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BOMBAY



Index to the Acts of the Local
Legislature of the Bombay Presi-
dency in the Year 1927

[Price—Annas 2 or 3d.]

BOMBAY
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**Titles of Acts of the local Legislature of the Bombay Presidency
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- I.—An Act further to amend the Bombay City Municipalities Act, 1925.
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- XVII.—An Act to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency.

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**Index to the Acts of the local Legislature of the Bombay Presidency
in the year 1927**

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	Year	Act	Section	Sub-section
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	Year	Act	Section	Sub-section
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BOMBAY ACT No. I OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 24th March 1927.)

An Act further to amend the Bombay City Municipalities Act, 1925.

WHEREAS the term of office of certain municipalities to which the Bombay City Municipalities Act, 1925, applies has expired and no fresh elections have been held for the constitution of the municipalities in accordance with the provisions of the said Act ;

And whereas it is expedient to remove certain doubts which have been expressed as to the legality of any further extension under the said Act of the term of office of such municipalities and to validate the acts and proceedings of such municipalities done or purporting to have been done in good faith after the expiry of their term of office ;

And whereas it is expedient to amend the said Act in manner hereinafter appearing ;

It is hereby enacted as follows:—

1. This Act may be called the Bombay City Municipalities (Amendment) Act, 1927. Short title.

2. To section 4 of the Bombay City Municipalities Act, 1925, hereinafter called the said Act, the following sub-section shall be added, namely :— Amendment of section 4 of Bom. XVIII of 1925.

“(4) Save where it is otherwise provided in this Act, when a municipality ceases to exist on account of its members ceasing to hold office, or for any other reason whatsoever, the property and rights vested in the municipality shall, subject to all charges and liabilities affecting the same, vest in His Majesty, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipality had jurisdiction.” Property and rights of municipalities which have ceased to exist to vest in Government.

[Price—Pies 6 or 1d.]

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Amendment
of section 24
of Bom.
XVIII of
1925.

3. To sub-section (1) of section 24 of the said Act the following proviso shall be added, namely:—

“ Provided that—

(a) Government may, by a notification in the *Bombay Government Gazette* and subject to the other provisions of this Act, extend the term of office of any municipality for a period up to a date not later than the thirty-first day of December 1927;

(b) any notification issued under proviso (a) after the expiry of the term of office of any municipality constituted under the Bombay District Municipal Act, 1901, and before the thirty-first day of May 1927 shall be deemed to have been issued and to have had effect as from the date of expiry of the term of office of such municipality; and any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued or imposed under the Bombay District Municipal Act, 1901, by any such municipality so far as is not inconsistent with the provisions of this Act shall be deemed to be valid and to have been made, issued or imposed under this Act and shall continue in force unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued or imposed under this Act.”

New section
24A.

4. After section 24 of the said Act the following section shall be inserted, namely:—

Validation of
acts of
expired
municipa-
lities.

“24A. Any municipality of a municipal borough included in Schedule I which has not been constituted in accordance with the provisions of this Act and the rules made thereunder shall, save where it is otherwise provided in this Act, be deemed not to have been duly constituted and its members, both elected and nominated, shall be deemed not to have been duly elected and nominated.”

BOMBAY ACT No. II OF 1927

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 25th March 1927.)

An Act further to amend the Indian Stamp (Bombay Amendment) Act, 1922.

WHEREAS it is expedient further to amend the Indian Stamp (Bombay Amendment) Act, 1922, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act, 1919, and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Stamp (Bombay Amendment) Act, 1927. Short title.

2. This Act shall come into force on the 1st day of April 1927: Commencement.

3. In clause (iii) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, hereinafter called the said Act, the word "six" shall be substituted for the word "five". Amendment of section 1 of Bom. II of 1922.

4. After section 1 of the said Act the following sections shall be inserted, namely:— New sections 1-A and 1-B of Bom. II of 1922.

of 1922. "1-A. In sub-section (1) of section 4, and in the proviso to section 6 of the Indian Stamp Act, 1899, hereinafter called the said Act, for the words 'one rupee' the words 'two rupees' shall be substituted. Amendment of sections 4 and 6 of II of 1899.

"1-B. For the proviso to sub-section (4) of section 28 of the said Act the following shall be substituted, namely:— Amendment of section 28 of II of 1899.

'Provided that notwithstanding anything contained in article 23 of Schedule I the duty

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on such last-mentioned conveyance shall in no case be less than two rupees.' ”

Amendment
of section 2 of
Bom II of
1922

5. In section 2 of the said Act for the words “the Indian Stamp Act, 1899, hereinafter called ‘the said Act’ ” the words “the said Act ” shall be substituted.

Amendment
of section 4 of
Bom II of
1922.

6. After clause (c) of section 4 of the said Act the following clauses shall be inserted, namely :—

“(d) in clause (a) in column 1 of article 25 for the words ‘one rupee’ the words ‘two rupees’ shall be substituted; and

(e) in the proviso in column 2 of article 35, in provisos (a) and (c) in column 2 of article 45, and in the proviso in column 2 of article 58 for the words ‘eight annas’ the words ‘one rupee’ shall be substituted.”

