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Government of Bombay  
Legal Department

# The Bombay Code

## Supplementary Volume

containing

The Unrepealed Acts of the Bombay Legislative Council  
in force in Bombay from 1923 to 1930 inclusive,  
Chronological Tables of Enactments reproduced  
in this Volume and an Index

*SECOND EDITION*

Part I

[Price—Rs. 4 or 6s. 9d.]

BOMBAY  
PRINTED AT THE GOVERNMENT CENTRAL PRESS  
1935

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## PREFACE TO THE SECOND EDITION

THE second revised edition of the Supplementary Volume of the Bombay Code, has been compiled on the same lines as the preceding Supplementary Volume of the said Code. It has been, however, found convenient to divide this revised edition of the Code into two parts, the first part containing Bombay Acts from 1923 to 1930 (inclusive) and the second part containing Bombay Acts from 1931 to 1934 (inclusive). A table of contents has been inserted at the commencement of each new Act, except amending Acts. All Acts are printed as modified up to 31st December 1934.

An index is appended to each part.

COUNCIL HALL, BOMBAY :

*24th January 1935.*

J. R. D.

## PREFACE TO THE FIRST EDITION

THE present edition of the Bombay Code contains Acts passed by the Bombay Legislative Council up to the end of 1922. It was edited and published by the Legislative Department of the Government of India. Since the Reforms the work of publishing the Acts of the Local Legislature has devolved upon the Local Government. Since 1923 the total number of Acts passed by the Bombay Legislative Council has been 132, which include several important Acts such as the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925. These Acts have also undergone amendments on more than one occasion. The need of publishing all the Acts passed since 1923 in one volume is therefore urgent.

This volume contains all the Acts passed by the Local Legislature from 1923 to the end of 1930. As this volume is intended to be a supplement to the volumes of Bombay Code which have been already published, in editing it the system adopted in the main Code has been adhered to. In order to facilitate ready reference to all the changes carried out in any Act, a table has been inserted at the commencement of each Act setting out the number and year of all amending Acts. Another important feature in this volume is that footnotes contain references to notifications and rules issued under the various provisions of the Acts published in this volume. It is hoped that the innovations introduced in this volume will be useful not only to the departments of Government which have to deal with the various Acts published in the volume, but also to the general public.

In preparing this volume for publication, I have to acknowledge with thanks the assistance I received from Rao Saheb R. V. Sule and other members of the Bombay Legislative Council Office.

COUNCIL HALL, BOMBAY :

12th January 1931.

J. R. D.

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LEGISLATIVE COUNCIL.**

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\*The original title of this Act was "The Bombay Totalisator Betting Tax Act, 1925."

†The original title of this Act was "The Bombay City Municipalities Act, 1925."

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# THE BOMBAY ENTERTAINMENTS DUTY ACT, 1923.

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# BOMBAY ACT No. I OF 1923.<sup>[1]</sup>

[THE BOMBAY ENTERTAINMENTS DUTY ACT, 1923]

[13th January 1923]

*Amended by*

Number of Act.	Year.
Bom. Act No. VI .. .. .	1925
Bom. Act No. XIII .. .. .	1931

## An Act to impose a duty in respect of admission to entertainments in the Presidency of Bombay.

WHEREAS it is expedient to provide for the levy of a duty in respect of admission to theatres, cinemas, and other places of public entertainment in the Presidency of Bombay; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Entertainments Duty Act, 1923. Short title, extent and operation.

(2) It extends to the whole of the Bombay Presidency.

(3) It shall come into operation in the first instance only in the city of Bombay, the Ahmedabad municipal district and cantonment, the Surat municipal district, the Poona city and suburban municipal districts, the Poona cantonment, the Sholapur municipal district and the Karachi municipal district and cantonment; but the Governor in Council may by notification<sup>[2]</sup> in the *Bombay Government Gazette* direct that it shall come into operation in any other local area on such date as may be specified in such notification.

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

(a) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;

<sup>[3]</sup>(b) "payment for admission" includes

(i) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required,

(ii) any payment for seats or other accommodation in a place of entertainment,

(iii) any payment for a programme or synopsis of an entertainment, and

(iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment if any for admission to the entertainment;

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Part V, p. 177; for Report of Select Committee, see *ibid.*, 1922, pp. 244-245; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1922, Vol. VII.

[2] This Act came into operation in the Municipal district and the Cantonment of Hyderabad and the Municipal district of Sukkur on 1st October 1929 (*vide Government Notification in the Revenue Department*, No. 2643-E/28, dated 8th July 1929, published in the *Bombay Government Gazette*, 1929, Part I, p. 1531); and in the Kirkee Cantonment area on 1st April, 1930 (*vide Government Notification in the Revenue Department*, No. 7304-E, dated the 28th January 1930, published in the *Bombay Government Gazette*, 1930, Part I, p. 187).

[3] This clause was substituted for the original clause by Bom. XIII of 1931, s. 2.

(c) "proprietor" in relation to any entertainment includes any person responsible for the management thereof; and

(d) "admission to an entertainment" includes admission to any place in which the entertainment is held.

Duty on payments for admission to entertainments.

3. (1) There shall, from the 1st day of February 1923, be levied and paid, to the Government of Bombay, on all payments for admission to any entertainment, a duty (hereinafter referred to as "entertainments duty") at the following rate, namely:—

Where the payment, excluding the amount of the duty, is made for admission to a race-course licensed under the [1]Bombay Race-Courses Licensing Act, 1912, [2]25 per cent. of such payment and in any other case.

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Where the payment, excluding the amount of the duty—

exceeds four annas but does not exceed eight annas	.. One anna ;
exceeds eight annas but does not exceed one rupee	.. Two annas ;
exceeds one rupee but does not exceed two rupees	.. Four annas ;
exceeds two rupees but does not exceed three rupees	.. Six annas ;
exceeds three rupees but does not exceed four rupees	.. Eight annas ;
exceeds four rupees but does not exceed five rupees	.. Twelve annas ;
exceeds five rupees but does not exceed seven rupees eight annas	.. One rupee ;
exceeds seven rupees eight annas but does not exceed ten rupees	.. One rupee eight annas ;

for every five rupees or part thereof in excess of the first ten rupees, in addition to the payment on the first ten rupees .. One rupee.

(2) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission to any entertainment or involving such right of admission without further payment or at a reduced charge, the entertainments duty shall be paid on the amount of the lump sum ;

but where the Governor in Council is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the duty has not been in operation, the duty shall be charged on such an amount as appears to the Governor in Council to represent the right of admission to entertainments in respect of which the entertainments duty is payable.

Method of levy.

4. (1) Save as otherwise provided by this Act no person shall be admitted for payment to any entertainment where the payment is subject to entertainments duty except with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the Governor in Council for the purposes of revenue and denoting that the proper entertainments duty has been paid.

(2) The Governor in Council may, on the application of a proprietor of any entertainment in respect of which the entertainments duty is payable under section 3, allow the proprietor on such conditions as the Governor in Council may prescribe to pay the amount of the duty due—

(a) by a consolidated payment of a percentage, to be fixed by the Governor in Council, of the gross sum received by the proprietor on

[1] Vol. V of Bom. Code.

[2] This figure was substituted for the figure "50" by Bom. VI of 1925, s. 10.

account of payments for admission to the entertainment and on account of the duty ;

(b) in accordance with returns of the payments for admission to the entertainment and on account of the duty ;

(c) in accordance with the results recorded by any mechanical contrivance which automatically registers the number of persons admitted.

(3) The provisions of sub-section (1) of this section and of section 5 shall not apply to any entertainment in respect of which the duty due is payable in accordance with the provisions of sub-section (2).

5. If any person is admitted for payment to any place of entertainment and the provisions of section 4 are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable in respect of each offence to a fine which may extend to rupees five hundred and shall be liable to pay any duty which should have been paid.

Punishment for non-compliance with section 4.

6. (1) Entertainments duty shall not be levied on payments for admission to any entertainment where, in the case of the City of Bombay, the Commissioner of Police, or elsewhere, the District Magistrate, is satisfied that—

Entertainments for charitable or educational purposes exempted : exemption by Government.

(a) the whole of the takings thereof are devoted to philanthropic or charitable purposes without any charge on the takings for any expenses of the entertainment ; or

(b) the entertainment is of a wholly educational character ; or

(c) the entertainment is provided partly for educational or partly for scientific purposes by a society, institution or committee not conducted or established for profit.

(2) Where the Commissioner of Police or the District Magistrate, as the case may be, is satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic or charitable purposes, and that the whole of the expenses of the entertainment do not exceed twenty per cent. of the receipts, the amount of the entertainments duty paid in respect of the entertainment shall be refunded to the proprietor.

(3) The Governor in Council may, by general or special order, exempt any entertainment or class of entertainments from liability to entertainments duty.

7. (1) The Governor in Council may make rules<sup>[1]</sup> for securing the payment of the entertainments duty and generally for carrying into effect the provisions of this Act, and in particular—

Power to make rules.

(a) for the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped ; and for securing the defacement of stamps when used ;

[1] For Rules under this section, see Government Notifications in the Revenue Department, No. 4345-E-III, dated 25th January 1923, published in the *Bombay Government Gazette*, 1923, Part I, pp. 187-192 ; No. 4345-E-III, dated 19th February 1923, published in the *Bombay Government Gazette*, 1923, Part I, p. 378 ; No. 6316/28, dated 24th November 1932, published in the *Bombay Government Gazette*, 1932, Part I, pp. 2661-2662 ; No. 7740/28, dated 20th March 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 688 ; No. 7740/28, dated 8th August 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 1817 ; and No. 69/33, dated 6th November 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 2540.

(b) for the use of tickets covering the admission of more than one person and the calculation of the duty thereon ; and for the payment of the duty on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation ;

(c) for controlling the use of mechanical contrivances (including the prevention of the use of the same mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of mechanical contrivances ;

(d) for the checking of admissions, the keeping of accounts and the furnishing of returns by the proprietors of entertainments in respect of which the duty due is payable in accordance with the provisions of section 4, sub-section (2) ;

(e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund ;

(f) for the keeping of accounts of all stamps used under this Act ;

(g) for the presentation and disposal of applications for exemption from payment of the entertainments duty or for the refund thereof ; and

(h) for the exemption from entertainments duty of British and Indian soldiers and sailors in uniform.

(2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.

(3) Such rules shall be made after previous publication.

Power to enter place of entertainment for purposes of the Act.

8. The Commissioner of Police in the City of Bombay, or the District Magistrate elsewhere, or any officer other than a Police officer below the rank of Head Constable duly authorised by them in this behalf, may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment, at any reasonable time, with a view to seeing whether the provisions of this Act or the rules made thereunder are being complied with.

Recoveries.

9. Any sum due on account of entertainments duty shall be recoverable as an arrear of land revenue.

Delegation of powers by the Governor in Council.

10.[1] Any of the powers and duties conferred or imposed upon the Governor in Council by this Act may be exercised or performed, subject to such conditions as the Governor in Council may prescribe, by any person whom the Governor in Council may by general or special order empower in this behalf.

[1] For Notification under this section, see Government Notification in the Revenue Department, No. 4345-E-II, dated the 16th January 1923, published in the *Bombay Government Gazette*, 1923, Part I, p. 133 ; also No. 7230-E, dated the 17th December 1923, published in the *Bombay Government Gazette*, 1923, Part I, p. 2975.

**BOMBAY ACT No. II OF 1923.<sup>[1]</sup>**

[THE OPIUM (AMENDMENT) ACT, 1923]

[3rd February 1923]

**An Act further to amend the Opium Act, 1878.**

WHEREAS it is expedient further to amend the <sup>[2]</sup>Opium Act, 1878, in its application to the Presidency of Bombay, in manner hereinafter appearing; and WHEREAS the previous sanction of the Governor (General required by clause (e) of 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 Opium (Amendment) Act, 1923. Short title.

2. In section 3 of the <sup>[2]</sup>Opium Act, 1878, hereinafter called the said Act, after the definition of "Magistrate" the following definition shall be inserted, namely:— Interpretation clause.

"Officer in charge of a police station" means and includes, in the City of Bombay, an officer in charge of a section, and "officer in charge of the nearest police station" means and includes, in the City of Bombay, the nearest officer in charge of a section, within the meaning of the <sup>[3]</sup>City of Bombay Police Act, 1902.

3. For section 20 of the said Act, the following sections shall be substituted, namely:— New sections 20 to 20C.

20. Every officer of the department of Salt and Excise not below the rank of Inspector and every officer of the Customs department not below the rank of Preventive officer, who may in right of his office be authorised by the Local Government in this behalf, shall within the area for which he is appointed, exercise powers with regard to offences under this Act, similar to those exercised by an officer in charge of a police station under the Code of Criminal Procedure, 1898. Powers of certain officers of Salt and Excise and Customs Departments with regard to offences.

20A. Every person arrested and thing seized under sections 14, 15 or 19 shall, unless the arrest or seizure has been made by an officer of the department of Salt and Excise or the Customs department authorised under section 20, be forwarded without delay to the nearest such officer, or if there be no such officer within a reasonable distance, to the officer in charge of the nearest police station. Disposal of persons arrested and things seized in certain cases.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Part V, pp. 183-184; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1922, Vol. VII.

[2] General Acts, Vol. II.

[3] Vol. IV of Bom. Code.



Disposal of person arrested by officer of Department mentioned in section 20.

20B. When any person has been arrested under section 14, 15 or 19 by an officer of the department of Salt and Excise or the Customs department authorised under section 20 or been forwarded to him under section 20A, the said officer may detain such person and shall proceed to enquire into the charge against him, and

(a) if he is of opinion that there is sufficient evidence or reasonable ground of suspicion against him, he shall forward him to the nearest Magistrate having power to take cognizance of the offence, or admit him to bail if sufficient bail be tendered for his appearance before the Magistrate; or

(b) if he is of opinion that there is not sufficient evidence or reasonable ground as aforesaid, or that the person arrested may be discharged with a warning, he shall release him on his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

Articles seized by such officer.

20C. When anything has been seized by an officer of the department of Salt and Excise or the Customs department authorised under section 20, or been sent to him under section 20A, such officer, after such enquiry as may be necessary, shall

(a) if it appears that such thing is required as evidence in the case of any person arrested, forward it to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken,

(b) if it appears that it is liable to confiscation but is not required as evidence as aforesaid, send it with a full report of the particulars of the seizure to the Collector.

(c) if no offence appears to have been committed, return it to the person from whose possession it was seized."

## THE BOMBAY PRIMARY EDUCATION ACT, 1923.

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**BOMBAY ACT No. IV OF 1923. [1]**

[THE BOMBAY PRIMARY EDUCATION ACT, 1923]

[22nd February 1923]

*Amended by*

Number of Act	Year.
Bom. Act No. XV .. .. .	1927
Bom. Act No. VI .. .. .	1934

**An Act to provide for compulsory elementary education and to make better provision for the management and control of primary education in the Bombay Presidency.**

WHEREAS it is the declared policy of the Government that universal, free and compulsory elementary education for boys and girls should be reached by a definite programme of progressive expansion and WHEREAS it is expedient to provide for a progressive development and expansion of primary education so as to reach that goal on lines recommended by the Compulsory Education Committee of 1921 appointed by the Government, and WHEREAS it is expedient for this purpose to provide for compulsory elementary education and to make better provision for the management and control of primary education in the Presidency of Bombay and WHEREAS the previous sanction of the Governor General required by clause (e) of 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 & 6,  
Geo.V,  
c. 61.

1. (1) This Act may be called the Bombay Primary Education Act, 1923. Short title and extent.

(2) It extends to the whole of the Bombay Presidency except the City of Bombay.

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

“approved school” means a school or part of a school in which instruction in elementary education is given and which is for the time being approved by the school board or by the Government on appeal from a decision of the school board refusing approval;

“area of compulsion” means the area in which elementary education is compulsory;

to “attend” an approved school means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required by the school board with the approval of the Government;

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Pt. V, pp. 166-167; for Report of the Select Committee, see *ibid.*, pp. 236-237 and for Proceedings in Council, see Council Debates, 1922, Vol. VII.

“child” means a child whose age at the beginning of the school year is not less than six and not more than eleven years ;

“elementary education” means the education from time to time imparted in infant classes and vernacular standards I to IV inclusive as prescribed or sanctioned under section 17 ;

“local authority” means a district local board or a municipality which is authorised by the Government to manage its own schools and includes in the case of Aden, the Executive Committee of Aden ;

“parent” includes a guardian and any person who has the actual custody of a child ;

“prescribed” means prescribed by rules made by the Government for the purposes of this Act.

Constitution  
of school  
boards.

3. (1) For every local authority there shall be a school board. The school board shall be constituted as prescribed and shall consist of not less than seven and not more than nine elected members, if the local authority is a municipality, and not less than nine and not more than sixteen elected members if the local authority is a district local board. The members shall be elected by the local authority and shall, so far as may be, include persons experienced in education, women, representatives of minorities, [1]intermediate classes and scheduled classes and, if the local authority is a district local board, representatives of municipalities in the district which are not local authorities. Such members shall not necessarily be members of the local authority.

*Explanation.*—[2]Intermediate and scheduled classes shall mean classes so declared by the Government.

(2) The Government may appoint not more than three additional members if the local authority is a municipality and not more than four if the local authority is a district local board.

(3) The term of the school board shall be co-extensive with the term of the local authority ; and at the end of such term the members of the school board shall vacate office, provided that they shall continue in office till a new school board is appointed.

(4) Casual vacancies during the terms of the school board shall be filled by election or nomination as the case may be for the remaining period.

Powers and  
duties of  
school  
boards.  
Commence-  
ment.

4.[3] (1) From such date as the Government may direct in this behalf in respect of each school board, and subject to the general control of the local authority, the school board shall exercise and perform such powers and duties as may be enacted in or prescribed under this Act.

(2) The school board shall exercise the powers and perform the duties of the local authority for which it is constituted in respect of primary education and if the local authority is a district local board, it shall also

[1] The words “intermediate classes, and scheduled classes” were substituted for the words “backward classes, and depressed classes” by Bom. VI of 1934, s. 2 (i).

[2] The words “Intermediate and scheduled classes” were substituted for the words “Backward and depressed classes” by Bom. VI of 1934, s. 2 (ii).

[3] For Notifications regarding the dates of transfer of control of primary education to several local authorities, see p. 18 *infra*.

exercise the like powers and perform the like duties of the municipalities in the district which are not local authorities. The school board shall also enforce the provisions of this Act.

(3) The school board shall submit its annual budget and all alterations therein for the sanction of the local authority.

(4) The school board shall further exercise such powers and perform such duties in respect of any educational purpose as may be delegated to it by the local authority or any such municipality as aforesaid.

(5) The school board shall elect its chairman from amongst the members of the board.

5. The school board may from time to time delegate any of its powers and duties to any sub-committee or member or honorary or stipendiary officer of the board; such committee, member or officer shall conform to any instructions that may from time to time be given by the school board; the board may at any time discontinue or alter the constitution of any sub-committee so formed or withdraw any of the powers or duties so delegated. Delegation of duties.

6. [1] (1) Every municipality which is not a local authority shall on a date to be notified by the Government in this behalf transfer to the district local board of the district in which it is situate all primary schools, with their lands, buildings, records and equipment, which vest in it and shall pay over annually to the said district local board for educational purposes such amount as may from time to time be fixed by the Government on the basis of the number of children of the municipal district receiving primary education from the district local board, and the income accruing from any funds (including trust funds) held and all monies received by it for purposes of primary education. Transfer of schools by municipality to district local board; retransfer.

(2) If any such municipality is at any time authorized by the Government to manage its own schools, the district local board of the district shall on a date to be notified by the Government in this behalf transfer to such municipality all primary schools, with their lands, buildings, records and equipment, situated in the area subject to such municipality; and such municipality shall from the aforesaid date no longer be liable to make the payments required by sub-section (1).

7. Where in any municipality a school committee has been appointed under section 28 of the [2]Bombay District Municipal Act, 1901, the control by that committee of primary education shall from a date to be notified by the Government in this behalf cease. Control of primary education by school committee to cease.

8. (1) A local authority shall take over and employ such primary school teachers employed under the Educational Department of the Government as the Government may direct, on the same terms and conditions on which such persons were employed under the said department. Absorption of existing educational staff by local authorities; services of such officers shared by local authorities.

[1] See footnote to section 4 (1) on p. 10 *supra*.

[2] Vol. IV of Bom. Code.

(2) The existing and future rights, liabilities, duties and powers of the Government in respect of such teachers shall vest in and be exercised or performed by the local authority :

Provided (a) that any such teacher shall have a right of appeal to the Government against any order of dismissal ;

(b) that the scales of pay and allowances applicable to such teachers at the time at which they are taken over and employed by the local authority shall not be altered without the previous sanction of the Government.

(3) A local authority shall make such payments to such other local authority as the Government may direct in respect of services rendered to such authority by any teacher taken over by such other authority under the provisions of sub-section (1).

(4) The provisions of this section shall apply to all primary school teachers employed under the Educational Department of the Government on or before the first July 1923 or on or before the date prescribed under section 4, sub-section (1), whichever shall be later.

School Board  
Administrative  
Officer.

9. (1) The local authority shall, [1]after inviting and considering the suggestions, if any[1] of the school board and with the approval of the Government, appoint an officer who shall be called the School Board Administrative Officer. He shall be the chief executive officer of the school board and his pay, powers and duties shall be determined by rules made in this behalf by the local authority and sanctioned by the Government.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors.

Declaration  
by local  
authority of  
intention to  
provide com-  
pulsory  
elementary  
education.

10. (1) A local authority may by resolution declare its intention to provide compulsory elementary education in the whole or any part of the area subject to its jurisdiction in the case of children of either sex or both sexes and, if the local authority is a district local board, in any area subject to the jurisdiction of a municipality situate in the district which is not a local authority and shall submit its proposals to the Government in the form of a scheme.

(2) A local authority, if called upon by the Government so to do, shall within a time to be specified by the Government submit a scheme to provide compulsory elementary education in such area as above as the Government may direct and in the case of children of either sex or both sexes as the Government may specify.

(3) Every local authority shall, within the prescribed period, prepare as complete a programme as possible for the universal introduction of compulsory education within the area subject to its jurisdiction within a definite period.

[1]—[1] These words were substituted for the original words by Bom. XV of 1927, s. 2.

11. The scheme shall contain the following particulars :—

Particulars to be contained in scheme.

- (a) the area of compulsion ;
- (b) a census of children of either sex of both sexes residing within such area and classified by communities and vernaculars ;
- (c) a list of existing and proposed schools indicating the private schools which will be approved schools ;
- (d) a schedule of existing and proposed teaching, inspecting and supervising staff ;
- (e) the manner in which provision will be made for the compulsory elementary education in their vernaculars of the children of all communities in the area of compulsion ;
- (f) the recurring and non-recurring cost of the scheme and how the local authority proposes to meet its share of it ; and
- (g) if there is a municipality which is not a local authority within the area of compulsion, the annual contribution which the municipality in the opinion of the local authority should make.

12. The Government may after such enquiry as shall seem necessary sanction such scheme with or without modification.

Sanction of Government to scheme.

13. (1) If the scheme is sanctioned the Government shall bear half of the additional recurring and non-recurring annual cost of the scheme if the local authority is a municipality and two-thirds of the said cost if the local authority is a district local board ; but the liability of the Government shall not exceed half or two-thirds, as the case may be, as it was estimated by the local authority.

Government to make financial provision for scheme.

(2) Nothing in this section shall affect the claim of any local authority to any annual grant which at the time this Act comes into operation is being paid to it by the Government for purposes of primary education, provided that if the Government consider that the educational fund of any local authority has been or is about to be misused or misapplied, they may call upon such local authority for an explanation of such misuse or misapplication ; and if not satisfied with the explanation given may make such reduction in the grants payable to such local authority as they deem proper.

14. When a scheme has been sanctioned the local authority shall make adequate provision for compulsory elementary education within the area of compulsion and no fee shall be charged in any school within such area managed by the school board in respect of the elementary education of any child.

Duty of local authority.

15. A sanctioned scheme may with the sanction of the Government be withdrawn or from time to time modified by a local authority or may be modified, cancelled or temporarily suspended by the Government.

Modification, etc., of scheme after sanction.

Inspection  
of schools,  
Returns.

16. (1) Every approved school and every primary school maintained or aided by a local authority shall be open during school hours to inspection by the inspecting officers of the Government and of the local authority, for the purpose, in particular, of ascertaining—

(a) whether instruction is given as prescribed or sanctioned under section 17 ;

(b) whether any instruction of a pernicious nature is given ;

(c) whether the provisions of the Act for the compulsory attendance of children are being carried out ; and

(d) whether the prescribed registers and records are being maintained.

(2) The school board in respect of any such school maintained by a local authority, and the manager of any other such school shall furnish such returns and supply such information as the Government or the local authority may from time to time require.

Subjects, curricula, etc., of approved schools.

17. The subjects, curricula, books and standards of teaching of approved schools and other primary schools maintained or aided by a local authority shall be as prescribed but may be altered by the school board with the sanction of the Government to suit local requirements.

Duty of parents to cause children to attend school.

18. In every area of compulsion the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Meaning of reasonable excuse.

19. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—

(a) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause ;

(b) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient, or has received from the school board a certificate of having already completed his elementary education ;

(c) where there is no approved school within a distance to be fixed by the Government in consultation with the school board and measured according to the nearest road, from the residence of the child ;

(d) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under clause (c) until such time as the parent is notified that the child can be admitted ;

(e) where there is no approved school in the locality in which instruction is given in the vernacular of the child ;

(f) where there is no approved school in the locality to which the parent can send the child without exposing it to religious instruction to which the parent objects.



20. (1) Where the school board is satisfied that the parent of any child who is bound under the provisions of section 18 to cause such child to attend an approved school, has failed to do so, the school board, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order. Issue of attendance order.

(2) This power may be delegated by the school board to a person or committee appointed by it.

21. (1) Any parent against whom an order with reference to a child has been passed under section 20 and who fails to comply with the provisions of section 18 with respect to such child on and after the date specified in such order shall, if he resides in a town or village where there is a magistrate, on conviction by such magistrate, and, if he resides elsewhere, on conviction by a revenue or police patel or other person empowered in this behalf by the District Magistrate, be liable to a fine not exceeding two rupees and, if such failure continues after such conviction, he shall also on conviction by such magistrate, patel or person be liable to a fine of eight annas for every day that the failure continues or is repeated. Penalty for failure to cause child to attend school.

(2) No magistrate, patel or person shall take cognizance of an offence under sub-section (1) except on the complaint of the authority or person who passed the order under section 20, or by any person authorised by the said board in this behalf.

22. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 18 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees. Penalty for employing child liable for compulsory education.

(2) No court shall take cognizance of an offence under this section except on the complaint of the school board or the School Board Administrative Officer or any person authorized by the said board or officer in this behalf; and before making any complaint under this section against any person, the school board or the School Board Administrative Officer or such person shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

23. (1) If a fine imposed under section 21 or 22 by a magistrate, patel or person is paid, it shall be credited to the local authority and applied by the said authority for educational purposes. Fines how dealt with.

(2) If such fine be not paid the amount thereof shall be recoverable by the local authority in the same manner as an amount claimed on account of a tax.

24. An appeal from a conviction under section 21 by a patel or person shall lie to the nearest magistrate having jurisdiction in the town or village where the appellant resides. Appeal.

Power to exempt particular classes.

25. The Government may by notification in the *Bombay Government Gazette* exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.

Default by local authority.

26. (1) If a local authority when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory elementary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Government may after due enquiry appoint a person to prepare the scheme or to bring it into operation or to continue to keep it in operation as the case may be, and the expense thereof shall be paid by the local authority to the Government.

(2) If the expense is not so paid the Government may make an order directing any person who has for the time being custody of any moneys on behalf of the local authority either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Rules.

