration of Commissioner and Deputy Commissioner.*

57. (1) The commissioner shall receive such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand, as Government shall from time to time determine, in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force:

(2) Provided that he may at any time :

(a) hold the office of a trustee of the port of Bombay;

(b) with the sanction of the corporation, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(3) Provided also that, with the approval of the corporation, the monthly salary of a commissioner, who has held the appointment for a period of not less than three years, may be raised to a sum not exceeding three thousand rupees.

58. A deputy municipal commissioner shall receive such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as the corporation shall from time to time determine.

Salary of the commissioner to be fixed by Government.

Duties which may be undertaken by the commissioner outside of this Act.

Remuneration of a deputy municipal commissioner.



*Provisions for absence of Commissioner or Deputy Commissioner on leave.*

Grant of leave of absence to the commissioner or deputy commissioner. 59. (1) Leave of absence may be granted, from time to time :

(a) to the commissioner, by the Governor in Council, with the assent of the standing committee ;

(b) to a deputy commissioner, by the corporation.

Allowance whilst absent on leave. (2) The allowance to be paid to the commissioner or to a deputy commissioner whilst so absent on leave shall be of such amount, not exceeding respectively the amount of the salary of the commissioner or deputy commissioner, as shall be fixed by the Governor in Council or the corporation, respectively : provided that if the commissioner or deputy commissioner is a Government officer, the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class.

Appointment and remuneration of acting commissioner or acting deputy commissioner. (3) During any absence of the commissioner or of a deputy commissioner the Governor in Council or the corporation may appoint a person to act as commissioner or as deputy commissioner, as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57 and 58 for a commissioner and a deputy commissioner, as Government or the corporation, respectively, shall determine.

*Disqualifications of the Commissioner and Deputy Commissioner.*

Commissioner and deputy commissioner. 60. (1) No person shall be qualified to be appointed or to be commissioner or a deputy commissioner

sioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the corporation or in any employment with, by or on behalf of the corporation other than as commissioner or deputy commissioner, as the case may be.

not to be interested in any contract, &c., with the corporation.

(2) Any commissioner or deputy commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be commissioner or a deputy commissioner, as the case may be, and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the corporation as, under clauses (h) and (k) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

### CHAPTER III.

#### DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

##### *Obligatory and Discretionary Duties of the Corporation.*

61. It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely:—

Matters to be provided for by the corporation.

- (a) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences;
- (b) the construction and maintenance of works and means for providing a supply of water for public and private purposes;
- (c) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish;

(d)

- (d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;
- (e) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;
- (f) the registration of births and deaths ;
- (g) measures for preventing and checking the spread of dangerous diseases ;
- (h) the construction and maintenance of markets and slaughter-houses and the regulation of all markets and slaughter-houses ;
- (j) the regulation of offensive and noisome trades ;
- (k) the entertainment of a fire-brigade and the protection of life and property in the case of fire ;
- (l) the securing or removal of dangerous buildings and places ;
- (m) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like ;
- (n) the lighting, watering and cleansing of public streets ;
- (o) the removal of obstructions and projections in or upon streets, bridges and other public places ;
- (p) the naming of streets and the numbering of premises ;
- (q) maintaining, aiding and suitably accommodating schools for primary education ;
- (r) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation.

Share of the expenses of the police of 62. The corporation shall also provide and pay to Government : (a)

(a) such proportion of the annual expenses of the police of the city as Government shall from time to time determine; and

the city to be paid by the corporation.

(b) the necessary contingent expenses, as determined from time to time by Government, incurred by the police commissioner in granting licenses under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay,*) to public conveyances in the city.

63. The corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

Matters which may be provided for by the corporation at their discretion.

- (a) public vaccination;
- (b) educational objects other than those set forth in clause (g) of section 61;
- (c) constructing, maintaining or aiding libraries, museums and art galleries;
- (d) constructing or maintaining public parks and gardens and botanical and zoological collections;
- (e) planting and maintaining trees on road-sides and elsewhere;
- (f) surveys of buildings or lands;
- (g) registration of marriages;
- (h) taking of a census;
- (j) preparation and presentation of addresses to persons of distinction;
- (k) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of Government, the corporation may make:

- (l) such contribution as they think fit towards any public ceremony or entertainment in the city.

*Respective*

*Respective Functions of the several  
Municipal Authorities.*

Functions  
of the several  
municipal  
authorities.

Municipal  
government  
of the city  
vests in the  
corporation.

Special  
functions of  
the com-  
missioner.

64. (1) The respective functions of the several municipal authorities, and of any committee appointed under section 39, 40 or 41, shall be such as are specifically prescribed in or under this Act.

(2) Except as in this Act otherwise expressly provided, the municipal government of the city vests in the corporation.

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the commissioner, who shall also:

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and, subject to the regulations at the time being in force under section 51, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(c) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred, in consequence

of such action, which is not covered by a current budget-grant, within the meaning of that expression as defined in section 130.

65. The corporation may at any time call for any extract from any proceedings of the standing committee or of any committee or sub-committee constituted under this Act and for any return, statement, account or report concerning or connected with any matter with which the standing committee or any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the standing committee or other committee or sub-committee, as the case may be, without unreasonable delay.

66. (1) The corporation may at any time require the commissioner :

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him ;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city :

(c) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(2) Except as is hereinafter provided, every such requisition shall be complied with, by the commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the commissioner in pursuance of any such requisition :

(3)

(3) Provided that if, on such a requisition as aforesaid being made, the commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation to elect one councillor who with the president of the corporation and the chairman of the standing committee (or if the president of the corporation is also chairman of the standing committee, with the said president and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and to the said committee the commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition, and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part and which part, if any, of such matters ought to be disclosed to the corporation or kept secret for a defined time; which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the corporation.

(4)

(4) The heads of departments subordinate to the commissioner are the executive engineer, the executive health officer, the assessor and collector, and the chief accountant.

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in subsection (2) of section 115, be subject to the following provisoes, namely:—

Exercise of powers to be subject to sanction by corporation of the necessary expenditure.

(a) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, within the meaning of that expression as defined in section 130; and

(b) that if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, liability for such expenditure shall not be incurred without the sanction of the corporation.

68. (1) Any of the powers, duties or functions conferred or imposed upon or vested in the commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (2), may be exercised, performed or discharged, under the commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the commissioner generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses, the word "commissioner" shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

Municipal officers may be empowered to exercise certain of the powers, &c., of the commissioner.

(2) The sections, sub-sections and clauses of this Act referred to in sub-section (1) are the following, (namely):

Section

51



*The City of Bombay* [BOM. ACT NO.]

Section 82.	Section 255.
" 83.	" 257.
" 84.	" 258, cls. (a); (b)
" 85, sub-s. (1).	" & (c).
" 112.	" 259.
" 113, sub-s. (3).	" 263, sub-s. (1).
" 142, sub-s. (2).	" 265.
" 149.	" 266.
" 152, sub-s. (1).	" 272.
" 153, sub-s. (1).	" 273.
" 155, sub-ss. (1)	" 276.
" & (3).	" 278.
" 160.	" 279, sub-s. (1).
" 162.	" 287.
" 163, sub-s. (1).	" 298, sub-ss. (1)
" 164.	" & (2).
" 165, sub-ss. (1)	" 300, sub-s. (1).
" & (2).	" 311.
" 174.	" 314.
" 175.	" 317.
" 176.	" 319.
" 177.	" 321, sub-s. (2).
" 187.	" 322.
" 188.	" 324.
" 189.	" 325.
" 200.	" 326, sub-ss. (2)
" 201, sub-s. (2).	" & (3).
" 202, sub-s. (1).	" 329.
" 209, sub-s. (1).	" 333, sub-s. (4).
" 210, sub-s. (1).	" 334, sub-s. (1).
" 214, sub-ss. (2)	" 337, sub-s. (1).
" & (3).	" 338.
" 222, sub-ss. (1)	" 339.
" & (2).	" 340.
" 226, sub-s. (2).	" 342.
" 228.	" 343.
" 229.	" 345.
" 234.	" 346, sub-s. (1).
" 240.	" 347, cl (a).
" 243, sub-s. (2).	" 348, cls. (a), (b)
" 244, sub-s. (1).	" & (c).
" 248.	" 349.
" 249.	" 350.
" 250, sub-s. (2).	" 353.
" 251.	" 354.
" 253.	" 355.
" 254.	" 363.

Section

Section 374.	Section 413, sub-s. (1).
„ 375.	„ 415.
„ 377.	„ 416.
„ 380.	„ 422.
„ 383.	„ 424, sub-s. (1).
„ 384, cl. (a).	„ 425, sub-s. (1).
„ 394.	„ 427, sub-s. (3).
„ 396, sub-s. (1).	„ 455.
„ 403, cl. (e).	„ 479, sub-s. (5).
„ 409.	„ 488.
„ 410, sub-s. (1).	„ 489.
„ 412, sub-ss. (1)	„ 492, cl. (a).
& (2).	„ 517, cl. (a).

*Contracts.*

69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect; namely :

(a) Every such contract shall be made on behalf of the corporation by the commissioner ;

(b) No such contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(c) No contract, other than an agreement for the acquisition of immoveable property, which will involve an expenditure exceeding five thousand rupees shall be made by the commissioner, unless the same is previously approved by the standing committee ;

(d) Every contract made by the commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee ;

(e) The foregoing provisions of this section shall apply, respectively, to every contract which the commissioner shall have occasion to make in

Power to the commissioner to execute contracts on behalf of the corporation.

the

the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of  
executing  
contracts.

70. (1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind the commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged; Provided that:

(a) where any such contract, if entered into by the commissioner, would require to be under seal, the same shall be sealed with the common seal of the corporation; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials, or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the corporation, which shall remain in the custody of the municipal secretary, shall not be affixed to any contract, or other instrument, except in the presence of two members of the standing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Contract  
not binding  
on the cor-  
poration  
unless exe-  
cuted as  
prescribed  
in section  
70.

71. No contract not executed as in the last preceding section provided shall be binding on the corporation.

72. (1)

72. (1) Except as is hereinafter otherwise provided, the commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupées, give notice by advertisement in the local newspapers, inviting tenders for such contract.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

(2) The commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

(3) Provided that the standing committee may authorize the commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

73. The commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Security when to be taken for performance of contract.

#### CHAPTER IV.

##### MUNICIPAL OFFICERS AND SERVANTS.

###### *Executive Engineer and Executive Health Officer.*

74. (1) The corporation shall appoint fit persons to be municipal executive engineer and municipal executive health officer.

Appointment of executive engineer and executive health officer.

(2) Each of the said officers shall :

(a) be appointed for a renewable term of five years ;

(b) devote his whole time and attention to the duties of his office ;

(c)

(c) receive such monthly salary, not exceeding rupees fifteen hundred and not less than rupees twelve hundred, as the corporation shall from time to time determine ;

(d) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation :

(3) Provided that :

(e) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner ;

(f) the corporation may, in their discretion, appoint a person probationally for a limited period only, to either of the said offices, previous to appointing him for the full term of five years ;

(g) every appointment made under this section shall be subject to confirmation by the Governor in Council.

Time within which vacancy in office of executive engineer or executive health officer must be filled up.

75. (1) On the occurrence of a vacancy in the office of executive engineer or of executive health officer, an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred or in the event of any appointment so made by them not being confirmed by Government, within thirty days from the date of the receipt by the corporation of the order of Government.

(2) In default of an appointment being made by the corporation as aforesaid, the Governor in Council may appoint a person to fill the vacancy and such appointment shall for all purposes be deemed to have been made by the corporation.

(3) Pending the settlement of an appointment under sub-section (1) or (2), the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding rupees fifteen hundred

hundred as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the city of Bombay*).

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

*Municipal Secretary.*

77. (1) The standing committee shall from time to time appoint a fit person to be municipal secretary.

Appointment of municipal secretary.

(2) The municipal secretary shall be secretary of the corporation and also of the standing committee and shall:

(a) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee as shall be required of him by those bodies respectively;

(b) have the custody of all papers and documents connected with the proceedings of:

(i) the corporation and any committee appointed by the corporation;

(ii) the standing committee and any sub-committee thereof;

(c) devote his whole time and attention to the duties of his office;

(d) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand;

(e) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the standing committee, with the approval of the corporation.

78. (1) The standing committee may from time to time:

(a) 57

Appoint-  
ment of  
clerks and  
servants  
( subordinate  
to the mu-  
nicipal se-  
cretary.

(a) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

(b) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(c) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control,  
&c., of the  
said clerks  
and ser-  
vants.

(2) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

*Other Officers and Servants.*

Schedule of  
other  
officers and  
servants to  
be prepared  
by the com-  
missioner  
and sanc-  
tioned by  
the stand-  
ing com-  
mittee.

79. (1) The commissioner shall, as soon as may be after this Act comes into force and afterwards from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

(2) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

Restriction  
of employ-  
ment of  
permanent  
officers and  
servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under section 74, 77, or 78, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

*Leave*

*Leave of absence, acting appointments, &c.*

81. (1) The standing committee shall from time to time frame regulations, in consonance with any resolution that may be passed by the corporation :

Standing Committee to frame regulations for grant of leave, &c.

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

(b) regulating the grant of leave to municipal officers and servants;

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

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

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

(f) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or other relations dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances;

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

(2) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (f), unless and until it has been confirmed by Government.

Such regulations to be subject to confirmation by the corporation and, if made under clause (f), by Government.

82. Except



Power of appointment in whom to vest.

82. Except as is hereinbefore otherwise provided, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force prepared and sanctioned under section 79, vest in the commissioner.

Power of suspending, punishing and dismissing in whom to vest.

83. (1) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed :

(2) Provided that :

(a) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the commissioner, without the approval of the standing committee ;

(b) any officer appointed by the corporation may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation.

Leave of absence by whom to be granted.

84. (1) Leave of absence may be granted by the commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant the power of appointing whom is vested in him and, for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary.

(2) Leave of absence may be granted, subject as aforesaid, by the standing committee :

(a) to any clerk or servant appointed under section 78 ;

(b) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the commissioner.

Acting appointments.

85. (1) The appointment of a person to act in the place of an officer absent on leave may be made, when

when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence :

(2) Provided that :

(a) when the executive engineer or the executive health officer is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation;

(b) any appointment of a person to act as executive engineer or as executive health officer may be disallowed by the Governor in Council, and from the time of being so disallowed shall be null and void ;

(c) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(3) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

*Disqualifications of Municipal Officers and Servants.*

86. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant. Municipal officer or servant not to be interested in any contract, &c., with the corporation.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner,

partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (h) and (k) of section 16 it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

## CHAPTER V.

### MUNICIPAL PROPERTY AND LIABILITIES.

#### *Acquisition of Property.*

**Powers of corporation as to acquisition of property.** 87. The corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the city.

**Transfer to the corporation of the property of the municipal corporation.** 88. All such immoveable and other property as is held by, or in trust for, or has been granted by Government to the corporation under, or in pursuance, or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

**Conditions affecting the vesting of the Vehár waterworks in the corporation. Bo. III of 1872 and IV of 1878.** 89. (1) On the expiry of the term of ninety-nine years, commencing on the first day of July, 1863, for which, in accordance with section 64 of the Bombay Municipal Acts of 1872 and 1878, the Vehár lake and the property appurtenant thereto, hereinafter referred to as "the Vehár waterworks," were vested in the corporation, the Governor in Council may direct that the said Vehár waterworks shall vest, and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and, for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient:

(2)

(2) Provided that on the expiry of the said first term of ninety-nine years, or of any further term for which the Governor in Council may have directed that the said Vehár waterworks shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine, and the said Vehár waterworks shall revert to and become vested in the Secretary of State for India in Council as the same were vested in the Secretary of State for India in Council before the first day of July, 1863.

90. (1) Whenever it is provided by this Act that the commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the commissioner shall acquire, any immovable property, such property may be acquired by the commissioner on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the standing committee, either generally for any class of cases or specially in any particular case.

Acquisition of immovable property by agreement.

(2) And whenever, under any provision of this Act, the commissioner is authorized to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the standing committee as aforesaid :

(3) Provided that no agreement for the acquisition of any immovable property under sub-section (1) or (2) shall be valid, if the price to be paid for such property exceeds one thousand rupees, unless and until such agreement has been approved by the corporation.

91. (1) Whenever the commissioner is unable to acquire any immovable property under the last preceding section by agreement, Government may, in their discretion, upon the application of the commissioner

Procedure when immovable property cannot be acquired by agreement.

missioner, made with the approval of the standing committee, order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.

X of 1870

(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the commissioner and thereupon the said property shall vest in the corporation.