BOMBAY ACT No. IV OF 1927

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd April 1927.)

.An Act to amend the City of Bombay Improvement Trust Transfer Act, 1925.

WHEREAS it is expedient to amend the City of Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Improvement Trust Transfer (Amendment) Act, 1927. Short title.

2. In section 19 of the City of Bombay Improvement Trust Transfer Act, 1925, the words "or of a Sub-Committee" and the words and figures "Rs. 15 for every meeting of a sub-committee of which such member attending is a member, convened under sub-section (2) of section 21" shall be deleted. Amendment of section 19 of Bom. XVI of 1925.

[Price—Pies 6 or 1d.]

BOMBAY ACT No. V OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 2nd September 1927.)

An Act further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

Bom. XVI of 1925. WHEREAS it is expedient further to amend the City of Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) of the S & G Geo. V, c. 61. Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Improvement Trust Transfer (Amendment No. 2) Act, 1927. Short title.

Bom. XVI of 1925. 2. Section 19 of the City of Bombay Improvement Trust Transfer Act, 1925, hereinafter called the said Act, shall be repealed. Repeal of section 19 of Bom. XVI of 1925.

• 3. After section 66 of the said Act the following section shall be inserted, namely :— Insertion of new section 66-A in Bom. XVI of 1925.

Bom. IV of 1898. "66-A. (1) On the expiry of the period mentioned in sub-section (2) of section 66, and notwithstanding anything contained in the said sub-section, all references made to the Tribunal of Appeal under the City of Bombay Improvement Act, 1898, and pending before the Tribunal on the date of such expiry, and all moneys, securities and other properties in the custody of or held, or controlled by the Tribunal, and all papers, documents, vouchers, books, records and proceedings of the Tribunal shall be transferred to the High Court on its Original Side. Further provision regarding pending references.

[Price—Pies 6 or 1d.]

(2) All such references, moneys, securities, properties, papers, documents, vouchers, books, records and proceedings shall, when so transferred, be disposed of by the High Court, as nearly as may be, in accordance with the provisions of this Act and the provisions of this Act shall, so far as may be, apply to them, as if they had been made, held or controlled in accordance with this Act."

BOMBAY ACT No. VI OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 19th September 1927.)

An Act further to amend the Aden Civil and Criminal Justice Act, 1864.

II of 1864. WHEREAS it is expedient further to amend the Aden Civil and Criminal Justice Act, 1864, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 and 6 Geo. V, c. 61.

1. This Act may be called the Aden Civil and Criminal Justice (Amendment) Act, 1927. Short title.

II of 1864. 2. In section 1 of the Aden Civil and Criminal Justice Act, 1864, hereinafter referred to as the said Act, the words "words importing the singular number include the plural number, and words importing the plural number include the singular number; words importing the masculine gender include females" shall be repealed. Amendment of section 1 of Act II of 1864.

V of 1908. 3. In section 5 of the said Act for the words "Code of Civil Procedure" the words and figures "Code of Civil Procedure, 1908" shall be substituted. Amendment of section 5 of Act II of 1864.

4. For section 11 of the said Act, the following shall be substituted, namely:— Substitution of a new section for section 11 of Act II of 1864.

"11. The parties to any suit or proceeding or the accused in any criminal case or proceeding in the Court of the Resident and other Civil and Criminal Courts in Aden or in the High Court may appear and be heard in person or by an advocate, pleader or attorney." Parties may appear and be heard in person or by pleader.

[Price—Pies 6 or 1d.]

New section
18A.

5. After section 13 of the said Act the following section shall be inserted, namely:—

Appointment
and civil
jurisdiction
of the Judicial
Assistant to
the Resident.

“13A. (1) The Governor of Bombay in Council may appoint any Assistant Resident to be Judicial Assistant to the Resident.

(2) Subject to the provisions of this Act the Judicial Assistant shall exercise the same civil jurisdiction as is conferred by this Act on the Resident and the provisions of sections 6, 7, 8, 9, 10, 12, 14, 15 and 16 of this Act shall apply to him in the same way and to the same extent as they do to the Resident.

(3) The Judicial Assistant shall try such cases and hear such appeals and dispose of such applications for revision as the Resident may by general or special order refer to him for disposal.

(4) No appeal shall lie under section 5 from any decision or order of the Judicial Assistant.”

Amendment
of section 14
of Act II of
1864.

6. In section 14 of the said Act,

(a) For the words, figures and brackets—

“Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Court of Judicature established by Royal Charter*)”

the following words and figures shall be substituted, namely:—

“the Provincial Small Causes Courts Act, IX of 1887. 1887”; and

(b) the word and figures “XLII of 1860” wherever they occur, shall be repealed.

Amendment
of section 16
of Act II of
1864.

7. In section 16 of the said Act for the words “the Code of Civil Procedure” the words and figures “the Code of Civil Procedure, 1908” shall be substituted.

V of 1908.

Substitution
of a new
section for
section 18 of
Act II of
1864.

8. For section 18 of the said Act, the following shall be substituted, namely:—

District and
Subordinate
Magistrates.