27.[1] (1) The Government may by notification in the *Bombay Government Gazette* make rules regulating—

(a) the exercise and performance of the powers and duties of local authorities, municipalities which are not local authorities, school boards and School Board Administrative Officers and their relations with the Government Educational Department and with each other in educational matters ;

(b) the maximum and minimum pay, the grant of pension or provision of provident funds, the grant of leave and other conditions of service of, to or for the teaching, inspecting and supervising staff employed by a local authority ;

(c) matters to be prescribed under the Act.

(2) Rules made under sub-section (1) shall be made after previous publication.

(3) The local authority may from time to time with the sanction of the Government make regulations not inconsistent with the provisions of this Act and the rules thereunder for carrying out the purposes of this Act ; in particular and without prejudice to the generality of the foregoing provisions, the local authority may make regulations—

(a) including in the curriculum of primary education courses of practical instruction suitable to local needs ;

(b) for the instruction in experimental science, modelling, nature study, manual training, and prevocational work including household science of children of any age receiving primary education ;

(c) for the physical and moral training of children of any age receiving primary education ;

(d) determining the pay and terms of employment of the teaching, inspecting and supervising staff and regulating the administration and management of primary schools ;

[1] For Notifications publishing Rules under this section, see p. 21 *infra*.

(e) for the supply of books, slates and educational requisites to indigent children of any age receiving primary education;

(f) prescribing prevocational courses as a part of upper primary education.

om. 28. The [1]Bombay Primary Education (District Municipalities) Act, 1918, is hereby repealed : Repeal of  
Bom. I of  
1918.

Provided that in any municipal district where a notification under section 3 of that Act has issued the provisions of this Act shall from the date of repeal have effect as though the municipality had followed the procedure described in this Act.

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[1] Vol. V of Bom. Code.

[See footnote to section 4 (I)]

For the dates of transfer of control of primary education to several local authorities, see the following Government Notifications :—

G.N. No. 2272, dated 10th January 1925, published in the *B. G. G.*, Part I, 1925, page 249.

G.N. No. 2272, dated 27th January 1925, published in the *B. G. G.*, Part I, 1925, page 330.

G.N. No. 2272, dated 29th January 1925, published in the *B. G. G.*, Part I, 1925, page 492.

G.N. No. 2272, dated 10th March 1925, published in the *B. G. G.*, Part I, 1925, page 752.

G.N. No. 2515, dated 12th March 1925, published in the *B. G. G.*, Part I, 1925, page 783.

G.N. No. 2515-A, dated 12th March 1925, published in the *B. G. G.*, Part I, 1925, page 783.

G.N. No. 2272, dated 19th March 1925, published in the *B. G. G.*, Part I, 1925, page 994.

G.N. No. 2272, dated 24th March 1925, published in the *B. G. G.*, Part I, 1925, page 994.

G.N. No. 2272, dated 25th March 1925, published in the *B. G. G.*, Part I, 1925, page 1041.

G.N. No. 2272, dated 26th March 1925, published in the *B. G. G.*, Part I, 1925, page 1042.

G.N. No. 2272, dated 4th April 1925, published in the *B. G. G.*, Part I, 1925, page 1042.

G.N. No. 2272, dated 15th April 1925, published in the *B. G. G.*, Part I, 1925, page 1192.

G.N. No. 2272, dated 7th May 1925, published in the *B. G. G.*, Part I, 1925, page 1344.

G.N. No. 2272, dated 9th May 1925, published in the *B. G. G.*, Part I, 1925, page 1423.

G.N. No. 2272, dated 25th May 1925, published in the *B. G. G.*, Part I, 1925, page 1476.

G.N. No. 2272, dated 29th May 1925, published in the *B. G. G.*, Part I, 1925, page 1477.

G.N. No. 2272, dated 29th May 1925, published in the *B. G. G.*, Part I, 1925, page 1522.

G.N. No. 2272, dated 10th June 1925, published in the *B. G. G.*, Part I, 1925, page 1573.

G.N. No. 3608, dated 11th June 1925, published in the *B. G. G.*, Part I, 1925, page 1604.

G.N. No. 2515, dated 15th June 1925, published in the *B. G. G.*, Part I, 1925, page 1605.

G.N. No. 2515, dated 17th June 1925, published in the *B. G. G.*, Part I, 1925, page 1674.

G.N. No. 2515, dated 17th June 1925, published in the *B. G. G.*, Part I, 1925, page 1675.

G.N. No. 2515, dated 16th July 1925, published in the *B. G. G.*, Part I, 1925, page 1999.

G.N. No. 3608, dated 18th July 1925, published in the *B. G. G.*, Part I, 1925, page 1999.

G.N. No. 2272, dated 31st July 1925, published in the *B. G. G.*, Part I, 1925, page 2109.

G.N. No. 2515, dated 8th August 1925, published in the *B. G. G.*, Part I, 1925, page 2146.

G.N. No. 2515, dated 11th August 1925, published in the *B. G. G.*, Part I, 1925, page 2170.

- G.N. No. 2515, dated 19th August 1925, published in the *B. G. G.*, Part I, 1925, page 2237.
- G.N. No. 2272, dated 26th August 1925, published in the *B. G. G.*, Part I, 1925, page 2275.
- G.N. No. 2272, dated 17th September 1925, published in the *B. G. G.*, Part I, 1925, page 2402.
- G.N. No. 2272, dated 2nd October 1925, published in the *B. G. G.*, Part I, 1925, page 2624.
- G.N. No. 2272, dated 28th October 1925, published in the *B. G. G.*, Part I, 1925, page 2794.
- G.N. No. 2515-A, dated 2nd November 1925, published in the *B. G. G.*, Part I, 1925, page 2889.
- G.N. No. 2515, dated 3rd December 1925, published in the *B. G. G.*, Part I, 1925, page 3186.
- G.N. No. 2515-A, dated 7th December 1925, published in the *B. G. G.*, Part I, 1925, page 3187.
- G.N. No. 2272, dated 8th December 1925, published in the *B. G. G.*, Part I, 1925, page 3187.
- G.N. No. 2515-A, dated 18th December 1925, published in the *B. G. G.*, Part I, 1925, page 3268.
- G.N. No. 2272, dated 8th January 1926, published in the *B. G. G.*, Part I, 1926, page 53.
- G.N. No. 3608-A, dated 18th January 1926, published in the *B. G. G.*, Part I, 1926, page 88.
- G.N. No. 2272, dated 25th January 1926, published in the *B. G. G.*, Part I, 1926, page 260.
- G.N. No. 3651, dated 27th January 1926, published in the *B. G. G.*, Part I, 1926, page 261.
- G.N. No. 3608-A, dated 27th January 1926, published in the *B. G. G.*, Part I, 1926, page 261.
- G.N. No. 3608-A, dated 3rd February 1926, published in the *B. G. G.*, Part I, 1926, page 344.
- G.N. No. 3608-A, dated 9th February 1926, published in the *B. G. G.*, Part I, 1926, page 350.
- G.N. No. 3608-A, dated 24th February 1926, published in the *B. G. G.*, Part I, 1926, page 493.
- G.N. No. 3608-A, dated 18th March 1926, published in the *B. G. G.*, Part I, 1926, page 651.
- G.N. No. 3608-A, dated 23rd March 1926, published in the *B. G. G.*, Part I, 1926, page 702.
- G.N. No. 2272, dated 13th April 1926, published in the *B. G. G.*, Part I, 1926, page 830.
- G.N. No. 3608, dated 20th April 1926, published in the *B. G. G.*, Part I, 1926, page 916.
- G.N. No. 3608-A, dated 28th April 1926, published in the *B. G. G.*, Part I, 1926, page 1041.
- G.N. No. 3608-A, dated 10th May 1926, published in the *B. G. G.*, Part I, 1926, page 1124.
- G.N. No. 3608-A, dated 29th May 1926, published in the *B. G. G.*, Part I, 1926, page 1248.
- G.N., No. 3608-A, dated 31st July 1926, published in the *B. G. G.*, Part I, 1926, page 1793D.
- G.N. No. 3608-A, dated 6th August 1926, published in the *B. G. G.*, Part I, 1926, page 1878.
- G.N. No. 3608-A, dated 10th August 1926, published in the *B. G. G.*, Part I, 1926, page 1878.
- G.N. No. 3608-A, dated 10th August 1926, published in the *B. G. G.*, Part I, 1926, page 1879.

- G.N. No. 3608-A, dated 11th August 1926, published in the *B. G. G.*, Part I, 1926, page 1896.
- G.N. No. 3608-A, dated 17th August 1926, published in the *B. G. G.*, Part I, 1926, page 1899.
- G.N. No. 2272, dated 7th September 1926, published in the *B. G. G.*, Part I, 1926, page 2084.
- G.N. No. 3608-A, dated 30th September 1926, published in the *B. G. G.*, Part I, 1926, page 2263.
- G.N. No. 3608-A, dated 2nd October 1926, published in the *B. G. G.*, Part I, 1926, page 2263.
- G.N. No. 2272, dated 25th October 1926, published in the *B. G. G.*, Part I, 1926, page 2389.
- G.N. No. 3608-A, dated 24th November 1926, published in the *B. G. G.*, Part I, 1926, page 2617.
- G.N. No. 3608-A, dated 21st December 1926, published in the *B. G. G.*, Part I, 1926, page 2871.
- G.N. No. 2272, dated 11th January 1927, published in the *B. G. G.*, Part I, 1927, pages 52-56.
- G.N. No. 3608-A, dated 8th February 1927, published in the *B. G. G.*, Part I, 1927, page 327.
- G.N. No. 3608-A, dated 16th February 1927, published in the *B. G. G.*, Part I, 1927, page 429.
- G.N. No. 3608, dated 15th March 1927, published in the *B. G. G.*, Part I, 1927, page 583.
- G.N. No. 3608-A, dated 26th March 1927, published in the *B. G. G.*, Part I, 1927, page 751.
- G.N. No. 3608-A, dated 30th March 1927, published in the *B. G. G.*, Part I, 1927, page 811.
- G.N. No. 3608, dated 19th April 1927, published in the *B. G. G.*, Part I, 1927, pages 924-25.
- G.N. No. 3608-A, dated 19th April 1927, published in the *B. G. G.*, Part I, 1927, page 924.
- G.N. No. 3608-A, dated 28th April 1927, published in the *B. G. G.*, Part I, 1927, page 1061.
- G.N. No. 3608-A, dated 19th July 1927, published in the *B. G. G.*, Part I, 1927, page 1730.
- G.N. No. 3608, dated 27th August 1927, published in the *B. G. G.*, Part I, 1927, page 2086.
- G.N. No. 3608-A, dated 25th October 1927, published in the *B. G. G.*, Part I, 1927, page 2498.
- G.N. No. S. 74 (25), dated 13th October 1928, published in the *B. G. G.*, Part I, 1928, page 2151.
- G.N. No. S. 74/74, dated 28th January 1929, published in the *B. G. G.*, Part I, 1929, page 134.
- G.N. No. S. 102 (5), dated 26th March 1929, published in the *B. G. G.*, Part I, 1929, page 534.
- G.N. No. 2272, dated 24th June 1929, published in the *B. G. G.*, Part I, 1929, page 1419.
- G.N. No. S. 74 (5), dated 8th July 1929, published in the *B. G. G.*, Part I, 1929, page 1531.
- G.N. No. S. 102/79, dated 12th August 1929, published in the *B. G. G.*, Part I, 1929, page 1782.
- G.N. No. S. 74 (5), dated 18th September 1929, published in the *B. G. G.*, Part I, 1929, page 2007.
- G.N. No. S. 102, dated 4th October 1929, published in the *B. G. G.*, Part I, 1929, page 2188.
- G.N. No. S. 102 (4), dated 25th October 1929, published in the *B. G. G.*, Part I, 1929, page 2326.

[See footnote to section 27]

For "Bombay Primary Education Rules, 1924" see Government Notification in the Educational Department No. 2534, dated 10th October 1924, published in the *Bombay Government Gazette*, 1924, Part I, pp. 2583-2620; and Notification No. S. 96, dated 17th April 1930, published in the *Bombay Government Gazette*, 1930, Part I, pp. 808-851.

For amendments of the above Rules, see the following Government Notifications:—

No. S. 96, dated the 17th October 1933, published in the *B. G. G.*, Part I-A, 1933, pages 210-11.

No. S. 96, dated the 30th October 1933, published in the *B. G. G.*, Part I-A, 1933, page 215.

No. S. 96, dated the 27th October 1933, published in the *B. G. G.*, Part I-A, 1933, page 214.

No. S. 96, dated the 12th December 1933, published in the *B. G. G.*, Part I-A, 1933, page 360.

No. S. 96, dated the 12th January 1934, published in the *B. G. G.*, Part I-A, 1934, page 54.

No. S. 96, dated the 21st February 1934, published in the *B. G. G.*, Part I-A, 1934, page 144.

No. S. 96, dated the 4th April 1934, published in the *B. G. G.*, Part I-A, 1934; page 241.

No. S. 96, dated the 23rd April 1934, published in the *B. G. G.*, Part I-A, 1934, page 274.

No. S. 96, dated the 2nd May 1934, published in the *B. G. G.*, Part I-A, 1934, page 280.

No. S. 96, dated the 8th August 1934, published in the *B. G. G.*, Part I-A, 1934, page 345.

See also the following Government Notifications:—

No. S. 96, dated the 3rd May 1930, published in the *B. G. G.*, Part I, 1930, page 1038.

No. S. 96, dated the 6th May 1930, published in the *B. G. G.*, Part I, 1930, page 1038.

No. S. 96, dated the 22nd May 1930, published in the *B. G. G.*, Part I, 1930, page 1287.

No. S. 96, dated the 22nd May 1930, published in the *B. G. G.*, Part I, 1930, page 1288.

No. S. 96, dated the 31st May 1930, published in the *B. G. G.*, Part I, 1930, page 1360.

No. S. 96, dated the 8th July 1930, published in the *B. G. G.*, Part I, 1930, page 1735.

No. S. 96, dated the 18th August 1930, published in the *B. G. G.*, Part I, 1930, pages 2065-86.

No. S. 96, dated the 6th September 1930, published in the *B. G. G.*, Part I, 1930, page 2315.

No. S. 96, dated the 11th September 1930, published in the *B. G. G.*, Part I, 1930, pages 2359-60.

No. S. 96, dated the 25th September 1930, published in the *B. G. G.*, Part I, 1930, page 2450.

No. S. 96, dated the 4th October 1930, published in the *B. G. G.*, Part I, 1930, pages 2501-2.

**BOMBAY ACT No. V OF 1923.[<sup>1</sup>]**

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1923.]

[9th March 1923]

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

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>] Bombay Port  
VI of Trust Act, 1879, in manner hereinafter appearing; AND WHEREAS the  
1879. previous sanction of the Governor General required by clause (e) of sub-  
5 & 6 section (3) of section 80-A of the Government of India Act has been  
Geo. V, obtained for the passing of this Act; It is hereby enacted as  
c 61. follows :—

1. (1) This Act may be called the Bombay Port Trust (Amendment) Act, 1923. Short title  
and com-  
mence-  
ment.

(2) The nominee and elective-trustees holding office, at the time that this Act comes into operation, under the provisions of the [<sup>2</sup>] Bombay Port Trust Act, 1879, shall continue in office until the 31st day of March 1923; and notwithstanding anything contained in section 9 of the said Act, the term of office of the said trustees shall expire on the said date.

Bom. VI of 1879.

(3) The term of office of the first nominee and elective trustees nominated and elected under the said Act as amended by this Act shall commence on the 1st day of April 1923.

(4) For the purposes of the first election held under the said Act as amended by this Act the word "twenty-fifth" in section 10 of the said Act shall be deemed to have been substituted for the word "fifteenth".

Bom. VI of 1879. 2. In section 5 of the [<sup>2</sup>] Bombay Port Trust Act, 1879, hereinafter called the said Act, Amend-  
ment of  
section 5 of  
Bom. VI  
of 1879.

(a) in sub-section (1) for the words "seventeen", "seven" and "nine" the words "twenty-one", "thirteen" and "seven" shall respectively be substituted, and

(b) in sub-section (2),

(i) for the word "nine" the word "seven" shall be substituted; and

(ii) the last sixteen words shall be omitted.

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Pt. V, pp. 173-174; for Report of Select Committee, see *ibid.*, 1923, Pt. V, pp. 1-3; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1922 and 1923, Vols. VII and VIII.

[<sup>2</sup>] Vol. II of Bom. Code.



24 *The Bombay Port Trust (Amendment) Act, 1923* [BOM. V OF 1923]

Amendment of section 6 (1) of Bom. VI of 1879.

3. For sub-section (1) of section 6 of the said Act, the following shall be substituted, namely :—

“(1) The elective-trustees shall be elected as follows :—  
five by the Bombay Chamber of Commerce,  
five by the Indian Merchants' Chamber and Bureau,  
two by the Municipal Corporation of the City of Bombay, and  
one by the Bombay Millowners' Association.”

Amendment of section 19 of Bom. VI of 1879.

4. From sub-section (2) of section 19 of the said Act, the following words shall be omitted, namely :—

“and subject to the regulations at the time being in force framed by the Board under section 22, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.”

Amendment of section 23 of Bom. VI of 1879.

5. (1) In paragraph 1 of section 23 of the said Act for the word “three” the word “five” shall be substituted.

(2) To paragraph 1 of section 23 the following shall be added, namely :—

“and, subject to the regulations at the time being in force under section 22, the power of disposing of all other questions relating to the services of the officers and servants of the Board and their pay, privileges and allowances shall be exercised by the Chairman :

Provided that the Chairman may upon such terms as he shall think fit and subject to the aforesaid provisions and regulations and to the Chairman's powers of revision and control delegate to the head of any department for the time being all or any of his powers under this section in respect of officers and servants of the department whose monthly salary does not exceed three hundred rupees.

*Explanation.*—In this section the words ‘head of any department’ shall include the Chief Accountant, the Secretary, the Chief Engineer, the Railway Manager, the Port Officer, the Docks Manager, the Manager, Land and Bunders Department, the Controller of Stores and the Chief Officer of any other department which may be constituted by the Board ; they shall also include any officer acting for the time being in any of the aforesaid capacities.”

## THE BOMBAY LOCAL BOARDS ACT, 1923.

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BOMBAY ACT No. VI OF 1923.<sup>[1]</sup>

[THE BOMBAY LOCAL BOARDS ACT, 1923]

[17th March 1923]

Number of Act.	<i>Amended by</i>	Year.
Bom. Act. No. II	.. ..	1925
.. .. No. XIII	.. ..	1925
.. .. No. VII	.. ..	1926
.. .. No. X	.. ..	1927
.. .. No. V	.. ..	1928
.. .. No. IV	.. ..	1930
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.. .. No. X	.. ..	1931
.. .. No. XXII	.. ..	1931
.. .. No. XXIII	.. ..	1931
.. .. No. V	.. ..	1932
.. .. No. XV	.. ..	1932
.. .. No. XVI	.. ..	1933
.. .. No. VIII	.. ..	1934
.. .. No. XIV	.. ..	1934

**An Act to consolidate and amend the law relating to local boards.**

WHEREAS it is expedient to consolidate and amend the law relating to local boards and local funds and whereas the previous sanction of the Governor General required by clauses (a), (e) and (h) of 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:—

## CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Bombay Local Boards Act, 1923.

(2) It extends to the whole of the Presidency of Bombay except the City of Bombay and Aden. Short title and extent.

Bom. VIII of 1865. Bom. III of 1869. Bom. I of 1884. 2. The [2] Sind Local Funds Act, 1865, the [2] Bombay Local Funds Act, 1869, and the [2] Bombay Local Boards Act, 1884, are hereby repealed: Provided that such repeal shall not affect the liability of any person to pay any sum due from him under any of the said enactments. Repeal of certain Acts.

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

(a) The words "salaried servant of the Government" do not include a retired servant of the Government in receipt of a pension or a person in

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Pt. V, pp. 140-145; for Report of Select Committee, see *ibid* pp. 191-194; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1922, Vol. VII.

[2] Vol. II of Bom. Code.

receipt of a salary or fees from the Government who is not a full-time servant of the Government ;

(b) the word " taluka " means any local area for which a taluka board is established, inclusive of the portion of such area if any, for the time being within a municipal district or a Military cantonment ;

(c) the word " Mamlatdar " means in Sind a Mukhtyarkar ; and

(d) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code. Bom.  
V of  
1879.

#### CHAPTER II.—CONSTITUTION OF LOCAL BOARDS.

Establish-  
ment of  
district  
and taluka  
local boards.

\*4. (1) The Government shall establish one district local board for each district as constituted from time to time under the [1] Bombay Land Revenue Code, 1879, and may establish such number of taluka local boards for such areas within the district as it shall deem fit. Bom.  
V of  
1879.

(2) Local funds shall be administered by local boards established under the provisions of this Act.

(3) A district local board and subject to the authority of the district local board, a taluka local board shall have authority for the purposes of this Act over the area for which it has been established, except such portion thereof as is for the time being within the limits of a municipal district or cantonment.

(4) Any local board established under the [1] Bombay Local Boards Act, 1884, and existing immediately prior to the coming into force of this Act, shall be deemed to have been established under this Act ; Bom.  
I of  
1834.

and in respect of all property, debts, obligations, contracts, agreements civil and criminal proceedings and any other matter or thing the rights and liabilities of any such local board shall be deemed to vest in the local board so deemed to have been established ;

and any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed in respect of any such local board under any law other than the Acts repealed by section 2, or, so far as consistent with the provisions of this Act, under any Act so repealed shall be deemed to have been made, issued or imposed under the provisions of such law or this Act respectively in respect of the local board so deemed to have been established under this Act, unless and until superseded by any appointment, notification, notice, tax, order scheme, licence, permission, rule, by-law or form made, issued or imposed under such law or this Act.

[2] (5) Notwithstanding anything contained in sub-section (1), when two districts constituted under the [1] Bombay Land Revenue Code, 1879, are constituted into one district under the said Code, it shall be competent to Government by notification in the *Bombay Government Gazette* to order the one district so constituted to be divided into two districts for the purposes of this Act, and thereupon the provisions of Bom.  
V of  
1879.

[1] Vol. II of Bom. Code.

[2] This sub-section was added by Bom. XVI of 1933, s. 2.

\* Notifications issued under this section are given at the end of this Act.

this Act and any other enactment relating to or having reference to a district local board shall, unless there is anything repugnant in the subject or context, apply to each of such two districts as if each such district were a district within the meaning of the said sub-section.

5. (1) Every district and taluka local board shall consist of—

(a) elective members, and

(b) such persons, if any, as the Government or any officer whom it authorizes in this behalf from time to time appoints, who shall be called "nominated members".

Constitution  
of local  
boards.

(2) Any officer of the Government may be appointed by the said authority by his official designation only to be *ex-officio* a member of the board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the board in succession, provided that the combined term of office of such persons as members of the board shall be limited in the manner provided in this Act for the term of office of a person appointed to be a member otherwise than *ex-officio*.

(3) The number of elective members shall be not less than three-fourths of the whole board, and not more than one-half of the nominated members shall be salaried servants of the Government.

(4) Where in the opinion of the Government in the area subject to a local board the number of any class which in the opinion of the Government is a depressed class is sufficient to require representation on the local board and no member of such class has been elected and a member of such class is qualified and willing to be nominated a member of the board, the Government shall nominate one such member to be a member of the local board.

(5) Any vacancy due to failure to elect at any election or by-election the full number of elected members may be filled by appointment by the Government.

6. [1] The elective members of local boards shall be elected by general and Mahomedan constituencies and the number and the extent of such constituencies and the number of members to be elected by each constituency shall be as prescribed by orders made by the Government under clause (a) of section 133.

Elective  
members of  
local boards  
by whom to  
be elected.

7. (1) The Government may at any time by notification in the *Bombay Government Gazette* direct that the provisions of sections 5 and 6, and the subsequent provisions of this Act which refer to those sections, or any one or more of the said provisions, shall not apply to any local board to which for exceptional reasons, which shall be set forth in the said notification, the Government shall deem such provisions to be unsuitable.

Constitution  
of local  
boards in  
exceptional  
cases.

(2) In the said notification or any subsequent notification published as aforesaid the Government may substitute such provision or provisions as it deems fit for the provision or provisions declared inapplicable to any local board and the provision or provisions so substituted shall have effect, so far as concerns such board, as if they were inserted in this Act.

[1] Notifications issued under this section are given at the end of this Act.

(3) In the event of any notification under sub-section (1) being rescinded the local board affected thereby shall, from a date to be fixed in this behalf by the Government, be constituted in accordance with sections 5 and 6 and the subsequent provisions of this Act having reference thereto.

Qualifications necessary for election to local boards.

[<sup>1</sup>] 8. Subject to the provisions of this Act and of any other law for the time being in force,—

(a) every person whose name is entered in the list prepared under section 11 for a constituency of a taluka local board may be a candidate at any election for such taluka local board ; and

(b) every person whose name is entered in any such list for a constituency of the district local board may be a candidate at any election for the district local board.

General disqualifications of members.

9. (1) No person may be a member of a local board who—

(a) is less than 21 years of age, or

(b) is a Judge of a civil court, or

[<sup>2</sup>] (c) (i) 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 been subsequently reversed or quashed, if and so long as such sentence has not expired, or

(ii) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, if and so long as such order is in force, or

(iii) has been removed from office under section 31 and five years have not elapsed from the date of the expiry of such removal,

unless he has, by an order of the Government notified in the *Bombay Government Gazette*, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

[<sup>3</sup>] (d) is a stipendiary officer or servant of a local board, or

[<sup>3</sup>] (e) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a local board, or in any contract or employment with, or under, or by, or on behalf of a local board—

(2) No person shall be disqualified under clause [<sup>4</sup>] (e) or sub-section (1) for membership of a local board by reason only of such person—

(a) having share in any joint stock company or a share or interest in any society registered or deemed to be registered under the [<sup>5</sup>] Co-operative Societies Act, 1912, which shall contract with or be employed by or on behalf of the local board ; or

[<sup>1</sup>] This section was substituted for the original section by Bom. II of 1925, s. 2.

[<sup>2</sup>] Clause (c) was substituted for the original clauses (c) and (d) and the explanation to clause (d) by Bom. XIII of 1925, s. 2 (1) (a).

[<sup>3</sup>] Clauses (e) and (f) were relettered (d) and (e) respectively by Bom. XIII of 1925, s. 2 (1) (b).

[<sup>4</sup>] The letter and brackets “(e)” were substituted for the original letter and brackets “(f)” by Bom. XIII of 1925, s. 2 (2).

[<sup>5</sup>] General Acts, Vol. V.

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted ; or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board ; or

(d) being professionally engaged on behalf of the local board as a legal practitioner [1] ; or [2]

[3] (e) being a police patil, who is an *ex-officio* keeper of village cattle-pounds under the control of the local board.

(3) If any person is elected or appointed to a local board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as 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 person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the board.

(4) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

10. A person who has already been elected or appointed a member of a board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment. Re-eligibility of members.

11. (1) The Collector shall keep a list for each constituency of each local board within his district of the persons qualified to vote in such constituency at elections of members of the local board. Preparation of list of voters.

Bom.  
I of  
1884.

(2) Such list shall be prepared by the Collector whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Commissioner so directs, and shall be based upon such information as shall be available in the records of the Collector and of the officers subordinate to him, and also upon the past decision of the Collector under section 22 of the [4] Bombay Local Boards Act, 1884, or under section 13.

12. (1) A list prepared under section 11 shall be published by affixing, in some conspicuous place in or near the office of the local board and of each Mamlatdar and Mahalkari, and in the chavdi or some other public building of each town or village in the district, a copy of the list or of so much of the list as relates to the taluka, town or village. Publication of the lists.

(2) The publication aforesaid shall be made in the vernacular language of the district and where a date has been fixed for any election of persons to fill the places of members whose terms of office have expired, at least three months before such date.

13. The Collector may, on application being made to him at any time within one month after the publication of the list aforesaid by any person claiming to be qualified to vote at any election of members of the local Revision of lists.

[1] The semicolon was substituted for the fullstop by Bom. X of 1931, s. 2 (a).