*Disposal of Property.*

92. With respect to the disposal of property belonging to the corporation the following provisions shall have effect, namely :

Provisions governing the disposal of municipal property.

(a) the commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, five hundred rupees, or grant a lease of any immovable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time : provided that every such lease granted by the commissioner shall be reported by him, within fifteen days after the same has been granted, to the standing committee ;

(b) with the sanction of the standing committee, the commissioner may dispose of, by sale or otherwise, any moveable property belonging to the corporation, of which the value does not exceed five thousand rupees, or grant a lease of any immovable property belonging to the corporation, including any such right as aforesaid, for any period not exceeding three years at a time ;

(c) with the sanction of the corporation, the commissioner may lease, sell or otherwise convey  
any

any property, moveable or immoveable, belonging to the corporation;

(d) the sanction of the standing committee or of the corporation under clause (b) or clause (c) may be given either generally for any class of cases or specially in any particular case;

(e) the aforesaid provisions of this section shall apply, respectively, to every disposal of property belonging to the corporation made under or for any purpose of this Act.

*Liabilities.*

93. So much of the following moneys as are still repayable on the day when this Act comes into force, shall be repaid, together with the interest due thereupon, by the corporation, namely: (a) to the Secretary of State for India in Council—

Debts payable by the corporation,

(i) the balance of the debt due on account of the Vohar waterworks in accordance with the terms heretofore prescribed in section 140 of the Bombay Municipal Acts of 1872 and 1878, with simple interest thereon at the rate of four per centum per annum;

Vohar waterworks debt; Bo. III of 1872 and IV of 1878.

(ii) the balance of the consolidated loan, as the same was defined in section 3, clause (3) of the Bombay Municipality's Consolidated Loan Act, 1880, due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum;

The consolidated loan; Bo. II of 1880.

(b) to municipal security-holders—

(iii) the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865, with interest thereon at the rate of six per centum per annum;

House-rate and market loans of 1867-68; Bo. II of 1865.

(iv) the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871, with interest thereon at the rate of five per centum per annum;

New drainage loan of 1878; XXIV of 1871.

(v)

Sanitary works' loans of 1885, 1886 and 1888 ; XI of 1879. Tánsa water-works' loan ;

(v) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loan Act, 1879, with interest thereon at the rate of five per centum per annum ;

(vi) the portion of the Tánsa waterworks' loan contracted under the Act last aforesaid previous to the coming into force of this Act ;

Drainage and water-works' loan of 1888.

(vii) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act.

*Repayment of moneys due to the Secretary of State in Council.*

Vehár waterworks' debt repayable in monthly instalments.

94. In order to secure the repayment of the Vehár waterworks' debt, the commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to Government a sum of rupees fourteen thousand and six hundred.

Period of repayment of consolidated loan.

95. (1) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January, 1881.

Mode of repayment.

(2) For better securing the repayment of the said loan, the commissioner shall pay half-yearly to Government, on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lách seventy-eight thousand three hundred and twenty-six rupees two annas and five pies.

Payments to whom to be made.

96. (1) Every payment to be made by the commissioner under either of the two last preceding sections shall be made to the officer, or into the bank, for the time being appointed to receive Government dues.

Notice of payments to be published.

(2) Notice of every such payment having been made shall be forthwith published by the commissioner in the *Bombay Government Gazette*.

97*ay*

97. If the commissioner fails to make any of the said payments at the prescribed time, the Accountant General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to Government or other officer acting in that capacity.

In case of non-payment, report to be made to the Chief Secretary to Government.

98. (1) It shall be lawful for the said chief secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any Government officer, not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control.

Arrears may be recovered by detention of moneys due to the corporation.

(2) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, to the officer, or into the bank, for the time being appointed to receive Government dues at Bombay.

(3) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehár waterworks' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to such moneys.

99. (1) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the Governor in Council may attach the municipal fund, or any tax leviable by the corporation.

Or by attachment of the municipal fund, &c.

(2) After such attachment, no person, except an officer appointed by the Governor in Council, shall in any way deal with the attached fund or tax; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place, and may apply the proceeds in satisfaction of the amount



amount in arrear and of all expenses involved by the attachment and subsequent proceedings :

Attachment not to defeat prior charges legally made.

(3) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vehár waterworks' debt or the consolidated loan.

Reversion of Vehár waterworks to Government in case of default in payment of any instalment of the debt due on their account.

100. If the commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehár waterworks' debt and after notice in writing, signed by one of the secretaries to Government, requiring payment of the same has been served upon him and forwarded to the president of the corporation and published for a period of not less than two months in the *Bombay Government Gazette*, shall still fail to make such payment,

the said Vehár waterworks shall, notwithstanding anything contained in section 88, cease to vest in the corporation and shall forthwith become vested in the Secretary of State for India in Council in trust for the purposes for which the same were previously vested in the corporation.

Other rights and remedies of the Secretary of State for India in Council not to be affected.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the Secretary of State for India in Council has or shall have independently of this Act for the recovery of the moneys aforesaid.

Method of appropriating payments on account of the Vehár waterworks.

102. The annual sum of the monthly instalments paid by the commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vehár waterworks' debt shall be appropriated as follows, namely :

*first*, to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lakhs

lákhs thirty thousand and fifty-three due on account of the said debt on the first day of July, 1863 ;

*secondly*, to the payment of interest on all sums advanced by Government in connection with the said works since the first day of July, 1863 ;

*thirdly*, to the payment of all sums subsequently advanced as aforesaid ; and

*lastly*, to the liquidation of the said principal sum of rupees thirty-seven lákhs thirty thousand and fifty-three.

103. Every payment made by the commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan, shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

Method of appropriating payments on account of the consolidated loan.

*Repayment of House-rate and Market Loans of 1867-68.*

104. (1) Until such time as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the Bombay Municipal Act, 1865, it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking-fund prescribed by section 257 of the said Act :

Sinking-fund for house-rate and market loans to be maintained. Bo. II of 1865.

(2) Provided that in the event of the corporation's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation to reduce *pro tanto* the amount of the said sinking-fund.

*Publication of Annual Account of Balances due on Loans.*

105 (1) The commissioner shall, in the month of January in each year, publish in the *Bombay Government Gazette* an account showing the balances

Account of balances due on loans to be published by the com-

missioner  
yearly.

due by the corporation on the last preceding thirty-first day of December to the Secretary of State for India in Council and to municipal security-holders, respectively, on account of each debt or loan, if any, at the time still repayable by the corporation.

‘ (2) The commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

## CHAPTER VI.

### BORROWING POWERS.

Power to  
borrow  
from Gov-  
ernment or  
other per-  
sons.

106. The corporation may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or, with the sanction of the Governor in Council, from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred, or to be incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted under this Act or any other loan or debt for repayment of which they are liable.

Provisions  
applicable  
to any new  
loan con-  
tracted  
with Gov-  
ernment.

107. If any new loan shall be contracted by the corporation under this Act with the Secretary of State for India in Council, the same shall be subject, as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan, save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, under the orders of the Governor General of India in Council, by the Governor in Council.

Mortgage  
of taxes or  
immoveable  
property.

108. (1) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than the Secretary of State for India in Council, on the security of any immoveable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax  
which

which they are authorized to levy for the purposes of this Act or of all or any of those securities.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person, by or on behalf of whom such sum is advanced, any such immoveable property or tax.

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely :

Provisions as to exercise of borrowing powers.

(a) money shall not be borrowed for the execution of any work other than a permanent work, including under this expression any work of which the cost ought, in the opinion of Government, to be spread over a term of years ;

(b) the sum borrowed shall not at any time exceed, with the balances of all the outstanding loans and debts due by the corporation, in the whole, double the rateable value of the premises in the city assessable, as hereinafter provided, to property taxes ;

(c) the money may be borrowed for such time, not exceeding sixty years, as the corporation, with the sanction of Government, determine in each case ;

(d) the corporation shall either pay off the money so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking-fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned ;

(e) the corporation may at any time apply the whole or any part of a sinking-fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established : provided that they pay into the fund

fund each time that interest would have been received by the corporation in respect of the sinking-fund or the part of the sinking-fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received;

(f) the investment every year of any sum set apart as portion of the principal of a sinking-fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking-fund is established; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking-fund already invested, and the investment of any sum payable into the fund under clause (e) as the equivalent of interest which the corporation would have received, if the sinking-fund or a part thereof had not been applied in any manner authorized by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be

(g) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of Government, extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Form of securities.

110. (1) Every mortgage authorized to be made under this chapter shall be by debenture in the form contained in schedule C, or in such other form as the corporation, with the consent of Government, shall from time to time determine.

(2) Every debenture issued under this Act shall be transferable by endorsement, and such transfers may be in the form of schedule D, or to the like effect.

(3)

(3) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

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## CHAPTER VII.

### REVENUE AND EXPENDITURE.

#### *The Municipal Fund.*

111. All moneys received by or on behalf of the corporation under the provisions of this Act or of any other enactment at the time in force, or under any contract,

Constitu-  
tion of the  
municipal  
fund,

all proceeds of the disposal of property by, or on behalf of, the corporation,

all rents accruing from any property of the corporation,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force hereunder,

all fees for licenses for public conveyances granted by the police commissioner under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*),

all fines levied by any magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act,

all moneys received by or on behalf of the corporation from Government or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the corporation,

shall

shall be credited to a fund, which shall be called "the municipal fund" and which shall be held by the corporation in trust for the purposes of this Act, subject to the provisions herein contained.

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank. How the fund shall be drawn against.

112. All moneys payable to the credit of the municipal fund shall be received by the commissioner and shall be forthwith paid into the bank for the time being appointed to receive Government dues at Bombay to the credit of an account, which shall be styled "the account of the municipal fund of the city of Bombay."

113. (1) Subject to the provisions of section 520, no payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the commissioner, and by one member of the standing committee who shall attend at the chief municipal office for this purpose at least twice a week, and by the municipal secretary, or in the event of the illness or occasional absence of the commissioner from the city, by two members of the standing committee and by the said secretary.

(2) Payment of any sum due by the corporation in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payment of any sum due by the corporation, not exceeding one hundred rupees in amount, may be made by the commissioner in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

Deposit of portion of the municipal fund may be made with bank or agency out of Bombay, when convenient.

114. Notwithstanding anything contained in the two last preceding sections the commissioner may, with the approval of the standing committee, from time to time remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable thereagainst, which can, in the opinion of the commissioner,

commissioner, be most conveniently paid into or out of the account of the corporation at any such bank or agency, may be so paid.

115. (1) Except as hereinafter provided, no payment of any sum shall be made by the commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134: Only sums covered by a budget-grant to be expended from the municipal fund.

(2) Provided that the following items shall be excepted from this prohibition, namely:— Exceptions.

(a) sums of which the expenditure has been sanctioned by the standing committee under section 132;

(b) temporary payments under section 119 for works urgently required in the public service;

(c) refunds of taxes and other moneys which the commissioner is by or under this Act authorized to make;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(e) sums which the commissioner is by sections 222, sub-section (3), 309, sub-section (2), 315, sub-section (2), 334, sub-section (2), 395, sub-section (2), 426, sub-section (2), 427, sub-section (4), 501, and 515, clause (b) required or empowered to pay by way of compensation;

(f) sums payable in any of the circumstances mentioned in clause (f) of section 118;

(g) expenses incurred by the commissioner in the exercise of the powers conferred upon him by section 434;

(h) costs incurred by the commissioner under clause (c) of section 64.



(3) In sub-section (1), "budget-grant" means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under clause (b) of section 133.

Drafts on the municipal fund to be checked by members of the standing committee and municipal secretary.

116. The members of the standing committee and the municipal secretary shall not sign any cheque under section 113, without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (2) of the last preceding section.

Procedure when money not covered by a budget-grant is expended under clause (e), (f), (g) or (h) of section 115.

117. Whenever any sum is expended by the commissioner under clause (e), (f), (g) or (h) of section 115, he shall forthwith communicate the circumstances to the standing committee, who shall take such action under section 133 or recommend the corporation to take, under section 131, such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes to which the municipal fund is to be applied.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in sections 61, 62 and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of:

(a) the expenses of every ward-election and of every justices' election held under this Act;

(b) the fees payable under section 50 to members of the standing committee;

(c) the salaries and other allowances of the commissioner and of any deputy commissioner appointed under this Act;

(d)

(d) the salaries and other allowances of all municipal officers and servants, and all pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulation framed under this Act and at the time in force ;

(e) all expenses and costs incurred by the commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

(f) every sum payable :

(i) under sub-section (1) of section 520 to Government ;

(ii) under a decree or order of a civil or criminal court passed against the corporation or against the commissioner or a deputy commissioner *ex-officio* ;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 517.

119. (1) On the written requisition of a secretary Temporary to Government, the commissioner may at any time payments from the undertake the execution of any work certified by municipal such secretary to be urgently required in the public fund for service, and for this purpose may temporarily make works ur- payments from the municipal fund, so far as the same gently re- can be made without unduly interfering with the quired for regular working of the municipal administration. public ser- The cost of all work so executed and of the establishment engaged in executing the same shall be paid vice. by Government and credited to the municipal fund.

(2) On receipt of any requisition under sub-section (1), the commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

*The School-fund.*

The school-fund of what to consist.

120. (1) The portion of the municipal fund to be devoted to the purposes specified in clause (g) of section 61 shall be credited under a separate heading in the municipal accounts and shall be called "the school-fund."

(2) There shall be carried every official year to the school-fund :

(a) every grant made by Government for the maintenance or aid of primary education ;

(b) the fees levied in schools wholly maintained at the cost of the school-fund ;\*

(c) such contribution from the general revenue of the corporation as the corporation shall from time to time determine, the same being not less, in each official year, than a sum of such amount as added to the fees levied as aforesaid in the same year would be equal to double the Government grant for that year ;

(d) the unexpended balance, if any, of the school-fund of the last preceding official year ;

(e) all sums made over to the corporation, by way of endowment or otherwise, for the promotion of primary education.

*Other Special Funds.*

Other special funds may be created with the approval of the corporation.

121. With the approval of the corporation, any other portion of the municipal fund may also, from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created.

*Disposal of Balances.*

Investment of surplus moneys.

122. (1) Surplus moneys at the credit of the municipal fund which are not required for current charges may from time to time be deposited at interest with the bank for the time being appointed to receive Government dues or be invested in public securities.

(2)

(2) Such deposits and investments shall be made by the commissioner, on behalf of the corporation, with the sanction of the standing committee, and, with the like sanction, the commissioner may at any time withdraw any deposit so made or dispose of any public securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such public securities; but no order for making any deposit, investment, withdrawal or disposal under this section shall have any validity, unless the same be in writing, signed by the commissioner and one member of the standing committee and the municipal secretary.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.

#### *Accounts.*

123. Accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the standing committee shall from time to time prescribe.

Accounts to be kept in forms prescribed by standing committee.

124. (1) The commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the city during the previous official year, together with a statement showing the amounts of the receipts and disbursements respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

Preparation of annual administration report and statement of accounts.

(2) The commissioner shall incorporate with his said report and statement:

- (a) a report for the same period from each head of a department subordinate to him;
  - (b) the account of balances due on loans then last published under section 105;
- and shall cause the same to be printed.

(3)

(3) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the standing committee direct and a printed copy of the standing committee's review; and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October, and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the commissioner, with the approval of the standing committee, shall determine.

*Annual Budget-estimate.*

Estimates of expenditure and income to be prepared annually by the commissioner.

125. The commissioner shall, on or before each tenth day of November, have prepared and lay before the standing committee, in such form as the said committee shall from time to time approve :

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year;

(b) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year;

(c) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the said year.

Budget-estimate to be prepared by the standing committee.

126. (1) The standing committee shall, on or as soon as may be after the tenth day of November, consider the estimates and proposals of the commissioner and, after having obtained from the commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom

therefrom, subject to such modifications and additions therein or thereto as they shall think fit, a budget-estimate of the income and expenditure of the corporation for the next official year.

(2) In such budget-estimate, the standing committee, shall :

(a) propose, with reference to the provisions of chapter VIII, the levy of municipal taxes at such rates and, in the case of town-duties, on such articles, as they shall think fit;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the corporation may be liable under the provisions of chapter V, or on account of any loan contracted, after the passing of this Act, under chapter VI;

(c) allow for a cash balance at the end of the said year of not less than one lách of rupees.

(3) The commissioner shall cause the budget-estimate, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

127. At a meeting of the corporation which shall be called for some day in January, not later than the tenth, the budget-estimate prepared by the standing committee shall be laid before the corporation, and they shall proceed to consider the same. Consideration of budget-estimate by corporation.

128. (1) The corporation shall, on or before the thirty-first day of January, after considering the standing committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in chapter VIII, the rates at which municipal taxes shall be levied, and the articles on which town-duties shall be levied in the next ensuing official year. Fixing of rates of taxes.