“18. (1) The Governor of Bombay in Council may invest any Assistant Resident with the powers of a District Magistrate, or may invest any Assistant Resident or any other person with

V of
1898.

the powers of a Magistrate of the first, second or third class, as described in the Code of Criminal Procedure, 1898, and such Assistant Resident or such other person so invested shall exercise such powers subject to the provisions of this Act.

(2) The Governor in Council may from time to time define the local area within which any Assistant Resident or any person invested with the powers of a Magistrate as aforesaid may exercise all or any of the powers with which they may respectively be invested under the said Code.

(3) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district."

9. After section 18 of the said Act, the following sections shall be inserted, namely :—

New sections
18A, 18B,
18C, 18D and
18E.

V of
1898.

"18A. The Governor in Council may confer on any person all or any of the powers conferred or conferrable by or under the Code of Criminal Procedure, 1898, on a Magistrate of the first, second or third class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area.

Special
Magistrates.

Such Magistrates shall be called Special Magistrates, and shall be appointed for such term as the Governor in Council may by general or special order direct.

18B. The Governor in Council may direct any two or more Magistrates to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under the said Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Governor in Council thinks fit.

Benches of
Magistrates.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by the Code of Criminal

Procedure, 1898, on a Magistrate of the highest class to which any of its members who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of the said Code, be deemed to be a Magistrate of such class. V of 1898.

Rules for the guidance of Benches of Magistrates.

18C. The Governor in Council may, or subject to the control of the Governor in Council, the Resident may from time to time make rules consistent with the Code of Criminal Procedure, 1898, for the guidance of Magistrates' Benches respecting the following subjects:— V of 1898.

- (a) the classes of cases to be tried;
- (b) the times and places of sitting;
- (c) the constitution of the Bench for conducting trials;
- (d) the mode of settling differences of opinion which may arise between the Magistrates in session.

Powers may be withdrawn.

18D. The Governor in Council may withdraw all or any of the powers conferred on any person under the Code of Criminal Procedure, 1898. V of 1898.

Sentences, etc, passed prior to this Act.

18E. In all cases in which, prior to the commencement of this Act, all or any of the powers conferrable by the Governor in Council under sections 18, 18A and 18B of this Act have been exercised by any person duly authorized by the Governor in Council to exercise such powers, the powers shall be deemed to have been conferred on such person under this Act from the date on which such person began to exercise such powers and all notifications published, powers conferred, local limits defined, orders and appointments made, sentences passed and acts done shall be deemed to have been respectively published, conferred, defined, made, passed and done under this Act."

Substitution of a new section for section 19 of Act II of 1864.

10. For section 19 of the said Act, the following shall be substituted, namely:—

Appeal and Revision.

"19. (1) An appeal shall lie to the Resident from the judgment or order of a District Magistrate or a First Class Magistrate, except in cases

in which the punishment awarded is imprisonment for a period of not more than two months with or without fine or a fine not more than five hundred rupees.

(2) An appeal from a judgment or order of any magistrate of the second or third class, where such appeal is allowed by the Code of Criminal Procedure, 1898, shall lie to the Resident.

V of
1898.

(3) The Resident may, in all cases within the period allowed for appeal in appealable cases, call for any proceedings whatever of any magistrate at any stage thereof and may pass such order thereon as he may think fit."

11. In sections 20, 23 and 27 of the said Act, for the words "Code of Criminal Procedure" the words and figures "Code of Criminal Procedure, 1898" shall be substituted.

Amendment
of sections 20,
23 and 27 of
Act II of
1864.

V of
1898.

12. In section 22A of the said Act,—

Amendment
of section 22A
of Act II of
1864.

(a) in sub-section (2) for the words "provisions of this Act regarding criminal procedure" the words "provisions of sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of this Act regarding criminal procedure" shall be substituted;

(b) in sub-section (3) the following words shall be inserted at the beginning:—

"subject to the provisions of sub-section (4)";

(c) for sub-section (4) the following shall be substituted, namely:—

"(4) The powers of the Resident under section 19 of the Act shall not be exercisable by an Assistant Resident when exercising the powers of a Court of Session: Provided that when such Assistant Resident is the Judicial Assistant to the Resident he shall have and may exercise all the powers of the Resident under the said section in respect of any case which may be transferred to him by or under any general or special order of the Resident."

Amendment
of section 31
of Act II of
1864.

13. In section 31 of the said Act,

(a) for the words "Court of the Additional Sessions Judge", wherever they occur, the words "Courts of the Additional Sessions Judge and District Magistrates and of Subordinate, Special and Bench Magistrates appointed under sections 18, 18A and 18B" shall be substituted; and

(b) before the words "and also" the words "for the admission of proper persons to be advocates, pleaders and attorneys in the Court of the Resident and in the other Civil and Criminal Courts in Aden and for the removal or suspension from practice for misbehaviour of any person so admitted and for prescribing the holidays and vacations of the said Courts" shall be inserted.

New sections
32 and 33 of
Act II of 1864.

14. After section 31 of the said Act the following sections shall be inserted, namely:—

Power to
make rules.

"32. (1) The Resident may, from time to time, with the sanction of the Governor in Council, make rules consistent with this Act,—

(a) declaring what persons shall be permitted to act as petition writers in the Courts subordinate to him;

(b) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them;

(c) providing a penalty of fine not exceeding Rs. 50 for the breach of any of the rules so made and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every fine imposed under clause (c) of sub-section (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.