[2] The word "or" was added by Bom. X of 1931, s. 2 (a).

[3] This clause was inserted by Bom. X of 1931, s. 2 (b).

[4] Vol. II of Bom. Code.

board, correct any erroneous entry in the list, or insert therein the name of any person whose right to be entered in the list is proved to the satisfaction of the Collector. The Collector's decision shall be final and conclusive.

Final  
publication  
of list.

14. (1) The Collector, after revising the list as provided in section 13, shall republish the same within two months from the date of publication under section 12 in the manner provided in that section.

Lists  
conclusive  
evidence of  
right to be  
elected or to  
vote.

(2) No person whose name is not in the revised list last published before the date of any election shall be qualified [1] to vote at the election of a member for the constituency for which such list has been prepared.

[2] (3) No person shall be qualified to be elected for any constituency of a taluka or district local board unless his name is in the revised list last published before the date of any election for a constituency of such taluka or district local board.

What persons  
may be voters  
at elections.

15. (1) Unless disqualified under this Act or under any other law for the time being in force the following persons shall be entitled to have their names entered in the list for a constituency prescribed under section 6 qualifying them to vote at elections of members of taluka local boards in such constituency, namely :—

every person who on the first day of January next preceding the date on which the list is published under section 12 had a place of residence within the [3] [constituency] and who—

(a) (i) on the first day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from the Government alienated or unalienated land in Sind on which in any one of the five revenue years preceding the date of publication of the list under section 12 an assessment of not less than Rs. 8 has been paid or would have been paid if the land had not been alienated, or

(ii) on the first day of January aforesaid held in his own right or occupied as a tenant in any place in the Bombay Presidency, other than Sind, alienated or unalienated land assessed at or of the assessable value of not less than Rs. 8 land revenue ; or

(b) on the first day of January aforesaid was the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than Rs. 8, leviable in respect of land so alienated and situate within the Bombay Presidency, or was a khoti or a sharer in a khoti village or a sharer in a bhagdari or narvadari village or a talukdar or sharer in a talukdari estate in the said Presidency, responsible for the payment of not less than Rs. 8 land revenue ; or

(c) was assessed to any tax imposed by a local board (other than a toll or octroi) in the financial year preceding that in which the list is published under section 12.

[1] Words repealed by Bom. II of 1925, s. 3 (1) are omitted.

[2] Sub-section (3) was inserted by Bom. II of 1925, s. 3 (2).

[3] This word was substituted for the word " taluka " by Bom. II of 1925, s. 4 (1).

(2) Unless so disqualified the following persons shall be entitled to have their names entered in the list for a constituency prescribed under section 6 qualifying them to vote at elections of members of district local boards in such constituency, namely :—

every person who on the first day of January next preceding the date on which the list is published under section 12 had a place of residence within the [1] [constituency] and who—

(a) (i) in the case of any constituency in Sind on the first day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from the Government alienated or unalienated land in Sind on which, in any one of the five revenue years preceding the date of publication of the list under section 12, an assessment of not less than Rs. 16 land revenue in the Upper Sind Frontier district and of not less than Rs. 32 land revenue elsewhere has been paid or would have been paid if the land had not been alienated, or

(ii) in the case of any other constituency of the Bombay Presidency on the first day of January aforesaid held in his own right or occupied as a tenant in any place in the Bombay Presidency, other than Sind, alienated or unalienated land assessed at or of the assessable value of not less than Rs. 16 land revenue in the Panch Mahals or Ratnagiri districts and not less than Rs. 32 land revenue elsewhere ; or

(b) on the first day of January aforesaid was the alienee of the right of the Government to the payment of rent or land revenue, amounting to not less than Rs. 16 in the Panch Mahals or Ratnagiri or Upper Sind Frontier districts and to not less than Rs. 32 elsewhere, leviable in respect of land so alienated and situated within the Bombay Presidency, or was a khot or a sharer in a khoti village or a sharer in a bhagdari or narvadari village or a talukdar or a sharer in a talukdari estate in the said Presidency, responsible for the payment of not less than Rs. 16 land revenue in the Panch Mahals or Ratnagiri or Upper Sind Frontier districts and not less than Rs. 32 land revenue elsewhere ; or

(c) was assessed to any tax imposed by a local board (other than a toll or octroi) in the financial year preceding that in which the list is published under section 12.

(3) Provided that—

(a) no person who is not a Mahomedan shall be entered in a list for a Mahomedan constituency ; and

(b) no person who is a Mahomedan shall be entered in a list for a general constituency.

[2] [Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one constituency of the same taluka local board or of more than one constituency of the same district local board.]

[1] This word was substituted for the word "district" by Bom. II of 1925, s. 4 (1).

[2] This proviso was inserted by Bom. II of 1925, s. 4 (2).

(4) For the purposes of this section—

(a) a “holder” means a person lawfully in possession of land whether such possession is actual or not;

(b) a “tenant” means a lessee, whether holding under an instrument or under an oral agreement and includes a mortgagee of a tenant’s rights with possession;

(c) where any property is held or occupied or payment is made or received jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists; and if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment;

(d) no person holding or occupying any property or making or receiving any payment in a fiduciary capacity shall be qualified as an elector for any constituency in respect of such property or payment;

(e) the average rate of assessment on assessed land in a village or, if there is no such land in the village, the average rate of assessment on assessed land in the nearest village containing such land shall be taken as the rate for calculating the assessable value of unassessed land in such village;

(f) for the purpose of deciding any claim to be entered in any list in respect of any assessment or payment of land revenue or tax, an entry in any revenue or local board record, stating the amount of such assessment or payment, shall be conclusive proof of the amount of such assessment or payment.

General dis-  
qualification  
of voters.

16. No person who is less than twenty-one years of age shall be entitled to have his name entered in a list prepared under section 11.

Elections  
when to be  
held.

17. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf:

Provided that, when the elections are for the purpose of filling the places of members whose terms of office have expired, such dates shall be not sooner than two months and not later than one month before the commencement of the term of office of members of the board to which such elections are to be made.

Provisions for  
election or  
nomination  
in particular  
cases.

18. (1) If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be 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 the Collector, or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.

(2) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.



(3) If at any contested election no votes are recorded, or if for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Collector, in the case of a taluka local board, and the Commissioner, in the case of a district local board, shall appoint the required number of persons, being persons who would have been qualified to be elected, and the persons so appointed shall be deemed to be members of the local board as if they had been duly elected.

19. (1) If the validity of any election of a member of a local board, or the legality of any order or proceeding made or held under section 18 is brought in question by any person qualified to vote at the election to which such question refers, such person may, at any time, within fifteen days after the date of the declaration of the result of the election or the date of the order or proceeding, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

Determination of validity of elections: enquiry by Judge: procedure.

(2) An enquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the Government either specially for the case or for such cases generally; and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Collector under section 18, or setting the election aside. For the purposes of the said enquiry the said Judge may exercise any of the powers of a civil court and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken, for holding a fresh one.

(3) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

(b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

(a) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or

(b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote;

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation.*—The expression “ a promise of individual profit ”—

(i) does not include a promise to vote for or against any particular measure which may come before a local board for consideration, but

(ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf under clause (b) of section 133, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(6) If the Judge sets aside an election under clause (a) of subsection (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any local board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that such person may, by an order of the Government in that behalf, be at any time relieved from such disqualification :

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Voter dis-qualified for corrupt practice.

20. Any person who has been convicted under section 171E or 171F of the Indian Penal Code, or has been disqualified from exercising any <sup>XLV</sup> electoral right for a period of not less than five years on account of mal-<sup>of</sup> practices in connection with an election, shall, for five years from the <sup>1860.</sup> date of such conviction or disqualification, be disqualified from voting at any election to a local board or at any municipal election.

Publication of names of members in the Bombay Government Gazette.

21. The names of all members finally elected to any local board as well as the names of the nominated members, if any, appointed thereto shall be published, as soon as conveniently may be, in the *Bombay Government Gazette*.

Election of presidents.

22. (1) Every local board shall be presided over by a president, elected by the board from among its own members.

Vice-presidents.

(2) The board shall also elect one of its members to be vice-president.

Presidents and vice-presidents not to be salaried servants of the Govern-ment.

(3) A salaried servant of the Government shall not be elected president or vice-president of a local board and the election of any such servant as such shall be void.

23. (1) The president of a local board shall—

Functions of  
presidents.

- (a) preside at the meetings of the board ;
- (b) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require its orders ;
- (c) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board ; and, subject to the regulations at the time being in force framed by the board under section 123, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ; and
- (d) furnish to the Collector or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at every meeting of the board and any extract from the minutes of the proceedings of the board, or other document or thing which the Commissioner, Collector or other duly authorized officer of the Government may from time to time call for under section 124.

(2) The president of a local board may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the local board, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the local fund :

Emergency  
powers of  
president.

Provided that—

- (a) he shall not act under this section in contravention of any order of the local board prohibiting the execution of any particular work or the doing of any particular act, and
- (b) he shall report forthwith the action taken under this section and the reasons therefor to the standing committee at its next meeting.

24. The vice-president of a local board shall—

- (a) in the absence of the president preside at the meetings of the board ;
- (b) exercise such of the powers and perform such of the duties of the president as the president from time to time deposes to him ; and
- (c) pending the election of a president, or during the absence of the president on leave, exercise the powers and perform the duties of the president.

Functions  
of vice-  
presidents.

25. (1) Every president of a local board who for a period exceeding three months, and every vice-president who for a period exceeding one month, shall absent himself from the district or taluka for which the local board is established in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president, as the case may be, unless leave so to absent himself has been granted by the board or in the case of a vice-president by the president.

Consequence  
of absence of  
president or  
vice-president  
without  
leave.

Limit to the grant of leave, and arrangements pending absence of president or vice-president.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a president or vice-president under that sub-section, the board shall elect one of its members to exercise all the powers and perform all the duties of a vice-president in lieu of the vice-president who is exercising the powers and performing the duties of the president, or who is absent on leave, during the period for which such leave is granted.

Term of office of president and vice-president and their liability to be removed.

26. (1) The term of office of every president or vice-president shall cease on the expiry of his term of office as a member of the local board over which he presides : provided that he shall be removable from office, as such president or vice-president, by the Government for misconduct, or neglect of or incapacity to perform his duty.

Casual vacancies in their office how to be filled up.

(2) In the event of the death, resignation, or removal from office of a president or vice-president, or of his becoming incapable of acting, or ceasing to be a member of the local board, previous to the expiry of his term of office, the vacancy shall be filled up as soon as conveniently may be by the election of some other member of the board thereto.

Inability of president or vice-president to call a meeting.

(3) Where the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under sub-section (2) the Collector may exercise the powers of the president for the purpose of calling such meeting.

President and vice-president to continue to carry out certain duties until their successors take over charge.

27. On the expiry of the term of office of a local board the president and vice-president shall continue to carry out the current administrative duties of their offices until such time as a new president and vice-president shall have been elected and shall have taken over charge of their duties : Provided that in the case of the new board constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring board.

[1] [The president or vice-president of the retiring board and, in their absence, the chief officer, if any, shall preside at such meeting, and the new board shall then elect its own chairman for that meeting ; provided that (a) if the president or vice-president so presiding is a member of the new board, he shall be entitled to vote only as such member, and (b) the chief officer, when so presiding, shall have no right to vote. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The chairman so elected shall then preside at such meeting, and the meeting shall then proceed to elect the new president.]

[2] 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.

[1] These words were substituted for the words "the president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president," by Bom. IV of 1930, s. 3.

[2] This proviso was added by Bom. X of 1927, s. 2.

28. Except as is otherwise provided in this Act or in any other law for the time being in force, members of local boards shall hold office for a term of three years, extensible by order of the Commissioner to a term not exceeding in the aggregate four years if on any occasion the Commissioner shall think fit, for reasons which shall be notified, together with the order, in the *Bombay Government Gazette*, so to extend the same.

Term of office.

[<sup>1</sup>] 28A. Notwithstanding anything contained in section 28, the term of office of the members of all local boards in Sind is hereby extended up to and inclusive of the 31st day of March 1933.

Extension of term of office of members of local boards in Sind.

[<sup>2</sup>] 29. (1) The vice-president or any member of a local board other than the president may resign his office as a member of the board by giving notice in writing to the president. The president may resign his office as a member of the board by giving notice in writing to the Commissioner.

Resignation of office as member of board.

[<sup>3</sup>] (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.

30. (1) Any member of a local board who, during the term for which he has been elected or appointed—

Disqualification of member after election.

(a) becomes disqualified under sub-section (1) of section 9, or

(b) having any share or interest such as is described in clause (a) or (b) of sub-section (2) of section 9, acts as a member of the local board in any matter relating to a contract or agreement between the local board and the company or society or the manager or publisher of the newspaper described in the said clauses, or

(c) is absent for more than four consecutive months from the district or taluka for which the board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the board, or in the case of a vice-president by the president, or absents himself for six consecutive months from meetings of the board without the leave of the board,

shall cease to be a member and his office shall become vacant.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

31. The Government in the case of a district local board, and the Commissioner in the case of a taluka local board, may, if it or he thinks fit, on the recommendation of the local board, remove any member of such local board, elected or appointed under this Act, after giving him an opportunity of being heard and after such inquiry as the Government or the Commissioner, as the case may be, deems necessary if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the local board.

Removal of member for misconduct, etc.

[<sup>1</sup>] This section was inserted by Bom. V of 1932, s. 2.

[<sup>2</sup>] Section 29 was renumbered section 29 (1) by Bom. X of 1927, s. 3.

[<sup>3</sup>] Sub-section (2) was added by Bom. X of 1927, s. 3.

Vacancies to whom to be communicated.

32. (1) On the occurrence of any vacancy in a local board the president shall forthwith communicate such occurrence to the Collector.

(2) If the member of such board whose seat has become vacant was a nominated member, and the Collector is not authorised under section 5 to appoint members of such boards, the Collector shall on receipt of such communication forward it to the officer, if any, authorized, as aforesaid, or, if no officer is so authorized, to the Government through the Commissioner.

Casual vacancies how to be filled up.

33. In the event of a vacancy occurring on account of the death, resignation, disqualification, or removal of a member of a local board or through a member becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as 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 member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Temporary provisions pending election of boards under this Act.

34. Notwithstanding anything contained in this Act, local funds shall be administered, so far as may be under the provisions of this Act, by the local boards deemed to have been established under the provisions of this Act under clause (4) of section 4, as constituted immediately prior to the coming into force of the provisions of this Act, until such date as the Government shall prescribe in this behalf in respect of each such board. The president, vice-president and members of such boards as constituted immediately prior to the passing of this Act shall be deemed to have been appointed or elected under the provisions of this Act and their term of office shall expire on the aforesaid prescribed date.

### CHAPTER III.—CONDUCT OF BUSINESS OF LOCAL BOARDS.

Meetings of local boards.

35. (1) A local board shall meet together not less than once in every 3 months and shall from time to time make regulations, consistent with this Act and with any rules or orders made by the Government in this behalf under clause (c) of section 133 with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as it thinks fit, subject to the provisions of the following sub-sections.

(2) (a) The president shall fix the dates for the quarterly meetings hereinbefore prescribed and may whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting.

(b) [1] Fifteen clear days' notice of a quarterly meeting and [2] ten clear days' notice of a special meeting specifying the time and place at

[1] The word "Fifteen" was substituted for the word "Twenty-one" by Bom. VIII of 1934, s. 2.

[2] The word "ten" was substituted for the word "fourteen" by Bom. VIII of 1934, s. 2.

which such meeting is to be held and the business to be transacted thereat, shall be circulated to the members and posted up at the local board office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting.

(c) If less than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the local board office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

(d) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(e) Every meeting shall be presided over by the president, or if he be absent, by the vice-president, and if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(f) All questions shall be decided by a majority of votes of the members present, the president, vice-president or chairman, as the case may be, having a second or casting vote in all cases of equality of votes.

(g) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(h) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(i) No resolution of a local board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of members and passed at a quarterly meeting, whereof notice shall have been given fulfilling the

requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(j) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 45 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted, at any meeting of a local board, unless at least fifteen days previous to such meeting a letter has been addressed to an officer of the Government Public Works and Educational Departments, respectively, who is not a member of the board, but is entitled under section 40 to be present at such meeting informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

(k) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 40 and of the proceedings at each meeting of the board, and if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president, vice-president or chairman of such meeting and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district.

(l) Every regulation made under this section by a taluka local board shall be subject to the approval of the district local board to which such taluka local board is subordinate.

Vacancy not to affect proceedings of board or committee.

(3) During any vacancy in a local board the continuing members may act as if no vacancy had occurred.

Acts of board, etc., not to be invalidated by informalities.

(4) No act of a board, or of any person acting as a member or as a president, vice-president or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, president, vice-president, chairman, or member, or on the ground that they, or any of them, were disqualified for the office of member, or that formal notice of the intention to hold a meeting of the board was not duly given, or for any other such mere informality.

Standing Committee.

36. (1) Every local board shall appoint a standing committee consisting of such number of members not being more than seven and not less than five as the board may determine.

(2) The standing committee shall perform the functions allotted to it under this Act, and subject to any limitations or other provisions contained in rules made under section 133, clause (c) or regulations made under section 35, sub-section (1), shall exercise all the powers and perform all the duties of the local board which have not been delegated to any other committee.



(3) The president shall be *ex-officio* a member and chairman of the standing committee in addition to the members appointed under sub-section (1).

37. (1) Every district local board may appoint a public health committee, consisting of such members of the board as the board may elect. The said members may co-opt the Civil Surgeon of the district or any medical or sanitary officer of the Government or a legally qualified medical practitioner to be a member of the committee for a period not exceeding the term of their own office.

Public  
Health  
Committee.

(2) Such committee shall, subject to any limitations or other provisions contained in rules made under clause (c) of section 133 or regulations made under sub-section (1) of section 35, perform the duties and exercise the powers of the district local board in regard to matters or public health and sanitation, and shall give effect to the provisions of this Act and to any by-laws framed under this Act regarding such matters and may delegate any of its duties or powers to any member or honorary or stipendiary officer of the board. Such member or officer shall conform to any instructions that may from time to time be given by the board. The Committee may at any time withdraw any of the duties or powers so delegated.

38. (1) A local board may appoint committees consisting of such members as the local board may decide or any member or honorary or stipendiary officer of the board to exercise the powers and perform the duties of the local board in respect of any purpose subject to any limitations and provisions contained in rules made under section 133 (c) or regulations made under section 35 (1); not being where a public health committee has been appointed, powers or duties referred to in section 37, sub-section (2).

Other  
executive  
committees.

(2) Where a Committee is appointed to manage a dispensary, the local board may appoint any local residents to be members of such committee.

(3) Any such committee, member or officer shall comply with any instruction that may from time to time be given by the board.

(4) The board may at any time discontinue or alter the constitution of any such committee or withdraw any of the powers or duties which any such committee, person or officer has been appointed to exercise or perform.

39. (1) The term of office of the members of a committee shall expire on the termination of one year from the date of appointment of the members or on such earlier date as the local board may direct.

Committees.  
Term of  
Office.  
Vacancies.  
Chairman.  
Proceduro.  
Meetings.  
Adjourn-  
ments.  
Quorum.

(2) A vacancy occurring in any committee shall as soon as possible be filled up by the appointment or co-option as the case may be of a member thereto. A member appointed under this sub-section shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

(3) (a) The president or vice-president, if appointed a member of any committee, shall be *ex-officio* chairman thereof.

(b) A local board may appoint a chairman for a committee of which there is no *ex-officio* chairman.

(c) A committee of which there is an *ex-officio* chairman or a chairman appointed by the local board, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

(d) A committee, of which there is no *ex-officio* chairman or chairman appointed by the local board, shall appoint from time to time a chairman from the members of such committee.

(4) The provisions of section 35, sub-section (2), clauses (f), (j) and (k) and sub-sections (3) and (4), shall apply to committees as if the word "committee" had been substituted for the words "board" or "local board".

(5) A committee may meet and adjourn as it thinks proper; but the chairman of a committee may whenever he thinks fit, and shall upon the written request of the president of the local board or of not less than two members of the committee and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

(6) No business shall be transacted at any meeting of a committee unless more than one-half of the members of the committee be present thereat.

Certain Government officers may attend meetings of district local boards.

40. (1) The Executive Engineer, the Educational Inspector and the Deputy Director of Public Health, and the Civil Surgeon of a district, when charged with any of the duties of a health officer therein, [1] a Deputy Director of Agriculture or an Assistant Registrar of Co-operative Societies charged with any duties of his office in the district, if not members of the district local board, [2] 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, [3] shall have the right of being present at any meeting of the said board, or of any committee thereof, and with the consent of the board or committee, each of them may take part at such meetings in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such board or committee: provided that the said [3] persons shall not, unless they are members of the board, be entitled to vote upon any such question.

Certain Government officers may attend meetings of taluka local boards.

(2) Any officer of the Government, Public Works Department not lower in rank than an overseer employed in a taluka, and any officer of the Government, Educational Department not lower in rank than the Assistant Deputy Educational Inspector of a taluka may, in the like

[1] The word repealed by Bom. X of 1927, s. 4 (1) is omitted.

[2]—[3] These words were inserted by Bom. X of 1927, s. 4 (ii).

[3] The word "persons" was substituted for the word "officers" by Bom. X of 1927, s. 4 (3).

circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the taluka local board of such taluka or of any committee of the said board.

(3) If it shall appear to a district local board or to a taluka local board that the presence of any of the above officers respectively is desirable in the circumstances aforesaid at any future meeting of such board, or of any committee thereof, it shall be competent to such board by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting.

Local boards may require the presence of the said officers at their meetings.

41. (1) Whenever it appears to the president of a local board, or to the chairman of a committee unnecessary to convene a meeting, he may instead of so doing circulate a written proposition of his own, or of any other member of such board or committee, or of any executive officer of the board for the observations and votes of the members.

President may circulate written propositions.

(2) Previous to circulating any such proposition for the votes of members the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (j) of sub-section (2) of section 35 shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 40 to be present at any meeting at which such proposition might be considered, desires to record.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under clause (a) of sub-section (2) of section 35 or sub-section (5) of section 39.

(4) Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (k) of sub-section (2) of section 35 or sub-section (4) of section 39.

42. (1) The president of a local board may, on behalf of the board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: provided that the amount or value of such contract or agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a taluka local board.

Mode of executing contracts.

(2) Every other contract or agreement on behalf of a local board shall be in writing, and shall be signed by the president and by two other members of the board, and sealed with the common seal of the board.

(3) No contract or agreement not executed as in this section provided shall be binding on a local board.

Local funds ordinarily liable for all costs and expenses incurred by boards.

43. (a) Except as is hereinafter otherwise provided, no member of a local board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board; the local fund at the disposal of each local board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses :

But members to be held responsible for misapplied or wasted funds and property.

(b) Provided that every member of a local board shall be personally liable for the misapplication of any money or other property of the local board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the local board concerned, with the sanction of the Government or by the Government for recovery of or compensation for the misapplication of such money or property; and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the local board.

Power to compromise.

44. (1) A local board may compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient :

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A local board may make compensation out of the local fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Works to be executed by the Government Executive Engineer.

45. (1) Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by clause (b) of sub-section (1) of section 89 as the Government shall from time to time by a general or special order direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for the Government, and shall have control over all officers and servants of the local board, if any, assisting in the execution of any of the said works.

Works which may be executed by other agency.

(2) All other works shall be executed by such agency and subject to such supervision as the local board at whose cost any such work is to be executed thinks fit : provided that any such work shall be executed by the Government Executive Engineer of the district in the manner described in sub-section (1) if the said board communicates a desire to that effect.

Payment of Government establishment employed by Government Executive Engineer.

(3) When any work is executed under this section by a Government Executive Engineer either wholly or partly with the aid of his own Government establishment, such charge shall be payable on account of such establishment by the local board at whose cost the work is being executed as shall be agreed upon between such board and the said Executive Engineer : provided that no charge shall in any case be made on account of the services of the Executive Engineer.

[<sup>1</sup>] 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.

Repairs not to be commenced without plans and estimates.

46. (1) A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment [<sup>2</sup>] authority, or with more than one such local board, municipality or [<sup>2</sup>] authority.

Joint committees of two or more local bodies.

(a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ; and

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence, relating to the purpose for which the committee is appointed.

[<sup>3</sup>] (1A) A district local board may from time to time enter, subject to the sanction of the Government, into an agreement with a district local board, municipality, cantonment authority or committee appointed for a notified area or with a combination of any such bodies, for the levy of octroi duty whereby the octroi duties respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

*Explanation.*—For the purpose of this sub-section, octroi duty includes a terminal tax ;

(2) Where [<sup>4</sup>] a district local board has requested the concurrence of any other local authority under the provisions of sub-section (1) [<sup>5</sup>] or (1A) in respect of any matter and such other local authority has refused to concur, the Commissioner may pass such orders as he may deem fit, requiring the concurrence of such other local authority, not being a cantonment-<sup>[6]</sup> authority, in the matter aforesaid and such other local authority shall comply with such orders.

[<sup>1</sup>] Section 45-A was inserted by Bom. X of 1927, s. 5.

[<sup>2</sup>] The word " authority " was substituted for the word " Committee " by Bom. XIV of 1934, s. 3 (1) (i).

[<sup>3</sup>] This sub-section was inserted by Bom. XIV of 1934 ; s. 3 (1) (ii).

[<sup>4</sup>] The words " a district local board " were substituted for the words " any local authority " by Bom. XIV of 1934, s. 3 (1) (iii) (a).

[<sup>5</sup>] The word, figure, letter and brackets " or (1A) " were inserted by Bom. XIV of 1934, s. 3 (1) (iii) (b).

[<sup>6</sup>] The word " authority " was substituted for the word " Committee " by Bom. XIV of 1934, s. 3 (1) (iii) (c).

(3) If any difference of opinion arises between local bodies [1] acting under this section the decision thereupon of [2] the Government, [3] or of such officer as it appoints in this behalf shall be final.

CHAPTER IV.—INCORPORATION OF LOCAL BOARDS.  
PROPERTY, POWERS AND DUTIES.

Incorporation  
of local  
boards.

47. Every local board shall be a body corporate by the name of "The District Local board of" or "The Taluka Local Board of" as the case may be, 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 immoveable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act :

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

Vesting of  
future local  
works.

48. Every road, building or other work constructed by a local board shall vest in such local board.

Power to  
decide whe-  
ther property  
vests in  
taluka or  
district board.

49. When any doubt arises whether any property vests in the local board established for any taluka or in the district local board having authority over such taluka, the Government may decide in which of the two boards it vests, and any such decision shall be final.

Obligatory  
duties.

50. It shall be the duty of local boards, so far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely :—

(a) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them ;

(b) the construction and repair of hospitals, dispensaries, markets, dharmashals and other public buildings and the visiting, management and maintenance of these institutions ;

(c) the construction and repair of public tanks, wells and water-works, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution ;

[1] The words "acting under this section" were substituted for the words, figures and brackets "having concurred in any action under sub-section (1) or (2), in respect of any matter arising out of such action" by Bom. XIV of 1934, s. 3 (1) (iv) (a).

[2] The words "the Commissioner, if the local bodies are in one division, and of" were deleted by Bom. XIV of 1934, s. 3 (1) (iv) (b).

[3] The words "or of such officer as it appoints in this behalf" were substituted for the words "if they are in different divisions," by Bom. XIV of 1934, s. 3 (1) (iv) (c).

(d) the provision of suitable accommodation for, and the visiting and maintenance of primary schools, and the payment if necessary, of stipends to persons qualifying as teachers for primary schools during the period of their training for such qualification, and the general development and extension of primary education ;

(e) public vaccination, and sanitary works and measures necessary for the public health ;

(f) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards ;

(g) the maintenance of any property vesting in them ; and

(h) the payment at such rates and subject to such conditions as the Government from time to time by general or special order may direct of the expense of maintenance and treatment in any institution which the Government declares by notification to be suitable for such purpose, either within or without the district, and other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions, and proceeding to and returning from such institutions ; and local boards may at their discretion provide out of the said fund for the following matters, namely, Discretionary powers of expenditure.