(2) Except under sections 134 and 196, the rates so fixed and the articles so appointed shall not be subsequently

subsequently altered for the year for which they have been fixed.

Final adoption of budget-estimate. 129. Subject to the exigency of sub-section (1) of the last preceding section; the corporation may refer the budget-estimate back to the standing committee for further consideration, or adopt the budget-estimate or any revised budget-estimate submitted to them, either as it stands or subject to such alteration as they deem expedient: provided that the budget-estimate finally adopted by the corporation shall fully provide for each of the matters specified in clauses (b) and (c) of section 126.

"Budget-grant" defined. 130. Any sum entered on the expenditure side of a budget-estimate which has been adopted by the corporation shall be termed a "budget-grant."

Corporation may increase amount of budget-grants and make additional grants. 131. (1) On the recommendation of the standing committee, the corporation may from time to time during an official year increase the amount of any budget-grant, or make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.

(2) Such increased or additional budget-grants shall be deemed to be included in the budget-estimate adopted by the corporation for the year in which they are made.

Rule as to unexpended budget-grants. 132. If any portion of a budget-grant remains unexpended at the close of the year in the budget-estimate for which such grant was included; and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget-estimate of the next following year, the standing committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object

object for which the budget-grant was made, but not upon any other purpose or object.

133. (1) The standing committee may, if they think necessary, at any time during an official year :

Reduction or transfer of budget-grants.

(a) reduce the amount of a budget-grant ; or

(b) transfer and add the amount, or a portion of the amount of one budget-grant to the amount of any other budget-grant in the budget-estimate :

Provided that :

(c) due regard be had when making any such reduction or transfer to all the requirements of this Act ;

(d) the aggregate sum of the budget-grants contained in the budget-estimate adopted by the corporation shall not be increased, except by the corporation under section 131 ;

(e) every such reduction or transfer shall be brought to the notice of the corporation at their next meeting.

(2) If any such reduction or transfer is of an amount exceeding five hundred rupees, the corporation may pass with regard thereto such order as they think fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.

134. (1) If it shall at any time during any official year appear to the corporation, upon the representation of the standing committee, that, notwithstanding any reduction of budget-grants that may have been made by the standing committee under the last preceding section, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget-estimate of the said year and to leave at the close of the year a cash balance of not less than one l kch of rupees, it shall be incumbent on the corporation to forthwith sanction any measure which shall be necessary for proportioning the year's income to the expenditure.

Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

(2)



(2) For this purpose, the corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation.

*Scrutiny and Audit of Accounts.*

Weekly  
scrutiny of  
accounts by  
standing  
committee.

135. (1) The standing committee shall conduct, or cause to be conducted under their superintendence, a weekly scrutiny of the municipal accounts and publish weekly an abstract of the receipts and expenditure of the week last preceding, signed by not less than two members of the said committee and by the municipal secretary.

(2) For this purpose, the standing committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the commissioner shall forthwith furnish to the standing committee any explanation concerning receipts and disbursements which they may call for.

Appoint-  
ment of  
municipal  
auditors.

136. (1) The municipal accounts shall also be examined and audited from week to week by auditors specially appointed in this behalf for each official year by the corporation.

(2) The auditors so appointed may :

(a) by summons in writing, require the production before them of any book, deed, contract, account, voucher or other document or paper necessary for the proper conduct of their audit ;

(b) by summons in writing, require any person having the custody or control of, or accountable for any such book, deed, contract, account, voucher or other document or paper to appear in person before them ;

(c) require any person so appearing before them to make and sign a declaration with respect to such book, deed, contract, account, voucher or other document or paper.

(3)

(3) The auditors so appointed shall receive such reasonable remuneration, not exceeding, in the whole, ten thousand rupees per annum, as the corporation shall from time to time determine.

137. (1) The auditors so appointed shall forthwith report to the standing committee any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the municipal accounts, and shall furnish to the standing committee such information as the said committee shall from time to time require concerning the progress of their audit and shall, as soon as may be after the commencement of each official year, deliver to the standing committee a report upon the whole of the municipal accounts for the previous official year.

Information and report to be furnished by auditors.

(2) The commissioner shall cause the said report to be printed and forward a printed copy thereof, along with the printed copy of the administration report and statement of accounts which he is required by sub-section (3) of section 124 to forward to each councillor.

138. (1) The Governor in Council may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts and of reporting thereon to Government: provided that the costs of any such audit shall not, without the consent of the corporation, be chargeable to the municipal fund.

A special audit may be directed by the Governor in Council.

(2) An auditor so appointed may exercise any power which an auditor appointed by the corporation may exercise.

## CHAPTER VIII.—MUNICIPAL TAXATION.

### MUNICIPAL TAXES DEFINED.

139. For the purposes of this Act, taxation shall be imposed as follows, namely:

Taxes to be imposed under this Act.

(1) property-taxes;

(2)  
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- (2) a tax on vehicles and animals;
- (3) a toll on vehicles entering the city from Salsette; and
- (4) town-duties.

PROPERTY-TAXES.

*Property-taxes leviable.*

Property-taxes of what to consist, and at what rates leviable.  
Water-tax.

140. The following taxes shall be levied on buildings and lands in the city, and shall be called "property-taxes," namely:

(a) a water-tax of so many per centum of their rateable value as the corporation shall deem reasonable with reference to the expenses of providing a water-supply for the city;

Halálkhor-tax.

(b) a halálkhor-tax of so many per centum, not exceeding three, of their rateable value as will, in the opinion of the corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject, however, to the provisoes that the minimum amount of such tax to be levied in respect of any one separate holding of land, or of any one building or of any one portion of a building which is let as a separate holding, shall be four annas per month, and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 172;

General tax.

(c) a general tax of not less than eight and not more than twelve per centum of their rateable value, together with not less than one-eighth and not more than three-quarters per centum of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (k) of section 61 and chapter XIV.

141. Subject

141. Subject to the provisions of section 169, the water-tax shall be levied only in respect of premises : Water-tax on what premises to be levied.

(a) to which a private water-supply is furnished from, or which are connected by means of communication-pipes with, any municipal waterwork ; or

(b) which are situated in a portion of the city in which the commissioner has given public notice that sufficient water is available from municipal waterworks for furnishing a reasonable supply to all the premises in the said portion.

142. (1) The halálkhor-tax shall be levied only in respect of premises : Halálkhor-tax on what premises to be levied.

(a) situated in any portion of the city in which public notice has been given by the commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools will be undertaken by municipal agency ; or

(b) in which, wherever situate, there is a privy, water-closet, cesspool, urinal, bathing-place or cooking-place connected by a drain with a municipal drain :

(2) Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (a), in or upon which, in the opinion of the commissioner, no such matter as aforesaid accumulates or is deposited.

(3) If the commissioner directs, under sub-section (2) of section 248 that a separate water-closet, privy or urinal need not be required for any premises, the halálkhor-tax shall, nevertheless, be levied in respect of the said premises, if, but for such direction, the same would be leviable in respect thereof.

143. (1) The general tax shall be levied in respect of all buildings and lands in the city, except— General tax on what premises to be levied.

(a) buildings exclusively occupied for public worship or for charitable purposes ;

(b)

(b) buildings and lands vesting in the Secretary of State for India in Council or in the corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Secretary of State for India in Council or the corporation, respectively.

(2) The following buildings shall not be deemed to be buildings exclusively occupied for public worship or for charitable purposes within the meaning of clause (a), namely:

(c) buildings in which any trade or business is carried on; and

(d) buildings in respect of which rent is derived, whether such rent is or is not applied exclusively to religious or charitable purposes.

Payment to be made to the corporation in lieu of the general tax, by the Secretary of State for India in Council.

144. (1) The Secretary of State for India in Council shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting in him are exempted by clause (b) of section 143, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The rateable value of the buildings and lands in the city vesting in the Secretary of State for India in Council and beneficially occupied, in respect of which, but for the said exemption, general tax would be leviable from the Secretary of State for India in Council, shall be fixed by a person from time to time appointed in this behalf by the Governor in Council, with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the Secretary of

of State for India in Council in the city materially increases or decreases.

(3) The sum to be paid annually to the corporation by the Secretary of State for India in Council shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the city, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (2).

145. For section thirty-six of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely:

Amendment of section 36, Bombay Act VI of 1879.

“36. The Board shall pay annually, on the thirtieth day of September, to the Municipal Corporation of the city of Bombay, in lieu of the general tax leviable by the said corporation in respect of the property, or some portion of the property, vested in the Board, which would otherwise be liable to be assessed to the said tax, a sum ascertained in the manner provided in sub-sections (2) and (3).

Bo. VII of 1879. Lump payment to be made to the municipality in lieu of general tax.

“ (2) The rateable value of the buildings and lands in the city vesting in the Board in respect of which the said tax would be leviable from the Board shall be fixed from time to time by the Governor in Council. The said value shall be fixed, with a general regard to the provisions contained in the City of Bombay Municipal Act, 1888, concerning the valuation of property assessable to property-taxes, at such amount as the Governor in Council shall deem to be fair and reasonable. Every such decision of the Governor in Council shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the Board materially increases or decreases.

“ (3) The sum to be paid annually to the corporation by the Board shall be nine-tenths of the

amount  
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amount which would be payable by an ordinary owner of buildings or lands in the city, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (2).”

*Liability for Property-taxes.*

Primary responsibility for property-taxes on whom to rest.

146. (1) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from Government or from the corporation or from a fazendár.

(2) Otherwise the said taxes shall be primarily leviable as follows, namely :

(a) if the premises are let, from the lessor ;

(b) if the premises are sub-let, from the superior lessor ;

(c) if the premises are unlet, from the person in whom the right to let the same vests.

(3) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property-taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

147. (1) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof

thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant, or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section, from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

148. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than Government or the corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

*Notice of transfer, &c., of premises assessable to property-taxes.*

149. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument

Notice to be given to the commissioner of all transfers of title of persons primarily liable to payment of property-tax.



instrument be executed, give notice of such transfer, in writing, to the commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the commissioner within one year from the death of the deceased.

Form of notice.

150. (1) The notice to be given under the last preceding section shall be in the form, either of schedule E or schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1877.

Act III of 1887.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

151. (1) Every person primarily liable for the payment of a property-tax on any premises, who transfers his title to or over such premises without giving notice of such transfer to the commissioner as aforesaid shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the commissioner's books.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the commissioner on the premises, conferred by section 212, for the recovery of the property-taxes due thereupon.

Notice to be given to the commissioner of

152. (1) When any new building is erected, or when any building is rebuilt or enlarged,

OR

or when any building which has been vacant is re-occupied, the erection of a new building, &c.

the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and, in the case of a building which has been vacant, from the date of the re-occupation thereof.

153. (1) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the commissioner. Notice to be given to the commissioner of demolition or removal of a building.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

*Valuation of property assessable to property-taxes.*

154. (1) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year, a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever. Rateable value how to be determined.

(2) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

155. (1) To enable him to determine the rateable value of any building or land and the person primarily

Commissioner may call for information or returns

from owner primarily liable for the payment of any property-  
 or occupier tax leviable in respect thereof, the commissioner  
 or enter may require the owner or occupier of such build-  
 and inspect ing or land, or of any portion thereof, to furnish  
 assessable him, within such reasonable period as the commis-  
 premises. sioner prescribes in this behalf, with information,  
 or with a written return signed by such owner or  
 occupier :

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land ; and

(b) as to the dimensions of such building or land, or of any portion thereof and the rent, if any, obtained for such building or land, or any portion thereof.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) The commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

*Assessment-book.*

Assess-  
 ment-book  
 what to  
 contain.

156. The commissioner shall keep a book, to be called "the Assessment-book," in which shall be entered every official year :

(a) a list of all buildings and lands in the city, distinguishing each, either by name or number, as he shall think fit ;

(b) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act ;

(c) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land ;

(d)

(d) if any such building or land is not liable to be assessed to the general tax the reason of such non-liability;

(e) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book has expired, and, in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(f) if, under section 169 or 170 a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 172, the halálkhor-tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(g) such other details, if any, as the commissioner from time to time thinks fit to direct.

157. (1) The assessment-book shall be made in separate books, called "ward assessment-books," one for each of the wards into which the city is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the commissioner shall determine. The assessment-book to be made separately for each ward and in parts, if necessary.

(2) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

Treatment of property which is let to two or more persons in separate occupancies. 158. (1) When any building or land is let to two or more persons holding in severalty, the commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Allowance of drawback in such cases. (2) When the commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the standing committee in this behalf, at any time not later than seven days before the first day of any half year for which an instalment of general tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable.

Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained. 159. (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Occupier liable for property-taxes until he gives information. (2) If in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed. 160. (1) When the entries required by clauses (a), (b), (c) and (d) of section 156 have been completed, as far as practicable, in any ward assessment-book, the commissioner shall give public notice thereof and

of the place where the ward assessment-book, or a copy of it, may be inspected.

(2) Such public notice shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

161. (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

Assessment-book to be open to inspection.

(2) Any person not entitled under sub-section (1) to inspect and take extracts from any portion of the assessment-book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the commissioner, with the approval of the standing committee.

162. (1) The commissioner shall, at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

Time for filing complaints against valuations to be publicly announced.

(2) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-rates, or in which the rateable value of any premises liable to such payment has been increased, the commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Special notices to be issued in certain cases.

163. (1)

97

Time and manner of filing complaints against valuations.

163. (1) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of day fixed for investigating their complaints.

164. The commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant of the day, time and place, when and whereat his complaint will be investigated.

Hearing of complaint.

165. (1) At the time and place so fixed, the commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(2) For reasonable cause, the commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made, in accordance with such result, in the assessment-book.

Authentication of ward assessment-books when all complaints have been disposed of.

166. (1) When all such complaints, if any, have been disposed of, and the entries required by clause (e) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made, as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) Thereupon the said ward assessment-book, subject to such alterations as may thereafter be made therein

erein under the provisions of the next following  
tion, shall be accepted as conclusive evidence of  
amount of each property-tax leviable on each  
ilding and land in the ward in the official year to  
ich the book relates.

167. (1) The commissioner may, upon the repre- Assessment-  
ntation of any person concerned, or upon any book may  
er information, at any time during the official year be amended  
which an assessment-book relates, amend the by the com-  
me by inserting therein the name of any person missioner  
ose name ought to be so inserted or any premises during the  
eviously omitted, or by striking out the name of official year.  
y person not liable for the payment of any pro-  
erty-tax, or by increasing or reducing the amount  
any rateable value and of the assessment based  
ereupon, or by making or cancelling an entry,  
empting any premises from liability to any pro-  
erty-tax.

(2) Every such amendment shall be deemed to  
ave been made, for the purpose of determining the  
ability or exemption of the person concerned in  
accordance with the altered entry, from the earliest  
ay in the current official year when the circum-  
stances justifying the amendment existed.

168. (1) It shall not be necessary to prepare a New assess-  
ew assessment book every official year. Subject ment-book  
o the provisions of sub-section (3), the commis- need not be  
ioner may adopt the entries in the last preceding prepared  
ear's book, with such alterations as he thinks fit, every offi-  
s the entries for each new year. cial year.

(2) But public notice shall be given, in accord-  
nce with sections 160 and 162 every year, and  
he provisions of the said sections and of sections  
63 to 167, both inclusive, shall be applicable each  
year.

(3) A new assessment-book shall be prepared at  
he least once in every four years.



*Special provisions concerning the Water and  
Halálkhor Taxes.*

169. (1) The commissioner may :

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

(a) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable thereto under section 141, charge for the water supplied to such premises, by measurement, at such rate as shall from time to time be prescribed by the said committee in this behalf ;

(b) with the approval of the standing committee, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum, in lieu of the water-tax or charge by measurement which would otherwise be leviable from such person in respect of the said premises.

(2) The standing committee may, for the cases in which the commissioner charges for water by measurement under clause (a), from time to time prescribe such conditions as they shall think fit, as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair ; and in each case in which a composition is made under clause (b), the said committee may prescribe such conditions as to the use of the water as they shall think fit : provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(3) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due, shall be recoverable by the commissioner as if it were an arrear of water-tax.

170. If

170. If, in respect of any premises, water-tax would be leviable under this Act from the Secretary of State for India in Council or from the Trustees of the Port of Bombay, the commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the Secretary of State for India in Council, the minimum rate, and in the case of the said Trustees, the maximum rate at the time being charged under clause (a) of section 169 to any other person; and such charge shall be recoverable as provided in sub-section (3) of the said section.

Government and the Port Trust to be charged for water by measurement.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: provided that the use of water in or from any such work shall be limited as prescribed in sub-section (3) of section 269.