Process fees.

"33. The Resident may, from time to time, with the sanction of the Governor in Council, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act or by any officer of such Court.

Tables of fees so prescribed shall be published in the Government Gazette."

BOMBAY ACT No. VII OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th September 1927.)

An Act further to amend the Dekkhan Agriculturists' Relief Act, 1879.

XVII
of
1879. WHEREAS it is expedient further to amend the Dekkhan Agriculturists' Relief Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Dekkhan Short title.
Agriculturists' Relief (Amendment) Act, 1927.

XVII
of
1879. 2. In section 35 of the Dekkhan Agriculturists' Amendment
of section 35
of Act XVII
of 1879.
Relief Act, 1879:—

(a) for the word, letter and brackets "clause (w)", the words, letters and brackets "clauses (w) and (x)" shall be substituted; and

(b) for the word, "ten" the word "twenty-five" shall be substituted.

[Price—Pies 6 or 1d.]

BOMBAY ACT No. VIII of 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 12th October 1927.)

An Act to amend the President's Salary Act of 1924.

WHEREAS it is expedient that the President of the Bombay Legislative Council should be a full-time officer of the Council; It is enacted hereby as follows:—

1. This Act may be called the President's Short title Salary (Amendment) Act, 1927.

2. Section 2 of the President's Salary Act, Amendment of section 2 of Bom. XII of 1924. 1924, shall be re-numbered 2 (1), and the following Bom. XII of 1924. sub-section shall be inserted as sub-section (2) of the said section, namely:—

"(2) He shall not during the tenure of his office practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as President of the Legislative Council."

[Price—Pies 6 or 1d.]

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

BOMBAY ACT No. IX of 1927

(First published after having received the assent of the Governor General in the "Bombay Government Gazette" on the 1st November 1927)

An Act to amend certain enactments and to repeal certain other enactments

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule; And whereas it is also expedient that certain enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed; It is hereby enacted as follows:—

1. This Act may be called the Bombay Repealing and Amending Act, 1927. Short title.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendments of certain enactments.

3. The enactment specified in the Second Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; Savings.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted or the proof of any past act or thing;

[Price—Pics 6 or 1d.]

nor shall this Act affect any principle or rule of law or established jurisdiction, form or course of pleading, practice or procedure or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

AMENDMENTS

(See section 2)

Year	Number	Short title	Amendments			
			<i>Act of the Governor-General in Council.</i>			
1869 .	XIV	The Bombay Civil Courts Act, 1869.	In the proviso to section 23 for the word "ten" the word "eighteen" shall be substituted.			
			<i>Acts of the Governor of Bombay in Council.</i>			
1923 .	XI	The Bombay Prevention of Prostitution Act, 1923	In clause (d) of sub-section (1) of section 13 for the word "clause" the word "section" shall be substituted.			
1925 .	VIII	The Bombay Securities Contracts Control Act, 1925.	In section 6 for the figure "4" the figure "5" shall be substituted			
1926 .	III	The Courts-fees (Bombay Amendment) Act, 1926.	In article 18 in Schedule II in section 4. for entries (b) and (c) the following shall be substituted.—			
			<table border="0"> <tr> <td style="vertical-align: top;"> <p>"(b) For probate or letters of administration or for revocation thereof under the Indian Succession Act 1925.</p> <p>(c) For a certificate under the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827.</p> </td> <td style="vertical-align: top; padding-left: 10px;"> <p>When the amount or value of the Estate does not exceed two thousand rupees. Two rupees.</p> <p>When it exceeds two thousand rupees but does not exceed five thousand rupees Five rupees.</p> <p>When it exceeds five thousand rupees .. Ten rupees."</p> </td> <td style="vertical-align: top; padding-left: 10px;"> <p>XXXIX of 1925.</p> <p>XXXIX of 1925.</p> </td> </tr> </table>	<p>"(b) For probate or letters of administration or for revocation thereof under the Indian Succession Act 1925.</p> <p>(c) For a certificate under the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827.</p>	<p>When the amount or value of the Estate does not exceed two thousand rupees. Two rupees.</p> <p>When it exceeds two thousand rupees but does not exceed five thousand rupees Five rupees.</p> <p>When it exceeds five thousand rupees .. Ten rupees."</p>	<p>XXXIX of 1925.</p> <p>XXXIX of 1925.</p>
<p>"(b) For probate or letters of administration or for revocation thereof under the Indian Succession Act 1925.</p> <p>(c) For a certificate under the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827.</p>	<p>When the amount or value of the Estate does not exceed two thousand rupees. Two rupees.</p> <p>When it exceeds two thousand rupees but does not exceed five thousand rupees Five rupees.</p> <p>When it exceeds five thousand rupees .. Ten rupees."</p>	<p>XXXIX of 1925.</p> <p>XXXIX of 1925.</p>				
1926 ...	IX	The Bombay Prevention of Prostitution (Amendment) Act, 1926.	In clause (a) in section 6 for the word. figures and brackets " clause 33 (4) " the word. figures and brackets " section 33 (4) " shall be substituted.			