(i) the payment to members of the board of expenses incurred in travelling for the purpose of the business of the board, in accordance with rules made in this behalf under clause (d) of section 133, provided that no such payment shall be made to a salaried servant of the Government [1] who is in receipt of travelling allowance as such Government servant[1] ;

(j) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, the introduction and preservation of fish and the advancement and improvement of agriculture and local industries ;

(k) the establishment and maintenance of relief and local relief works in time of famine or scarcity ;

(l) educational objects other than those set forth in clause (d) of this section ;

(m) the construction, management and maintenance of light-railways and tramways ;

[2] (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.

(n) any other local works or measures likely to promote the health, safety, comfort or convenience of the public ; and

[1]—[1] These words were added by Bom. V of 1928, s. 2.

[2] Clause (mm) was inserted by Bom. X of 1927, s. 6.

(o) with the previous concurrence of the Collector, any public reception, ceremony, entertainment or exhibition.

Relative duties of taluka and district local boards.

51. (1) Subject to the control of the district local board and, as regards educational matters, to the provisions of proviso (b) to section 80, each taluka local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained at its cost and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.

(2) In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

#### CHAPTER V—SANITARY AND OTHER POWERS.

Power to enter and inspect, etc., buildings.

52. The president of the district local board, or any person authorized by the said board in this behalf, may at any time between sunrise and sunset, on giving notice in the manner hereinafter provided, enter into and inspect all buildings and lands, and by written notice direct that all or any part thereof shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.

Filthy buildings, etc.

53. Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, or, in the opinion of the district local board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the district local board in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction before a Magistrate be liable to a fine not exceeding rupees twenty-five and if the offence be a continuing one to a further fine not exceeding rupees five for every day during which the said offence is continued after conviction.

Powers and duties with regard to sources of water-supply.

54. The president of the district local board or any person authorised by the said board in this behalf may at any time by written notice require that the owner of, or any person who has control over, any well, stream, channel, tank, or other source of water-supply shall, whether it is private property or not,

(a) if the water is used for drinking—

(i) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or



(iii) in such manner as the board directs, protect any such source of water-supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such source of water-supply, which not being a stream in its natural flow, is in the opinion of the board unfit for drinking, or

(v) if notwithstanding any such notice under sub-clause (iv) such use continues and cannot in the opinion of the board be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the board considers sufficient to prevent such use, such source of water-supply, or,

(vi) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the board considers it injurious to health or offensive to the neighbourhood ;

(b) within twenty-four hours of such notice, repair, protect or enclose in such manner as the board may direct or approve, any such source of water-supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the board dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same.

55. If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 54 the district local board may, and, if in the opinion of the president immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII :

Remedy on non-compliance with directions issued.

Provided that in the case of any well or private stream or any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the district local board so directs, be paid from the portion of the local fund at the disposal of such board.

56. (1) The district local board may by public notice, which shall be put up at the spring, tank, well or other place concerned and as required by this Act, set apart public springs, tanks, wells and other places and parts of public water courses for drinking purposes or for bathing or for washing clothes or animals or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants ; and with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.

Power to set apart public springs, etc., for certain purposes.

(o) with the previous concurrence of the Collector, any public reception, ceremony, entertainment or exhibition.

Relative duties of taluka and district local boards.

51. (1) Subject to the control of the district local board and, as regards educational matters, to the provisions of proviso (b) to section 80, each taluka local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained at its cost and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.

(2) In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

#### CHAPTER V—SANITARY AND OTHER POWERS.

Power to enter and inspect, etc., buildings.

52. The president of the district local board, or any person authorized by the said board in this behalf, may at any time between sunrise and sunset, on giving notice in the manner hereinafter provided, enter into and inspect all buildings and lands, and by written notice direct that all or any part thereof shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.

Filthy buildings, etc.

53. Whoever, being the owner or occupier of any building or land, whether tenable or otherwise, suffers the same to be in a filthy or unwholesome state, or, in the opinion of the district local board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the district local board in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction before a Magistrate be liable to a fine not exceeding rupees twenty-five and if the offence be a continuing one to a further fine not exceeding rupees five for every day during which the said offence is continued after conviction.

Powers and duties with regard to sources of water-supply.

54. The president of the district local board or any person authorised by the said board in this behalf may at any time by written notice require that the owner of, or any person who has control over, any well, stream, channel, tank, or other source of water-supply shall, whether it is private property or not,

(a) if the water is used for drinking—

(i) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(2) A copy of the said notification with a translation thereof in the vernacular of the district, shall be published in the local newspapers, if any, and shall be posted up at the district local board office and in one or more conspicuous spots on or near the place to which it relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set aside for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall on conviction before a Magistrate be liable to a fine not exceeding rupees one hundred.

60. (1) The president of any district local board or any person authorized by the board in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous infectious disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

President, etc., to have power of entry for inspection into buildings, etc., where infectious disease exists.

(2) No such inspection shall be made except between sunrise and sunset.

Inspection to be made between sunrise and sunset.

(3) If the district local board is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, it may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice: provided that if the board considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with its requisition, the board may itself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the board under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with its requisition.

Disinfection of buildings, etc.

61. (1) The district local board shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected.

District local board to notify places for washing and disinfecting articles exposed to infection.

(2) The district local board may direct the destruction of clothing, bedding or other articles likely to retain such infection, and shall on demand give compensation for the articles destroyed.

Infected articles may be destroyed.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1), shall on conviction before a Magistrate be liable to a fine not exceeding rupees fifty.

Penalty.

Obstructions and encroachments upon public roads, land or building.

[<sup>1</sup>] **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 proceedings 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 [<sup>2</sup>] fifteen days and in such manner as not to inconvenience the public or any individual.

[<sup>3</sup>] (4) Notwithstanding anything contained in section 47, it shall be competent to a local board to lease or to permit the temporary use of land forming part of a public road when such land is not, in the opinion of the local board, required for a public road or for any other of the purposes of this Act, for a period not exceeding seven years :

Provided that if the lease or permit does not exceed one year, the previous sanction of the Collector, and if the lease or permit exceeds one year but does not exceed seven years, the previous sanction of the Commissioner, shall have been obtained to such lease or permit.

Powers of inspection of weights and measures, etc.

[<sup>4</sup>] **61B.** The president, vice-president, or any councillor or officer authorised by the local board in this behalf may at all reasonable times enter into any place where weights or measures or weighing or measuring instruments are used or kept for the purpose of trade and inspect such weights or measures or weighing or measuring instruments.

District local board empowered to make by-laws.

**62.** (1) The district local board may, from time to time, with the sanction of the Commissioner, make by-laws and cancel or alter the same :—

(a) for the general or special regulation, control or prohibition of the use of markets, dairies, creameries, granaries, grainshops,

[<sup>1</sup>] Section 61A was inserted by Bom. X of 1927, s. 7.

[<sup>2</sup>] The words "fifteen days" were substituted for the words "a week" by Bom. XVI of 1933, s. 3 (a).

[<sup>3</sup>] This sub-section was added by Bom. XVI of 1933, s. 3 (b).

[<sup>4</sup>] This section was inserted by Bom. XV of 1932, second Schedule, Pt. I.

slaughter-houses, cart-stands, burial and burning grounds, offensive trades, and all matters connected with conservancy ;

(b) for regulating the use of public roads and the traffic thereon ; and for securing cleanliness, safety and order in respect of the same ; and

(c) for carrying out all the purposes of this Act, and may impose fines and penalties for the infringement of such by-laws.

(2) No by-law shall be repugnant to any law in force, and no fine for infringement of by-laws. any one infringement shall exceed rupees fifty ; provided that in the case of a continuing infringement the offender may by any by-law be made liable to further fine not exceeding rupees ten for every day during which such infringement is continued after conviction.

(3) No by-law or cancellation or alteration of a by-law shall have Confirmation of by-laws. effect until the same has been approved and confirmed by the Government.

(4) All by-laws when they have been duly confirmed shall have the By-laws to have the force of laws. force of law.

63. The service of every notice and the presentation of every bill Service of notices, etc., addressed to individuals. under this Act, on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for in this Act, be effected by a district local board officer or servant or other person authorized by the district local board in this behalf, or on such terms as may be agreed upon, by any officer or servant of the Government—

(a) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(b) if such person is not found by leaving the notice or bill at his last known place of abode, if within the district, or by giving or tendering the notice or bill to some adult male member or servant of his family ; or

(c) if such person does not reside within the district, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post under cover bearing the said address ; or

(d) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

64. When any notice under this Act is required or permitted by or Service of notices on owners or occupiers of buildings and lands. under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either.

(a) by giving or tendering the notice to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(b) if no such owner or occupier be found, then by giving or tendering the notice to some adult male member or servant of the family of any such owner or occupier as aforesaid ; or

(c) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

65. Every notice which this Act requires or empowers a district local board to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the district local board office during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the district local board in by-laws in this behalf directs.

Defective form not to invalidate notice.

66. (1) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(2) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(3) In the event of non-compliance with the terms of the notice the district local board may take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the district local board shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 69.

Punishment for disobedience of orders and notices not punishable under any other section.

67. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a district local board under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the district local board under any power so conferred, shall, on conviction before a Magistrate if the disobedience or failure is not an offence punishable under any other section, be liable to a fine not exceeding rupees fifty and to a further fine not exceeding rupees five for every day during which the said disobedience or failure continues after conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

District local board in default of owner or occupier may execute works and recover expenses.

68. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the district local board, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalment as to the district local board may seem fit.

(2) If the defaulter be the owner of the building or land, the district local board may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier; and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier, who may deduct the sum from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the district local board, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier.

Occupiers not to be liable for more than the amount of rent due.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

69. If a dispute arises with respect to any expenses or costs which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the district local board, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Expenses or costs how determined and recovered.

70. (1) The district local board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the local fund:

District local board may prosecute.

Provided that no prosecution for an offence under this Act or of any by-law thereunder shall be instituted except within six months next after the commission of such offence.

(2) Any prosecution under this Act or under any by-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act

Jurisdiction of Magistrate.

or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Damage to  
any local  
board  
property how  
made good.

71. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any local board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative  
procedure by  
suit.

72. In lieu of proceeding by distress and sale, or in case of failure to realise by so proceeding the whole or any part of any amount recoverable under the provisions of Chapter VIII or of any compensation, expenses, charges or damages awarded under this Act, the district local board may sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the district local board.

Powers of  
police officers.

73. (1) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained :

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the president or an officer of the local board of the commission of any offence against the provisions of this Act or of any by-law thereunder, and to assist all local board officers and servants in the exercise of their lawful authority.

#### CHAPTER VI.—REVENUE AND EXPENDITURE.

Local fund,  
its custody  
and  
investment.

74. (1) There shall be in each district a fund which shall be called the local fund.

(2) The local fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to be registered under the Co-operative Societies Act, 1912, as may be approved by the Government :



Provided that the district local board may from time to time, with the previous sanction of the Government, and subject to any general or special orders of the Governor-General in Council invest any portion of the fund in securities of the Government of India or such other securities as the Governor-General in Council may approve in this behalf, and vary such investments for others of the like nature; and the income resulting from the securities and proceeds of the sale of the same shall be credited to the local fund.

75. The following shall form part of, or be paid into, the local <sup>Income of</sup> fund :— <sup>local fund.</sup>

(a) the balance of the local fund of the district at the commencement of this Act;

Bom.  
VIII of  
1865.  
Bom.  
III of  
1869.

(b) the net proceeds (after deducting the expenses of assessment and collection) of any residue of the cesses payable in the district under the [1]Sind Local Funds Act, 1865, and [1]Bombay Local Funds Act, 1869;

(c) the net proceeds (after deducting the expenses of assessment and collection) of the cesses in the district authorized by sections 93 and 95;

Bom.  
II of  
1868.

(d) the net proceeds (after deducting the expenses of collection and of the maintenance of the ferries) of all public ferries established in the district under the [1]Bombay Ferries Act, 1868, not being ferries vested under the Act in [2]a municipality, and all penalties inflicted and levied under the said Act in the district;

(e) all rents and profits accruing from property (including ferries) placed by the Government under the management of a local board or vested in a local board;

Bom.  
III of  
1875.

(f) the net proceeds (after deducting the expenses of collection) of all tolls and leases of tolls on roads and bridges vested in the local board which are levied in the district under the [1]Tolls on Roads and Bridges Act, 1875;

XII of  
1919.

(g) such portion of the net proceeds of fees, fines and penalties levied in the district under the [3]Poisons Act, 1919, as the Government from time to time directs;

I of  
1871.

(h) all sums ordered by the Government under section 31 of the [4]Cattle-trespass Act, 1871, or otherwise, to be credited to the fund;

Bom.  
V of  
1879.

(i) all fees levied in the district under the [1]Bombay Land Revenue Code, 1879, for permission to remove sand or to quarry;

(j) all sums received by a local board in the execution of, or from taxation under, this Act and the interest on and the sale proceeds of any securities held by such board;

(k) all sums contributed by private persons;

[1] Vol. II of Bom. Code.

[2] The words "a municipality" were substituted for the words "the district local board" by Bom. X of 1931, s. 3.

[3] General Acts, Vol. VI.

[4] General Acts, Vol. I.

- (l) the proceeds of any fisheries vesting in a local board ;
- (m) the receipts on account of charities and trusts placed under the management of a local board ; and
- (n) all grants and assignments of revenue made by the Government :

Provided that when a public ferry, road or bridge is partly in one district and partly in another, the Commissioner, if the districts are in one division, and the Government if they are in different divisions, may assign to the local fund of each district such proportion of the net proceeds of such ferry, or of the toll, or of the lease of the tolls levied on such road or bridge, as he or it shall think fit :

Provided further that if any road in a district is vested partly in a local board and partly in the Government, the Collector may assign to the local fund of the district such proportion of the net proceeds of the toll or of the lease of the toll levied on such road as he shall think fit :

[<sup>1</sup>] Provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the local board accounts any portion of the local fund set apart by it for any special purpose and shall credit to a separate heading any grant or donation received by it for any special purpose. Any grant or donation so credited by it shall be applied exclusively to the special purpose for which the same was received.

Local fund  
by what  
boards to be  
expended.

**76.** (1) The local fund of a district shall be available for expenditure by or under the direction of each taluka local board for the purposes of this Act as follows :—

(a) the balance available for expenditure by or under the direction of such board at the commencement of this Act ; and

(b) the balance of the revenue described in clauses (b), (c), (e), (g), (h), (i), (j) and (k) of section 75 accruing in the areas subject to the authority of such taluka local board, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 80 and for such share of the charges payable by the district local board under sections 78 and 81 as the said board shall deem equitable.

(2) The remaining portion of the fund shall be available for expenditure by or under the direction of the district local board for the purposes of this Act.

Local fund  
where to be  
expended.

**77.** Expenditure by the local boards out of the local fund shall, save as otherwise provided by this Act, be made within the areas respectively subject to their authority only, but may, with the sanction of the Commissioner, be made outside that area for any of the purposes of this Act.

[<sup>1</sup>] This proviso was added by Bom. IV of 1930, s. 3.

78. Every district local board shall, from the portion of the local fund at its disposal, defray—

(a) the salaries and other emoluments of all officers and servants maintained under section 119, and the pensions or other retiring allowances, if any, of such officers and servants, and the gratuities or compassionate allowances payable to the surviving relatives of such officers and servants; and such charges as may be agreed upon for the performance of any services for the board by any officer or servant of the Government;

(b) such sum as shall from time to time be fixed by the Government for the payment of the salaries, allowances and contributions for pension, according to the rules from time to time made by the Government, of any officers or servants of the Government employed by the board.

79. (1) Every district local board shall assign and cause to be paid out of the district local fund to every municipality and cantonment committee within the district for which such board has been established a sum equal to two-thirds of the amount of the revenue described in clauses (b) and (c) of section 75 levied from lands within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee, the whole of the said amount and such amount shall, at the request of the district local board, be ascertained and certified by the Collector.

(2) The sum assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 50, or for the remuneration of officers and servants whom it entertains for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in sub-section (1) shall be expended by it for educational purposes only, as defined in clause (d) of section 50.

80. In every district the expenditure from the local fund for educational purposes as defined in clauses (d) and (l) of section 50 shall be made by the district local board only or by such authority as may be prescribed in any enactment for the time being in force, and for this purpose a sum equal to not less than one-third of the revenue described in clauses (b) and (c) of section 75 shall be set apart by the said board for expenditure by it on the said purposes [after deducting the sum or sums described in sub-section (1) of section 79]:

Provided that—

(a) no portion of the revenue so set apart which is levied in the area subject to the authority of any taluka local board shall, except with the consent of such board, be expended out of the said area, and

(b) the charges to be necessarily defrayed by each district local board or by such authority as aforesaid on account of primary education, the extent of the independent authority of district and taluka local boards in education and their relations generally with the Government Educational Department and with each other in educational matters shall

be from time to time prescribed by rules made by the Government in this behalf under clause (e) of section 133.

The provisions of proviso (b) of this section shall apply also to municipalities and cantonment committees in respect of the sums to be expended by them under section 79 for educational purposes.

Cess on water-rate to be utilized towards improvement of communications in irrigated tracts.

[1]80A. In any district notified by Government in this behalf, such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by Government, after consultation with the District Local Board concerned, shall be utilized towards the improvement of communications in irrigated tracts in that district.

Provisions for determining by which boards expenditure should be incurred for other purposes.

81. (1) The responsibility of district and taluka local boards, respectively, for expenditure in respect of matters other than education, shall be determined in accordance with the following provisions, namely:—

(a) each local board shall be responsible for the maintenance of any building or other property which vests in it, and of any work which has been executed at its cost ;

(b) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, for the maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more talukas are, or may be, interested ;

(c) taluka local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local, and for all local services and institutions not maintained by the district local board ; and

(d) large works of the nature described in clause (c) of this section which are beyond the means at the disposal of a taluka local board may be undertaken by the district local board at its own cost, or the district local board may assist the taluka local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the taluka local board or by private persons, or by both.

(2) If a difference of opinion arises between a district and a taluka local board as to which board is responsible for any charge, work, institution or service, the question shall be referred for the decision of the Commissioner, which shall be final.

How the local fund shall be drawn against.

82. (1) Subject to the provisions of sections 126 to 131 inclusive no payment shall be made from the Government treasury or by a bank or a co-operative society out of a local fund except upon a cheque or letter of credit signed by the president of the local board which requires such payment.

[1] This section was inserted by Bom. XXII of 1931, s. 2.

(2) Payment of any sum in excess of one hundred rupees shall be made by a local board by means of a cheque or letter of credit signed as aforesaid and not in any other way.

[<sup>1</sup>] 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.

Bom.  
IV of  
1923.

83. Accounts of the receipts and expenditure of every local board shall be kept in such form as the Government may from time to time by rule made in this behalf under clause (f) of section 133 prescribe, and shall be balanced annually on the last day of every financial or revenue year, as Government may prescribe.

Accounts to be kept in form prescribed by the Government.

84. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses, the works undertaken, and the sums expended on each work, and the balance, if any, in hand, shall be forwarded by the president of the board every year, as soon as may be after the end of the year, in such form as the Government may from time to time by rule made in this behalf under clause (f) of section 133 prescribe, to the Collector or such other officer as the Collector nominates in this behalf and shall be published in the *Bombay Government Gazette*.

Publication of abstract of accounts annually.

85. (1) To enable local boards to prepare annual budget estimates, as hereinafter provided the Collector shall annually render to each local board in his district, on or before such date and in such form as the Government from time to time directs, a return setting forth, for the taluka for which such board is established,—

Return to be rendered to local boards of actual and estimated income of local funds.

- (a) the actual receipts in the last complete official year,
- (b) a revised estimate of the receipt in the current official year, and
- (c) a first estimate of the probable receipts in the next following official year,

from each of the sources from which the local fund is derived;

and to the district local board a similar return for the whole district.

(2) The district local board shall, on or before such date as the Government from time to time may direct, communicate to each taluka local board in the district the probable amount of the revenue described in clauses (b) and (c) of section 75, which will be at the disposal of such taluka local board in the next following official year, explaining the manner in which, with reference to clause (b) of sub-section (1) of section 76 the said amount has been fixed.

86. (1) Every local board shall have prepared annually, on or before such date and in such form as the Government from time to time by rule made in this behalf under clause (f) of section 133 prescribes, a budget estimate of the income and expenditure of the board for the next official year.

Preparation of annual budget estimates of income and expenditure.

[<sup>1</sup>] This proviso was added by Bom. X of 1927, s. 8.

Consideration and approval of budget estimates by the board. (2) The board shall, on or as soon as may be after the said date, consider the budget estimate so prepared and approve the same with or without modification as it shall think fit.

Taluka local boards' budget estimates to be submitted for sanction to the district local board. 87. Every budget estimate, as approved by a taluka local board, shall be forthwith submitted to the district local board to which such taluka board is subordinate which, may—

(a) as often as it thinks fit, send back such estimate to the taluka local board for revision, or

(b) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

Revised or supplementary budget estimates may be made when necessary. 88. (1) Every local board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the local board and in the case of a taluka local board submitted to the district local board for sanction, in the same manner as if it were an original annual budget estimate.

Re-appropriation to be subject to approval or sanction like budget estimate. (2) Re-appropriation of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate.

Budget estimates and re-appropriations when to be approved or sanctioned. 89. (1) No budget estimate of a local board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid, unless—

(a) provision is therein made for such board having at its credit at the end of the official year a balance of not less than five thousand rupees in the case of a district local board, and two hundred rupees in the case of a taluka local board ;

(b) for every work, [1]of first construction,[1] there is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work, which has been approved by the board, and in the case of a road of which the cost is to exceed on an average three hundred rupees per mile or of any other work of which the total cost is to exceed three thousand rupees, plans and estimates have [2]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 :

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

Copies of budget estimates and (2) A copy of every budget estimate and a statement of every re-appropriation as finally approved or sanctioned under the foregoing

[1]—[1] Words repealed by Bom. X of 1927, s. 9 (a) are omitted.

[2] The word "either" was inserted by Bom. X of 1927, s. 9 (b).

[3] This proviso was added by Bom. X of 1927, s. 9 (c).

provisions shall be forwarded by the president of each local board without delay to the Collector, or such officer as he nominates in this behalf. Annual budget estimates shall be so forwarded not later than the 18th February.

90. (1) Save in case of pressing emergency, no sum shall be expended by, or on behalf of, any local board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid.

re-appropriation statements to be sent to the Collector.

Except on a pressing emergency no sum not provided for in a budget estimate to be expended.

(2) If any sum is so expended on a pressing emergency, the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a taluka local board) with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

91. Every budget estimate prepared, approved or sanctioned by any local board under the [1]Bombay Local Boards Act, 1884, before the commencement of this Act shall be deemed to have been duly prepared, approved or sanctioned under this Act.

Bom.  
I of  
1884.

Provision as to budget estimates in force when this Act comes into operation.

92. [2](1) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the accounts of local boards may be examined and audited at such intervals, in such manner, and by such agency as Government, on the application of the local board or local boards concerned, directs.

Bom.  
XXV  
of  
1930.

Audit to be made periodically under the orders of the Government.

(2) Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession, or under the control of the local board.

Auditor to have power to see all accounts, etc.

[3] (3) [4] 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.

## CHAPTER VII.—TAXATION.

93. (1) The Government shall levy, on the conditions and in the manner hereinafter described, a cess [5]at the rate[6] of one anna or, on an application of the district local board to which the cess is payable made in pursuance of a resolution of the board passed at a special meeting

Levy of one anna cess on every rupee of land-revenue.

[1] Vol. II of Bom. Code.

[2] Sub-section (1) was substituted for the original sub-section by Bom. Act XXV of 1930, s. 16 (2).

[3] Sub-section (3) was substituted for the original by Bom. X of 1927, s. 10.

[4] The words "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*" were repealed by Bom. X of 1931, s. 4.

[5]—[6] These words were inserted by Bom. X of 1927, s. 11 (i) (1).

called for the purpose, an increased cess [²]at the rate[²] not exceeding two annas, on every rupee of .

(a) every sum payable to the Government as ordinary land-revenue except sums payable on account of any of the charges mentioned in Schedule A, and except sums payable on account of any charge which may be notified [²]by the Government in this behalf,[²]

(b) every sum which would have been assessable on any land as land-revenue had there been no alienation of land-revenue[²], and

[²](c) every sum which would have been assessable on any land as land-revenue had the land not been talukdari land :

Provided that [²]the rate off[²] any increased cess leviable as aforesaid shall be a multiple of 3 pies.

[²]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.

(2)[²] The Government may, on the application of the local board to which the cess is payable, suspend the collection of the cess or any portion thereof in any year in any area [²]subject to the authority of such local board.[²]

Rules for  
assessment.

94. [¹⁰] (1) In the assessment of the said cess on villages alienated as defined in the [²]Bombay Land Revenue Code, 1879; Bom.  
V of  
1879.

(a) if the village has been surveyed and assessed in the manner laid down in the said Code and the rules made thereunder, the cess shall be fixed on the total amount of assessment of the village as fixed under the said Code or the rules made thereunder ;

(b) if the village has come under summary settlement under the [¹¹]Exemptions from Land Revenue (No. 1) Act, 1863, or the [¹¹]Exemptions from Land Revenue (No. 2) Act, 1863, and clause (a) of this section does not apply, the cess shall be fixed on the total annual assessment as settled for the purpose of summary settlement ; and Bom.  
II and  
VII of  
1863.

(c) in villages to which neither of clauses (a) or (b) of this section applies, the cess shall be fixed on the old or kammal rate recorded in the books of the Collector ; and if no such rate is recorded, or if the rate so recorded is objected to by the holder or proprietor of the alienated village, the cess may be fixed as agreed upon by the Collector

[¹]—[²] These words were inserted by Bom. X of 1927, s. 11 (i) (1).

[²] For Notification under this clause, see Government Notification in the General Department No. 4453A, dated the 19th August 1924, published in the *Bombay Government Gazette*, Part I, of 1924, p. 1862.

[³] This comma was substituted for the word "and" by Bom. X of 1927, s. 11 (i) (2) (a).

[⁴] This mark and word were substituted for the mark " : " by Bom. X of 1927, s. 11 (i) (2) (b).

[⁵] This clause was inserted by Bom. X of 1927, s. 11 (i) (2) (c).

[⁶]—[⁸] These words were inserted by Bom. X of 1927, s. 11 (i) (3).

[⁷] This proviso was inserted by Bom. X of 1927, s. 11 (i) (4).

[⁹] For Notification under this sub-section, see Government Notification in the Revenue Department No. 6457-24, dated the 6th September 1926, published in the *Bombay Government Gazette*, Part I, of 1926, p. 2044.

[¹⁰]—[¹¹] These words were substituted for the words " in which the Government has declared that famine exists " by Bom. X of 1927, s. 11 (ii).

[¹²] Original section 94 was renumbered section 94 (1) by Bom. V of 1928, s. 3 (a).

[¹³] Vol. II of Bom. Code.



[<sup>1</sup>]in agreement with the district local board who shall pass a special resolution to that effect[<sup>1</sup>] and such holder or proprietor, or, failing agreement, by a rough survey and assessment to be made by the Government, the expense of such rough survey being borne half by the local board and half by the holder or proprietor of such village.

[<sup>2</sup>](2) The provisions of sub-section (1) shall apply, so far as may be, to talukdari land.

95. [<sup>3</sup>]The Government may levy a cess not exceeding two annas on every rupee of water-rate leviable under the provisions of the [<sup>4</sup>]Bombay Irrigation Act, 1879. Levy of cess on water-rate.

96. The cess described in section 93 shall be levied, so far as may be, in the same manner, and under the same provisions of law, as the land revenue. Manner of levying cess described in section 93.

97. The cess described in section 95 shall be levied, so far as may be, in the same manner, and under the same provisions of law, as water-rates payable to the Government under the Bombay Irrigation Act, 1879. Manner of levying cess described in section 95.