Supply of water at public drinking-fountains, &c., not to be taxed.

172. (1) The commissioner may, whenever he thinks fit, fix the halálkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halálkhors or by substituted means or appliances.

Halálkhor-tax may be fixed at special rates in certain cases.

(2) In the case of premises in respect of which the halálkhor-tax is payable by the Secretary of State for India in Council or by the Trustees of the Port of Bombay, the commissioner shall fix the said tax at a special rate approved as aforesaid,

(3) In any such case the amount of the halálkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal,

by

by the agency of municipal halálkhors, of excrementitious and polluted matter from the premises.

Water-tax or halálkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

173. (1) Any person who has paid to the commissioner any water-tax or halálkhor-tax in respect of any premises, shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

*Refund of property-taxes for vacancies.*

Refund of water and halálkhor-taxes when and to what extent obtainable.

174. When any building or land, or any portion of any premises which the commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water-tax and halálkhor-tax, if any, paid for the number of days that such vacancy lasted.

Refund of general tax when and to what extent obtainable.

175. When any building or land, or any portion of any premises which the commissioner has treated under section 158 as a separate property, has been vacant for not less than sixty consecutive days, the commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted.

Refund not claimable unless notice of vacancy is given to the commissioner.

176. (1) No refund of any property-tax shall be claimable from the commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the payment of the tax, or his agent, to the commissioner.

(2)

(2) No refund shall be paid by the commissioner for any period previous to the day of the delivery of such notice.

(3) When a vacancy continues from one half-year in respect of which property-taxes are, under section 197, recoverable, into the next following half-year, no refund of any property-tax shall be claimable from the commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the commissioner as aforesaid within thirty days from the commencement of the said next following half-year.

177. No refund of water-tax shall be claimable except from such time as a written application shall have been made to the commissioner to stop the water-supply to the vacant premises.

Refund of water-tax inadmissible unless application for stopping water-supply has been made.

178. No refund of general tax shall be claimable in any case in which the commissioner has sanctioned a draw-back under sub-section (2) of section 158.

Refund of general tax inadmissible when drawback has been sanctioned.

179. It shall be in the discretion of the commissioner to disallow any claim for refund of any property-tax, unless application therefor is made to him in writing within thirty days after the expiry of the half-year to which the claim relates, accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.

Applications for refund when and how to be made.

TAX ON VEHICLES AND ANIMALS.

180. Except as hereinafter provided, a tax at rates not exceeding those specified in schedule G shall be levied on all vehicles and on all animals of the descriptions specified in the said schedule which are kept within the city.

Tax on what vehicles and animals to be levied.

181. The

Exemptions  
from the  
tax.

181. The said tax shall not be leviable in respect of:

(a) any vehicle or animal certified by the commissioner or the police commissioner, as the case may be, to be employed by the owner thereof for municipal or police purposes;

(b) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses;

XI of 1881.

(c) any horse which any person, exempted, by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound, by the regulations of the service to which he belongs, to keep;

XX of 1869.

(d) any horse exempted from municipal taxation by section twenty-five of the Indian Volunteers' Act, 1869;

(e) vehicles and animals belonging to the Secretary of State for India in Council or to the corporation;

Bom. I of  
1874.

(f) vehicles and animals which belong to the persons to whom the right of working street-tramways in the city is granted by the Bombay Tramways Act, 1874, and which are exempted from municipal taxation by the said Act;

(g) vehicles kept by *bona fide* dealers in vehicles for sale merely, and not used;

(h) trucks used exclusively on a wharf, or in or upon any premises appertaining to a factory, workshop, ware-house or railway;

(j) hand-barrows having one wheel only and children's perambulators.

Periods by  
which liability  
for the tax is  
determinable.

182. (1) Every person who has owned or had charge of any vehicle or animal in respect of which the tax aforesaid is leviable shall, if he has owned or had charge thereof:

(a)

(a) for not less than thirty days in any quarter, be liable for the whole tax for that quarter ;

(b) for less than thirty but more than seven days in any quarter, be liable for one-third of the whole tax for that quarter ;

(c) for not more than seven days in any quarter, be exempt from liability for the tax for that quarter.

(2) When a person has owned or had charge of two or more vehicles or two or more animals of the same description, each at different periods in one quarter, he shall, for the purposes of this section, be deemed to have owned or had charge of one vehicle or one animal only, as the case may be, for the aggregate number of days in the said two or more periods.

183. If a vehicle has been under repair or standing at a carriage-maker's during the whole of any quarter, no tax shall be leviable in respect thereof for that quarter.

Vehicles under repair or standing at carriage-maker's exempt.

184. If an animal has been, during the whole of any quarter in any institution for the reception of infirm or disused animals, or if any animal certified by a veterinary surgeon to have been unfit for use during the whole of any quarter has not been used during such quarter, no tax shall be leviable in respect of such animal for that quarter.

Animals unfit for use and not used, exempt.

185. The commissioner may, with the approval of the standing committee, compound with any livery-stable-keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes which such livery-stable-keeper or other person or dealer would otherwise be liable to pay under section 180.

Livery-stable-keepers and others may be compounded with.

186. (1)

Vehicle and animal tax-book to be kept.

186. (1) The commissioner shall keep a book, in which shall be entered from time to time :

(a) a list of the persons liable to pay any tax under section 180 ;

(b) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax ;

(c) the amount of tax payable by each such person and the period for which it is payable ;

(d) the particulars of every composition made under section 185.

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(3) Any person not entitled under sub-section (2) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the commissioner, with the approval of the standing committee.

Returns may be called for from owners of premises and persons supposed to be liable to the tax.

187. (1) In order that the said list may be prepared, the commissioner may require :

(a) the owner of any premises let to or occupied by more than one person owning or having the charge of vehicles and animals, to furnish him with a written return signed by such owner, of the name and address of each of the said persons and of the animals and vehicles owned by or in the charge of each of the said persons kept upon such owner's premises ;

(b) any person supposed to be liable to the payment of any tax on a vehicle or animal, to furnish him with a written return signed by such person

person and containing such information concerning the vehicles and animals, if any, owned by or in the charge of such person as the commissioner shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

188. \* Every person who, in any quarter for which a tax on vehicles and animals is leviable, becomes possessed of any vehicle or animal in respect of which he will be liable to the payment of the said tax, shall, if in the immediately preceding quarter he was not liable to the payment of any such tax, give notice, in writing, to the commissioner, within fifteen days after he has become possessed of such vehicle or animal, of the fact of his having become possessed thereof.

Notice to be given to commissioner by a person not hitherto liable to the tax, who becomes possessed of a vehicle or animal in respect of which liability arises.

189. (1) The commissioner may make an inspection of any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

Power to inspect stables and summon persons liable to the tax.

(2) The commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals owned by or in the charge of such person; and every person so summoned shall be bound to attend before the commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

TOLL



TOLL ON VEHICLES ENTERING THE CITY FROM  
SALSETTE.

Rate and  
method of  
levying the  
toll

190. (1) A toll at a rate not exceeding two annas each, shall be levied on all vehicles entering the city from Salsette which are not liable to the tax leviable under section 180, except vehicles of the descriptions specified in clauses (a), (b), (c), (f), and (h) of section 181.

(2) The said toll shall be leviable on each occasion that any vehicle liable thereto enters the city from Salsette.

Ticket certifying  
payment of toll  
to be given  
to driver of  
vehicle;

191. (1) The driver of every vehicle in respect of which a toll is paid under the last preceding section shall be entitled to receive from the person who collects the same a ticket certifying payment thereof.

but vehicle  
on which  
toll has  
been paid  
not to be ex-  
empt from  
tax under  
section 180,  
if other-  
wise liable  
thereto.

(2) The possession of any such ticket shall not, however, be deemed to exempt the person who owns or has charge of the vehicle from the tax leviable under section 180, if such vehicle is kept in the city for any such period as renders it liable to the said tax.

TOWN-DUTIES.

Town-  
duties at  
what rates  
and on what  
articles  
leviable.

192. (1) Except as hereinafter provided, duties at rates not exceeding those respectively specified in schedule H shall be levied in respect of the several articles mentioned in the said schedule or of so many of them as the corporation shall from year to year, in accordance with section 128, determine, when the said articles are imported from any place into the city.

(2) The said duties shall be called "town-duties."

Table of  
rates of  
town-  
duties to be  
affixed on  
certain  
places.

193. The commissioner shall cause tables of the town-duties for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in the English, Gujarathi, Marathi

Maráthi and Urdu languages and to be affixed in a conspicuous position at every place at which the said town-duties are levied.

194. (1) No town-duty shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by Government in this behalf to be the property of Government.

Exemption of articles belonging to Government from town-duty.

(2) If any article on which town-duty is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with Government or otherwise for the use of Government the full amount of the duty paid thereon shall be refunded, on production, at any time within six months after importation, of a certificate signed by an officer empowered by Government in this behalf certifying that the article so imported has become the property of Government.

Refund of town-duty on articles which become the property of Government after importation.

195. (1) When any article upon which town-duty has been paid shall be exported from the city, the full amount of the duty so paid shall, subject to the provisions hereinafter contained, be refunded.

Refund of town-duty on export.

(2) Such refunds shall be paid under such rules as the commissioner, with the approval of the standing committee, shall from time to time frame in this behalf :

(3) Provided that :

(a) no refund shall be paid on any article, other than timber or flour, not exported within six months, or on any timber not exported within twelve months, from the date of its importation ;

(b) a refund shall be claimable on all flour exported from the city, without proof of the importation of the same into the city, equal to seventy-five per centum of the amount of the duty at the time being leviable on the grain from which such flour has been prepared ;

(c)

(c) no refund shall be paid unless the same is applied for within one month from the date of exportation ;

(d) no refund shall be made of any less amount than five rupees ;

(e) no rule framed by the commissioner under this section shall have effect, unless and until it is confirmed by Government.

#### SUPPLEMENTARY TAXATION.

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

196. Whenever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied or by adding to the number of articles on which town-duties are being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable.

#### COLLECTION OF TAXES.

Property taxes payable half-yearly in advance.

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Tax on vehicles and animals payable quarterly in arrear ; but

198. (1) Except as is hereinafter otherwise provided, the tax on vehicles and animals shall be payable quarterly in arrear on each first day of April and each first day of July and each first day of October and each first day of January :

tax on public conveyances to be paid in advance.

(2) Provided that in the case of any public conveyance licensed by the police commissioner under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*), the person who keeps or lets such public conveyance for hire shall be required by the said commissioner, before any license is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and

and the animal or animals used for the same, for the whole period for which such license is to be granted, together with the fee payable for such license.

199. Tolls on vehicles entering the city from Salsette and town-duties shall be payable on demand. Tolls and town-duties payable on demand.

200. (1) When any property-tax or tax on vehicles and animals, other than public conveyances and the animals used therefor, or any instalment of any such tax, shall have become due, the commissioner shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum due. Presenta-tion of bills for certain taxes.

(2) Every such bill shall specify the period for which and the premises, vehicle or animal in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax.

201. (1) All the sums due for each half-year for all or any of the three property-taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump: provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 167. When one bill may be presented for several claims.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties: provided that if such person, by written notice to the commissioner, requests to be furnished with several bills, the commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the commissioner of his said notice.

202. (1)

Notice of demand

202. (1) If the amount of tax for which any bill has been presented as aforesaid is not paid into the municipal office within fifteen days from the presentation thereof, the commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of schedule I, or to the like effect.

(2) For every notice of demand which the commissioner causes to be served on any person under this section, a fee of such amount not exceeding one rupee as shall in each case be fixed by the commissioner shall be payable by the said person and shall be included in the costs of recovery.

Distress.

203. If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of schedule J, or to the like effect, to be issued by the commissioner, by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises.

Goods of defaulter may be distrained, wherever found. Inventory and notice of distress and sale.

204. The goods and chattels of any person liable for the payment of any tax, for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found.

205. The officer charged with the execution of a warrant of distress, issued under section 203, shall forthwith make an inventory of the goods and chattels which he seizes under such warrant; and shall at the same time give a written notice, in the form of schedule K, to the person in possession thereof at the time of seizure that the said goods and chattels will be sold as therein mentioned.

206. (1)

206. (1) If the warrant is not in the meantime <sup>Sale.</sup> suspended by the commissioner or discharged, the goods and chattels seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the commissioner, who shall apply the proceeds or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(2) The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation.

207. For every distraint made under this Act <sup>Fees for</sup> a fee shall be charged at the rate set forth in <sup>distraints.</sup> schedule L, and the said fee shall be included in the costs of recovery.

208. The commissioner may, in his discretion, <sup>Fees for</sup> remit the whole or any part of any fee chargeable <sup>cost of re-</sup> under the last preceding section or under sub-section <sup>covery may</sup> (2) of section 202. <sup>be remitted.</sup>

209. (1) If the sum due on account of any <sup>When occu-</sup> property-tax remains unpaid after a bill for the <sup>piers may</sup> same has been duly presented to the person <sup>be held</sup> primarily liable for the payment thereof, and the <sup>liable for</sup> said person be not the occupier for the time being of <sup>payment of</sup> the premises in respect of which the tax is due, the <sup>property-</sup> commissioner may present a bill for the amount <sup>taxes.</sup> to the occupier of the said premises, or, if there <sup>are</sup> two or more occupiers thereof, may present a bill to each of them for such portion of the sum due as bears to the whole amount due, the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2)

(2) If the occupier or any of the occupiers fails within fifteen days from the presentation of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

210. (1) If the commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property-tax or tax on vehicles and animals, or who would be liable for any sum on account of the tax on vehicles and animals if the current quarter had come to a close, is about forthwith to remove from the city, the commissioner may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be

be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any court of competent jurisdiction.

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to Government thereupon, be a first charge upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Property-taxes to be a first charge on premises on which they are assessed.

213. (1) Tolls on vehicles entering the city from Salsette and town-duties :

Collection of tolls and town-duties how to be effected.

(a) may be collected under the orders of the commissioner, by municipal officers and servants appointed in this behalf ; or

(b) if the commissioner thinks fit, may, with the approval of the standing committee, be farmed by him for any period not exceeding one year at a time or be collected by or under the orders of any person, whom the commissioner, with the approval of the standing committee, appoints to be his agent for this purpose.

(2) The said tolls and town-duties shall be collected and refunds of town-duties shall be made at such places and be managed and controlled in such manner, as the commissioner, with the approval of the standing committee, shall from time to time direct.

214. (1) If any toll payable in respect of a vehicle entering the city from Salsette is not paid on demand, the person authorized under section 213 to collect the same may seize :

Procedure in case of non-payment of toll.

(a) any part of the contents of the vehicle in respect of which the toll is payable of sufficient value to defray the toll ; or

(b) if the vehicle is empty, or the contents are of insufficient value to defray the toll, the vehicle itself.

(2)



(2) If the toll and the costs, if any, incurred on account of the seizure, remain undischarged for twenty-four hours after the seizure, the case shall be reported to the commissioner, and the commissioner shall forthwith issue a public notice, fixing some convenient time within three days after the date of the seizure for the sale by public auction of the property which has been seized.

(3) If at any time before the sale is commenced in accordance with such public notice, the person in whose possession the property was at the time it was seized shall pay to the commissioner a sum equal to double the amount of the toll due, together with all the expenses incurred on account of the non-payment of the toll and of the seizure and intended sale, the commissioner shall forthwith release the property seized.

(4) If such payment is not made, the property seized shall be sold by auction in accordance with the public notice and the proceeds shall be devoted to the discharge of the toll and of all expenses incurred on account of the non-payment of the toll and of the seizure and sale. The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the commissioner within one year from the date of the sale, a refund thereof shall be made to the person in whose possession the property was at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation.

Powers of persons authorized to collect and refund town-duties

215. Every person authorized under section 213 to collect or to refund town-duties shall have, in respect of the collection of the said duties and of paying refunds and of the confiscation of goods in connection therewith, the same powers as are conferred by any law at the time in force on the Commissioner of Customs of Bombay and the officers subordinate to him in respect of the levy of customs-duties

customs-duties and of the grant of drawbacks and of the confiscation of goods in connection therewith, and shall also have the same privileges and be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting or refunding town-duties, as the said Commissioner of Customs and the officers subordinate to him have or are subject to, under any law at the time in force relating to customs-duties.

216. The commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

#### APPEALS AGAINST VALUATIONS AND TAXES.

217. (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court.

(2) But no such appeal shall be heard by the said chief judge, unless :

(a) it is brought within fifteen days after the accrual of the cause of complaint ;

(b) in the case of an appeal against a rateable value, a complaint has previously been made to the commissioner under section 163, and such complaint has been disposed of ;

(c) in the case of an appeal against any amendment made in the assessment-book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment and his complaint has been disposed of ;

(d) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been presented to the

the appellant, the amount claimed from the appellant has been deposited by him with the commissioner.