THE SECOND SCHEDULE

REPEAL

(See section 3)

Year	Number	Short title	Repeal
1923	VII	The Bombay Boiler Inspection (Amendment) Act, 1923.	The whole Act.

BOMBAY ACT No. X OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 3rd November 1927.)

An Act further to amend the Bombay Local Boards Act, 1923.

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a. V.
61.
WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, in manner hereinafter appearing: And Whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Local Boards (Amendment) Act, 1927. Short title.

om.
l of
23.
2. To section 27 of the Bombay Local Boards Act, 1923, hereinafter called "the said Act," the following proviso shall be added, namely:— Amendment of section 27 of Bom. VI of 1923.

"Provided further that, where no meeting for the purpose of such election has been held within fifteen days from the expiry of the term of office, the Collector may exercise the powers of the president for the purpose of calling such meeting."

3. Section 29 of the said Act shall be renumbered "29 (1)", and the following shall be added as sub-section (2):— Amendment of section 29 of Bom. VI of 1923.

"(2) The vice-president may resign his office as vice-president by giving notice in writing to the president. The president may resign his office as president by giving notice in writing to the Commissioner." Resignation of president and vice-president.

4. In sub-section (1) of section 40 of the said Act, Amendment of section 40 of Bom. VI of 1923.

(i) the word "and" occurring after the word "therein" shall be deleted;

.[Price—Pies 6 or 1d.]

(ii) after the word "board" where it occurs for the first time the following words shall be inserted, namely :—

"and, in the case of educational matters, when the chairman of the school board is not a member of the district local board, such chairman or the vice-chairman or the administrative officer of the school board or, when the chairman is a member of the district local board but is for any reason unable to be present, the vice-chairman or the administrative officer of the school board"; and

(iii) in the proviso to the said sub-section for the word "officers" the word "persons" shall be substituted.

Insertion of a new section 45-A in Bom. VI of 1923.

5. After section 45 of the said Act the following section shall be inserted, namely :—

Repairs not to be commenced without plans and estimates.

"45-A. No work of repairs shall be commenced unless a detailed estimate of the cost of such work has been approved by the local board and in the case of a work of which the total cost is to exceed three thousand rupees, plans and estimates have either been prepared or approved by the Government Executive Engineer of the district, or by an engineer employed by the board and approved by the Government."

Amendment of section 50 of Bom. VI of 1923.

6. In section 50 of the said Act after clause (m) the following clause shall be inserted, namely :—

"(mm) the construction, maintenance, management, organisation or purchase of telephone lines, or the guaranteeing of payment of interest on money expended for the construction of a telephone line, provided however that, when the line extends beyond the limits of the area subject to the authority of the local board, the previous sanction of the Commissioner is necessary."

Insertion of a new section 61A in Bom. VI of 1923.

7. After section 61 of the said Act, the following section shall be inserted, namely :—

Obstructions and encroachments upon public roads, land or building.

"61A. (1) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of, a local board, shall build, or set up, any wall or any fence, rail,

post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall be punished with fine which may extend to twenty-five rupees.

(2) The local board shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provided that, before proceeding to remove any such obstruction or encroachment, the local board shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(3) Nothing contained in this section shall prevent a local board from allowing any temporary occupation of or erections on any public road, which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than a week and in such manner as not to inconvenience the public or any individual."

8. To section 82 of the said Act, the following proviso shall be added, namely:—

Amendment
of section 82
of Bom. VI
of 1923.

"Provided that in the case of expenditure from the local fund for educational purposes such payments shall be made in accordance with the provisions of the Bombay Primary Education Act, 1923, and of the rules made thereunder."

am
of
13.

9. In clause (b) of sub-section (1) of section 89 of the said Act—

Amendment
of section 89
of Bom. VI
of 1923.

(a) the words "whether" and "or repair" shall be deleted;

(b) after the word "have" the word "either" shall be inserted;

(c) to the said clause the following proviso shall be added, namely :—

" Provided that the Government may, in any case, for special reasons direct that the provisions of this clause shall not apply."

Amendment
of section 92
of Bom. VI
of 1923

10. For sub-section (3) of section 92 of the said Act, the following shall be substituted, namely :—

" (3) The report of the auditor on each local board shall be sent to each board concerned and to the Collector and shall be published in the *Bombay Government Gazette*. Every local board shall publish the report and audit notes with the replies thereto in its administrative report and in a local newspaper selected by the board. A copy of the report on every taluka local board shall also be sent to the district local board of the district."

Amendment
of section 93
of Bom. VI
of 1923.

11. In section 93 of the said Act,

(i) in sub-section (1),

(1) after the word "cess" where it occurs for the first and third times the words "at the rate" shall be inserted;

(2) (a) for the word "and" occurring at the end of clause (a) a comma shall be substituted;

(b) for the mark ":" occurring at the end of clause (b) the mark and word ",and" shall be substituted; and

(c) after clause (b) the following shall be inserted, namely :—

" (c) every sum which would have been assessable on any land as land revenue had the land not been talukdari land :"

(3) after the word "that" in the proviso the words "the rate of" shall be inserted; and

(4) after the proviso the following further proviso shall be inserted, namely :—

“ Provided further that no cess shall be levied on sums below four annas, and that the amount of the cess shall, if not a multiple of three pies, be increased to the next highest multiple of three pies.”; and

(ii) in sub-section (2) for the words “ in which the Government has declared that famine exists ” the words “ subject to the authority of such local board ” shall be substituted.