98. The provisions of law relative to the assistance to be given to superior holders and owners of water-courses for the recovery of their dues from their tenants and occupants under them, or from persons authorized to use their water-courses, shall be applicable to all superior holders, whether of alienated or unalienated land, and to all owners of water-courses in respect of the recovery of the said cesses from their tenants, occupants or persons authorized to use their water-courses, and shall be applicable also to occupants of land under the [<sup>4</sup>]Bombay Land Revenue Code, 1879, for the recovery of the said cesses from their tenants or joint occupants. Assistance to superior holders.

99. Subject to any general or special orders which may be made by the Government in this behalf, every district local board may— Taxes which may be imposed by district local board.

(a) after observing the preliminary procedure required by section 100, and

(b) with the sanction of the Commissioner, and subject to such modifications or conditions as under section 101 the Commissioner, in according such sanction, deems fit,

impose, for the purposes of this Act, any tax which, under rules made under clause (a) of sub-section (3) of section 80A of the Government of India Act, a local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the Governor General. 5 & 6, Geo. V. a. 61.

Provided that no tax imposed as aforesaid other than a special sanitary cess or a water-rate, shall, without the express consent of the Government be leviable in respect of any building or part of any building, or

[<sup>1</sup>—<sup>1</sup>] These words were inserted by Bom. V of 1928, s. 3 (b).

[<sup>2</sup>] New sub-section (2) was added to the original section 94 by Bom. V of 1928, s. 3 (c).

[<sup>3</sup>] For Notifications under this section, see Government Notifications in the General Department No. 4453-B, dated 19th August 1924, published in the *Bombay Government Gazette*, 1924, Part I, p. 1863, and No. 4453, dated the 16th December 1925, published in the *Bombay Government Gazette*, 1925, Part I, p. 3263 and also No. 4453, dated 28th March 1928, published in the *Bombay Government Gazette*, 1928, Part I, p. 600.

[<sup>4</sup>] Vol. II of Bom. Code.

of any vehicle, animal or other property, belonging to the Government and used solely for public purposes, and not used or intended to be used for purposes of profit, and no toll shall be leviable for the passage of troops, the conveyance of Government stores or of any other Government property, the passage of Military or Police officers on duty, or the passage or conveyance of any person or property in the custody of such officers.

Procedure of board preliminary to imposing tax.

**100.** (1) Every district local board shall, before imposing a tax, by resolution passed at a meeting of the board—

- (a) select a tax which may under section 99 be imposed; and
- (b) approve rules describing the tax selected; and shall in such resolution and in such rules specify;
  - (c) the class or classes of persons or of property, or of both, which the district local board desires to make liable, and any exemptions which it desires to make;
  - (d) the amount for which, or the rate at which it is desired to make such classes liable; and
  - (e) all other matters which the Government may require to be so specified.

(2) When such resolution has been passed, the district local board shall publish the rules with a notice in the form of Schedule B prefixed thereto.

(3) Any inhabitant of the district objecting to the imposition of the said tax, or to the amount or rate proposed, or to the class of persons or property to be made liable thereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the district local board, and the board shall take all such objections into consideration, or shall authorize a committee of its members to consider and report on them, and, unless it decides to abandon or modify the proposed tax in accordance with the said objections, shall submit them with its opinion thereon, together with the notice and rules as aforesaid, to the Commissioner.

Power to sanction, modify and impose conditions.

**101.** The Commissioner may either refuse to sanction the rules submitted, or may return them to the district local board for further consideration, or, if no objection, or no objection which is in his opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

- (a) without modification, or
- (b) subject, as he deems fit,
  - (i) to such modifications not involving an increase of the amount to be imposed, or
  - (ii) to such conditions as to the application within the district to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of such tax.

102. All rules sanctioned under section 101 with all modifications subject to which the sanction is given, shall be published by the district local board in the district for which they are made, together with a notice reciting the sanction and the date and serial number thereof; and the tax as described in the rules so published shall, from a date which shall be specified in such notice and shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the district local board in accordance with the conditions, if any, subject to which under section 101 the sanction was given :

Publication of sanctioned rules with notice.

Provided that—

(a) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, viz., the first day of April, the first day of July, the first day of October, or the first day of January, in any year, and

(ii) if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing ;

(b) on or before the day on which a notice is issued under this section the district local board shall publish such further detailed rules as may be required, and as may have been approved by the Commissioner, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof shall be payable ; and

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned, for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards any unpaid arrears which have become due during the period.

[<sup>1</sup>] 102A. Where any agreement such as is referred to in sub-section (1A) of section 46 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf shall have the same power to establish such octroi limits and stations as that body may deem necessary for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of the Act under which that body is constituted relating to octroi, shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of that body ; and the collections made and the costs thereby incurred shall, subject to the provisions of section 46, be divided between the bodies entering into the agreement, in such proportions as shall have been determined in the agreement.

Collection of octroi by one public body on behalf of others.

103. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a district local board is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interest of the general public or violates any promises

Power of Government to suspend levy of objectionable taxes.

[1] This section was inserted by Bom. XIV of 1934, s. 3 (2).

made or undertakings incurred by Government, the Government may require the said district local board, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Government, the Government may, by notification in the *Bombay Government Gazette*, suspend the levy of such tax or of such part thereof, until such time as the objection thereto shall be removed.

#### CHAPTER VIII.—COLLECTION OF TAXES.

Presentation of bill for amount of tax.

104. (1) When any amount which

(a) by or under any provision of this Act, is declared to be recoverable in the manner provided by this chapter, or

(b) not being payable on demand on account of a toll, is claimable as an amount or instalment on account of any tax which is imposed in the district shall have become due,

the district local board shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify

(a) the period for which, and

(b) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and

(ii) the time within which an appeal may be preferred, as hereinafter provided, against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the local board office, or to a person authorized by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the district local board may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule C, or to the like effect.

In what cases warrant may issue.

105. If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either—

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the district local board, or of such officer as the board by rule may appoint in this behalf, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 113 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the district local board in the form of Schedule D or to the like effect by distress and sale of the moveable property of the defaulter.

106. Every warrant issued under section 105 shall be signed by the president of the district local board causing the same to be issued, or by an officer authorized by the district local board for this purpose or with the sanction of the Government, by an officer of the Government.

Warrant by whom to be signed.

107. When the property is in the district, the warrant shall be addressed to an officer of a local board established in the district or with the sanction of the Government, to an officer of the Government.

To whom warrant should be addressed.

When the property is in another district, the warrant shall be addressed to the president of the district local board in such other district : provided that such president may endorse such warrant to a subordinate officer or with the sanction of the Government to an officer of the Government. When the property is in the City of Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay : provided that the Registrar may endorse such warrant to a subordinate officer.

108. Any officer to whom a warrant is addressed by endorsement or otherwise may, if the warrant contains a special order authorizing him in this behalf, but not otherwise, break open, at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance provided that such officer shall not enter or break open the door of any apartment appropriated for women until he has given three hours' notice of his intention and has given such women an opportunity to remove themselves.

Power of entry under special order.

109. Such officer may distrain, wherever it may be found, any movable property of the person named in the warrant as defaulter subject to the following conditions, exceptions and exemptions, namely :—

Warrant how to be executed.

(a) the following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans, and

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable him to earn his livelihood ;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorized by or under section 106 to sign a warrant should not have been so distrained they shall forthwith be returned ; and

(c) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule E that the said property will be sold as shall be specified in such notice ;

Provided that if after the property is distrained and before it has been removed, the sum due by the defaulter together with all costs incidental to the notice, warrant and distress of the property is paid, the officer shall remove the distress.

Sale of goods  
distrained.

110. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application  
of proceeds  
of sale.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the district local board and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if  
any, how  
dealt with.

(3) The surplus, if any, shall be forthwith credited to the local fund, notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the district local board within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the district local board.

Distrain and  
sale outside  
the district.

111. When the warrant is addressed outside the district, the authority issuing the warrant may by endorsement direct the president or registrar to whom the warrant is addressed to sell the property distrained, and in such case it shall be lawful for such president or registrar to sell the property and do all things incidental to the sale, and the foregoing provisions shall be modified accordingly. Such president or registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued.

Fees and cost  
chargeable.

112. Fees for—

(a) every notice issued under sub-section (3) of section 104,

(b) every distress made under section 109, and,

(c) the costs of maintaining any live stock seized under the said section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the district local board, and shall be included in the costs of recovery to be levied under section 105.

Appeals to  
Magistrates.

113. Appeals against any notice of demand issued under sub-section (3) of section 104 may be made to any Magistrate or Bench of Magistrates

by whom under the directions of the Government, or of the District Magistrate, such class of cases is to be tried. But no such appeal shall be heard and determined unless—

(a) the appeal is brought within fifteen days next after service of the notice of demand complained of;

(b) an application in writing, stating the ground on which the claim of the district local board is disputed, has been made to the district local board as follows: that is to say:

(i) in the case of a rate on buildings or lands, within a time to be notified in the notice given of the assessment or alteration thereof, according to which the bill is prepared, and

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 104, within fifteen days next after the presentation of such bill; and

(c) the amount claimed from the appellant has been deposited by him in the local board office.

114. All sums due on account of any tax imposed in the form of a rate on lands or buildings or on both shall, subject to prior payment of land-revenue, if any, due thereupon, be a first charge upon the building or land in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax:

Liability of lands, buildings, etc., for rates.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

115. The Government may at any time by notification suspend the operation of sections 105 to 110 inclusive in any district and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (2) of section 70 for the recovery of such fines as are therein referred to, and not otherwise.

Suspension of power to recover by distress and sale.

116. (1) In the case of the non-payment on demand of any toll leviable by a district local board the person appointed to collect such toll may seize any vehicle or animal on which the toll is chargeable or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the property seized a list of the property together with a written notice in the form of Schedule E that the said property will be sold as shall be specified in such notice.

Power on non-payment of toll.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of toll demanded be forthwith paid.

Power to sell property seized at once.

Release of property on payment. (3) If at any time before the sale has begun, the person whose property has been so seized tenders at the local board office the amount of all expenses incurred, and of toll payable, the property seized shall forthwith be released.

Sale. (4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such toll and of the expenses incidental to the seizure, detention and sale.

Surplus how dealt with. (5) The surplus, if any, of the sale proceeds shall be credited to the local fund and may, on application made to the district local board in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the district local board.

Farming of tolls. 117. (1) The district local board may lease the levy of any toll that may be imposed under this Act by public auction or private contract :

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Person employed by the lessee of toll to have power of seizure. (2) When any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 116 :

Provided that no article seized may be sold except under the orders of the district local board.

(3) Any sum due from a lessee to a local board in respect of any toll leased under this section may be recovered as an arrear of land-revenue.

Receipts to be given for all payments. 118. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it has been paid shall be tendered by the person receiving the same.

#### CHAPTER IX.—OFFICERS AND SERVANTS OF LOCAL BOARDS.

Schedule of establishment to be prepared and sanctioned by district local boards : Chief Officer ; Health Officer ; Engineer. 119. (1) Every district local board may appoint and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the taluka local boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

(2) Where any district local board appoints a Chief Officer or an Engineer and such appointment is approved by the Government, the Government shall pay two-thirds of the salary of such Chief Officer or Engineer ; and where any district local board appoints a Health Officer and such appointment is approved by the Government, the Government shall pay two-thirds of the salary of such officer.



120. The district local board may, subject to any rule or order made by the Government in this behalf under clause (g) of section 133, delegate to its president [<sup>1</sup>]or Chief Officer or to the president of any taluka local board subordinate to it the power of appointing any officer or servant on a salary not exceeding such limit as may be prescribed by the Government by rule in this behalf.

Delegation of power to engage officers and servants.

121. If in the opinion of the Commissioner the number of persons maintained by a district local board as officers or servants, or whom a district local board proposes to maintain, or the remuneration assigned by the board to those persons or to any particular person, is excessive, the said board shall, on the requirement of the Commissioner, reduce the number or remuneration of the said persons :

Power of Commissioner to prevent extravagance in establishments.

Provided that the district local board may appeal against any such requirement to the Government whose decision shall be conclusive.

122. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation framed under section 123, and to any rule or order made by the Government in this behalf under clause (g) of section 133, vest in the said board :

Punishment and dismissal of officers and servants.

Provided that, subject as aforesaid, the power of punishing or dismissing any such officer or servant not receiving salary beyond such limit as may be prescribed by the Government by rule made in this behalf under clause (g) of section 133 may be delegated by a district local board to its president [<sup>2</sup>]or to its Chief Officer [<sup>2</sup>] [<sup>3</sup>]Engineer or Health Officer or to the president of any taluka local board subordinate to it.

123. Every district local board may from time to time frame regulations,

District local boards to frame

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

regulations : fixing the amount of the security to be furnished ; regulating leave ;

(b) regulating the grant of leave to the permanent officers and servants maintained by the board ;

regulating leave ;

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

settling absentee allowances ; fixing acting allowances ;

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

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

regulating length of service ;

[<sup>4</sup>] (ee) regulating, subject to any rule or order made by the Government in this behalf under clause (g) of section 133, the punishment and dismissal of such officers and servants ;

regulating punishment and dismissal ;

[<sup>1</sup>] The words " or Chief Officer " were inserted by Bom. VIII of 1934, s. 3.

[<sup>2</sup>]-[<sup>2</sup>] These words were inserted by Bom. X of 1927, s. 12.

[<sup>3</sup>] The words " Engineer or Health Officer " were inserted by Bom. VIII of 1934, s. 4.

[<sup>4</sup>] Clause (ee) was inserted by Bom. VIII of 1934, s. 5.

fixing pensions, etc. ;

(f) determining the conditions under which such officers and servants or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances ; the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of such officers and servants ; and the amount of such pensions, gratuities or compassionate allowances ; and

fixing contributions to provident funds ;

(g) authorizing the payment of contributions at certain specified rates and subject to certain specified conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants : Provided that

Proviso as to officers lent by Government ;

(i) if an officer is lent to any local board by the Government or if an officer is employed partly in the service of the Government and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by rules made by the Government in this behalf under clause (g) of section 133 and shall not except with the assent of the Government, dispense with his further services at any time without giving the Government six months' previous notice ; and

and as to approval of regulations by the Government.

(ii) no regulation made by any district local board under this section shall have effect unless and until it has been approved by the Government.

#### CHAPTER X.—CONTROL.

Powers of inspection and supervision.

124. (1) The Commissioner, Collector or any officer of the Government authorised by general or special order of the Government may—

(a) enter on and inspect any immovable property occupied by any local board or any institution under its control and management, or any work in progress under it or under its direction, or cause such immovable property, institution or work to be entered upon and inspected by any other person authorized by him in this behalf in writing ; and

(b) call for any extract from the proceedings of any local board or any committee appointed by such board, and call for or inspect any book or document in the possession of or under the control of a local board.

(2) The Collector may—

(a) call for any return, statement, account or report which he may think fit to require a local board to furnish ; and

(b) require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done by such board, or any information furnished by him which appears to him to necessitate the doing of a certain thing by such board and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing, or for not doing, such thing.

125. (1) If, in the opinion of the Collector, the execution of any order or resolution of a local board, or the doing of anything which is about to be done, or is being done by or on behalf of a local board, is causing, or is likely to cause, injury or annoyance to the public, or to lead to a breach of the peace or is unlawful, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

Collector's power of suspending execution of orders, etc., of local boards.

(2) When a Collector makes any order under sub-section (1), he shall forthwith forward to the Commissioner and to the local board affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification permanently or for such period as he thinks fit.

Collector's order to be reported to the Commissioner, who may confirm or modify it.

(3) The Commissioner shall forthwith submit to the Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Every case under this section to be reported to the Government for its final orders.

126. (1) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the local board.

Extraordinary powers of Collector in case of emergency.

(2) If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hand.

(3) The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

127. (1) When the Government is informed, on complaint made or otherwise that a local board has made default in performing any duty imposed on it by or under this Act, [1] or by or under any enactment for the time being in force [1] the Government, if satisfied after due enquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty:

Power of the Government to provide for performance of duties in default of local board.

Provided that no such period shall be fixed unless the local board has been given an opportunity to show cause why such order shall not be made.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.

[1]—[1] These words were inserted by Rom. V of 1932, s. 3.

[1] (3) If the expense and remuneration are not so paid the Government may make an order directing the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest to pay such expense and remuneration from such moneys as may be standing to the credit of the local board in such treasury or bank or society or as may, from time to time, be received from or on behalf of the local board by way of deposit by such treasury or bank or society; and such officer or bank or society shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer, bank or society from all liability to the local board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the local board in such treasury or bank or society.

Inquiry into affairs of local board.

128. (1) The Government may from time to time cause inquiry to be made by any of its officers in regard to any local board, or matters concerning it, or any matters with respect to which the sanction, approval, consent or order of the Government is required by this Act.

(2) The officer holding such inquiry, shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.

(3) The Government may make orders as to the costs of inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid, and such order may, on the application of the Government or of any person named therein, be executed as if it were a decree of a civil court.

Power of the Government to dissolve or supersede local boards in case of incompetence, default, or abuse of powers.

129. (1) If in the opinion of the Government a local board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the *Bombay Government Gazette*, declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and either—

(a) dissolve the board, or

(b) supersede it for a period to be specified in the order.

(2) When a local board is dissolved or superseded, all members of the board shall, as from the date of the order, vacate their offices as such members.

Reconstitution of local board after dissolution.

130. When a local board is dissolved, it shall be reconstituted by such nominations and elections as may be necessary, as if the term of office of its members had expired; and a president and vice-president of the board shall be elected in the manner provided in this Act.

\* [1] This sub-section was substituted for original sub-section (3) by Bom. XXIII of 1931, s. 3.

131. When a local board is superseded—

Consequences  
of superses-  
sion of local  
board.

(a) all powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf; such person or persons may appoint a person or a committee or committees and delegate to them all the powers which the local board could have delegated to a person or committee under this Act, and empower such person or committee or committees to perform the duties which a board could have delegated; and

(b) all property vested in the board shall, during the period of supersession, vest in the Government;

(c) when more persons than one are appointed to exercise the powers and perform the duties of the board, such persons may authorise one or more of their number to sue or be sued on their behalf.

om.  
of  
379.

[<sup>1</sup>] 131A. (1) When, on account of the constitution of a new district under the Bombay Land Revenue Code, 1879, or for any other reason, the limits of a district or taluka are, during the term of office of the members of the district or taluka local board, altered, the Government may, by order published in the *Bombay Government Gazette*, dissolve such local board from a date specified in the order and direct a local board—

Power of  
Government  
to dissolve  
and recon-  
stitute local  
boards on the  
alteration of  
limits of  
districts or  
talukas.

(i) to be reconstituted for the district or taluka of which the local board has been dissolved, or

(ii) to be established for a new district or taluka which has been constituted.

The members of the local board which has been dissolved shall vacate their offices from the date specified in the order.

(2) The district or taluka local board reconstituted or established under the provisions of sub-section (1) shall consist of members nominated by Government. Such members shall, so far as may be practicable, in the opinion of Government, be persons who were members of the local boards which have been dissolved under sub-section (1).

The president and vice-president of the local board so reconstituted or established shall be elected in the manner provided in this Act.

(3) The members of a local board reconstituted or established under the provisions of sub-section (2) shall hold office for such period, not exceeding one year, as the Government shall, by order in writing, specify.

(4) On the expiry of the period of office of the members of a local board under the provisions of sub-section (3), the local board of the district or taluka, as the case may be, shall be constituted in the manner provided in sections 5 and 6.

[<sup>1</sup>] Sections 131A and 131B were inserted by Bom. V of 1932, s. 4.

Vesting of property, etc., of local boards which have been dissolved in, in reconstituted local boards.

[<sup>1</sup>] 131B. (1) When a local board has been dissolved and reconstituted or established under section 131A, so much of the local fund and other property vesting in the local board which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, a local board reconstituted or established under section 131A as the Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the local board which has been dissolved in respect of civil and criminal proceedings, contracts, agreements, and other matter or thing arising in or relating to any part of the area subject to the authority of the local board reconstituted or established, shall vest in such local board.

(3) Any notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed by the local board which has been dissolved, in respect to any part of the area subject to the authority of the local board which has been reconstituted or established, shall be deemed to have been made, issued or imposed by such local board, unless and until it is superseded by any notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed by such local board.

Powers of the Government and of Commissioners over Collectors, etc.

132. In all matters connected with this Act, the Government and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

#### CHAPTER XI.—RULES.

Purposes for which rules, and orders may be made.

[<sup>2</sup>] 133. The Government may by notification in the *Bombay Government Gazette* from time to time make rules or orders, consistent with this Act.

(a) prescribing the number of members of each local board, the proportion of the elective and nominated members for each local board and the number of members to be elected by each constituency ;

(b) determining the mode in which and the places at which, and the authorities, if any, under whose supervision elections of members of local boards shall be held, and the manner in which votes thereat shall be recorded, and how and by whom the results of such elections shall be declared ;

(c) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted ;

[<sup>1</sup>] Sections 131A and 131B were inserted by Bom. V of 1932, s. 4.

[<sup>2</sup>] For Notifications publishing the Rules under various sub-sections of this section, see p. 93 *infra*.

(d) prescribing, for the purposes of clause (i) of section 50, the conditions under which, and the rates at which, payment of travelling expenses shall be made ;

(e) prescribing for the purposes of proviso (b) to section 80, the charges to be defrayed by each district local board on account of primary education, the extent of the independent authority of district and taluka local boards in respect of education and their relations generally with the Government, Educational Department and with each other in educational matters ;

(f) prescribing, for the purposes of sections 83, 84 and sub-section (1) of section 86 the form in which the accounts of local boards shall be kept and the forms in which their abstracts of accounts and budget estimates shall be prepared and regulating the audit of local board accounts ;

(g) regulating, for the purposes of sections [1] 120 and 122 and clause (ee) of and proviso (i) to section 123 the appointment, control, punishment and dismissal of the officers and servants of local boards and the extent of contributions to the pensions and leave allowances of Government officers employed by local boards ; and

(h) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act and not therein specially provided for :

Provided that rules made under this section shall be made after previous publication.

#### CHAPTER XII.—MISCELLANEOUS.

134. If any member of a local board or any officer or servant maintained by or employed under a local board, has directly or indirectly any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable on conviction before a Magistrate to a fine not exceeding rupees five hundred :

Penalty for member, officer or servant of a local board having an interest in any contract, etc., with that board.

Provided that no person shall be convicted under this section by reason only of such person—

(a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the [2] Co-operative Societies Act, 1912, which shall contract with or be employed by or on behalf of the local board, or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted, or

[1] The figures, words, letters and brackets " 120 and 122 and clause (ee) " were substituted for the figures " 120, 122 " by Bom. VIII of 1934, s. 6.

[2] General Acts, Vol. V.

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or

(d) being professionally engaged on behalf of the local board as a legal practitioner.

Members,  
etc., of boards  
to be public  
servants.

135. Every member of a local board and every officer and servant maintained by or employed under a district local board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV  
of  
1860.

Limitation of  
suits.

136. (1) No suit shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of.

(2) In the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Acquisition  
of land.

137. [1]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 [2]Land Acquisition Act, 1894, or other law for the time being in force, and, on payment by I of the local board of the compensation awarded under that Act and of all 1894. other charges incurred by the Government on account of the acquisition, the land shall vest in the local board.

## SCHEDULE A.

[See clause (a) of section 93.]

1. Penalties and fines, including any charge imposed under section 148 of the [3]Bombay Land Revenue Code, 1879, as penalty or interest Bom. in case of default, but not including any fine levied under section 65 of V of the same on grant of permission to use land for a purpose unconnected 1879. with agriculture.

2. Occasional fixed payments, in commutation of all claims of the Government, in respect of succession to or transfer of inams, payable on each succession or transfer.

[1] This section was substituted for the original by Bom. X of 1927, s. 13.

[2] General Acts, Vol. III.

[3] Vol. II of Bom. Code.



3. Land revenue on service inam land, recovered from inferior village servants for periods of unauthorised absence from service ; and all other such charges of assessment on inams and watans for broken periods and past years.

4. Fees for grazing, when charged per head of cattle.

SCHEDULE B.

[See sub-section (2) of section 100.]

FORM OF NOTICE OF PROPOSED TAX.

Notice is hereby given to the inhabitants of the district of that the district local board desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended [in lieu of the tax known as the , which is published at page of the sanctioned rules\*].

Any inhabitant of the district objecting to the proposed tax may, within one month from the date of this notice, send his objection in writing to the district local board.

\*To be inserted if the tax is to be substituted for any existing tax.

RULES.

[The rules prepared by the district local board under sub-section (1) of section 100 are to be appended here.]

SCHEDULE C.

[See sub-section (3) of section 104.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at

Take notice that the district local board of demands from

the sum of

due from

on account of

*(Here describe the property or other subject in respect of which the tax is leviable.)*

leviable under rule No.                    for the period of  
 commencing on the                    day of                    19                    and ending  
 on the                    day of                    19                    , and that if,  
 within fifteen days from the service of this notice, the said sum is not  
 paid into the local board office at                    , and sufficient cause  
 for non-payment is not shown to the satisfaction of the district local  
 board, a warrant of distress will be issued for the recovery of the same  
 with cost.

Dated this                    day of                    19

(Signed)

By order of the district local board of

SCHEDULE D.

(See section 105.)

FORM OF WARRANT.

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of \_\_\_\_\_ has not paid, and has not shown satisfactory cause for the non-payment of, the sum of \_\_\_\_\_ due for the tax\* mentioned in the margin for the period commencing \*Here describe the tax. on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and ending with the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and leviable under rule No. \_\_\_\_\_ ;

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of sections 108 and 109 of the Bombay Local Boards Act, 1923, the goods and chattels of the said A. B. to the amount of \_\_\_\_\_, being the amount due from him, as follows :—

Rs. a. p.

On account of the said tax .. ..

For service of notice .. ..

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 . . .

(Signed)

President

(or as the case may be, see section 106).

## SCHEDULE E.

[See clause (c) of section 109 and sub-section (1) of section 116.]

## FORM OF INVENTORY AND NOTICE.

To

A. B.

residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the value of                      due for the tax\*                      mentioned in the margin for the period commencing with the                      day of                      19                      and ending with the                      day of                      19                      together with Rs.                      due as for service of notice of demand and that unless within five days from the day of the date of this notice you pay into the local board office at                      the said amount together with the cost of recovery, the said goods and chattels will be sold.

\*Here describe the tax.

Dated this                      day of                      19 .

(Signature of officer executing the warrant.)

## INVENTORY.

(Here state particulars of goods and chattels seized.)

(See footnotes to sections 4, 6 and 133.)