Cause of complaint when to be deemed to have accrued.

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely :

(a) in the case of an appeal against a rateable value, on the day when the complaint made to the commissioner under section 163 against such value is disposed of ;

(b) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the commissioner by the person aggrieved against such amendment is disposed of ;

(c) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is presented.

Unappealed values and taxes and decisions on appeal to be final.

219. (1) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made is hereinbefore provided, and

the decision of the chief judge aforesaid upon any appeal against any such value or tax,

shall be final,

(2). Effect shall be given by the commissioner to every decision of the said chief judge on any appeal against any such value or tax.

## CHAPTER IX.

### DRAINS AND DRAINAGE-WORKS.

#### *Municipal Drains.*

Municipal drains to be under the control of the commissioner.

220. All drains belonging to the corporation,— which in this Act are referred to as “municipal drains”

drains"—shall be under the control of the commissioner.

221. The commissioner shall maintain and keep in repair all municipal drains and, when authorized by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the city.

Drains to be constructed and kept in repair by the commissioner.

222. (1) The commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city, or, for the purpose of outfall or distribution of sewage, without the city.

Powers for making drains.

(2) The commissioner may enter upon, and construct any new drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the commissioner to any person who sustains damage by the exercise of such power.

223. (1) Without the written permission of the commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any municipal drain.

Buildings, &c., not to be erected without permission over drains.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, remove or otherwise deal with the same, as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

224. (1) The commissioner may enlarge, arch over or otherwise improve any municipal drain and may discontinue, close up or destroy any such drain which

Alteration and discontinuance of drains.

which has, in his opinion, become useless or unnecessary :

(2) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of any thing done under this section any person is deprived of the lawful use of any drain, the commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works as he shall from time to time deem necessary.

Maintenance of drains kept up for the benefit of certain premises only.

226. (1) Every drain in, alongside or under any street which has been or shall be constructed, whether at the cost of the municipal fund or not, for the sole use and benefit of, or which shall be continued for the sole use and benefit of, any premises adjoining or near to such street, shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner or occupier of the said premises.

(2) The commissioner may, by written notice, require the owner or occupier of the said premises to repair, flush, cleanse, empty or, with the approval of the standing committee, to take such other order with any such drain as the commissioner shall deem necessary.

*Drains of private streets and drainage of premises.*

Power to connect drains of private streets with

227. The owner of a private street shall be entitled to connect the drain of such street with a municipal

municipal drain, subject to the following conditions, <sup>municipal</sup> (namely): <sup>drains.</sup>

(a) Before commencing to construct such drain, the owner of the street shall submit to the commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under this supervision, and drawn to such a convenient scale as the commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the commissioner shall deem necessary and require, and no such drain shall be proceeded with, without the approval in writing or contrary to the directions of the commissioner.

(b) The drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description and be branched into the municipal drain in such manner and form of communication in all respects, as the commissioner, with the approval of the standing committee, shall direct.

(c) The commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation and, in such case, the expenses incurred by the commissioner shall be paid by the owner of the private street.

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain, provided that he first obtains the written permission of the commissioner and that he complies with such conditions as the commissioner prescribes as to the mode in which and the superintendence under which the communications between drains not belonging to the corporation and municipal drains are to be made.

229. No

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Connections with municipal drains not to be made except in conformity with section 227 or 228.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain; and the commissioner may, with the approval of the standing committee, close, demolish, alter or re-make any such connection made in contravention of this section and the expenses incurred by the commissioner in so doing shall be paid by the owner of the street or the owner or occupier of the premises for the benefit of which the connection was made, or by the person offending.

Rights of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (1) If it shall appear to the commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(2) Every such order, bearing the signature of the commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent

agent or person employed by him for this purpose, may, after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises by whom or in whose behalf the work is done shall :

(a) cause the work to be executed with the least practicable delay ;

(b) fill in, re-instate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work ;

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) If the owner of any land, into, through or under which a drain has been carried under this section, whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed, to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, re-instate and make good the land as if the drain had not been carried into, through or under the same : provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building  
or



or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

231. Where any premises are, in the opinion of the commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage, is situated at a distance not exceeding one hundred feet from some part of the said premises, the commissioner may, by written notice, require the owner or occupier of the said premises :

(a) to make a drain of such material, size and description and laid at such level and with such fall and outlet as may appear to the commissioner necessary, emptying into such municipal drain or place aforesaid ;

(b) to provide and set up all such appliances and fittings as may appear to the commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off the said premises and of effectually flushing such drain and every fixture connected therewith ;

(c) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

232. (1) Where any premises are, in the opinion of the commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the commissioner may, by written notice, require the owner or occupier of the said premises to make a drain emptying into a covered cesspool.

(2) And the commissioner may in like manner require any such drain and, if no suitable cesspool already exists, any such cesspool to be of such materials, size and description, and to be made at such level and with allowance for such fall, as may appear to him to be necessary.

233. (1)

233. (1) Where a drain connecting any premises with a municipal drain is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, the commissioner, with the approval of the standing committee, may :

Commissioner may close or limit the use of existing private drains.

(a) subject to the provision of sub-section (2), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ;

(b) direct that the said drain shall, from such date as he prescribes in this behalf, be used for sullage, excrementitious matter and polluted water only or for rain-water and unpolluted subsoil water only, and, by written notice, require the owner or occupier of the premises to make a new and entirely distinct drain for rain-water and unpolluted subsoil water or for sullage, excrementitious matter and polluted water, as the case may be.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (a), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain which the commissioner thinks fit ; and the expenses of the construction of any drain so provided by the commissioner and of any work done under clause (a) shall be paid by the commissioner.

(3) Any requisition made by the commissioner clause under (b) may embrace any detail specified in clause (a) or clause (b) of section 231.

234. (1) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until :

New buildings not to be erected without drains.

(a) a drain be constructed, of such size, materials and description, at such level and with such fall, as shall appear to the commissioner to be

be necessary for the effectual drainage of such building ;

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off the said building and the said premises and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding one hundred feet from such building ; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the commissioner directs.

Excrementitious matter not to be passed into cesspool.

235. No person shall, except with the permission of the commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof of joint ownership therein to others.

236. Every owner of a drain connected with a municipal drain shall be bound to allow the use of it to others or to admit other persons as joint owners thereof on such terms as may be prescribed under section 238.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain or may apply to the commissioner for authority to use such drain or to be declared joint owner thereof.

238. (1)

238. (1) On receipt of any such application, the commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection there-  
 to, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the applicant to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the applicant with the drain to which his application refers and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

Commissioner may authorize person other than the owner of drain to use the same or declare him to be a joint owner thereof.

(2) Every such order bearing the signature of the commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for :

- (a) connecting the two drains ; or
- (b) renewing, repairing or altering the connection ; or
- (c) discharging any responsibility attaching to the person in whose favour the commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the commissioner's order is made shall be subject to the same

same restrictions and liabilities which are specified in sub-section (4) of section 230.

Sewage and rain-water drains to be distinct.

239. Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water or unpolluted subsoil water or for both rain-water and unpolluted subsoil water, each emptying into separate municipal drains or other suitable places.

Drains not to pass beneath buildings.

240. Except with the written permission of the commissioner, and in conformity with such conditions as shall be prescribed by the standing committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Provision as to position of cess-pools.

241. No person shall construct a cesspool beneath any part of a building used or intended to be used for human habitation or in which any person may be or may be intended to be employed in any manufacture, trade or business ;

nor, within twenty feet of any well, spring, or tank, nor, except with the written permission of the commissioner, within twenty feet of any cistern, main, pipe or other work containing or carrying water for drinking or other domestic purpose, or for manufacturing drinks for the use of man.

Right of corporation to drains, &c., constructed, &c., at charge of municipal fund on premises not belonging to the corporation.

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or after the passing of this Act, and whether for the use of the owner or occupier of the said premises or not, shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest and be deemed to have always vested, in the corporation.

243. (1)

243. (1) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

All drains and cesspools to be properly covered and ventilated.

(2) The commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the corporation.

244. (1) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the commissioner may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as shall appear to the commissioner necessary :

Affixing of pipes for ventilation of drains, &c.

(2) Provided that any shaft or pipe so erected or affixed shall :

(a) be carried at least ten feet higher than any sky-light or window situated within a distance of twenty feet therefrom ;

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(d) be removed by the commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed, is desirous of effecting any change in his property, which either cannot be carried out, or cannot, without unreasonable inconvenience, be carried out, unless the shaft or pipe is removed.

(3) If the commissioner declines to remove a shaft or pipe under clause (d), the owner of the premises, building or tree, upon or to which the same has been

erected

erected or affixed, may apply to the Chief Judge of the Small Cause Court; and the said chief judge may, after such inquiry as he thinks fit to make, direct the commissioner to remove the shaft or pipe, and it shall be incumbent on the commissioner to obey such order.

*Disposal of Sewage.*

Appoint-  
ment of  
places for  
emptying of  
drains and  
disposal of  
sewage.

245. The commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without the city and dispose of the sewage at any place, whether within or without the city, and in any manner, which he shall deem suitable for such purpose; Provided that—

(a) the commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation;

(b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(c) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which Government shall think fit to disallow.

Provision  
of means  
for disposal  
of sewage.

246. (1) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the commissioner may, when authorized by the corporation in this behalf:

(a) construct any work within or without the city;

(b) purchase, or take on lease any land, building, engine, material or apparatus, either within or without the city;

(c) enter into an arrangement with any person, for any period not exceeding twenty years, for the removal or disposal of sewage:

(2)

(2) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

*Water-closets, Privies, Urinals, &c.*

247. It shall not be lawful newly to erect any building or to rebuild any building without a sufficient water-closet, or privy and urinal.

New build-  
ings to be  
supplied  
with suffi-  
cient privy  
accommoda-  
tion.

248. (1) If it appears to the commissioner that any premises are without a water-closet or privy or urinal, or that the existing water closet or privy or urinal available for the occupiers of any premises is insufficient, inefficient or, for sanitary reasons, objectionable, the commissioner shall, by written notice, require the owner of such premises to provide a water-closet, privy or urinal or an additional water-closet, privy or urinal, as the case may be, to his satisfaction :

Power to  
enforce  
provision of  
privy ac-  
commoda-  
tion.

(2) Provided that where a water-closet, privy or urinal has been and is used in common by the occupiers of two or more premises, or, if in the opinion of the commissioner, a water-closet, privy or urinal may be so used and is sufficient for all the occupiers of the two or more premises using or intending to use the same, he need not require a separate water-closet or privy or urinal to be provided on or for each of the said premises.

249. Where it appears to the commissioner that any premises are, or are intended to be used as a market, railway station, dock, wharf, or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power to  
require  
privy ac-  
commoda-  
tion to be  
provided for  
factories,  
&c.



**Provisions as to privies.** 250. (1) The owner or occupier of any premises on which there is a privy shall:

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air-space of at least three feet in width and open to the sky;

(b) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(c) unless and except for such period as he shall be permitted by the commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street:

(2) Provided that the commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

(3) Provided also that clause (a) shall not be deemed to apply to any privy in existence when this Act comes into force, unless:

(d) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(e) the existing privy can be removed and a new one erected as aforesaid, without destroying any portion of a permanent building other than the existing privy.

**Provisions as to water-closets.** 251. The owner or occupier of any premises on which there is a water-closet shall:

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business,

by

by such means as the commissioner shall deem sufficient;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(c) have the seat of such water-closet placed against an external wall;

(d) cause such water-closet to be provided with such means of constant ventilation as the commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance:

(e) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the commissioner shall deem necessary: provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

252. The commissioner shall provide and maintain, in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation. Public necessities.

*Inspection.*

253. All drains, ventilation-shafts and pipes, cesspools, house-gullies, water-closets, privies, latrines and urinals which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the commissioner. Drains, &c., not belonging to the corporation to be subject to inspection and examination.

Power to open ground, &c, for purposes of such inspection and examination.

254. For the purpose of such inspection and examination, the commissioner may cause the ground or any portion of any drain or other work exterior to a building, or, with the approval of the standing committee, any portion of a building, which he shall think fit, to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination, as little damage as can be, shall be done.

When the expenses of inspection and examination are to be paid by the commissioner.

255. If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal examined is in proper order and condition, and that none of the provisions of this chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, re-instated and made good by the commissioner.

When the expenses of inspection and examination are to be paid by the owner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or except when the same has been constructed by or under the order of the commissioner, if it has been constructed in contravention of any of the provisions of this chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, re-instate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

257. (1)

257. (1) When the result of the inspection and examination is as described in the last preceding section, the commissioner may, by written notice, require the owner of the premises in which the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, or urinal is situate :

Commissioner may require repairs, &c., to be made.

(a) to close or remove the same or any encroachment thereupon; or

(b) to renew, repair, cover or recover, trap, ventilate, pave and pitch, flush, cleanse or take such other order with the same as he shall think fit to direct, and to fill in, re-instate and make good the ground or portion of any building, drain or other work opened, broken up or removed for the purpose of the inspection and examination aforesaid.

(2) In any such case as aforesaid, the commissioner may forthwith and without notice, stop up or demolish any drain by which sullage, excrementitious matter or polluted water is carried through, from, into, or upon any premises in contravention of any of the provisions of this chapter : and all expenses incurred by the commissioner in so doing shall be paid by the owner of the premises.

*General Provisions.*

258. No person shall :

(a) in contravention of any of the provisions of this chapter, or of any notice issued or direction given under this chapter or without the written permission of the commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine, or urinal, or any trap, covering or other fitting or appliance connected therewith ;

Prohibition of acts contravening the provisions of this chapter or done without sanction.

(b) without the written permission of the commissioner, renew, rebuild, or unstop any drain, ventilation-shaft

ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal, or any fitting or appliance, which has been or has been ordered to be discontinued, demolished or stopped up under any of the provisions of this chapter ;

(c) without the written permission of the commissioner, make any encroachment upon or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal ;

• (d) drop, pass or place, or cause or permit to be dropped, passed or placed into or in any drain, any brick, stone, earth, ashes, or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed ;

(e) pass, or permit or cause to be passed into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(f) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes, or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain or which would, from its temperature or otherwise, be likely to create a nuisance.

When materials and work may be supplied and done under this chapter for any person by the commissioner.

259. (1) On the written request of any person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done, but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person

person of a sum which will, in the opinion of the commissioner, suffice to cover the cost of the said materials, fittings and work.

(2) The commissioner shall not permit any work which any person is required to do under any of the provisions of this chapter to be done except through the agency of a licensed plumber.

260. (1) The commissioner may, if he thinks fit, cause any work described in sections 230, 231, 238, 256 or 257 to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Commissioner may execute certain works under this chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

## CHAPTER X.

### WATER-SUPPLY.

#### *Construction and maintenance of municipal waterworks.*

261. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the commissioner, when authorized by the corporation in this behalf, may:

General powers for supplying the city with water.

(a) construct and maintain water-works, either within or without the city, and do any other necessary acts;

(b) purchase or take on lease any water-work or any water or right to store, or to take and convey water, either within or without the city;

(c)

(c) enter into an arrangement with any person for a supply of water.

Municipal water-works to be managed and kept in repair by the commissioner. 262. The commissioner shall manage all water-works belonging to the corporation—all which water-works are in this Act referred to as “municipal water-works”—and maintain the same in good repair and efficient condition, and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works.

Power of access to municipal water-works. 263. (1) The commissioner and any person appointed by Government under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times :

(a) enter upon and pass through any land, within or without the city, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest ;

(b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the commissioner, or, if any person appointed under section 264 by Government has caused the damage, by Government.

Inspection of municipal water-works by persons appointed by Government. 264. Any person appointed by Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work.

Power of carrying water-mains, &c. 265. The commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the city as he has and is subject to under the provisions hereinbefore con-

tained

tained, for carrying, renewing and repairing drains within the city.

266. The commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the city where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Fire-hydrants to be provided.

267. (1) Except with the sanction of the corporation and, in the case of the Vehár waterworks, of Government, or, for the purposes of section 262, under the authority of the commissioner; no person shall :

Prohibition of building and other acts which would injure sources of water-supply.

(a) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir, from which a supply of water is derived for any municipal waterwork ;

(b) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits ;

(c) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(2) The limits of the water-shed of the Vehár lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B," authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

268. (1)



Buildings,  
&c., not to  
be erected  
overmunicipal  
water-main  
without per-  
mission.

268. (1) Without the written permission of the commissioner, no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-main.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

*Public gratuitous water-supply.*

Vesting of  
public  
drinking-  
fountains,  
&c., in the  
corporation.