12. In the proviso to section 122 of the said Act after the word “ president ” where it occurs for the first time, the following words shall be added, namely :—“ or to its Chief Officer ”.

Amendment of section 122 of Bom. VI of 1923.

13. For section 137 of the said Act, the following section shall be substituted, namely :—

Substitution of a new section for section 137 of Bom. VI of 1923.

“ 137. When any land is required for the purposes of this Act, the Government may, on the request of the local board requiring it, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, or other law for the time being in force, and, on payment by the local board of the compensation awarded under that Act, and of all other charges incurred by the Government on account of the acquisition, the land shall vest in the local board.”

Acquisition of land.

1 of 804.

BOMBAY ACT No. XI OF 1927

(First published, after having received the assent of the Governor General in the "Bombay Government Gazette" on the 13th December 1927)

An Act further to amend the Bombay District Police Act, 1890

Bom. IV of 1890.
S & 6 Geo. V, c. 61. WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay District Police (Amendment) Act, 1927. Short title

Bom. IV of 1890 2. In clause (b) of section 3 of the Bombay District Police Act, 1890, hereinafter called the said Act, after the word "Act" the words "and shall include, subject to the provisions of sub-section (2) of section 22-A, an additional police officer" shall be inserted. Amendment of section 3 of Bom. IV of 1890.

3. After section 22 of the said Act the following section shall be inserted, namely:— New section 22-A of Bom. IV of 1890.

"22-A. (1) Any District Superintendent may in his discretion appoint, for such time and on such pay, and of such rank or grade, as he shall think fit, additional police officers to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,— Power to appoint additional police officers.

(a) on the application of any person, at the charge of such person, or

(b) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.

[Price—Pies 6 or 1d.]

(2) Every additional police officer so appointed shall, on appointment,—

(a) receive a certificate in the form of schedule C;

(b) be vested with all or such of the powers, privileges and duties of a police officer as are specially mentioned in the certificate; and

(c) be subject to the orders of the District Superintendent.

Notice to be given for discontinuance

(3) In any case in which such police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the District Superintendent of such notice or on the expiry of such shorter period as the District Superintendent may fix, the appointment of such police officers shall cease.

Payments to be accounted for.

(4) All moneys received by the District Superintendent for the payment of any such additional police officers shall be accounted for by him.

Disputes as to payment of cost.

(5) In the event of any dispute in any case under this section the decision of the District Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the District Superintendent, be recovered by the Collector from such person as an arrear of land revenue."

New section 51A of Bom. IV of 1890.

4. After section 51 of the said Act the following section shall be inserted, namely:—

When police may arrest without a warrant.

"51A. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 4, 5 or 6 of the Prevention of Cruelty to Animals Act, ^{XI of} 1890."

5. After Schedule B to the said Act the following schedule shall be inserted, namely:—

“SCHEDULE C

(See section 22-A)

*Form of certificate for additional police officer
appointed under section 22-A*



A. B. has been appointed by the District Superintendent of Police to the police of the district of _____ and is vested with the powers, functions and privileges of a police officer under sections _____ of the Bombay District-Police Act, 1890, for the purposes of sections _____

BOMBAY ACT No. XII OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 14th December 1927.)

An Act further to amend the Bombay City Municipalities Act, 1925.

Bom. XVIII of 1925. WHEREAS it is expedient to amend the Bombay City Municipalities Act, 1925, in manner herein-after appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay City Municipalities (Second Amendment) Act, 1927. Short title.

2. In the proviso (a) to section 24, substitute "1928" for "1927". Amendment of section 24 of Bom. XVIII of 1925.

[Price—Pies 6 or 1d.]

BOMBAY ACT No. XIII OF 1927

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 14th December 1927)

An Act further to amend the Bombay Children Act, 1924

Bom.
XIII
of
1924.
5 and
6 Geo.
V, c.
61.

WHEREAS it is expedient further to amend the Bombay Children Act, 1924, in manner hereinafter appearing: AND WHEREAS the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Children Short title.
(Amendment) Act, 1927.

Bom.
XIII
of
1924.

2. To sub-section (2) of section 7 of the Bombay Amendment
Children Act, 1924, hereinafter called the said Act, of section 7
the following proviso shall be added, namely:— of Bom. XIII
of 1924.

“Provided that when the Court is presided over by a salaried Presidency Magistrate, such examination need not be reduced to writing, but the Court may, if it thinks fit, before the matter is brought before it, require the matter to be reduced to writing.”

3. For clause (a) of sub-section (1) of section Amendment
51 of the said Act, the following shall be substituted, of section 51
namely:— of Bom. XIII
of 1924.

“(a) if passed by a juvenile court,—

(i) in the City of Bombay, to the Chief Presidency Magistrate; and

(ii) in any other place to which the Act applies, to a District Magistrate.”