**For Notifications issued under section 4,**

*See—*

G. N. No. 4454, dated the 8th August 1932, published in the *B. G. G.*, Part I-A of 1932, page 122.

G. N. No. 4454-VIII (a), dated the 8th August 1932, published in the *B. G. G.*, Part I-A of 1932, page 124.

**For Notifications issued under sections 4, 6 and 133 (a),**

*See—*

G. N. No. 9296/A, dated the 19th February 1934, published in the *B. G. G.*, Part I-A of 1934, pages 72-140.

G. N. No. 9296, dated the 19th February 1934, published in the *B. G. G.*, Part I-A of 1934, page 72.

G. N. No. 9296, dated the 25th May 1934, published in the *B. G. G.*, Part I-A of 1934, pages 296-297.

G. N. No. 9296, dated the 16th June 1934, published in the *B. G. G.*, Part I-A of 1934, pages 310-312.

G. N. No. 9296, dated the 15th March 1934, published in the *B. G. G.*, Part I-A of 1934, page 176.

G. N. No. 9296/A, dated the 15th March 1934, published in the *B. G. G.*, Part I-A of 1934, pages 176-224.

G. N. No. 9296/A, dated the 16th April 1934, published in the *B. G. G.*, Part I-A of 1934, pages 245-268.

G. N. No. 9296, dated the 16th April 1934, published in the *B. G. G.*, Part I-A of 1934, pages 244-245.

G. N. No. 9296, dated the 1st June 1934, published in the *B. G. G.*, Part I-A of 1934, page 300.

G. N. No. 9296, dated the 7th July 1934, published in the *B. G. G.*, Part I-A of 1934, page 318.

G. N. No. 9296/A, dated the 7th July 1934, published in the *B. G. G.*, Part I-A of 1934, page 318.

G. N. No. 9296, dated the 3rd July 1934, published in the *B. G. G.*, Part I-A of 1934, page 316.

G. N. No. 9296, dated the 16th July 1934, published in the *B. G. G.*, Part I-A of 1934, page 321.

G. N. No. 9296, dated the 19th June 1934, published in the *B. G. G.*, Part I-A of 1934, page 313.

G. N. No. 9296/A, dated the 16th July 1934, published in the *B. G. G.*, Part I-A of 1934, page 321.

**For Notifications issued under sections 6 and 133 (a),**

*See—*

G. N. No. 4454, dated the 9th May 1931, published in the *B. G. G.*, Part I-A of 1931, page 178.

G. N. No. 5490, dated the 7th August 1931, published in the *B. G. G.*, Part I-A of 1931, page 260.

G. N. No. 4454, dated the 9th November 1931, published in the *B. G. G.*, Part I-A of 1931, page 339.

G. N. No. 4454, dated the 20th June 1932, published in the *B. G. G.*, Part I-A of 1932, page 94.

G. N. No. 4454, dated the 13th August 1932, published in the *B. G. G.*, Part I-A of 1932, page 126.

G. N. No. 4454, dated the 29th August 1932, published in the *B. G. G.*, Part I-A of 1932, page 142.

G. N. No. 4454, dated the 28th November 1932, published in the *B. G. G.*, Part I-A of 1932, page 197.

For Rules under section 133 (a) in connection with the—

*Northern Division.*

See—

- G. N. No. 4454, dated the 18th August 1924, published in the *B. G. G.*, Part I-A of 1924, pages 237-260.  
 G. N. No. 4454, dated the 19th August 1927, published in the *B. G. G.*, Part I-A of 1927, page 122.

*Central Division.*

- G. N. No. 4454, dated the 30th September 1924, published in the *B. G. G.*, Part I-A of 1924, pages 278-338.  
 G. N. No. 4454, dated the 24th November 1924, published in the *B. G. G.*, Part I-A of 1924, page 470.  
 G. N. No. 4454, dated the 9th January 1928, published in the *B. G. G.*, Part I of 1928, page 72.  
 G. N. No. 4454, dated the 28th May 1928, published in the *B. G. G.*, Part I-A of 1928, page 120.  
 G. N. No. 4454, dated the 20th August 1930, published in the *B. G. G.*, Part I-A of 1930, page 265.

*Bombay Suburban Division.*

- G. N. No. 4454, dated the 17th February 1925, published in the *B. G. G.*, Part I-A of 1925, pages 97-98.  
 G. N. No. 4454, dated the 7th March 1925, published in the *B. G. G.*, Part I-A of 1925, page 120.

*Southern Division.*

- G. N. No. 4454, dated the 3rd January 1925, published in the *B. G. G.*, Part I-A of 1925, pages 5-53.

*Sind.*

- G. N. No. 4454, dated the 20th March 1925, published in the *B. G. G.*, Part I-A of 1925, pages 139-248.  
 G. N. No. 4454, dated the 15th May 1930, published in the *B. G. G.*, Part I-A of 1930, page 163.

For Rules under section 133 (b),

See—

- G. N. No. 4455, dated the 10th July 1924, published in the *B. G. G.*, Part I-A of 1924, pages 172-178.  
 G. N. No. 4455, dated the 25th April 1928, published in the *B. G. G.*, Part I of 1928, pages 805-806.  
 G. N. No. 4455, dated the 13th December 1928, published in the *B. G. G.*, Part I of 1928, page 2648.  
 G. N. No. 9493, dated the 4th January 1934, published in the *B. G. G.*, Part I-A of 1934, pages 3-4.

For Rules under section 133 (c),

See—

- G. N. No. 4456, dated the 24th January 1924, published in the *B. G. G.*, Part I of 1924, page 174.  
 G. N. No. 4456, dated the 15th November 1927, published in the *B. G. G.*, Part I of 1927, page 2630.

- G. N. No. 4456, dated the 1st November 1928, published in the *B. G. G.*, Part I of 1928, pages 2372-73.
- G. N. No. 4456/B, dated the 1st November 1928, published in the *B. G. G.*, Part I of 1928, pages 2372-73.
- G. N. No. 4456, dated the 15th January 1934, published in the *B. G. G.*, Part I-A of 1934, page 54.

For Rules under section 133 (d),

See—

- G. N. No. 4457, dated the 16th January 1924, published in the *B. G. G.*, Part I of 1924, pages 127-128.
- G. N. No. 4457, dated the 18th July 1927, published in the *B. G. G.*, Part I of 1927, page 1773.
- G. N. No. 4457, dated the 27th April 1929, published in the *B. G. G.*, Part I of 1929, page 855.
- G. N. No. 4457, dated the 17th June 1929, published in the *B. G. G.*, Part I of 1929, page 1360.
- G. N. No. 4457, dated the 10th April 1931, published in the *B. G. G.*, Part I-A of 1931, pages 143-144.
- G. N. No. 4457, dated the 16th June 1933, published in the *B. G. G.*, Part I-A of 1933, page 141.

For Rules under section 133 (e) and (f),

See—

- G. N., E. D. No. 2534, dated the 10th October 1924, published in the *B. G. G.*, Part I of 1924, pages 2583-2620.
- G. N. No. 3666, dated the 27th September 1928, published in the *B. G. G.*, Part I-A of 1928, pages 188-279.
- G. N. No. 3666, dated the 19th June 1930, published in the *B. G. G.*, Part I-A of 1930, pages 196-197.
- G. N. No. 3666, dated the 17th October 1928, published in the *B. G. G.*, Part I-A of 1928, page 286.

For Rules under section 133 (g),

See—

- G. N. No. 4460, dated the 23rd January 1924, published in the *B. G. G.*, Part I of 1924, page 170.
- G. N. No. 4460, dated the 18th August 1924, published in the *B. G. G.*, Part I of 1924, page 1862.
- G. N. No. 4460, dated the 24th January 1928, published in the *B. G. G.*, Part I of 1928, pages 148-149.
- G. N. No. 4456-A, dated the 1st November 1928, published in the *B. G. G.*, Part I of 1928, pages 2372-73.
- G. N. No. 4460, dated the 29th September 1930, published in the *B. G. G.*, Part I-A of 1930, pages 316-317.
- G. N. No. 4460, dated the 18th November 1931, published in the *B. G. G.*, Part I-A of 1931, page 341.
- G. N. No. 4460, dated the 12th December 1933, published in the *B. G. G.*, Part I-A of 1933, page 360.
- G. N. No. 4460, dated the 5th February 1934, published in the *B. G. G.*, Part I-A of 1934, page 66.
- G. N. No. 4460, dated the 21st July 1934, published in the *B. G. G.*, Part I-A of 1934, pages 324-326.

For Rules under section 133 (*h*),

*See—*

- G. N. No. 5001, dated the 6th May 1925, published in the *B. G. G.*, Part I of 1925, pages 1295-1298.
- G. N. No. 5001, dated the 19th August 1926, published in the *B. G. G.*, Part I of 1926, page 1932.
- G. N. No. 5001, dated the 31st January 1928, published in the *B. G. G.*, Part I of 1928, page 218.
- G. N. No. 5001, dated the 27th July 1928, published in the *B. G. G.*, Part I of 1928, pages 1604-1605.
- G. N. No. 5001, dated the 9th May 1929, published in the *B. G. G.*, Part I of 1929, pages 1077-78.
- G. N. No. 5001, dated the 28th November 1929, published in the *B. G. G.*, Part I-A of 1929, page 210.
- G. N. No. 117, dated the 27th December 1928, published in the *B. G. G.*, Part I-A of 1929, page 1.
- G. N. No. 5001, dated the 24th February 1930, published in the *B. G. G.*, Part I-A of 1930, page 98.
- G. N. No. 3971, dated the 3rd January 1933, published in the *B. G. G.*, Part I-A of 1933, pages 1-2.
- G. N. No. 5001, dated the 19th May 1933, published in the *B. G. G.*, Part I-A of 1933, page 127.
- G. N. No. 5001, dated the 20th January 1934, published in the *B. G. G.*, Part I-A of 1934, page 56.



BOMBAY ACT No. VIII OF 1923.[<sup>1</sup>]

[THE BOMBAY PUBLIC FERRIES (AMENDMENT) ACT, 1923]

[30th April 1923]

An Act further to amend the law relating to public ferries in the  
Presidency of Bombay.

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>] law relating to  
II of public ferries in the Presidency of Bombay in manner hereinafter  
1868. appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Public Ferries (Amendment) Short titl.  
Act, 1923.

Bom. 2. After section 2 of the [<sup>2</sup>] Bombay Public Ferries Act, 1868, herein- Now section  
II of after called the said Act, the following section shall be inserted, 2-A.  
1868. namely:—

\*“ 2-A. It shall be lawful for Government to declare by notification Vesting of  
in the *Bombay Government Gazette* that any public ferry notified under public ferries  
section 2 shall vest in the local body or jointly in the local bodies, in local  
exercising authority over the area or areas as the case may be, in which bodies;  
such ferry is situate and thereafter such local body or bodies Powers of  
shall exercise in respect of such ferry all the powers specified in the local bodies  
Schedule to this Act: in respect  
therefo.

Provided that the power of exemption under clause (d) of section 3  
shall also be exercisable by Government.

*Explanation.*—For the purpose of this section ‘local body’ means  
a district local board or a municipality.”

3. The following schedule shall be added to the said Act, namely:— Addition of  
Schedule.

## “ SCHEDULE.

Under section

Powers

3. Powers exercisable by Government including the power to  
exempt from payment of toll under clause (d).
4. Powers exercisable by Government.
5. Powers exercisable by Government.
12. Powers exercisable by the Collector of the district.
14. Powers exercisable by the Collector of the district.”

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Pt. V, p. 90; for Report of Select Committee, see *ibid.*, 1922, Pt. V, pp. 151-153; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1922 and 1923, Vols. VI and VIII.

[<sup>2</sup>] Vol. II of Bom. Code.

\*For notification, vesting certain public ferries in Local Bodies, vide P. W. D. Notification No. 4350 dated the 10th April 1924 published in the *B.G.G.*, 1924, Pt. I, pp. 884 to 893.

**BOMBAY ACT No. IX OF 1923.<sup>[1]</sup>**

[THE PREVENTION OF CRUELTY TO ANIMALS (BOMBAY  
AMENDMENT) ACT, 1923]

[4th October 1923]

**An Act further to amend the Prevention of Cruelty to Animals  
Act, 1890.**

I of  
390. WHEREAS it is expedient further to amend the [2] Prevention of  
Cruelty to Animals Act, 1890, in its application to the Presidency of  
Bombay in manner hereinafter appearing; It is hereby enacted as  
follows :—

1. This Act may be called the Prevention of Cruelty to Animals <sup>Short title.</sup>  
(Bombay Amendment) Act, 1923.

I of  
390. 2. In section 11 of the [2] Prevention of Cruelty to Animals Act, <sup>Amendment</sup>  
1890, after the words "offence to" the words "abandon, turn loose or" <sup>of section 11</sup>  
shall be inserted. <sup>of XI of</sup>  
1890.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1923, Part V, pp. 7-8; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1923, Vol. X.

[2] General Acts, Vol. III.

BOMBAY ACT No. X OF 1923.<sup>[1]</sup>

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1923]

[4th October 1923]

An Act further to amend the Bombay Hereditary Offices  
(Amendment) Act, 1886.

WHEREAS it is expedient further to amend the <sup>[2]</sup> Bombay Hereditary Offices (Amendment) Act, 1886, in manner hereinafter appearing; It is hereby enacted as follows:—

886. 1. This Act may be called the Bombay Hereditary Offices Short title. (Amendment) Act, 1923.

3om. Act V of 1886. 2. In section 2 of the <sup>[2]</sup> Bombay Hereditary Offices (Amendment) Act, 1886, after the word "widow" wherever it occurs the words "mother or paternal grandmother" shall be inserted. Amendment of section 2 of Bom. Act V of 1886.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1922, Part V, pp. 179-180; for Report of Select Committee, see *ibid*, 1923, Part V, pp. 15-16; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1923, Vols. VIII and X.

[2] Vol. II of Bom. Code.

THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923.

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     Extent :  
     Extension.
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4. Prostitutes in places of public amusement.
5. Living on the earnings of prostitution.
6. Procuration.
7. Importing woman or girl for prostitution.
8. Unlawful detention for prostitution :  
     presumption thereof :  
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- 8A. No punishment of whipping under sections 5 to 8 for females.
- 8B. Punishment for letting, or permitting use of, premises as a brothel.
- 8C. Punishment for subsequent offence.
- 8D. Determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.
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11. [Repealed.]
12. Offences triable by certain magistrates only.
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BOMBAY ACT No. XI OF 1923.<sup>[1]</sup>

[THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923]

[27th October 1923]

				<i>Amended by</i>	
					Year.
Number of Act.					
Bom. Act No. IX	..	..	..		1926
Bom. Act No. IX	..	..	..		1927
Bom. Act No. XII	..	..	..		1930
Bom. Act No. XX	..	..	..		1931

**An Act to consolidate and amend the Law relating to  
Prostitution in the City of Bombay.**

WHEREAS it is expedient to consolidate and amend the law relating to prostitution in the City of Bombay and to provide for the extension thereof to other local areas in the Presidency of Bombay, and WHEREAS the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act, has been obtained for passage of this Act; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Prevention of Prostitution Act, 1923. Short title.

§(2) The section 6, [2]section 8 (3)[2], section 9, [3]section 12 and section 13, sub-section (1)[3] extend to the whole of the Bombay Extent:  
Extension.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1923, Part V, pp. 22-23; for Report of Select Committee, see *ibid*, pp. 28-29; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1923, Vol. X.

[2]—[2] The word, brackets and figures, "section 8 (3)" were substituted for the original words, brackets and figures "sub-section 8 (3)" by Bom. IX of 1926, s. 2.

[3]—[3] The words, brackets and figures "section 12 and section 13, sub-section (1)" were substituted for the original words and figures "and section 12", by Bom. IX of 1926, s. 2.

§For Notifications under this sub-section, see—

Home Department Notification No. 1315, dated the 6th March 1924, published in the *Bombay Government Gazette*, 1924, Part I, p. 501.

Home Department Notification No. 3015-VII-(b)-I, dated the 22nd July 1931, published in the *Bombay Government Gazette*, 1931, Part I, p. 1716.

Home Department Notification No. 3015-VII-(b)-II, dated the 22nd July 1931, published in the *Bombay Government Gazette*, 1931, Part I, p. 1716.

Home Department Notification No. 9350/2, dated the 30th July 1931, published in the *Bombay Government Gazette*, 1931, Part I, p. 1755.

Home Department Notification No. 3015-VII-(b)-I, dated the 28th July 1931, published in the *Bombay Government Gazette*, 1931, Part I, p. 2214.

Home Department Notification No. 3015-VII-(b), dated the 15th March 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 629.

Home Department Notification No. 3015-VII-(b), dated the 4th April 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 850.

Home Department Notification No. 3015-VII-(b), dated the 11th April 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 902.

Home Department Notification No. 3015-VII-(b)-I, dated the 12th April 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 903.

Home Department Notification No. 3015-VII-(b)/4700, dated the 23rd April 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 944.

Home Department Notification No. 2063/3, dated the 13th December 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 2965.

Home Department Notification No. 3297, dated the 13th July 1933, published in the *Bombay Government Gazette*, 1933, Part I, pp. 1661-1662.

Presidency. The rest of this Act shall extend in the first instance to the City of Bombay, but the Government may by notification extend to any other local area all or any of its provisions, with such verbal modifications as having regard to the principles of this Act may be necessary, for the purposes of such extension.

Definition. \*2. In this Act, unless there is anything repugnant in the subject or context,—

[1]“brothel” means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution” ;[1]

“place of public amusement” shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted ; and shall include a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school ;

“place of public entertainment” shall mean any place whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang, or opium shop.

Soliciting. \*3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,—

(a) by words, gestures, wilful and indecent exposure of his person or otherwise attracts or endeavours to attract attention for the purpose of prostitution, [2]or carnal intercourse[2] or

(b) solicits or molests any person or loiters for the purpose of prostitution, [2]or carnal intercourse[2]

shall be punished with imprisonment for a term which may extend to [3]three months[3] or with fine which may extend to [4]one hundred[4] rupees.

[1]—[1] This definition was substituted for the original definition by Bom. Act No. XII of 1930, s. 2.

[2]—[2] These words were inserted by Bom. Act XII of 1930, s. 3.

[3]—[3] The words “three months” were substituted for the original words “eight days” by Bom. IX of 1926, s. 3 (a).

[4]—[4] The words “one hundred” were substituted for the original word “fifty” by Bom. IX of 1926, s. 3 (b).

\*The provisions of this section have been extended to the towns of Karachi, Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia ; the Bombay Suburban District ; and the municipal boroughs of Sholapur, Pandharpur, Surat, Thusawal and Jalgaon.

\*4. Whoever being the keeper of any place of public amusement or entertainment, knowingly permits prostitutes, or persons of notoriously bad character, for the purposes of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

Prostitutes in places of public amusement.

\*5. (1) Any <sup>[1]</sup>person not below the age of 16 years<sup>[1]</sup> who knowingly lives, wholly or in part, on the earnings of prostitution <sup>[2]</sup>of another person<sup>[2]</sup> shall be punished with imprisonment which may extend to <sup>[3]</sup>three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Living on the earnings of prostitution.

(2) Where <sup>[4]</sup>any person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, <sup>[5]</sup>or to be keeping or managing or assisting in the management of a brothel<sup>[6]</sup> it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

Presumption thereof.

6. Any person who procures or attempts to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Procuration.

\*7. Any person who brings or attempts to bring into the City of Bombay any woman or girl with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping or with any two of those punishments.

Importing woman or girl for prostitution.

§8. (1) Whoever detains any woman or girl against her will,—  
 (a) in any house, room or place in which the business of a common prostitute is carried on, or  
 (b) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally,  
 shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Unlawful detention for prostitution :

[1]—[1] These words were substituted for the words " male person " by Bom. Act XII of 1930, s. 4 (a) (i).

[2]—[2] These words were inserted by Bom. Act XII of 1930, s. 4 (a) (ii).

[3] The word " three " was substituted for the word " two " by Bom. Act XII of 1930, s. 4 (a) (iii).

[4] The word " any " was substituted for the words " a male " by Bom. Act XII of 1930, s. 4 (b) (i).

[5]—[5] These words were inserted by Bom. Act XII of 1930, s. 4 (b) (ii).

\*The provisions of this section have been extended to the towns of Karachi, Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia ; the Bombay Suburban District ; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

§The provisions of this sub-section have been extended to the towns of Karachi, Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia, the Bombay Suburban District, and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

Presumption thereof :

\*(2) Where a woman or girl is in any house, room or place in which the business of a common prostitute is carried on or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (1) (b), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

Bar of certain legal proceedings.

(3) No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

No punishment of whipping under sections 5 to 8 for females.

†<sup>[1]</sup> 8A. Nothing in sections 5, 6, 7 and 8 shall render a female liable to be punished with whipping.

Punishment for letting, or permitting, use of premises of brothel.

§8B. Any person who—

(a) being the owner, tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof, with the knowledge that the same or any part thereof may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel; shall be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Punishment for subsequent offence.

§8C. Any person who, having been convicted of an offence punishable under section 8B, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may, in addition to such punishment, be required by the Court

[1] Sections 8A, 8B, 8C and 8D were inserted by Bom. Act XII of 1930, s. 5.

\*The provisions of this sub-section have been extended to the towns of Karachi, Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia; the Bombay Suburban District; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

†The provisions of this section have been extended to the Bombay Suburban District; the towns of Karachi, Hyderabad, Ahmedabad, Nasik, Dhulia, Ahmednagar and Belgaum; Poona Taluka; the (revenue) villages of Dapodi, Bopkhel, Kalas, Hadapsar and Kondna Khurd in the Haveli taluka of the Poona district; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

§ This section has been extended to the Bombay Suburban District, and the towns of Karachi, Poona and Belgaum.



to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, and, in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to any punishment awarded in respect of his offence.

\*8D. (1) On conviction of the tenant, lessee or occupier of any offence under section 8B, clause (a), the convicting court shall give notice thereof in writing to the landlord or lessor, who shall then be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accruing before the date of such determination.

Determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.

V of 1898.

(2) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (1), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.

(3) If the landlord or lessor, after he has received notice in writing of such conviction, fails to exercise his rights under sub-section (1) and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(4) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section, and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

9. (1) The Commissioner of Police may at any time cause a notice to be served upon any person who occupies or manages or acts or assists in the management of, or upon any woman who resides in, uses or frequents, any house, room, or place in the City of Bombay in which the business of a common prostitute is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, use or frequent any

Segregation of brothels :

\*This section has been extended to the Bombay Suburban District, and the towns of Karachi, Poona and Belgaum.

street or place specified in the notice ; or directing such person or woman after a date to be mentioned and fixed as aforesaid to remove himself or herself to such place, whether within or without the City of Bombay, by such route or routes and within such time as the Commissioner of Police shall prescribe.

(2) If any person or woman so directed under sub-section (1) fails or refuses to remove himself or herself as directed within the time specified the Commissioner of Police may cause such person or woman to be arrested and removed in police custody to the place prescribed.

(3) No direction under the second alternative in sub-section (1) shall be made without the previous sanction of the Government.

Penalties.

(4) Any person on whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punished with imprisonment for a term which may extend—

(a) in the case of a first offence to one month, and

(b) in the case of a second or subsequent offence, to three months.

(5) Whoever, within two years from the date of his removal under the provisions of this section, returns to any place within the City of Bombay, without the permission in writing of the Commissioner of Police, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

[1] [(6) (a) Elsewhere than in the City of Bombay all or any of the powers conferred by this section on the Commissioner of Police for the City of Bombay may be exercised, as regards his district or part of his district, by the District Magistrate when empowered in that behalf by the Governor in Council by a notification in the *Bombay Government Gazette*.

(b) Any person on whom a notice issued by the District Magistrate under the powers exercisable by him under clause (a) shall have been served, disobeying the requisition therein contained shall be liable to the punishment provided in sub-section (4).

(c) Whoever, within two years from the date of his removal under the provisions of this sub-section, returns to any place within the district from which he has been removed without the permission in writing of the District Magistrate shall be liable to the punishment provided in sub-section (5).]

Arrest without warrant.

\*10. [2] [(1) Any police officer on information, and, if the offence is committed in his view, any police officer specially authorised in this behalf by the Commissioner of Police, may arrest without a warrant any person committing any offence punishable under section 3.]

[1] Sub-section (6) was added by Bom. IX of 1926, s. 4.

[2] Sub-section (1) was substituted for the original sub-section (1) by Bom. IX of 1926, s. 5.

\*The provisions of this section have been extended to the towns of Karachi, Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia; the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon; and the Bombay Suburban District.

(2) Any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any offence punishable under section 8 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section or of his having committed an offence under section 9, sub-section (5).

11. [1] [Repealed.]

12. Offences punishable under sections 5, 6, 7 or 8 shall be triable by the Courts of Session, stipendiary Presidency Magistrates and stipendiary Magistrates of the First Class only.

Offences triable by certain magistrates only.

Bom. IV of 1902.

13. (1) In the [2]City of Bombay Police Act, 1902,—

Repeals and amendments.

(a) in sub-section 1 (2) the figures “28” shall be repealed and for the words, letters and figures “110-A and sub-section (3) of section 126-A” the word, letters and figures “and 110-A” shall be substituted;

(b) section 28 shall be repealed;

[3] (c) in [4]section 33 (i)[4] after the figures “126” the word “or” shall be deleted and after the figures “23” the words and figures “or under section 128” shall be inserted;

(d) in [5]section[5] 33 (j) the words “or section 126-A” shall be repealed;

[6] (e) the following shall be inserted as sub-section (1) of section 35 :—

“Any police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120”;

(f) in section 120, clauses (a) and (b) and the letter “(c)” shall be repealed;

(g) in section 125, in clause (a) the word “or” and clause (b) shall be repealed;

(h) section 126-A shall be repealed;

(i) in section 128, the words and letters “or section 28” shall be repealed;

[1] Repealed by Bom. Act XII of 1930, s. 6.

[2] Vol. IV of Bom. Code.

[3] This sub-clause was substituted for the original sub-clause (c) of sub-section (1) of section 13 by Bom. IX of 1926, s. 6 (a).

[4]—[4] The word, figures and brackets “section 33 (i)” were substituted for the original word, figures and brackets “clause 33 (i)” by Bom. IX of 1927, s. 2 and Sch. I.

[5]—[5] The word “section” was substituted for the original word “clause” by Bom. IX of 1927, s. 2 and Sch. I.

[6] This sub-clause was substituted for the original sub-clause (e) of sub-section (1) of section 13 by Bom. IX of 1926, s. 6 (b).

(j) section 129 shall be repealed ;

(k) in section 130 for the word, letter and figures “ 126-A, 127 or 128 ” the word and figures “ or 127 ” shall be substituted.

Bom.  
III of  
1901. \*(2) In any municipal district [1]or municipal borough[1] to which section 3 may be extended under section 1, sub-section (2), section 152 of the [2]Bombay District Municipal Act, 1901, [3]or section 188 of the [4]Bombay Municipal Boroughs Act, 1925, as the case may be[3] shall be deemed to have been repealed from the date of such extension.

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[1]—[1] The words “ or municipal borough ” were inserted by Bom. XX of 1931, s. 2 (1).

[2] Vol. IV of Bom. Code.

[3]—[3] These words were inserted by Bom. XX of 1931, s. 2 (2)

[4] In this Vol. p. 279.

\*The provisions of this sub-section have been extended to the town of Karachi ; to the towns of Ville Parle, Ghatkopar, Kiroel and Juhu in the Bombay Suburban District ; and to the municipal boroughs of Sholapur, Pandharpur, Poona City, Poona Suburban, Belgaum, Bandra, Ahmedabad, Ahmednagar, Dhulia, Nasik, Hyderabad (Sind), Kurla, Surat, Bhusawal and Jalgaon.

**BOMBAY ACT No. I OF 1924.<sup>[1]</sup>**

[THE BOMBAY VILLAGE PANCHAYATS (AMENDMENT) ACT]

[11th July 1924]

**An Act to amend the Bombay Village Panchayats Act, 1920.**

WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Village Panchayats Act, 1920, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Village Panchayats (Amendment) Act, 1924. Short title.
2. In section 17 of the <sup>[2]</sup>Bombay Village Panchayats Act, 1920,— Amendment of section 17 of Bom. IX of 1920.
- (1) After sub-section (2) the following shall be inserted, namely :— Vacancy not to affect Proceedings of Panchayat.
- “ (3) During any vacancy in the panchayat the continuing members may act as if no vacancy had occurred ; ” and
- (2) sub-section (3) shall be renumbered (4).

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, pp. 11-12; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924, Vol. XI.

[<sup>2</sup>] Vol. V of Bom. Code.

**BOMBAY ACT No. II OF 1924.<sup>[1]</sup>**

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT) ACT, 1924]

[11th July 1924]

**An Act to amend the Bombay Public Conveyances Act, 1920.**

Bom. VII of 1920. 5 & 6 Geo. V c. 61. WHEREAS it is expedient to amend the <sup>[2]</sup>Bombay Public Conveyances Act, 1920, in manner hereinafter appearing; AND WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of section 80-A 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 Public Conveyances (Amend- Short title.  
ment) Act, 1924.