269. (1) All existing public drinking-fountains, tanks, reservoirs, cisterns, pumps, wells, ducts, and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the commissioner.

(2) The commissioner may maintain the said works and provide them with water, and, when authorized by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city :

(3) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his private use and not for sale, and shall not, except with the written permission of the commissioner, be carried away in a cask, cart, pakhál or masak.

(4) The commissioner may temporarily, and, with the approval of the corporation, permanently close any of the said works, either entirely or partially.

(5) In case any such work is permanently closed, either entirely or partially, by the commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed

disposed of as the property of the corporation. provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason, the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person or to or towards any such local work, which shall be approved by the corporation and by the heirs or other representatives, if any, of the said person.

270. (1) The commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart. Public drinking-fountains, &c., may be set apart for particular purposes.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

*Private water-supply.*

271. (1) Communication-pipes for conveying to any premises a private supply of water from a main or other municipal waterwork shall not ordinarily be connected with the main or other waterwork except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises. Applica-tions for private water-supply from whom to be received.

(2) But if it shall appear to the commissioner that any premises, situate within any portion of the city in which a public notice has been given by the commissioner under clause (b) of section 141, are without a proper supply of pure water, the commissioner Commissioner may in certain cases require owners to

obtain private water-supply; missioner shall, by written notice, require the owner of the said premises, or the person primarily liable for the payment of property-taxes thereon, to obtain a supply from a municipal waterwork adequate to the requirements of the persons usually occupying or employed upon the said premises, and to provide communication-pipes and do all such works as may be necessary for that purpose.

Communications with municipal water-works to be made at the cost of the applicant for a private water-supply. 272. Communication-pipes and all fittings and works necessary for making a connection with any municipal water-work or for conveying a private supply of water from any municipal water-work into any premises shall be procured and executed, subject to the inspection and to the satisfaction of the commissioner, at the cost of the person who obtains the supply.

Connections with water-works and communication-pipes not to be made or laid without authority. 273. No communication-pipe shall be laid, except with the written permission of the commissioner, and no connection with any municipal water-work shall be made except by a municipal officer or servant empowered by the commissioner in this behalf, nor until such municipal officer as the commissioner appoints in this behalf shall have certified that the communication-pipes and all necessary fittings and works have been laid, applied and executed in a satisfactory manner.

Provisions as to storage-cisterns and other fittings, &c., to be used for connections with water-works. 274. (1) The commissioner may, whenever it shall appear to him to be necessary, by written notice require that any premises furnished with a private water-supply from any municipal water-work, shall, within a reasonable period which shall be prescribed in the said notice, be provided with a storage-cistern of such size, material, quality and description and with such fittings and placed in such position as he thinks fit.

(2) The commissioner shall also from time to time prescribe the size, material, quality, description and position of the pipes, taps, cocks and other fittings

fittings to be employed for the purposes of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

275. It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal waterwork, to keep in efficient repair every pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every tap, cock or other fitting and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

Communication-pipes, &c., to be kept in efficient repair by owner or occupier of premises.

276. (1) Where water is supplied by measurement, the commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the commissioner shall approve for this purpose.

Provision of meters when water is supplied by measurement.

(2) The commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing, such person shall not be liable to pay rent for the same during such time as such default continues.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Register of meter to be evidence.

*Inspection.*

278. (1) The commissioner may make an inspection of any premises, to which a private water-supply is furnished by the corporation in order:

(a) Commissioner, &c., may inspect premises in order to

examine  
meter, com-  
munication-  
pipes, &c.

(a) to remove, test, examine and replace any meter for measuring water; or

(b) to examine the communication-pipes, and the taps, cocks and other fittings thereof and the storage-cisterns connected therewith; or

(c) to see if there be any waste or misuse of water.

(2) The commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in any such meter, not being a municipal meter let to him for hire, or in any such communication-pipe, tap, cock or other fitting or cistern.

*Cutting off private water-supply.*

Power to  
cut off pri-  
vate water-  
supply or to  
turn off  
water.

279. (1) The commissioner may, with the sanction of the standing committee, cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely:

(a) in default of payment of any instalment of water-tax or of any sum due for water within fifteen days after a bill for such tax or sum has been duly presented;

(b) if the owner or occupier of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (1) of section 274, to comply with any requisition made to him by the commissioner regarding the provision of a storage cistern;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (2) of section 278, to put any such cistern or any pipe conveying water from any municipal waterwork or any tap, cock, or other fitting thereof into good repair

repair, so as effectually to prevent the water from running to waste;

(d) if, after receipt of a written notice from the commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues :

(i) to use the water, or to permit the same to be used in contravention of any by-law made under this Act or of any condition prescribed under sub-section (2) of section 169 ;

(ii) when payment for the water is not made by measurement, to permit any person not residing on premises in respect of which water-tax is paid, to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe conveying water from any municipal waterwork.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 169 for the use of such water or permit any such condition to be contravened.

Conditions as to use of water not to be contravened.

281. No water-pipe shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and, except with the consent of the commissioner, no cistern shall be constructed within twenty feet of a cesspool.

Water-pipes, &c., not to be placed where water will be polluted.

282. (1)

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Prohibition  
of fraudu-  
lent and un-  
authorized  
use of wa-  
ter

282. (1) No person shall fraudulently dispose of any water supplied to him by the corporation.

(2) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid, to carry away water from the premises to which it is supplied.

(3) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

Prohibition  
of fraud in  
respect of  
meters.

283. (1) No person shall fraudulently :

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied ;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction or use, shall be evidence that the consumer has fraudulently effected the same.

*General Provisions.*

Prohibition  
of wilful or  
neglectful  
acts relat-  
ing to wa-  
ter-works.

284. No person shall wilfully or negligently :

(a) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter ;

(b)

(b) break, injure or open any lock, cock, valve, pipe, work or engine appertaining to any municipal water-work ;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted ;

(d) do any act whereby the water in or derived from any municipal water-work shall be wasted ;

(e) obstruct, divert or in any way injure or alter any water-main or duct.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284. Compensation to be payable by offenders against section 283 or 284.

286. If it shall be shown that an offence against some provision of this chapter or against some by-law made under this Act at the time in force relating to water-supply, has occurred on any premises to which a private supply of water is furnished by the corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises. Occupier of premises to be primarily liable for certain offences against this chapter.

287. (1) On the written request of any person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done, but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the commissioner, suffice to cover the cost of the said materials, fittings and work. When materials and work may be supplied and done under this chapter for any person by the commissioner.

(2) The commissioner shall not permit any work, which any person is required to do under any of the



the provisions of this chapter, to be done except through the agency of a licensed plumber, and any person who causes or allows communication-pipes or any fittings or work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed by any person other than a licensed plumber shall not be entitled to demand a connection with the municipal water-work.

Power to supply water without the city.

288. The commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

## CHAPTER XI.

### REGULATION OF STREETS.

#### *Construction, maintenance and improvement of public streets.*

Vesting of public streets in the corporation

289. (1) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof shall vest in the corporation and be under the control of the commissioner.

Powers of commissioner in respect of public streets.

(2) The commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered, and may place and keep in repair fences and posts for the safety of foot-passengers: provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be

be undertaken by the commissioner unless or until such undertaking has been authorized by the corporation.

(3) With the sanction of the corporation, the commissioner may permanently close the whole or any part of a public street: provided that such sanction of the corporation shall not be given, unless one month at least before the meeting at which the matter is decided, a notice signed by the commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the corporation.

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation. Disposal of land forming site of closed street.

291. The commissioner, when authorized by the corporation in this behalf, may at any time: Power to make new public streets.

(a) lay out and make a new public street;

(b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation and that such street shall become, on completion, a public street.

292. Nothing in sub-sections (1) and (3) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.

Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.

293. (1). Permission shall not be granted to any person to lay or work upon any public street, any tramway or railway or the like, by any municipal authority other than the corporation, and no such permission shall have validity unless and until it is confirmed by Government.

(2) Nothing in this section shall be deemed to affect the provisions of the Bombay Tramways Act, Bo. I of 1874, 1874.

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width, if such street be made for carriage traffic, or twenty feet, if such street be made for foot traffic only, and no steps and, except with the written permission of the commissioner under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, &c., over or under railways, &c.

295. The commissioner, when authorized by the corporation in this behalf, may agree :

(a) with any person to adopt and maintain any existing or projected bridge, viaduct, or arch and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation ; or

(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

296. (1)

296. (1) The commissioner may, subject to the provisions of sections 90, 91 and 92 :

Power to acquire premises for improvement of public streets.

(a) acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street or of making any new public street and the buildings, if any, standing upon such land ;

(b) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street ;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) Any conveyance of land or of a building under clause (c) may comprise such conditions as the commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

*Preservation of regular line in public streets.*

297. (1) The commissioner shall prescribe a line on each side of any public street within which, except under the provisions of section 310, no portion of any building abutting on the said street shall, after such line has been prescribed, be constructed.

Prescribing the regular line of a street.

(2) A line so prescribed shall be called "the regular line of the street."

298. (1) If any part of a building abutting on a public street is within the regular line of such street, the commissioner may, whenever it is proposed :

Setting back buildings to regular line of the street.

(a)

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet; or

(b) to remove, re-construct, or make any addition to any portion of such building which is within the regular line of the street;

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, require such building to be set back to the regular line of the street.

(2) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down or is taken down, whether under the provisions of section 351 or 354, or otherwise, the commissioner may at once take possession, on behalf of the corporation, of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, &c., within the regular line of a street.

299. (1) If any land, not vesting in the corporation whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street,

the commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession, on behalf of the corporation, of the said land, with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step, or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure

as

as aforesaid which is within the regular line of the street, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street :

(2) Provided that when the land or building is vested in the Secretary of State for India in Council or in any corporation constituted by royal charter or by an Act of Parliament or of the Governor General of India in Council or of the Governor in Council, possession shall not be taken as aforesaid, without the previous sanction of Government.

300. (1) If any building which abuts on a public street is in rear of the regular line of such street, the commissioner may, whenever it is proposed,

Setting forward of buildings to regular line of the street.

(a) to re-build such building ; or

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof, above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building ; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the commissioner is erected along the said line.

301. (1)

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Compensation to be paid in cases under the three last sections.

301. (1) Compensation shall be paid by the commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for the value of the said land and for any loss, damage or expense sustained by such owner in consequence of the order made by the commissioner under either of the said sections.

(2). If, in consequence of any order to set forward a building made by the commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the commissioner for such loss or damage.

(3) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building, belongs to the corporation, the order or permission of the commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the commissioner requires a building to be set forward, the owner of the building is dissatisfied with any of the terms or conditions of the conveyance, the commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

*Provisions concerning private streets.*

Notice of intention to lay out new private street to be given to commissioner.

302. Every person who intends to make or lay out a new private street shall give written notice of his intention to the commissioner, and shall, along with such notice, submit plans and sections, showing the intended level, direction and width and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof.

303. (1)

303. (1) The level, direction, width and means of drainage of every new private street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the commissioner, with the approval of the standing committee.

Level, &c., of new private streets and of the buildings on either side thereof to be determined by commissioner.

(2) But if within thirty days after the receipt by the commissioner of any notice under the last preceding section, the disapproval by the commissioner of the level, direction, width or means of drainage of the proposed new street or of the proposed height or means of drainage of the buildings to be erected on each side thereof, shall not be communicated to the person who gave the notice under the last preceding section, the proposals of the said person shall be deemed to have been approved by the commissioner.

304. (1) No person shall make or lay out any new private street or erect any building on either side thereof otherwise than in accordance with the directions of the commissioner under the last preceding section or with proposals approved by him under the said section, as the case may be.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with commissioner's directions or approval.

(2) If any new private street be made or laid out, or if any building on either side of any such street be erected in contravention of this section, the commissioner may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has erected such building, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him in that behalf and addressed to the commissioner, to show sufficient cause why such street or building should not be altered to the satisfaction of the commissioner or, if that be impracticable, why the same should not be demolished, or removed;

or shall require the said person on such day and at such time and place as shall be specified in such notice



notice to attend personally, or by an agent duly authorized by him in that behalf and show cause as aforesaid.

(3) If such person shall fail to show sufficient cause, to the satisfaction of the commissioner, why such street or building should not be so altered or demolished or removed, the commissioner may cause the street or building to be so altered or demolished or removed and the expenses thereof shall be paid by the said person.

Levelling and draining of private streets. 305. If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the commissioner, he may, with the sanction of the standing committee, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

Power to declare private streets, when sewered, &c., public streets.- 306 (1) When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction,

by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street :

(2) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof, shall, by notice in writing to the commissioner, object thereto.

(3) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

Bo. VI of 1879  
Applica-  
bility of sec-  
tions 305  
and 306

307. If a portion only of any street is a public street, within the meaning of that term as defined in

in clause (x) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

when street is in part public and in part private.

*Projections and obstructions.*

308. (1) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will :

Prohibition of projections upon streets &c.

(a) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section, or to alter the same in such manner as the commissioner thinks fit to direct.

Power to require removal of the same.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

309. (1) If any such structure or fixture as is described in the last preceding section has been erected, set up or placed against, or in front of, any premises, at any time before the Bombay Municipal Act, 1872, came into force, the commissioner may give notice as aforesaid to the owner or occupier of the said premises.

Power to require removal or alteration of projections, &c., made before Bo. Act III of 1872 came into force. Bo. III of 1872

(2) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projec-  
tions over  
streets may  
be permitted  
in certain  
cases.

310. (1) The commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street :

(a) to erect an arcade over such street or any portion thereof, or

(b) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper story over any street or portion thereof :

(2) Provided that no permission shall be given by the commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the corporation.

(3) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

Ground-  
floor doors,  
&c., not to  
open out-  
wards on  
streets.

311. The commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibi-  
tion of  
structures  
or fixtures  
which cause  
obstruction  
in streets.

312. (1) No person shall, except with the permission of the commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street

street or upon or over any open channel, drain, well, or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of section 322 applies.

313. (1) No person shall, except with the written permission of the commissioner :

Prohibition of deposit, &c., of things in streets.

(a) place or deposit upon any street or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon;

(b) project at a height of less than twelve feet from the surface of the street any board or shelf beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street;

(c) attach to or suspend from any wall or portion of a building abutting on a street, at a less height than aforesaid, any thing whatever.

(2) Nothing in clause (a) applies to building-materials.

314. The commissioner may, without notice, cause to be removed :

Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force, or deposited, in contravention of section 313.

(a) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (1) of section 312, after the same comes into force ;

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of sub-section (1) of section 313.

315. (1)

Power to require removal of any structure or fixture erected or set up before section 312 came into force. 315. (1) The commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing.

(2) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of the tethering of animals in the public streets. 316. (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household in any public street.

(2) Any animal tethered as aforesaid may be removed by the commissioner or by any municipal officer or servant and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

*Temporary erections on streets during festivals.*

Commissioner may permit booths, &c., to be erected on streets on festivals. 317. With the concurrence of the police commissioner, the commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

*Provisions concerning execution of works in or near to streets.*

Street when broken up for any municipal purpose to be restored without delay. 318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the commissioner or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, re-instated

and

and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

319. (1) The commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

Commissioner may close street in which work is in progress.

(2) No person shall, without the permission of the commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work, and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Commissioner to provide for traffic, &c., pending execution of municipal work in any street.

321. (1) Whilst the execution of any work on behalf of the corporation is in progress in any street, the commissioner shall:

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(b) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(c)

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(2) No person shall, without the written permission of the commissioner or without other lawful authority, remove any shoring-timber, or fence, or extinguish any light employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.

322. (1) No person, other than the commissioner or a municipal officer or servant, shall, without the written permission of the commissioner or without other lawful authority :

(a) open, break up, displace, take up or make any alteration in or cause any injury to the soil or pavement, or any wall, fence, post, chain, or other material or thing forming part of any street ; or

(b) deposit any building-materials in any street ; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) shall be terminable at the discretion of the commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

323. Every

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

324. (1) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up and fill in the ground and re-instate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the commissioner.

Persons to whom permission is granted under section 322 must re-instate streets, &c.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the commissioner may restore such street or pavement and the expenses incurred by the commissioner in so doing shall be paid by the said person.

325. The commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, &c, when their works interrupt streets.

326. (1) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be set up during work on any building adjacent to a street.



be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and handrail, if there be room enough for the same and the commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(2) No hoard or fence shall be so put up without the previous written permission of the commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(3) The commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

*Naming of streets, &c.*

Naming streets, and numbering of houses.

327. (1) The commissioner may, from time to time :

(a) with the sanction of the corporation, determine the name by which any street shall be known ;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined ;

(c) cause a number to be put up or painted in a conspicuous place on the outer side, wall, door or gate of any premises.