[Price—Pies 6 or 1d.]

BOMBAY ACT No. XIV OF 1927

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd December 1927)

An Act further to amend the Bombay Port Trust Act, 1879

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; And Whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1927. Short title.

2. After sub-section (6) of section 22 of the Bombay Port Trust Act, 1879, hereinafter called the said Act, the following shall be inserted, namely:— Amendment of section 22 of Bom. VI of 1879.

“(6-A) for authorizing the payment of contributions to any welfare fund or funds which may be established by the Board for the benefit of the officers and servants appointed under this Act; Contributions to welfare fund.

“(6-B) for authorizing the payment of contributions or appropriations to any special fund or funds which may be established by the Board for any of the purposes of this Act: Contributions or appropriations to special funds.

Provided that no such special fund shall be established without the previous sanction of Government; and the maximum amount to which any such special fund may be allowed to accumulate shall be fixed from time to time by Government.”

[Price—Pics 6 or 1d.]

Amendment
of section 49
of Bom. VI
of 1879.

3. In section 49 of the said Act,—

(a) for clause (I) the following shall be substituted, namely :—

“ (I) (i) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act;

(ii) the contributions, if any, duly authorized to be made,

(a) to any provident fund established by the said officers and servants, or,

(b) to such provident fund, if any, as may be established by the Board for the benefit of such officers and servants and the chairman ;

(c) to such welfare fund or funds, if any, as may be established by the Board for the benefit of such officers and servants ;
Provided that any contribution to a welfare fund established by the Board for the benefit of such officers and servants drawing not less than Rs. 300 a month shall not exceed the amount accruing from the following sources, *viz.* :

(i) fines levied from such officers and servants ;

(ii) unclaimed salaries of such officers and servants ; and

(iii) forfeitures of contributions to the provident fund established by the Board for the benefit of such officers and servants ;

(iii) the contributions or appropriations to such special fund or funds as may be established by the Board for any of the purposes of this Act ; and

(iv) if any such provident fund or welfare fund or special fund be established by the Board, the cost and expenses, if any, which may be incurred by the Board in the conduct and administration thereof ;”

(b) the following proviso shall be added to the said section, namely :—

“ Provided also that the Board shall have power and shall be deemed always to have had power at any time to apply, with the sanction of the Government, the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section.”

4. In section 50 of the said Act,—

Amendment
of section 50
of Bom. VI
of 1879

(a) the following shall be added to clause (3), namely :—

“ or welfare fund ; ” and

(b) the following shall be inserted as clause (6), namely :—

“ (6) the payment of contributions or appropriations to any special fund or funds established by the Board under the provisions of this Act to which the Board consider contributions or appropriations should be made from the pilotage account as well as or instead of from the General Account.”

BOMBAY ACT No. XV OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 10th January 1928.)

An Act to amend the Bombay Primary Education Act, 1923

Bom
IV of
1923

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1927. Short title.

Bom
IV of
1923.

2. In sub-section (1) of section 9 of the Bombay Primary Education Act, 1923, for the words "on the recommendation" the words "after inviting and considering the suggestions, if any," shall be substituted. Amendment of section 9 of Bom. IV of 1923.

[Price—Pies 6 or 1d.]

BOMBAY ACT No. XVI OF 1927.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 10th January 1928.)

An Act to amend the Mahul Creek (Extinguishment of Rights) Act, 1922.

Bom.
IV of
1922. WHEREAS it is expedient to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Mahul Creek Short title. [Extinguishment of Rights] (Amendment) Act, 1927.

Bom.
IV of
1922. 2. In the preamble and section 2 of the Mahul Creek (Extinguishment of Rights) Act, 1922, hereinafter called the said Act, the words "tidal rights and" shall be repealed. Amendment of preamble and section 2 of Bom. IV of 1922

3. The amendments made by section 2 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation: Amendment made by section 2 to have retrospective effect

Provided that if a claim for compensation for loss of tidal rights has been preferred before the Collector of Bombay and the claim has not been adjudicated upon when this Act comes into force, the time during which the proceedings were pending before the Collector shall be excluded in calculating limitation for any suit that may be filed hereafter for damages for interference with such tidal rights.

[Price—Pies 6 or 1d.]

BOMBAY ACT No. XVII OF 1927.

A.C.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 30th January 1928.)

An Act to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency.

WHEREAS it is expedient to provide for the establishment of recognized open markets for the purchase and sale of cotton in the Bombay Presidency, excluding the City of Bombay, Aden and the town of Karachi, and for the better regulation of such markets; And Whereas the previous sanction of the Governor General required by section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Cotton Short title. Markets Act, 1927.

2. This Act shall apply to the whole of the Extent. Presidency of Bombay except the City of Bombay, Aden and the town of Karachi comprising, as from time to time constituted, the municipal district of Karachi, the Port of Karachi and the Cantonments of Karachi and Manora.

3. In this Act, unless there is anything Definitions. repugnant in the subject or context,—

(i) "Cotton" includes ginned cotton and 'Cotton.'
unginned cotton.

(ii) "Cotton market" means a market estab- 'Cotton
lished under section 4. market.'