Bom. VII of 1920. 2. In sub-section (1) of section 12 of the <sup>[2]</sup>Bombay Public Conveyances Act, 1920, after the word "driver" where it occurs for the second time the words "is not competent and careful or" shall be inserted. Amendment. of section 12 of Bom. VII of 1920.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, p. 3; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924, Vol. XI.

[2] Vol. V of Bom. Code.

**BOMBAY ACT No. IV OF 1924.<sup>[1]</sup>**

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1924]

[6th October 1924]

**An Act further to amend the Bombay District Municipal Act, 1901.**

**WHEREAS** it is expedient further to amend the <sup>[2]</sup>Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the <sup>[2]</sup>Bombay District Municipal (Amendment) Act, 1924. Short title.
2. In clause (c) of sub-section (1) of section 15 of the <sup>[2]</sup>Bombay District Municipal Act, 1901, hereinafter referred to as the said Act, the words "or who is of the female sex" shall be repealed. Amendment of section 15 (1) of Bom. II of 1901.
3. To section 23 of the said Act, the following sub-sections shall be added, namely:—
  - "(9) On the dissolution of a municipality by lapse of time or otherwise and after a general election the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) of section 23. Amendment of section 23 of Bom. III of 1901.
  - "(10) In the event of a vacancy occurring under sub-section (8) of section 23 the Collector shall call a meeting for the election of a new president if the vice-president fails to do so within 15 days of the occurrence of the vacancy."
4. In section 31 of the said Act, the words "save as regards the disqualification on the ground of sex" shall be repealed. Amendment of section 31 of Bom. III of 1901.
5. In sub-section (1) of section 91A of the said Act for the word "municipality" where it occurs for the first time the words "city municipality and of such other municipality as may be notified by Government in this behalf" shall be substituted. Amendment of section 91A of Bom. III of 1901.
6. In sub-section (2) of section 107 of the said Act after the word "notice" the words "require the owner to" shall be inserted. Amendment of section 107 (2) of Bom. III of 1901.
7. In section 179 of the said Act—
  - (1) In sub-section (1) after the word "and" in line 11 the words "may dissolve such municipality or" shall be inserted; Amendment of section 179 of Bom. III of 1901.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, pp. 9-10; for Report of Select Committee, see *ibid*, 1924, Part V, pp. 14-16; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924, Vols. XI and XII.

[2] Vol. IV of Bom. Code.

(2) after sub-section (1) the following shall be inserted as sub-section (2), namely:—

“ (2) On the dissolution of a municipality under sub-section (1) the term of office of the councillors of such municipality shall terminate and elections of councillors shall be held under the provisions of this Act or rules made thereunder applicable thereto, on or before a date to be specified by Government in this behalf in the aforesaid order ; ”

(3) in sub-section (2),

(a) for the words “ so superseded ” the words “ superseded under sub-section (1) ” shall be substituted ;

(b) for the words “ exercise of such power ” occurring in the margin the word “ supersession ” shall be substituted.

(4) (a) sub-sections (2), (3) and (4) shall be renumbered (3), (4) and (5), respectively, and

(b) in clauses (a) and (b) of sub-section (4) for the figure “ (3) ” the figure “ (4) ” shall be substituted.



**BOMBAY ACT No. V OF 1924.<sup>[1]</sup>**

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1924]

[5th November 1924]

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

Bom. VI of 1879. 5 & 6 Geo. V c. 61. WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Port Trust Act, 1879, 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 Port Trust (Amendment) Act, 1924. Short title.

Bom. VI of 1879. 2. For section 24 of the <sup>[2]</sup>Bombay Port Trust Act, 1879, the following shall be substituted:— New section 24 of Bom. VI of 1879.

“24. Every order or regulation made by the Board under any of the four last preceding sections shall, so far as the same relates to the Deputy Chairman, Chief Engineer, Railway Manager, Secretary, Chief Accountant, Docks Manager, Manager, Land and Bunders Department, Controller of Stores or any person who may, from time to time, be employed in the capacity of Consulting Engineer to the Board, be subject to the previous sanction of Government.” Sanction of Government when necessary.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, p. 60; and for Proceedings in Council see *Bombay Legislative Council Debates* 1924, Vol. XII.

[2] Vol. II of Bom. Code.

BOMBAY ACT No. VI OF 1924.[<sup>1</sup>]

[THE KARACHI PORT TRUST (AMENDMENT) ACT, 1924]

[25th November 1924]

## An Act further to Amend the Karachi Port Trust Act, 1886.

WHEREAS it is expedient further to amend [<sup>2</sup>]the Karachi Port Trust Act, 1886, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by clause (e) of 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:—

Bom.  
VI of  
1886.  
5 & 6  
Geo.V.  
c. 61.

1. This Act may be called the Karachi Port Trust (Amendment) Act, Short title. 1924.

2. This Act shall come into operation on the first day of April 1925 and notwithstanding anything contained in section 11 of the [<sup>2</sup>]Karachi Port Trust Act, 1886, hereinafter called the said Act, the term of office of the nominee and elective trustees holding office under the provisions of the said Act shall expire on the 31st day of March 1925.

Commence-  
ment.

Bom.  
VI of  
1886.

3. For section 5 of the said Act the following section shall be substituted, namely:—

New section  
5 of Bom.  
VI of 1886.  
Number of  
trustees.

“5. The Board shall consist of fourteen members.”

4. For section 7 of the said Act the following section shall be substituted, namely:—

New section  
7 of Bom.  
VI of 1886.

“7. (1) Of the remaining trustees, four shall be elected by the Karachi Chamber of Commerce, two shall be elected by the Indian Merchants' Association; two shall be elected by the Karachi Buyers and Shippers' Chamber, one shall be elected by the Municipality of Karachi and four, of whom one shall be representative of the North-Western Railway, shall be appointed by Government. Any trustee elected or appointed under this section may be a public officer or not.

Nomination  
of other  
trustees.

“(2) The right to elect trustees conferred on the Karachi Chamber of Commerce, the Indian Merchants' Association and the Karachi Buyers and Shippers' Chamber shall accrue only on such Chamber of Commerce, or such Indian Merchants' Association, or such Karachi Buyers and Shippers' Chamber being or becoming registered under the law for the time being in force for the registration of companies or associations.”

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1923, Part V, p. 63; for Report of Select Committee see *Bombay Government Gazette*, 1924, Part V, pp. 18-21; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, Vols. XI and XII.

[<sup>2</sup>] Vol. II of Bom. Code.

New section  
8 of Bom.  
VI of 1886.  
Conduct of  
elections.

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

“ 8. The election of trustees by the Karachi Chamber of Commerce, the Indian Merchants’ Association, the Karachi Buyers and Shippers’ Chamber and the Municipality of Karachi shall be conducted in such manner as shall from time to time be determined at a meeting of the members of the said Chamber of Commerce, or of the said Indian Merchants’ Association, or of the said Karachi Buyers and Shippers’ Chamber, or of the said Municipality, as the case may be, convened in accordance with the rules at the time in force in this behalf. The Secretary to the said Chamber of Commerce, the Secretary to the Indian Merchants’ Association and the Secretary to the Karachi Buyers and Shippers’ Chamber and the President of the said Municipality shall, respectively, make a return to the Commissioner of the name of every person so elected.

Nomination  
by Govern-  
ment in  
default of  
election.

In the event of default being made by the Chamber of Commerce or by the Indian Merchants’ Association, or by the Karachi Buyers and Shippers’ Chamber or by the Municipality of Karachi in electing any trustees under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government to appoint a person, and the person so appointed shall be deemed to be a trustee as if he had been duly elected by the Chamber of Commerce, or by the Indian Merchants’ Association, or by the Karachi Buyers and Shippers’ Chamber, or the Municipality of Karachi, as the case may be.”

Amendment  
of section 12  
of Bom. VI  
of 1886.

6. In section 12 of the said Act, for the words “and by the municipal commissioners” the words “of Commerce and by the Indian Merchants’ Association, and by the Karachi Buyers and Shippers’ Chamber, and by the Municipality of Karachi” shall be substituted.

Amendment  
of section  
15A of Bom.  
VI of 1886.

7. (1) (a) Section 15A shall be renumbered as 15A (1);  
(b) the word “or” shall be added to clause (c) of the said section;  
(c) the following clause shall be inserted after clause (c) of the said section, namely :—

“ (d) ceases to be a member of the Constituency by which he has been elected ;”

(2) The following sub-section shall be added to the said section, as so renumbered, namely :—

“ (2) In the event of the Karachi Chamber of Commerce, or the Municipality, or the Indian Merchants’ Association, or the Karachi Buyers and Shippers’ Chamber electing a trustee or trustees under section 7 of this Act, being dissolved or ceasing to exist, the office of any trustee or trustees elected by the said Chamber of Commerce, or by the Municipality, or by the Indian Merchants’ Association, or by the Karachi Buyers and Shippers’ Chamber which has been dissolved or has ceased to exist shall thereupon become vacant.”

**BOMBAY ACT No. VII OF 1924.[<sup>1</sup>]**

[THE PRINCE OF WALES MUSEUM (AMENDMENT) ACT, 1924]

[25th November 1924]

**An Act further to amend the Prince of Wales Museum Act, 1909.**

Bom. III of 1909. WHEREAS it is expedient further to amend the [<sup>2</sup>]Prince of Wales Museum Act, 1909, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Prince of Wales Museum (Amendment) Act, 1924. Short title.

Bom. III of 1909. 2. (1) In sub-section (2) of section 5 of the [<sup>2</sup>]Prince of Wales Museum Act, 1909, after clause (f) the following clause shall be inserted, Amendment of section 5 of Bom. III of 1909.  
namely :—

“(g) for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by the Board to any provident fund which may be established by the Board for the benefit of the officers and servants employed by it.”

(2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from such date as may be fixed by the Board in this behalf.

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1924, Part V, p. 31; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, Vol. XII.

[<sup>2</sup>] Vol. V of Bom. Code.

**THE SIR CHINUBHAI MADHAVLAL RANCHHODLAL  
BARONETCY ACT, 1924.**

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**BOMBAY ACT No. VIII OF 1924.[<sup>1</sup>]**

[THE SIR CHINUBHAI MADHAVLAL RANCHHODLAL BARONETCY  
ACT, 1924]

[26th November 1924]

**An Act for settling certain properties and securities, late the property of Sir Chinubhai Madhavlal Ranchhodlal, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His Majesty King George V to hold to him and the heirs male of his body lawfully begotten and to be begotten and for other purposes connected therewith.**

WHEREAS by Letters Patent of His Majesty King George V by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, dated at Westminster on or about the sixth day of February 1913 in the third year of his Reign and by warrant under the King's Sign manual, His said Majesty made known that He of his special grace, certain knowledge and mere motion had erected, appointed and created His trusty and well beloved Sir Chinubhai Madhavlal Ranchhodlal of Ahmedabad Knight a Companion of the Most Eminent Order of the Indian Empire to the dignity state and degree of a Baronet and him the said Sir Chinubhai Madhavlal Ranchhodlal, for His Majesty, his heirs, and successors He did erect appoint and create a Baronet of the United Kingdom of Great Britain and Ireland by the said Letters Patent, to hold to him and the heirs male of his body lawfully begotten and to be begotten.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was desirous of settling in perpetuity the said properties and securities on himself and the heirs male of his body who may succeed to the said Baronetcy so as to support the dignity of the title conferred on him and them as aforesaid upon the trusts and for the purposes hereinafter limited and declared concerning the same.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was seized of and otherwise well and sufficiently entitled to the hereditaments described in the first and second schedules hereunder written and situate in the city and district of Ahmedabad the hereditaments described in the first schedule producing an annual income of rupees six thousand.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was desirous of settling the said properties and the securities hereinafter mentioned of the nominal value of twenty-eight lacs of rupees and producing an annual income of Rs. 1,21,500 to the uses upon the trusts and for the purposes hereinafter declared concerning the same.

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1924, Part V, p. 74; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, Vol. XII.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was desirous that the heirs male of his body to whom the said title and dignity of Baronet should descend should at the time of such descent upon them respectively take and bear the name of "Sir Chinubhai Madhavlal Ranchhodlal" in lieu of any other name or names whatever which they respectively might bear at the time of such descent on them respectively. And was also desirous that the Accountant General of Bombay, the Commissioner of the Northern Division in the presidency of Bombay and the District Judge of Ahmedabad all for the time being and the said Sir Chinubhai Madhavlal Ranchhodlal during his life time and every succeeding Baronet being a major and in case of and during his minority his legally appointed guardian should be trustees of the aforesaid properties and securities and be likewise the trustees for carrying into execution all the general purposes and powers of this Act with relation to the said properties and securities.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal departed this life on the third day of March 1916 and by his will dated the first day of March 1916 duly executed and signed by him gave and devised his estate to his son Girjaprasad and appointed his wife Dowager Lady Chinubhai sole executrix thereof and also appointed her guardian of the property of the said Girjaprasad and she has also by an order of the District Court of Ahmedabad dated the 19th day of April 1916 been appointed guardian of the property of the said Girjaprasad and she is managing the said estate and the said will has since been duly proved by her and probate therefor obtained by her from the High Court of Judicature at Bombay.

AND WHEREAS on the death of Sir Chinubhai Madhavlal Ranchhodlal the said title or dignity of Baronet created by His Majesty's Letters Patent devolved on and became and is now vested in the said Girjaprasad Chinubhai the only son and heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal deceased.

AND WHEREAS the said Dowager Lady Chinubhai as executrix of the said Sir Chinubhai Madhavlal Ranchhodlal deceased and the guardian of the said Girjaprasad Chinubhai is desirous of settling the said properties and securities for the purpose of supporting the dignity of the said Baronetcy to the uses upon the trusts and for the purposes hereinafter limited and declared concerning the same respectively.

AND WHEREAS it is expedient that the aforesaid purposes should be effected by an Act of the Bombay Legislative Council.

AND WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of Section 80A of the Government of 5 & 6 India Act has been obtained for the passing of this Act. IT IS HEREBY Geo. V ENACTED AS FOLLOWS :— c. 61.

Short title. 1. This Act may be called the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Act, 1924.

Incorporation of Trustees. 2. The Accountant General of Bombay, the Commissioner of the Northern Division in the presidency of Bombay, the District Judge of Ahmedabad, all for the time being and the holders for the time being

of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the Governor in Council of Bombay for any one or more of the first mentioned offices and Lady Chinubhai Madhavlal during the minority of the present Baronet as his duly appointed guardian and the present Baronet as from the date of his attaining majority and after his death the person for the time being holding the said Baronety being a major or in case of and during his minority his legally appointed guardian shall be and they are hereby created a corporation with perpetual succession and a common Seal under the style and title of "The Trustees of the Sir Chinubhai Madhavlal Ranchhodlal Baronety"; and the said Corporation so hereby created (hereinafter styled "the Corporation") shall be and they are hereby constituted as such Corporation the Trustees for executing the powers and purposes of this Act.

3. The heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal to whom the said title and dignity of Baronet shall descend pursuant of the limitations of the Letters Patent whereby the said dignity has been granted shall take upon themselves respectively the names of "Chinubhai Madhavlal Ranchhodlal" in lieu and in the place of any other name or names whatsoever and such heirs male severally and successively shall be called by the names of "Chinubhai Madhavlal Ranchhodlal" and by those names shall name style and write themselves, respectively, upon all occasions whatsoever.

Present and all future Baronets to take the name of Chinubhai Madhavlal Ranchhodlal.

4. Immediately from and after the passing of this Act the said hereditaments and premises particularly described in the first schedule hereunder written shall be vested by the force and virtue of this Act in the Corporation and the said securities being debentures of the Municipal Corporation of the City of Bombay of the nominal value of rupees one lac and Government of India Promissory Notes of the nominal value of rupees twenty-seven lacs such debentures and Government of India Promissory Notes being of the aggregate nominal value of rupees twenty-eight lacs and producing an annual income of about rupees one lac twenty-one thousand and five hundred shall be assigned and transferred into the name of the Corporation who shall hold the same upon the trusts and for the purposes hereinafter expressed concerning the same, that is to say, UPON TRUST to continue to hold the said securities till such time as the same shall be discharged by the Secretary of State for India in Council or the Municipal Corporation of the City of Bombay, as the case may be, or shall be sold by the Corporation with the previous consent in writing of the person who shall for the time being be in the enjoyment of the income of the said securities and on such discharge or sale, to invest the sum to be received on such occasion with the like consent of the person for the time being in the enjoyment of the said income with all convenient despatch in or on any stocks, funds or securities of or the principal and interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India or the Government of Bombay and in like manner as often as the same shall become necessary to alter, vary and

Vesting and application of income of settled property.



change with the like consent such stocks, funds and securities, for others of the same or like nature and which stocks, funds, securities, moneys and investments for the time being subject to the trusts of this Act are hereinafter called "the Trust Funds" AND UPON FURTHER TRUST from time to time out of the income of the Trust Funds and the said hereditaments and premises to pay all the rates, taxes, assessments, dues and duties in respect of the said hereditaments and premises and all the buildings and erections standing thereon respectively and defray the costs of all ordinary repairs required for the purposes of maintaining such buildings in a habitable condition and of insuring the same from fire or any other accident whatsoever AND UPON FURTHER TRUST to pay the balance of the annual income of the Trust Funds and the said hereditaments and premises to the present Baronet and the person who as heir male of his body shall for the time being have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid and shall be of full age or during his minority to his duly appointed guardian for his own absolute use and benefit notwithstanding any rule of law or equity to the contrary, such payment to be made to the Baronet for the time being at the place where he may be residing at the time of such payment.

Application of income during minority of Baronet.

5. The said duly appointed guardian during the minority of the present Baronet and of any heir male of his body for the time being entitled to and in enjoyment of the said title and dignity of Baronet under the limitations of the said Letters Patent shall be paid for the maintenance, education and benefit of such Baronet in each and every year during his minority as aforesaid so much only of the annual income of the Trust Funds and the said hereditaments and premises as the Corporation shall in their discretion think proper and the Corporation shall from time to time invest the residue of the said annual income in and upon stocks, funds and securities hereinbefore authorized and shall upon such Baronet attaining his majority pay over, transfer and assign to him or as he shall direct and for his absolute benefit the said investments and all accumulations thereof and in the event of the death of such Baronet before attaining his age of majority the Corporation shall stand possessed of such investments and the accumulations thereof IN TRUST for the heirs of such Baronet absolutely.

Provision in case of refusal or neglect to use or discontinuance of name of Chinubhai Madhavlal Ranchhodlal.

6. In case any person to whom for the time being the said title of Baronet shall have descended shall for the space of one whole year thereafter or being then under age shall for the space of one whole year after he shall attain the age of majority, refuse or neglect to use the names of "Chinubhai Madhavlal Ranchhodlal" as hereinbefore enacted or in case any such person having so used those names shall for the space of six calendar months consecutively during his natural life discontinue so to use such names then in any or either of the said cases the estate or interest in the Trust Funds and the said hereditaments and premises hereby settled as also in the securities and hereditaments which shall hereafter become vested in the Corporation by virtue of this Act upon the trusts and for the purposes herein declared and contained of the person who shall so refuse or neglect to use or having used shall

so discontinue to use the said names shall during the remainder of his natural life be suspended and during any and every such suspension the benefits and trusts hereby created for the heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal who shall use these names shall devolve on and belong to the heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal who would have succeeded to the said title of Baronet conferred by the said Letters Patent on the said Sir Chinubhai Madhavlal Ranchhodlal in case the heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal so refusing or neglecting to use or discontinuing to use the said names had departed this life and if there shall not be at such time any such male heir of the body of the said Sir Chinubhai Madhavlal Ranchhodlal then the income of the Trust Funds and the said hereditaments and premises as also of the hereditaments and securities which shall hereafter become vested in the Corporation by virtue of this Act shall be retained by the Corporation and accumulated for the benefit of the male issue of the said Baronet that may subsequently be born and succeed to the said title and in default of any such male issue the whole of the said property and income shall devolve upon such person as would be entitled to the same if there had been a total failure of issue male of the said Sir Chinubhai Madhavlal Ranchhodlal.

7. The buildings hereditaments and premises described in the second schedule hereunder written situate in the city of Ahmedabad with their rights members and appurtenances of which the said Sir Chinubhai Madhavlal Ranchhodlal was absolutely seized shall by the force and virtue of this Act from and immediately after the passing thereof be vested in the Corporation upon the trusts and for the purposes and with and subject to the powers provisions and declarations hereinafter declared and expressed, that is to say, UPON TRUST to permit the present Baronet for and during the term of his natural life and from and immediately after his decease to permit during the respective terms of their natural lives the successive male heirs of his body who shall succeed to the title of Baronet conferred by the said Letters Patent if he or they shall so desire to use and occupy free of rent as their residence the hereditaments and premises particularly described in the second schedule hereto and to demise the said hereditaments and premises if not occupied as a residence for any term of years not exceeding seven years to take effect in possession within three months from the date of the lease.

Vesting of  
"Shanti  
Kunj" and  
trust in  
respect  
thereof.

8. It shall be lawful for the Corporation out of any moneys which shall come to their hands by virtue of the trusts and provisions of this Act to retain and reimburse to themselves all costs expenses and damages which they shall or may sustain expend or disburse in or about the execution of the trust powers and provisions herein contained or in relation thereto.

Reimburse-  
ment of  
expenses of  
Corporation.

9. The Corporation shall be at liberty to sell or exchange for other lands hereditaments and premises in the presidency of Bombay all the said hereditaments and premises or any of them and also any such other hereditaments as aforesaid for the time being vested in them by virtue of this Act with the consent of the person entitled to and in the actual enjoyment of the title of Baronet conferred by the said Letters Patent

Power of  
Corporation  
to sell or  
exchange the  
premises  
described in  
the schedules.

and during his minority with the consent of his duly appointed guardian and with the consent of the Governor of Bombay in Council to be notified by a resolution of the Government of Bombay published in the *Bombay Government Gazette*, and upon any such exchange to give or receive any money for equality of exchange.

Power of Corporation as regards sale or exchange.

10. Any such sale as aforesaid may be made either by public auction or private contract and the Corporation may make any stipulations as to title or evidence or commencement of title or otherwise in any conditions of sale or contract for sale or exchange of the said hereditaments or any part thereof and may buy in or rescind or vary any contract for sale or exchange and re-sell or re-exchange the same without being answerable for any loss occasioned thereby.

Investment of sale proceeds.

11. The Corporation shall receive all moneys which may become payable upon any such sale or exchange as aforesaid and with all convenient speed invest the same either in the purchase of stocks funds or securities hereinbefore authorized or in the purchase of other lands and hereditaments of a freehold or leasehold tenure situate in the presidency of Bombay and suitable for the support and dignity of the said title. PROVIDED that every such purchase of lands or hereditaments shall be made with the consent in writing of the person then entitled to and in the actual enjoyment of the said title, PROVIDED also that in the event of the purchase of premises of a leasehold tenure, every lease in respect of such premises is renewable in perpetuity or is for an unexpired term of at least 800 years reserving a moderate rent without any onerous conditions or covenants on the part of the lessee.

Vesting of lands and investments in Corporation.

12. The stocks funds and securities and the lands and hereditaments so to be purchased as directed by section 11 and the lands and hereditaments which may be taken in exchange under the liberty in that behalf reserved to the Corporation by section 9 shall from and immediately after the completion of the purchase or exchange vest in the Corporation upon the trusts and for the purposes by and in this Act declared and contained of and concerning the said hereditaments and premises particularly described in the first and second schedules hereunder written or such of them as may then be subsisting and capable of taking effect and subject to the powers provisions and declarations in this Act contained concerning the same in the same manner and to the same extent as if such hereditaments had been expressly vested by this Act in the Corporation upon the trusts and for the purposes in this Act declared and contained.

Application of insurance moneys in respect of properties destroyed or damaged by fire.

13. In case any of the tenements or hereditaments which shall at any time be vested in the Corporation or any part thereof shall be destroyed or damaged by fire, the moneys received in respect of the insurance thereof shall either be laid out under the directions of the Corporation in rebuilding or reinstating the tenements and hereditaments so destroyed or damaged by fire or upon the application of the person for the time being entitled to and in the enjoyment of the title and dignity of Baronet and with the consent of the Governor of Bombay in Council to be notified as aforesaid be laid out in the purchase of other

hereditaments and premises in the presidency of Bombay of a freehold or of a leasehold tenure suitable for the support of the dignity of the said title PROVIDED THAT every lease in respect of such premises is renewable in perpetuity or for an unexpired term of at least 800 years reserving a moderate rent without any onerous conditions or covenants on the part of lessee. In the event of such purchase the hereditaments so purchased shall immediately from and after the completion of such purchase be and become subject to the uses and purposes of this Act or such of them as shall then be subsisting and capable of taking effect in the same manner and to the same extent as if such last mentioned hereditaments had expressly been vested by this Act in the Corporation upon trusts and for the purposes in this Act declared and contained. Until such insurance moneys shall be so laid out the Corporation may invest the same in any of the securities specified in section 11 and the income thereof shall be applied in the same manner as the income of the premises so destroyed or damaged is hereinbefore directed to be applied.

14. If at any time or times hereafter the present Baronet or any other person or persons shall be desirous of augmenting the Trust Funds and for that purpose and with that intent shall at his or her own expense transfer and deliver to the Corporation any stocks funds or securities of the kind or nature hereinbefore authorized then and as often as the same shall happen the Corporation may with the previous consent of the Governor of Bombay in Council accept such stock funds or securities and the same shall thenceforth be held by the Corporation upon the same trusts as are declared by this Act with regard to the securities hereditaments and premises hereby settled or upon such of them as shall then be subsisting and capable of taking effect PROVIDED ALWAYS that the total value of the corpus of the Trust Funds for the time being subject to the trusts of this Act shall at no time exceed fifty lacs of rupees.

Addition of  
stocks funds  
or securities  
to settled  
property.

15. Upon the present Baronet dying leaving a widow or widows and upon every person who may for the time being have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid dying leaving a widow or widows, the Corporation shall (subject as hereinafter provided by section 16) pay to the widow or widows of the Baronet so dying as aforesaid (and if more than one in equal shares) during her or their life or lives or until her or their remarriage or remarriages whichever event happens first for her or their maintenance or jointure in lieu of dower or any legal or customary right to maintenance an annuity of rupees twelve thousand clear of all deductions whatsoever to commence and take effect immediately after the decease of such Baronet and to be issuing and payable out of the said annual income of the Trust Funds and the hereditaments and premises payable under this Act to the person for the time being in the enjoyment of the title of Baronet and to be paid and payable by equal half-yearly payments the first of such half-yearly payments to be made on the first half-yearly day after the decease of such Baronet PROVIDED ALWAYS that the payment of the said annuity to any widow or widows of any such Baronet shall be subject to the obligation on her or their part of maintaining and educating each and every child of his (except the

Annuity for  
widow of  
Baronet.

Baronet for the time being) until such child shall attain the age of 21 years, each such child being entitled to have spent for such purposes Rs. 100 per mensem.

Limits of aggregates of annuities payable contemporaneously.

16. PROVIDED ALWAYS that the annual income of the Trust Funds and the hereditaments and premises payable under this Act to the person for the time being in the enjoyment of the title of Baronet shall not at any one and the same time be subject to the payment thereof of more than Rs. 12,000 per annum for and in respect of any annuity or annuities payable in pursuance of section 15, so that in the event of there being in existence at any one time the widows of two or more deceased Baronets, the said annuity of Rs. 12,000 per annum shall be divided into as many parts as there may be Baronets who have died leaving widows and one such part shall be paid to the widow or in equal shares to the widows of each deceased Baronet.

Alienation prohibited during the Baronetey.