(2) No person shall, without the written permission of the commissioner or without other lawful authority, destroy, remove, deface, or in any way injure

injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the commissioner.

*Bill-posting.*

328. No person shall, without the consent of the owner or occupier, affix any posting-bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or write upon, soil, deface or mark any such building, wall, board, fence or pale with chalk or paint or in any other way whatsoever.

Prohibition of posting of bills, &c., except with consent of owner or occupier of buildings, &c.

*Dangerous places.*

329. (1) If any place is, in the opinion of the commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried out thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof, to repair, protect or enclose the said place or take such other step as shall appear to the commissioner necessary, in order to prevent danger therefrom.

Commissioner to take proceedings for repairing or enclosing dangerous places.

(2) The commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

*Lighting of streets.*

330. The commissioner shall :

(a) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation ; and

Public streets to be lighted.

(b)

(b) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine; and may :

(d) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting, lamps or electric wires in or upon any immovable property, without being liable to any claim for compensation thereon :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition  
of removal,  
&c., of  
lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down, or damage :

(a) any lamp, lamp-post, or lamp-iron set up in any public street or in any municipal market or building vesting in the corporation ;

(b) any electric wire for lighting any such lamp ;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

and no person shall wilfully extinguish the light, or damage any appurtenance of any such lamp.

Persons  
accidentally  
breaking  
lamp to  
repair the  
damage.

332. If any person shall, through negligence or accident, break any lamp set up in any public street, or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him.

(333). (1)

333. (1) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully. Manner of laying gas-pipes.

(2) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas-pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(4) If any gas-pipe be laid in any way contrary to the provisions of this section, the commissioner may make such alteration with respect to such pipe as he shall think necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

334. (1) The commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street, to raise, sink or otherwise alter the situation of such pipe or work. Situation of gas-pipes, &c., may be altered by commissioner.

(2) Every alteration required to be made under sub-section (1), shall be made at the charge of the municipal fund and compensation shall be paid to the owner by the commissioner for the damage, if any, which he sustains by reason of such alteration :

(3)

(3) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Buildings,  
&c, not to  
be erected  
without  
permission  
over muni-  
cipal gas-  
pipes.

335. (1) Without the written permission of the commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

*Watering of streets.*

Measures  
for water-  
ing.

336. The commissioner may:

(a) take measures for having the public streets watered at such times and seasons and in such manner as he shall think fit;

(b) procure and maintain such water-carts, animals and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

*Notices regarding erection of buildings.*

Notice to  
be given to  
a commis-  
sioner of  
intention to  
erect a  
building.

337. (1) Every person who shall intend to erect a building shall give to the commissioner notice of his said intention, in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended and its dimensions.

(2) In this chapter "to erect a building" means to newly erect a building, or to re-erect any building pulled

pulled down to the plinth, or any frame-building of which only the framework is left down to the plinth, or to convert into a dwelling-house any building not originally constructed for human habitation, or to convert into more than one dwelling-house a building originally constructed as one dwelling-house only; and a building so erected, re-erected or converted is called in this chapter "a new building."

338. At any time within thirty days after receipt of any notice under section 337, the commissioner may, by written notice, require the person who has given the notice first hereinbefore in this section mentioned, to furnish to the commissioner all or any of the following documents, (namely) :

Commissioner may require plans and other documents to be furnished.

(a) plans and sections of every floor of the intended building, which shall be drawn to a scale of not less than one inch to every eight feet, and shall show the position, form and dimensions of the several parts of such building and of every water-closet, privy, urinal, cesspool, well and other appurtenance and, in the case of a building intended as a dwelling-house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress ;

(b) a description in writing of the materials of which it is intended that the building shall be constructed, of the thickness of the walls and roof and of the intended mode of drainage, means of water-supply, and means of ventilation, and, if the building is to adjoin or abut on a street, the intended means of access from such street ;

(c) a block plan of such building, which shall be drawn to a scale of not less than one inch to every forty feet and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and

and lowest floor of such building and of any yard or ground belonging thereto;

(d) a plan showing the intended line of drainage of such building and the intended size, depth and inclination of each drain and the details of the arrangement proposed for the ventilation of the drains.

Commissioner may require plans, &c., submitted under last preceding section, to be prepared by a licensed surveyor.

339. The commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section which does not bear the signature of a licensed surveyor, in token of its having been prepared by such surveyor or under his supervision.

Additional information and the attendance of the person who gave the notice may be required.

340. If the notice given under section 337 and the documents, if any, furnished under section 338 do not supply all the information which the commissioner deems necessary to enable him to deal satisfactorily with the case, the commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition under sec. 338 or 340.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given.

*Notices regarding execution of works not amounting to the erection of a building.*

Notice to be given to the commissioner of intention to make additions, &c., to a building.

342. Every person who shall intend :

(a) to make any addition to a building ; or

(b) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the ground-level, such half to be measured in superficial feet ; or

(c)

(c) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, such half to be measured in superficial feet ; or

(d) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street ;

shall give to the commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed and the nature and extent of the intended work.

343. (1) If any notice given under the last preceding section does not supply all the information which the commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections of the intended new work or of any specified portion of the intended new work and a description in writing of the materials of which it is intended that the new work or any specified portion thereof shall be constructed, of the thickness of any new wall or roof which it is intended to construct and of such other particulars and details as he deems necessary.

Plans and additional information may be called for.

(2) The commissioner may decline to accept as sufficient for the purposes of this section any plan, section, or description which does not bear the signature of a licensed surveyor, in token of its having been prepared by such surveyor or under his supervision.

#### *Forms of Notices.*

344. (1) The commissioner shall cause printed forms of notices for the purposes of section 337 or 342 to be delivered to any person requiring the same, on payment of such fee not exceeding eight pence.

Printed forms of notices to be supplied to the public.



eight annas for each form as shall from time to time be prescribed in this behalf by the commissioner, with the approval of the standing committee.

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied, without extra charge, therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, 345, 346, 347, 348 and 349 and of all by-laws made under clauses (c), (d) and (e) of section 461 at the time in force.

*Commencement of work.*

When building or work may be proceeded with.

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, the commissioner fails to intimate in writing to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the commissioner signifies in writing to the said person, his approval of the said building or work ;

the said person may at any time within one year from the date of the delivery of the notice to the commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the commissioner may be proceeded with, subject to terms.

346. (1) If the commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information, if any

any, called for under section 338, 340 or 343, as the case may be, by a written notice, intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same and prescribe terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

347. (1) No person shall commence to erect any building or to execute any such work as is described in section 342 : When work may be commenced.

(a) until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work and the commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346 ;

(b) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(2) If a person who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

*Provisions as to structure, materials, &c.*

Provisions  
as to build-  
ings which  
are to be  
newly  
erected.

348. (1) With respect to buildings which are to be newly erected on any site previously unbuilt upon, the following provisions shall have effect, namely :

(a) The erection of any such building on either side of a new street may be disapproved by the commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the commissioner.

(b) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined, shall, with the assent of the standing committee, be disapproved by the commissioner, unless the site proposed for such building is, in the opinion of the commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation : provided that any person whose building is so disapproved, may by written notice to the commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

(c) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the commissioner.

(d)

(d) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the commissioner in this behalf.

(e) No such building which abuts on a street of a less width than fifty feet, shall, without the written permission of the commissioner, be erected to a greater height than one-and-a-half times the width of the street it abuts on.

(f) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary-line of the owner's premises, an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause shall be and be kept free from any erection thereon and open to the sky and shall be and be kept open to access from each end thereof.

(g) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least eight feet in height from the floor to the ceiling.

(h) Every such room in the roof of any such building shall have an average height of at least seven feet from the floor to the ceiling.

(j) Every such room shall have a clear superficial area of not less than eighty square feet.

(k) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

(l) Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the commissioner thinks fit so to require :

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the commissioner thinks proper for ventilation and for facilitating scavenging ; and

(ii) with such and so many privies, latrines or urinals and such means of drainage as the commissioner deems necessary ; and

(iii) at such a level as will suffice for the means of drainage required by the commissioner.

(2) Nothing in clause (a) shall be deemed to affect the power of Government to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

Roofs and external walls of buildings not to be of inflammable material.

349. (1) No external wall and no covering of a roof built or renewed since the Bombay Municipal Act, 1872, came into force shall, except with the written permission of the commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material. No. 111  
1872

(2)

(2) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

*Inspection.*

350. The commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do.

Inspection of buildings in course of erection, alteration, &c.

351. (1) If the erection of any building or the execution of any such work as is described in section 342 is commenced contrary to the provisions of section 347, the commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall :

Proceedings to be taken in respect of building or work commenced contrary to section 347.

(a) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down ; or

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of the commissioner, why such building or work shall not be removed, altered or pulled down, the commissioner, with the approval of the standing committee, may remove, alter or

pull

pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purpose of inspection.

352. (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section, anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or that any thing required by any such provision or by-law to be done has been omitted to be done ;

and if, on inspecting such building or work it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained ;

the commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work, to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection of such building or the execution of such work, nothing has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force and that nothing required by any such provision or by-law to be done has been omitted to be done, compensation shall be paid by the commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

353. The commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the

time

time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause any thing done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

*Dangerous Structures.*

354. (1) If it shall at any time appear to the commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to, or passing by such structure or any other structure or place in the neighbourhood thereof, the commissioner may, by written notice, require the owner or occupier of such structure, to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

Removal of structures, &c., which are in ruins or likely to fall.

(2) The commissioner may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and handrail, if there be room enough for the same and the commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

355. (1) The commissioner may grant to any person he thinks fit a license to act as a surveyor or as a plumber for the purposes of this Act. Each such

Grant of licenses to surveyors and plumbers.



such license shall be for a renewable period of one year.

(2) If any applicant for a license to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the commissioner, except with the approval of the standing committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such license.

(3) If the commissioner refuses any application for a license under this section, he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature, without charge.

Regulations may be prescribed for guidance of licensed surveyors and plumbers.

356. The commissioner may, with the approval of the standing committee, from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every license granted to a surveyor or plumber, respectively.

Fees and charges of licensed plumbers to be prescribed by the standing committee.

357. The standing committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act; and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

## CHAPTER XIV.

### MUNICIPAL FIRE-BRIGADE.

Maintenance of fire-

359. (1) With a view to the discharge by the corporation of the duty of extinguishing fire and protect-

ing

ing life and property in case of fire, the commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them, to be called "the municipal fire-brigade," and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accoutrements, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties.

men and of  
necessary  
fire-engines,  
&c.

(2) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

360. The commissioner shall from time to time make regulations for :

Power to  
make regu-  
lations for  
fire-brigade.

(a) the training, discipline and good conduct of the men belonging to the fire-brigade;

(b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire;

(c) the maintenance of the said brigade generally in a due state of efficiency.

361. On the occasion of a fire, the chief or other officer in charge of the fire-brigade may, subject to such orders as the commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may

Powers of  
chief officer  
of fire-  
brigade at  
a fire.

(a) remove, or order any fire-man, or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(b) take generally any measures that appear expedient for the protection of life and property, with power by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(c)

(c) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

Police and municipal officers and servants to aid the fire brigade. 362. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Damages done by fire-brigade to be deemed damage by fire. 363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aids the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted. 364. A report of every fire which occurs in the city, shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire; to the commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

## CHAPTER XV.

### SANITARY PROVISIONS.

#### *Scavenging and Cleansing.*

Commissioner to provide for cleansing of streets and removal of refuse. 365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the commissioner shall take measures for securing :

(a) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom;

(b) the removal of the contents of all receptacles and depôts and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

366. All

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Refuse, &c., to be the property of the corporation.

367. (1) The commissioner shall provide or appoint in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of:

Provision and appointment of receptacles, depôts and places for refuse, &c.

(a) dust, ashes, refuse and rubbish;

(b) carcasses of dead animals, and excrementitious and polluted matter:

(2) Provided that:

(c) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which Government think fit to disallow;

(d) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

368. (1) It shall be incumbent on the occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected from their respective premises and to be deposited at such times as the commissioner, by public notice, from time to time prescribes, in the public receptacle, depôt or place provided or appointed under clause (a) of the last preceding section for the temporary deposit thereof:

Duty of occupiers to collect and deposit dust, &c.

(2) Provided that the commissioner may, if he thinks fit, by written notice, require the occupier or owner of any land to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building standing thereon and deposited temporarily upon any place forming a part of the said land which the commissioner appoints in this behalf, and it shall be incumbent on the said occupier to cause the said matters to be collected and deposited accordingly.

369. When

Provision may be made by commissioner for collection, &c., of excrementitious and polluted matter.

369. When the commissioner has given public notice, under clause (a) of section 142, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situate in the said portion of the city.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the commissioner has not given a public notice under clause (a) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the commissioner by public notice from time to time prescribes.

Halalkhors duties in certain cases may not be discharged by private individuals without the commissioner's permission.

371. In any portion of the city in which the commissioner has given a public notice under clause (a) of section 142 and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the commissioner, for any person, who is not employed by or on behalf of the commissioner, to discharge any of the duties of halalkhors.

372. No person :

Prohibition of : 4  
failure to remove refuse, &c., when bound to do so ;

(a) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse and rubbish, or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose ;

(b)

(b) shall remove any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter, any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

removal of refuse, &c., contrary to orders or without proper precautions ;

(c) shall, whilst engaged in the removal of any dust, ashes, refuse or rubbish, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall, and entirely to remove the sweepings ;

failure to clear away any refuse, &c., which drops during removal ;

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ;

leaving filth-carts, &c., unnecessarily in the streets ;

(e) shall throw or place any dust, ashes, refuse, or rubbish, or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368 ;

throwing or placing refuse, &c., in any place not assigned for the purpose ;

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak, or be thrown therefrom or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.

373. If it shall in any case be shown that dust, ashes, refuse or rubbish, or any excrementitious or polluted matter has or have been thrown or placed on any street or place, in contravention of clause (e) of section 372.

Presumption as to offender under clause (e) of section 372.

of the last preceding section, from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

*Inspection and Sanitary regulation of premises.*

Power to inspect premises for sanitary purposes.

374. The commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

375. If it shall appear to the commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally.

Abandoned or unoccupied premises.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the commissioner, a nuisance, the commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall, in the opinion of the commissioner, be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises.

377. (1) If it shall appear to the commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the commissioner may,

by

by written notice, require the owner or occupier of such premises to cleanse, clear, or enclose the same or, with the approval of the standing committee, may require him to take such other order with the same as the commissioner thinks necessary :

(2) Provided that, in so far as the unwholesome or filthy condition of such premises or such nuisance as above mentioned is caused by the discharge from, or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the commissioner to cleanse such premises.

378. (1) If, for any reason, any building intended for or used as a dwelling shall appear to the commissioner to be unfit for human habitation, he may apply to the Chief Presidency Magistrate to prohibit the further use of such building for such purpose ; and the said magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid or may pass such other order as he shall deem just and proper.

Buildings  
unfit for  
human  
habitation.

(2) When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction or the Chief Presidency Magistrate, by a written order, withdraws the prohibition aforesaid.

379. (1) If it shall appear to the commissioner that any building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof, he may apply to the Chief Presidency Magistrate to prevent such overcrowding ; and the said magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building, within a reasonable time not exceeding six weeks, to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building

Overcrowd-  
ed dwell-  
ings.



ing, or may pass such other order as he shall deem just and proper.

(2) If the owner of the said building shall have sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building.

(3) It shall be incumbent on every tenant, lodger or other inmate of the building to vacate on being required by the owner so to do in pursuance of any such requisition.

Insanitary  
huts and  
sheds.

380. If the commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging, or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety ;

he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof or the owner of the land on which such hut or shed stands to remove or alter such hut or shed or to take such order for the improvement thereof as the commissioner shall deem necessary.

Filling in of  
pools, &c.,  
which are a  
nuisance.

381. If, in the opinion of the commissioner, any pool, ditch, tank, pond, well, quarry-hole, low ground, or stagnant water is or is likely to become a nuisance, the commissioner may, with the approval of the standing committee, by notice in writing, require the owner thereof to cleanse, fill up, drain off, or remove the same or to take such other order therewith as the commissioner shall deem necessary.

Dangerous  
quarrying  
may be  
stopped.