(iii) "A grower of cotton" shall not include a 'Grower of
dealer or broker in cotton, although such a cotton.'
person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purpose of this Act, the decision of the Collector of the district in which the person permanently resides shall be final.

[Price—Pics 6 or 1d.]

'Prescribed.'

(iv) "Prescribed" means prescribed by rules or by-laws made under this Act.

Notification
of a cotton
market.

4. (1) The local Government may, after consulting the District Local Board and such other local authorities as they deem necessary or upon a representation made by the District Local Board, by notification in the *Bombay Government Gazette*, declare that any place shall be a cotton market established under this Act.

(2) Every such notification shall define the limits of the cotton market so established, and may, for the purposes of this Act, include within such limits such local area as the local Government may prescribe.

The Market
Committee.

5. For every cotton market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these not less than half shall be persons elected by the growers of cotton of such area as the local Government may prescribe, one shall be a member nominated by the local Government, one shall be elected by the District Local Board of the district in which the cotton market is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the cotton market in such manner as may be prescribed.

Rules.

6. (1) The local Government may, either generally, or specially for any cotton market or group of such cotton markets, make rules consistent with this Act for the purpose of the management and regulation of such cotton markets under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(i) the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election, the preparation and revision

of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members ;

(ii) the powers to be exercised by the cotton market committee ;

(iii) the election of the chairman of such committee and his term of office ;

(iv) the filling of casual vacancies in the offices of members or in the office of chairman of the market committee ;

(v) the management of the cotton market and the prescribing of fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees ;

(vi) the issue by the market committee of licenses to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the cotton market, the form in which, and the conditions under which, such licenses shall be issued, and the fees to be charged for such licenses ;

(vii) the place or places at which cotton shall be weighed or measured, and the kind and description of the scales, weights and measures to be used at such place or places ;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the cotton market ;

(ix) the trade allowances which may be made or received by any person in any transaction in a cotton market ;

(x) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

(xi) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published ;

(xii) the preparation of an annual budget and its submission for sanction, and the reports and

returns which shall be furnished by the market committee ;

(xiii) the disposal of any surplus funds of the market committee ;

(xiv) generally for the guidance of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be subject to previous publication and shall, when made, be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a motion of the said Council tabled at the next session.

By-laws.

7. Subject to any rules made by the local Government under the last preceding section and with the previous sanction of the Commissioner, the market committee may, in respect of the cotton market under its management, make by-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.

Sub-committees and joint committees and delegation of powers.

8. The market committee may appoint one or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

Appointments and salaries of servants of the market committee.

9. (1) The market committee may employ such officers and servants as may be necessary for the management of the cotton market and may pay such officers and servants such salaries as the committee thinks fit. The committee may, in the case of any officer or servant of Government which it employs, pay such pension contribution, gratuity or leave allowance as may be required by the

regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the local Government.

10. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

Contracts how executed.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

11. All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

The market committee fund.

12. Subject to the provisions of section 11 the market committee fund shall be expended for the following purposes only:—

Purposes for which the market committee fund may be expended.

- (i) the maintenance and improvement of the cotton market;
- (ii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;
- (iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee; and

(iv) the expenses of and incidental to elections.

No trade allowance not recognized by custom or rules allowable.

13. No trade allowance, other than an allowance prescribed by rules or by-laws made under this Act, shall be made or received by any person in any transaction in a cotton market established under this Act, and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such cotton market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample, or of deviation from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Market committee to be a body corporate.

14. Every market committee shall be a body corporate by the name of "The Market Committee of" and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act.

Power to borrow.

15. (1) Every market committee may, with the previous sanction of the local Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the local Government.

Supersession of market committee.

16. (1) If in the opinion of the local Government a market committee is not competent to perform, or persistently makes default in the

performance of, the duties imposed on it by or under this Act, or exceeds or abuses its powers, the local Government may, by an order published in the *Bombay Government Gazette*, declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it.

(2) When a market committee has been superseded, all members of the committee shall, as from the date of the order, vacate their offices as members.

(3) When a market committee has been superseded, all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in Government.

Provided that if no new market committee is constituted for the cotton market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the local authority of the area in which the cotton market is situated for the purpose of any object of public utility in the said area.

17. Wherever the local Government has, by a notification under section 4, declared any place to be a cotton market, no person shall, within the limits of such cotton market or within a distance thereof to be notified in the *Bombay Government Gazette* in this behalf in each case by the local Government, except with the sanction in writing of the local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton.

No private market to be opened in or near places declared to be cotton markets.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the premises set apart by the market committee for the purpose of purchase and sale of cotton.

Penalties.

18. Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton, or violates the conditions under which he has been allowed to set up, establish or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500, and, in case of a continuing breach of the provisions of section 17, with fine which may extend to Rs. 100 for each day after the first during which the breach continues.

Offences to be
triable only
by a First
Class
Magistrate.

19. No offence under this Act or under any rule made under section 6 or under any by-law made under section 7 shall be triable by a magistrate other than a magistrate of the First Class.

All fines and damages recovered from an offender shall be paid to the market committee.

Prosecutions under this Act may be instituted by any person duly authorized in writing by the market committee in this behalf.