382. If, in the opinion of the commissioner, the working of any quarry or the removal of stone, earth or other material from any place, is dangerous to persons

persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

383. (1) If, in the opinion of the commissioner : Removal and trimming of trees, shrubs and hedges.  
 (a) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation ; or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs or obstructs any street to the inconvenience or danger of passengers therein ;

the commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing :

(c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet and to remove any such prickly-pear or other rank vegetation therefrom ; or

(d) to remove, cut, lop, or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b), the commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

*Keeping and destruction of animals and disposal of carcasses.*

384. (1) No person shall :

(a) without the written permission of the commissioner, or otherwise than in conformity with Prohibitions as to keeping animals.  
 the

the terms of such permission, keep any swine in any part of the city ;

(b) keep any animal on his premises so as to be a nuisance or dangerous to any person ;

(c) feed any animal, or suffer or permit any animal to be fed, or to feed with or upon excrementitious matter, dung, stable-refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Removal of  
carcasses of  
dead  
animals.

385. (1) The occupier of any premises in or upon which any animal shall die or upon which the carcass of any animal shall be found and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either :

(a) remove the carcass of such animal to some receptacle, depôt or place appointed by the commissioner, under clause (b) of section 367 for the temporary deposit or final disposal of such carcasses, or

(b) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal of such amount as shall be fixed by the commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the same died.

*Regulation of public bathing, washing, &c.*

Places for  
public bath-  
ing, &c., to  
be fixed by  
the com-  
missioner.

386. The commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public

public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

387. (1) The commissioner may, by public notice, regulate the use by the public:

Regulation of use of public bathing-places, &c.

(a) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section;

(b) of any portion of the seashore or other place not vesting in the corporation used with his acquiescence, for any purpose mentioned in the last preceding section;

(c) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(2) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall:

Prohibition of bathing, &c., contrary to order or regulation.

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation;

(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(c) throw, put or cause to enter into the water in any such place or work, any animal or other thing;

(d) cause or suffer to drain into or upon any such place or work or to be brought thereinto or thereupon, any thing, or do anything, whereby the water shall be in any degree fouled or corrupted;

(e)

(e) dry clothes in or upon any such place.  
And no person shall :

(f) in contravention of any prohibition made by the commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section ;

(g) contravene any regulation made by the commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

389. No person shall :

Prohibition of corruption of water by steeping therein animal or other matter, &c.

(a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

(b) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

*Regulation of factories, trades, &c.*

Factory, &c., not to be newly established without permission of the commissioner.

390. (1) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the commissioner.

(2) The commissioner may refuse to give such permission, if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof or will be a nuisance to the inhabitants of the neighbourhood.

391. (1) No person shall :

Furnaces used in trade or manufacture to consume their own smoke.

(a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke ; or

(b)

(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

392. (1) Whenever it shall appear to the commissioner that any factory, bakehouse, workshop or workplace or any building or place, in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

Sanitary regulation of factories, bakehouses, &c.

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb ;

the commissioner may, by written notice, require the owner of such factory, bakehouse, workshop, workplace or other building or place to take such order for putting and maintaining the same in a cleanly state or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the Bombay Boiler Inspection Act, 1887, and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply in any factory to which the provisions of the Indian Factory Act, 1881, are applicable.

Bo. III of 1887.

XV of 1881.

393. (1) No person shall, without the written permission of the commissioner, use or employ in any

Prohibition of use of steam-whistle or steam-

trumpet  
without  
permission  
of the com-  
missioner.

any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(2) The commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same :

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 479.

Certain  
trades not  
to be car-  
ried on  
without a  
license.

394. (1) No person shall use any premises for any of the purposes hereinbelow mentioned, without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf, namely :

(a) any of the purposes specified in schedule M ;

(b) any purpose which is, in the opinion of the commissioner, dangerous to life, health or property, or likely to create a nuisance ;

(c) keeping horses, cattle or other fourfooted animals for sale or hire or for sale of the produce thereof ;

(d) storing for other than domestic use, or selling, timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing.

(2) Every person to whom a license is granted by the commissioner to use any premises for any of the purposes mentioned in sub-section (1) shall keep affixed in a conspicuous part of the said premises a board upon which shall be legibly written in English, and also in either Maráthi, Gujaráthi or Urdu, the following particulars (namely) :

(e) the licensee's name ;

(f) the purpose for which and the limitations and conditions subject to which the license is granted ;

(g)

(g) any other details relating to the license or the terms thereof, which the commissioner from time to time thinks fit to require.

(3) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute.

395. (1) No person engaged in any trade or manufacture specified in schedule M, shall :

Prohibition of corruption of water by chemicals, &c.

(a) wilfully cause or suffer to be brought, or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid ;

(b) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(2) The commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits or by the person who has the management or control thereof or through whose neglect or fault the said sub-section has been contravened ;

but



but if it appear that there has been no contravention of the said sub-section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the commissioner.

Inspection of premises used for manufactures, &c.

396. (1) The commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made under this Act at the time in force or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry : provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation of washing of clothes by washermen.

397. (1) The commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the commissioner, except for such person himself or for the owner or occupier of such place.

Washing-places to be provided by the commissioner for washermen.

(2) The commissioner shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by the commissioner, with the approval of the standing committee.

*Maintenance*

*Maintenance and regulation of markets  
and slaughter-houses.*

398. All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses." All other markets and slaughter-houses shall be deemed to be private.

What to be deemed municipal markets and slaughter-houses.

399. (1) The commissioner, when authorized by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting such municipal markets or slaughter-houses, and provide and maintain in such municipal markets, such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he shall think fit.

Provision of new municipal markets and slaughter-houses.

(2) Municipal slaughter-houses may be situate within or, with the sanction of Government, without the city.

400. The commissioner may, with the sanction of the corporation and of Government, at any time close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

Municipal markets and slaughter-houses may be closed.

401. (1) No person shall, without a license from the commissioner, sell or expose for sale any animal or article in any municipal market.

Prohibition of sale in a municipal market without license of commissioner.

(2) Any person contravening this section may be summarily removed by the commissioner or by any municipal officer or servant.

402. (1)

Opening of  
new private  
markets.

402. (1) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food or any other article of human food, except with the sanction of the commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (1).

(3) When the establishment of a new private market has been so sanctioned, the commissioner shall cause a notice of such sanction to be affixed in the English, Maráthi, Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

Private  
markets  
not to be  
kept open  
without a  
license.

403. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf :

(a) keep open a private market ;

(b) use any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food ;

(c) use any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the city :

(2) Provided that :

(d) the commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406, or with some by-law made under this Act at the time in force ; and shall not cancel or suspend any such license without the approval of the standing committee ;

(e)

(e) nothing in this section shall be deemed to prevent the commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(3) When the commissioner has refused, cancelled or suspended any license to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Maráthi, Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

404. No person who knows that any private market has been established without the sanction of the commissioner or is kept open after a license for keeping the same open has been refused, cancelled or suspended by the commissioner, shall sell or expose for sale therein any animal or article of food.

Prohibition of sale in unauthorised private markets.

405. The commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause :

Provision for requiring private market-

(a) the whole or any portion of the floor of the market-building, market place or slaughter-house to be paved with dressed stone or other suitable material ;

buildings and slaughter-houses to be properly paved and drained.

(b) such drains to be made in or from the market-building, market-place or slaughter-house, of such material, size and description, at such level and with such outfall as to the commissioner may appear necessary.

406. The commissioner may, with the approval of the standing committee, from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force :

Regulations to be framed for markets and slaughter-houses.

(a) for preventing nuisances or obstruction in any market-building, market place or slaughter-house or in the approaches thereto ;

(b)

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use;

(c) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state and for removing filth and refuse therefrom;

(d) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public.

Levy of stallages, rents and fees in municipal markets and slaughter-houses.

407. The commissioner may :

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf; or

(b) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or

(c) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

Regulations and table of stallage-rents to be posted up in markets

408. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the two last preceding sections, in the English, Maráthi, Gujaráti and

and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house. and slaughter-houses.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

409. The commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act or any regulation made under section 406 at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall, shop, standing, shed, pen or other place therein and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place. Power to expel persons contravening by-laws or regulations.

*Sale of articles of food outside of markets.*

410. (1) Except as hereinafter provided, no person shall, without a license from the commissioner, sell or expose for sale any fourfooted animal or any meat or fish intended for human food, in any place other than a municipal or private market : Prohibition of sale of animals, &c., except in a market.

(2) Provided that nothing in sub-section (1) shall apply to fresh fish sold from, or exposed for sale in a vessel in which it has been brought direct to the seashore after being caught at sea.

*Licensing of butchers, &c.*

411. No person shall, without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf : Butchers and persons who sell the flesh of animals to be licensed.

(a) carry on within the city, or at any municipal slaughter-house, the trade of a butcher ;

(b)

(b) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of import of cattle, &c., into the city.

412. (1) No person shall, without the written permission of the commissioner, bring into the city any cattle, sheep, goat or swine intended for human food or the flesh of any such animal, which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(2) Any animal or flesh brought into the city in contravention of this section may be seized by the commissioner or by any municipal officer or servant, and be sold or otherwise disposed of as the commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.

*Inspection of places of sale, &c.*

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

413. (1) If the commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, the commissioner may at any time by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles

414. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh,

flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

exposed for  
sale for  
human  
food.

415. (1) The commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

Unwhole-  
some ar-  
ticles, &c.,  
to be seized.

(2) If any such animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be,

Disposal of  
perishable  
articles  
seized  
under sec-  
tion 415.

the commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

417. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized

Disposal of  
animals

under



and articles under section 415 shall be forthwith taken before a  
of a non-presidency magistrate.  
perishable

nature, seiz- (2) If it shall appear to such magistrate that  
ed under any such animal or article is diseased, unsound or  
section 415. unwholesome or unfit for human food, or for  
medicine, as the case may be, or is not what it was  
represented to be or that such utensil or vessel is of  
such kind or in such state as aforesaid,

he shall cause the same to be destroyed, at the  
charge of the person in whose possession it was at  
the time of its seizure, in such manner as to prevent  
the same being again exposed or hawked about for  
sale or used for human food or for medicine, or for  
the preparation or manufacture of, or for containing  
any such article as aforesaid.

*Weights and Measures.*

Provision 418. (1) The commissioner shall from time to  
ofstandards time provide such local standards of measure and  
of local weight as he deems requisite for the purpose of  
weights and verification of weights and measures in use in the  
measures. city and shall make such arrangement as he shall  
think fit for the safe keeping of the said standards.

(2) The commissioner shall also provide from time  
to time proper means for verifying weights and  
measures by comparison with the said standards  
and for stamping the weights and measures so  
verified.

Verification 419. (1) The commissioner shall from time to time  
and stamp- fix the times and places at which some municipal  
ing of officer appointed by him in this behalf shall attend  
weights and for the purpose of the verification of weights and  
measures by measures.  
municipal

officer. (2) The municipal officer so appointed shall attend,  
with the local standards in his custody, at each time  
and place fixed and shall examine every measure or  
weight which is of the same denomination as one  
of such standards and is brought to him for the  
purpose of verification and compare the same with  
that standard and, if he find the same correct, shall  
stamp

stamp it with a stamp of verification in such manner as best to prevent fraud.

(3) The said municipal officer shall enter in a book kept by him minutes of every such verification and give, if required, a certificate under his hand of every such stamping.

420. There shall be payable to the corporation in respect of the verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the commissioner, with the approval of the corporation, from time to time fixes in this behalf. Fees for comparison and stamping.

*Prevention of spread of dangerous diseases.*

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the commissioner, may from time to time require. Information to be given of existence of dangerous disease.

422. The commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place. Any place may at any time be inspected for preventing spread of dangerous disease.

423. (1) If it shall appear to the commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking. Prohibition of use for drinking of water likely to cause dangerous disease.

(2) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

Commissioner may order removal of patients to hospital.

424. (1) The commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under subsection (1) shall obey such order.

Disinfection of buildings, &c.

425. (1) If the commissioner is of opinion that the cleansing or disinfecting of a building or of a part of a building or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein and, if it shall appear to the commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice :

(2) Provided that if, in the opinion of the commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

Destruction of huts and sheds, when necessary.

426. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving, to the owner or occupier of such hut or shed, such previous notice of his intention as may in the circumstances of the case appear to him

him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation may be paid by the commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed; but except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

427. (1) The commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected and, in his discretion, may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

Place for disinfection may be provided.

(2) The commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding, or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

Also for washing infected articles.

(3) The commissioner may direct the disinfection or destruction of bedding, clothing, or other articles likely to retain infection.

Infected articles may be destroyed.

(4) The commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

428. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge

of

of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Provision of carriages for conveyance of patients.

429. The commissioner, with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

430. (1) No person who is suffering from a dangerous disease shall:

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner, or driver, or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Infected articles not to be transmitted, &c., without previous disinfection.

432. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or

or has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

433. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

Infected building not to be let without being first disinfected.

(2) For the purpose of this section, the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

*Special sanitary measures.*

434. (1) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—

Commissioner may take special measures on outbreak of any dangerous disease.

the commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of Government :

(a) take such special measures, and

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (1).

*Disposal*  
209

*Disposal of the dead.*

Places for disposal of the dead to be registered.

435. Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 435 and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal executive engineer.

New places for disposal of the dead not to be opened without permission of commissioner.

437. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the commissioner, who, with the approval of the corporation, may grant or withhold such permission.

Governor in Council may direct the closing of any place for the disposal of the dead.

438. (1) If, from information furnished by competent persons and after personal inspection, the commissioner shall at any time be of opinion :

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, or

(b)

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health, he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(2) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the *Bombay Government Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(3) On the expiration of two months from the date of any such order of the Governor in Council, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof in the Maráthi, Gujaráti and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

439. (1) If, after personal inspection, the commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead which has been closed under the provisions of the last preceding section or under any other law or authority, has, by lapse of time, become no longer injurious to health and may, without risk of danger, be again used for the said purpose, he may submit his said opinion, with the reasons, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

Governor in Council may sanction the re-opening of places which have been closed for the disposal of the dead.

(2) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification



fication published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

Burials within places of worship and exhumations not to be made without the permission of the commissioner.

440. (1) No person shall, without the written permission of the commissioner under sub-section (2):

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;

(c) build, dig or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;

(d) exhume any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead.

Act X of 1882.

(2) The commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Governor in Council may from time to time make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure, 1882.

Act X of 1882.

441. No person shall:

(a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently

Acts prohibited in connection with the disposal of the dead.

decently covered, or without taking such precautions to prevent risk of infection or injury to the public health as the commissioner may, by public notice, from time to time think fit to require ;

(c) except when no other route is available, carry a corpse or part of a corpse along any street, along which the carrying of corpses is prohibited by a public notice issued by the commissioner in this behalf ;

(d) remove a corpse or part of a corpse which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street, without urgent necessity ;

(f) bury or cause to be buried any corpse or part of a corpse, in a grave or vault or otherwise, in such manner as that the surface of the coffin or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground ;

(g) build or dig or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault ;

(h) build or dig or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the commissioner ;

(j) without the written permission of the commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied ;

(k) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground ;

(l)

(1) when burning or causing to be burnt any corpse or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse, to be removed or to remain on or near the place of burning, without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

*Registration of births and deaths.*

Appoint-  
ment of  
registrars.

442. For the purpose of registering births and deaths, the commissioner shall divide the city into such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be registrar of births and deaths of each such district.

Registrars  
to reside  
in their  
respective  
districts.

443. (1) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of \_\_\_\_\_" to be affixed in some conspicuous place at or near the outer door of his place of abode.

(2) A list showing the name and place of abode of every registrar in the city shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

register-  
books to be  
published.  
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444. The commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

445. (1)

445. (1) Each registrar shall inform himself <sup>Registrars</sup> carefully of every birth and death which shall <sup>to inform</sup> happen in his district and of the particulars <sup>themselves</sup> concerning the same required to be registered <sup>of all births</sup> according to the forms in the said schedules and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer. <sup>and deaths.</sup>

(2) Other municipal officers, besides the registrars, may be appointed with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar of the said district or to such other person as the commissioner directs.

446. (1) It shall be the duty of the father and mother of every child born in the city and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar or other municipal officer appointed under section 445, within seven days after such birth, information of the particulars required to be registered concerning such birth: <sup>Informa-  
tion of birth  
to be given,  
within  
seven days.</sup>

(2) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall <sup>Saving f  
father of  
illegiti  
child,</sup>

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in such case sign the register together with the mother.

Information respecting finding of new-born child to be given.

447. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of the dead.

448. (1) For every place for the disposal of the dead registered in the register kept under section 435, a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

Information of death to be given at the time when the corpse of the deceased is disposed

449. (1) It shall be the duty of the nearest relatives of any person dying in the city present at the death or in attendance during the last illness of the deceased and, in default of such relatives, of each person present at the death and of the occupier of the premises in which, to his knowledge, the death took place and, in default of the persons herein before in this section mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

Accompanied with the de

(2)