17. So long as the said title and dignity of Baronet shall endure and until there shall be a failure of heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal to whom the said title and dignity of Baronet might descend pursuant to the limitations of the Letters Patent whereby the said dignity was granted neither the present Baronet nor any of the heirs male of his body in whose favour the trusts hereinbefore mentioned are declared of the Trust Funds and the said hereditaments and premises and the annual income thereof shall transfer dispose of alienate convey charge or incumber any of the properties and funds subject to the provisions of this Act or any part thereof or the interest dividends or annual income thereof or any part thereof for any greater or larger estate interest or time than during his natural life and for such portion thereof only as he shall continue to use the names of "Chinubhai Madhavlal Ranchhodlal" nor shall any such person as aforesaid either alone or jointly with any other person or persons whomsoever have any power to discontinue or bar the estate or interest hereinbefore limited in trust for the heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal or any estate or interest hereby or herein created or declared in trust or for the benefit of any person or persons for whose benefit the trusts are declared by this Act in the properties and funds subject to the provisions of this Act or any of them and the income interest and dividend thereof or to prevent any such person or persons from succeeding to holding enjoying receiving or taking the same premises according to the true intent and meaning of the provisions hereinbefore contained nor shall the same premises or any of them be held by any court of law or equity to have vested in any such person as aforesaid for any greater estate or interests than during his natural life and for such portion thereof only as he shall continue to use the name of Chinubhai Madhavlal Ranchhodlal and every conveyance mortgage assignment or assurance contrary to the intention of this Act shall be and is hereby declared and enacted to be void.

Ultimate trust in favour of heirs on extinction of Baronetey.

18. Upon failure and in default of heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal to whom the title of Baronet may descend the Corporation shall stand possessed of a moiety of the Trust Funds hereditaments and premises then subject to the provisions of this

Act upon trust to pay the income thereof to the widow if any of the last Baronet during her life or until her remarriage whichever event happens first and if more than one in equal shares and shall hold the remaining moiety of the said Trust Funds hereditaments and premises and the income thereof and also the first mentioned moiety of the said Trust Funds hereditaments and premises from and after the death or remarriage of the widow of the last Baronet whichever event happens first in trust for the next of kin of the last Baronet in such shares and proportions as he may by will appoint and in default of such appointment for the next of kin (except the widow) of the last Baronet for their absolute benefit according to the law of intestate succession for the time being applicable to them.

19. The actual management of the hereditaments for the time being vested in the Corporation including the collection of rents and carrying out repairs shall be in the hands of the person in the actual enjoyment for the time being of the said title of Baronet conferred by the said Letters Patent being of full age and during his minority in the hands of his duly appointed guardian subject nevertheless to the control and supervision of the Corporation.

Management of hereditaments vested in Corporation.

20. If at any time hereafter the said offices of the Commissioner for the Northern Division of the presidency of Bombay the Accountant General of Bombay and the District Judge of Ahmedabad or any of them shall be abolished or cease to exist, it shall be lawful for the Governor in Council of Bombay for the time being with the consent and approbation of the person for the time being in the actual enjoyment of the said title of Baronet and using the said names of "Chinubhai Madhavlal Ranchhodlal" and having attained the age of 21 years and if there shall not be any such person then without the consent or approbation of any person or persons whomsoever to nominate and appoint any other person or persons holding any other public Government office or offices at Bombay or Ahmedabad to be and to act as a trustee or trustees in the execution of the trusts created by this Act, and upon such nomination and appointment, the Trust Funds hereditaments and premises which may then be subject to such trusts shall, by force of this Act, forthwith vest in the person or persons so nominated and appointed trustee or trustees as lastly mentioned, together with the then continuing trustees or trustee but if there shall be no such continuing trustee or trustees then in the new trustees only upon and for the trusts and purposes hereby created and declared; and when and so often as any such nomination and appointment shall be made such new trustee or trustees jointly with such continuing trustees or trustee, or such new trustees only as the case may be, shall be and they are hereby constituted a Corporation for executing the powers and purposes of this Act.

Provision if office of trustee ceases to exist.

21. Saving always to the King's Most Excellent Majesty His Heirs and Successors and to all and every other person and persons bodies politic and corporate and his her and their respective heirs, executors administrators and successors and every of them (other than and except the said Sir Chinubhai Madhavlal Ranchhodlal his devisees heirs and assigns) all such estate right title interest claim and demand whatsoever

General saving Clause.

of into out of or upon the said hereditaments and premises particularly described in the schedules hereunder written or any of them respectively as they every or any of them had before the passing of this Act and would could or might have had held or enjoyed in case this Act had not been passed.

#### THE FIRST SCHEDULE.

The village of Ognaj in the North Daskroi taluka of the district of Ahmedabad in the presidency of Bombay.

#### THE SECOND SCHEDULE.

##### *Particulars of the property called "Shanti Kunj."*

All those pieces or parcels of land or ground together with the messuage tenement or bungalow with outhouses and structures standing thereon with a garden and called "Shanti Kunj" and situate at Mauza Dariapur Kajipur now called "Shahi Baug" in the North Daskroi taluka and in the registration sub-district of Ahmedabad in the said district in the Presidency of Bombay and admeasuring 6 acres and 39 gunthas and bearing survey Nos. 259 and 260 (of which land bearing survey No. 259 admeasures 2 acres and 7 gunthas and the land bearing survey No. 260 admeasures 4 acres and 32 gunthas or thereabouts) and bounded as follows that is to say, on or towards the East by a small passage beyond which is the B.B. & C.I. Railway line, on or towards the South by an open plot of ground beyond which are the Police Lines known as Bhil Paltan lines, on or towards the West by a narrow passage leading to the Sabarmati River and on or towards the North partly by a bungalow known as Kaji Saheb's bungalow and partly by the Police Superintendent's bungalow.

BOMBAY ACT No. IX OF 1924.<sup>[1]</sup>

[THE CATTLE-TRESPASS (AMENDMENT) ACT, 1924]

[6th January 1925]

## An Act further to amend the Cattle-trespass Act, 1871.

I of 1871. WHEREAS it is expedient further to amend the <sup>[2]</sup>Cattle-trespass Act, 1871, in its application to the Presidency of Bombay, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Cattle-trespass (Amendment) Act, Short title, 1924.

I of 1871. 2. After the proviso to section 6 of the <sup>[2]</sup>Cattle-trespass Act, 1871, Amendment of section 6 of Act I of 1871. the following shall be inserted, namely:—

Bom. IX of 1920. “Provided further that in the Presidency of Bombay, in any local area which has been declared to be a village under clause (a) of section 3 of the <sup>[3]</sup>Bombay Village Panchayats Act, 1920, when the police patel, or the head of the village, is the Sar-Panch of the panchayat, the panchayat may appoint another person to be pound-keeper.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, pp. 86-87; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, Vol. XIII.

[2] General Acts, Vol. I.

[3] Vol. V of Bom. Code.



**BOMBAY ACT No. X OF 1924.<sup>[1]</sup>**

[THE BOMBAY SMOKE-NUISANCES (AMENDMENT) ACT, 1924]

[6th January 1925]

**An Act further to amend the Bombay Smoke-nuisances Act, 1912.**

WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Smoke-nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Smoke-nuisances (Amendment) Act, 1924. Short title.
2. In clause (a) of section 12 of the <sup>[2]</sup>Bombay Smoke-nuisances Amendment Act, 1912, for the words "or with the written authority of the Chief of Inspector" the words "an inspector with the previous sanction of the Commission or of a Sub-committee appointed by the Commission" shall be substituted. of section 12 of Bom. VII of 1912.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, p. 56; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, Vol. XIII.

[<sup>2</sup>] Vol. V of Bom. Code.

**BOMBAY ACT No. XI OF 1924.<sup>[1]</sup>**

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT) ACT, 1924]

[6th January 1925]

**An Act further to amend the Bombay Public Conveyances Act, 1920.**

WHEREAS it is expedient to amend the <sup>[2]</sup>Bombay Public Con-  
 Bom. conveyances Act, 1920, in manner hereinafter appearing; It is hereby  
 VII of enacted as follows :—  
 1920.

1. This Act may be called the Bombay Public Conveyances (Amend- Short title.  
 ment) Act, 1924.

2. For sub-section (5) of section 36 of the <sup>[2]</sup>Bombay Public Con- Amendment  
 Bom. conveyances Act, 1920, the following sub-section shall be substituted, of section 36  
 VII of namely :— of Bom. VII  
 1920.

“(5) In any area to which this Act or any specified provisions thereof have been extended under sub-section (1) of this section, the cost of administering this Act shall be met from the fees charged in such area under this Act, or rules made thereunder.

Any balance remaining after the cost of administering this Act or any specified provisions thereof in such area has been met, shall be paid to the local authority for such area.

Provided that where there is more than one local authority for such area such balance shall be paid to such local authorities in such proportion as the Commissioner in Sind or the Commissioner of the Division, as the case may be, shall direct.”

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[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1924, Part V, p. 89; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, Vol. XIII.

[2] Vol. V of Bom. Code,

**THE PRESIDENT'S SALARY ACT, 1924.**

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2. Salary of elected President.

**BOMBAY ACT No. XII OF 1924.[<sup>1</sup>]**

[THE PRESIDENT'S SALARY ACT, 1924]

[13th January 1925]

*Amended by*

Number of Act.	Year.
Bom. Act No. VIII	1927.

**An Act to determine the salary of the President of the Bombay Legislative Council.**

5 & 6  
Geo.V,  
c. 61. WHEREAS in accordance with sub-section (5) of section 72C of the Government of India Act the salary of the elected President of the Bombay Legislative Council is to be determined by Act of the said Council ; It is hereby enacted as follows :—

1. This Act may be called the President's Salary Act, 1924. Short title.
2. There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of three thousand rupees a month. Salary of elected President.

[<sup>2</sup>] [(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.]

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, p. 57 ; for Report of Select Committee, see *ibid*, 1924, Part V, pp. 83-84 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924, Vols. XII and XIII.

[<sup>2</sup>] This sub-section was inserted by Bom. VIII of 1927, s. 2.

# THE BOMBAY CHILDREN ACT, 1924.

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- 47. Provision as to religion.
- 47A. Committal to an approved place of a child or young person suffering from venereal or tubercular disease.
- 48. Removal of disqualification attaching to convictions for offences.
- 49. Control of custodian over child or young person.
- 50. Bonds taken under the Act.
- 51. Appeals.
- 51A. Power to amend orders.
- 52. Rules.

BOMBAY ACT No. XIII OF 1924.<sup>[1]</sup>

[THE BOMBAY CHILDREN ACT, 1924]

[5th February 1925]

*Amended by*

Number of Act.	Year.
Bom. Act No. X .. .. .	1925
Bom. Act No. XIII .. .. .	1927
Bom. Act No. XIX .. .. .	1929
Supplemented by Act No. XXXV ..	1925
Bom. Act No. VIII .. .. .	1931
Bom. Act No. XI .. .. .	1933

**An Act to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay.**

VIII  
of  
1897.  
5 & 6  
Geo. V,  
c. 61.

WHEREAS it is expedient to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the [2] Reformatory Schools Act, 1897, in its application to the Presidency of Bombay; and whereas the previous sanction of the Governor General required by clauses (e), (f) and (h) of sub-section (3) of section 80A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows:—

## PART I.

## PRELIMINARY.

- (1) This Act may be called the Bombay Children Act, 1924. Short title  
and extent.
- (2) It extends to the whole of the Presidency of Bombay.
- (3) Notwithstanding the introduction of this Act in any local area the Government may by notification in the *Bombay Government Gazette* exclude any class of children, young persons or youthful offenders from the operation of all or any of the provisions of this Act.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1923, Part V, pp. 51-53; for Report of Select Committee, see *Bombay Government Gazette*, 1924, Part V, pp. 90-93; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924, Vols. XI, XII and XIII.

[2] General Acts, Vol. III.



Commence-  
ment.

\*2. Section I shall come into operation at once. The rest of the Act shall come into operation in the City of Bombay on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint: the Governor in Council may further by notification in the *Bombay Government Gazette*, direct that the rest of the Act, or any part thereof, shall come into operation in any district or place other than the City of Bombay on such date as may be specified in such notification.

Interpre-  
tation  
clause.

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

(a) "child" means a person under the age of fourteen years and when used with reference to a child sent to a certified school applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of fourteen years;

(b) "young person" means a person who is fourteen years of age or upwards but under the age of sixteen years; [1]and when used with reference to a young person sent to a certified school applies to such young person during the whole period of his detention, notwithstanding that such young person may have attained the age of sixteen years.[1]

(c) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of sixteen years;

(d) "certified school" means an industrial school established under sub-section (1) or, certified under sub-section (2) of section 34 of this Act or any other educational institution certified in this behalf by the Governor in Council;

(e) "guardian" in relation to a youthful offender, child or young person includes any person who in the opinion of the court having cognizance of any proceedings in relation to the youthful offender, child or young person or in which the youthful offender, child or young person is concerned, has for the time being the actual charge of or control over the youthful offender, child or young person;

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\*1. For notifications under this section, see

H. D. Notification No. 7838/2 dated the 24th May 1931 published in the *Bombay Government Gazette*, 1931, Part I, page 1307, regarding the extension of the Act to the Bombay Suburban District.

H. D. Notification No. 3857/2 dated the 16th November 1931 published in the *Bombay Government Gazette*, 1931, Part I, page 2540, extending certain sections to the City of Ahmedabad.

H. D. Notification No. 3357/2 dated the 17th November 1931 published in the *Bombay Government Gazette*, 1931, Part I, page 2567, regarding the application of section 4 to the Bombay Presidency.

H. D. Notification No. 3857/2 dated the 12th March 1932 published in the *Bombay Government Gazette*, 1932, Part I, page 616, extending certain sections to the Karachi City.

H. D. Notification No. 3925/3/iii dated 20th September 1934 published in the *Bombay Government Gazette*, 1934, Part I, page 2100, regarding the extension of the Act to the Dharwar District.

2. Provisions of sections 2 to 6 and Parts II to VIII were extended to the Municipal Boroughs of Dharwar and Hubli and the provisions of sections 2 to 6 and Parts IV to VIII were extended to the remaining area of the Dharwar District. (*Vide* H. D. Notification No. 3925/3/iii dated the 20th September 1934 published in the *Bombay Government Gazette*, 1934, Part I, page 2100.)

[1]-[1] These words were inserted by Bom. XI of 1933, s. 2.

(f) "fit person" in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

(g) "place of safety" includes any orphanage, hospital, surgery or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child or young person; or where such orphanage, hospital, surgery or other suitable place or institution is not available, in case of a male child or young person only a police station;

[<sup>1</sup>] (h) "Brothel" means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution.

(i) "prescribed" means prescribed by rules under this Act.

[<sup>2</sup>] (j) "Juvenile court" means a separate court established under sub-section (1) of section 46 of this Act and includes a court hearing charges against children or young persons under sub-section (2) of that section.

[<sup>2</sup>] (k) "Caning" means the punishment authorized under the [<sup>3</sup>] Whipping Act, 1909, and inflicted with a cane, less than half an inch in diameter, as directed by the Governor in Council under section 392 of the Code of Criminal Procedure, 1898.

IV of  
1909.  
V of  
1898.

[<sup>4</sup>] 4.\* In the [<sup>5</sup>] Reformatory Schools Act, 1897, in its application to the Presidency of Bombay,—

Amendment  
of sections 4,  
8 and 10 of  
Act VIII of  
1897.

(a) for the word "fifteen" occurring in section 4 (a) and in section 10 and the marginal note thereto, the word "sixteen" shall be substituted; and

[<sup>6</sup>] (b) In sub-section (1) of section 8 for the words "three or more than seven years" the words "two years in the case of a youthful offender who at the time of admission is over the age of fifteen years and three years in the case of other youthful offenders or more than seven years in any case" shall be substituted.

5. The powers conferred on courts by this Act shall be exercised only by—(a) the High Court; (b) a Court of Session; (c) a District Magistrate; (d) a Sub-divisional Magistrate; (e) a salaried Presidency Magistrate; (f) any Juvenile Court constituted under section 46; and (g) any magistrate of the first class and may be exercised by such courts whether the case comes before them originally or on appeal or revision.

Powers of  
courts.

[<sup>1</sup>] This clause was substituted for the original clause (h) by Bom. VIII of 1931, s. 2 (1).

[<sup>2</sup>] Clauses (j) and (k) were inserted by Bom. VIII of 1931, s. 2 (2).

[<sup>3</sup>] General Acts, Vol. IV.

[<sup>4</sup>] New section 4 was substituted for the original section 4 by Bom. XIX of 1929, s. 2.

[<sup>5</sup>] General Acts, Vol. III.

[<sup>6</sup>] This clause was substituted for the original clause (b) by Bom. VIII of 1931, s. 3.

\*This section was applied to the whole of the Bombay Presidency excluding the City of Bombay, the Municipal Borough of Lonawla and the Bombay Suburban District, by H. D. Notification No. 3857/2 dated the 17th November 1931 published in the *Bombay Government Gazette*, 1931, Part I, page 2567.

Procedure when Magistrate is not empowered to pass an order under this Act.

6. (1) When any magistrate not empowered to pass an order under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child or young person to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate or to the magistrate presiding over the nearest Juvenile Court having jurisdiction in the case or in the City of Bombay to a salaried Presidency Magistrate.

(2) The magistrate to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit and may pass such order dealing with the case as he might have passed if the child or young person had originally been brought before or tried by him.

## PART II.

### MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN AND YOUNG PERSONS WHO ARE DESTITUTE, ETC.

[<sup>1</sup>]Children found homeless, destitute, etc.

7. (1) Any police-officer or other person authorized in this behalf in accordance with rules made by the Governor in Council may bring before a court any person who in his opinion is a child or young person and who—

(a) [<sup>2</sup>] has no home, settled place of abode or visible means of subsistence, or [<sup>2</sup>] has no parent or guardian who exercises regular and proper guardianship; or

(b) is found destitute and his parents or surviving parent or other guardian, or in the case of an illegitimate child his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal [<sup>3</sup>]or drunken[<sup>3</sup>] habits, is unfit to have the care of such person; or

(d) frequents the company of any reputed thief or prostitute; or

(e) is lodging or residing in [<sup>3</sup>]or frequenting[<sup>3</sup>] a house used by a prostitute for the purposes of prostitution; [<sup>4</sup>]or

(f) is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime :[<sup>4</sup>]

Provided that when any such child or young person has a parent or guardian who has the actual charge or control over the child or young person, the police-officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such

[<sup>1</sup>] This marginal note was substituted for the original marginal note by Bom. VIII, s. 4 (e).

[<sup>2</sup>] The words "is found wandering and" were deleted by Bom. VIII of 1931, s. 4 (a) (i).

[<sup>3</sup>]-[<sup>3</sup>] These words were inserted by Bom. VIII of 1931, s. 4 (a) (ii) and (iii).

[<sup>4</sup>]-[<sup>4</sup>] This clause was inserted by Bom. VIII of 1931, s. 4 (a) (iv).

parent or guardian to show cause why the said child or young person should not during the pendency of the proceedings, be removed from his care ; and may on suitable sureties being offered for the safety of such child or young person and for his being brought before the court, permit the child or young person to remain in the actual charge or control of his parents or guardian or may order his removal till the court passes orders under this Act.

(2) The court before which a child or young person is brought as coming within one of these descriptions shall examine the information and record the substance of such examination and shall if it thinks that there are sufficient grounds for inquiring further fix a date for such inquiry.

[<sup>1</sup>] [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) On the date fixed for the production of the child or young person or for the inquiry or on any subsequent date to which the proceedings may be adjourned the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child [<sup>2</sup>]or young person[<sup>2</sup>] to a certified school should not be passed and make any further inquiry it thinks fit.

[<sup>3</sup>] (4) If the Court is satisfied on the inquiry that such person is a child or young person and is as described within the provisions of sub-section (1) and that it is expedient so to deal with him, the Court may order him to be sent to a certified school or may order him in the prescribed manner to be committed to the care of a relative or other fit person named by the Court (such relative or other person being willing to undertake such care) until such child or young person attains the age of eighteen years or for any shorter period ;

[<sup>4</sup>] (5) [<sup>5</sup>] The court which makes an order committing a child or young person to the care of a relative or other fit person may, when making such order, require such relative or other person to execute a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the child or young person and for the observance of such other conditions as the court may impose for securing that the child or young person may lead an honest and industrious life.

[<sup>5</sup>] (6) The court which makes an order committing [<sup>6</sup>]a child or young person[<sup>6</sup>] to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a person named by the court :

[<sup>1</sup>] This proviso was added by Bom. XIII of 1927, s. 2.

[<sup>2</sup>]-[<sup>3</sup>] The words " or young person " were inserted by Bom. XI of 1933, s. 3 (a).

[<sup>3</sup>] This sub-section was substituted for the original sub-sections (4), (5) and (6) by Bom. XI of 1933, s. 3 (b).

[<sup>4</sup>] This sub-section was inserted by Bom. VIII of 1931, s. 4 (b).

[<sup>5</sup>] The sub-sections (6A) and (7) were renumbered as sub-sections (5) and (6), respectively by Bom. XI of 1933, s. 3 (c).

[<sup>6</sup>]-[<sup>7</sup>] The words " a child or young person " were substituted for the words " a person " by Bom. VIII of 1931, s. 4 (c).

Provided that when the magistrate thinks fit, he may allow such child or young person to remain in the custody of a parent or guardian [1]with a direction that he be placed under the supervision of a person named by the court;[1]on such parent or guardian giving an undertaking [2]with or without sureties in a prescribed form to the court, and the court may from time to time adjourn the enquiry and compel the production of the child [3]or young person in court to satisfy it that the said undertaking is being carried out.

Uncon-  
trollable  
children.

8. Where the parent or guardian of a child [4]or young person proves to a court that he is unable to control the child [4]or young person, and that he desires the child [4]or young person to be sent to a certified school, the court, if satisfied on inquiry that it is expedient so to deal with the child [4]or young person and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

### PART III.

#### OFFENCES AGAINST CHILDREN AND YOUNG PERSONS AND THEIR PREVENTION.

Punishment  
for cruelty  
to children  
and young  
persons.

\*9. (1) Whoever having the actual charge of or control over a child or young person abandons, exposes or wilfully neglects or ill-treats such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child or young person.

(3) A person may be convicted of an offence under this section notwithstanding the actual suffering or injury to health was obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.

[1]-[1] These words were inserted by Bom. VIII of 1931, s. 4 (d) (i).

[2] The words "with or without sureties" were inserted by Bom. VIII of 1931, s. 4 (d) (ii).

[3] The words "or young person" were inserted by Bom. VIII of 1931, s. 4 (d) (iii).

[4] The words "or young person" were inserted by Bom. XI of 1933, s. 4.

\*The provisions of this section were extended to the City of Ahmedabad by H. D. Notification No. 3857/2 dated the 16th November 1931 published in the *Bombay Government Gazette*, 1931, Part I, page 2540, and to the Karachi City by H. D. Notification No. 3857/2 dated the 12th March 1932 published in the *Bombay Government Gazette*, 1932, Part I, page 616.

**10.** (1) Whoever for his own profit causes any child or young person, Causing or allowing child or young person to beg. or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) The Governor in Council may by notification in the *Bombay Government Gazette* exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

[<sup>1</sup>] **10A.** If any person is found drunk in any highway or other public place whether a building or not or on any licensed premises, while having the charge of a child apparently under the age of seven years and if such person is incapable by reason of his drunkenness of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees. Penalty for being drunk while in charge of a child.

*Explanation.*—For the purposes of this section a child shall be deemed to be under the age of seven if it appears to the Court to be under that age unless the contrary is proved. Presumption as to age of child.

[<sup>1</sup>] **10B.** Whoever in any highway or other public place whether a building or not or on any licensed premises gives, or causes to be given to any child any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees. Penalty for giving intoxicating liquor to a child.

[<sup>1</sup>] **10C.** It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government; and every such police officer shall be authorised to search any boy so found smoking but not a girl. Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

[<sup>1</sup>] **10D.** Whoever by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child or young person to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child or young person to borrow money or to enter into any transaction involving the borrowing of money shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both. Penalty for inciting a child or young person to bet or borrow.

[<sup>1</sup>] **10E.** Whoever takes an article in pawn from a child or young person whether offered by that person on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both. Penalty for taking pawn from a child or young person.

[<sup>1</sup>] Sections 10A, 10B, 10C, 10D and 10E were inserted by Bom. X of 1925, s. 2.

Allowing child or young person to be in brothel.

\*11. Whoever having the actual charge of or control over a child or young person between the ages of four and sixteen allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girl.

\*12. (1) Whoever having the actual charge of or control over a girl under the age of sixteen years causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated.

†13. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution or living a life of prostitution the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

Detention of child or young person in place of safety.

14. (1) Any police-officer, not below the rank of Sub-Inspector or a police-officer or a person authorized in this behalf in accordance with rules made by the Governor in Council may take to a place of safety any child or young person in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been, <sup>XLV</sup> of 1860. or there is reason to believe has been, committed.

(2) A child or young person so taken to a place of safety and also any child or young person who seeks refuge in a place of safety may there be detained until he can be brought before the court but such detention shall not in the absence of a special order of the court exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court and the court may make such order as is mentioned in the next following sub-section or may cause the child or young person to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction, discharge or acquittal of such person.

\*The provisions of this section were extended to the City of Ahmedabad by H.D. Notification No. 3857/2 dated the 16th November 1931 published in the *Bombay Government Gazette*, 1931, Part I, page 2540; and to the Karachi City by H. D. Notification No. 3857/2 dated the 12th March 1932 published in the *Bombay Government Gazette*, 1932, Part I, page 616.

†The provisions of this section were extended to the Karachi City by H. D. Notification No. 3857/2 dated the 12th March 1932 published in the *Bombay Government Gazette*, 1932, Part I, page 616.

(3) Where it appears to the court that an offence as aforesaid has been committed in respect of any child or young person who is brought before the court and that it is expedient in the interests of the child or young person that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and in case of conviction for such further time not exceeding one month as the court which convicted may direct and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

\*15. (1) Where any person having the actual charge of or control over child or young person has been—

(a) convicted of committing in respect of such child or young person an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860 ; or

Disposal of  
child or  
young  
person by  
order of  
Court.

(b) committed for trial for any such offence ; or

(c) bound over to keep the peace towards such child or young person, by any court, that court may either at the time when the person is so convicted, committed for trial or bound over or at any other time, order that the child or young person be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or young person or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of [1]eighteen years or for any shorter period and that court or any court of like jurisdiction may, of its own motion or on the application of any person, from time to time by order renew, vary and revoke any such order.

(2) The court which makes an order committing a child or young person to the care of a relative or other fit person under this section may [2]require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child or young person and for the observance of such other conditions as the court may impose for securing that the child or young person may lead an honest and industrious life and [2] in addition, order that the child or young person be placed under the supervision of a person named by the court.

[1] The word "eighteen" was substituted for the word "sixteen" by Bom. XI of 1933, s. 5 (1).

[2]—[2] These words were inserted by Bom. VIII of 1931, s. 5 (1).

\*The provisions of this section were extended to the City of Ahmedabad by H. D. Notification No. 3857/2, dated the 10th Nov. 1931, published in the *Bombay Government Gazette*, 1931, Pt. I, p. 2540, and to the Karachi City by H. D. Notification No. 3857/2, dated the 12th March 1932, published in the *Bombay Government Gazette*, 1932, Pt. I, p. 616.



[<sup>1</sup>] (3) If the child or young person has a parent or legal guardian, no order shall be made under this section unless—

(i) the parent or legal guardian has been convicted of or committed for trial for the offence, or has been bound over to keep the peace towards the child or young person or cannot be found; or

(ii) the court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence, or is otherwise unfit to have the care of the child or young person:

Provided that if the court thinks fit, it may on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court allow such child or young person to remain in the custody of such parent or legal guardian subject to the supervision of a person named by the court.

(4) Every order under this section shall be in writing and any such order may be made by the court in the absence of the child or young person; and the consent of any person to undertake the care of the child or young person in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) [<sup>2</sup>] The court may, instead of ordering the child [<sup>3</sup>] or young person [<sup>3</sup>] to be committed to the care of a relative or other fit person, order that the child [<sup>3</sup>] or young person [<sup>3</sup>] shall be sent to a certified school.

Warrant  
to search  
for child  
or young  
person ill-  
treated.

\*16. (7) If it appears to a magistrate duly empowered under this Act from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate is acting in the interests of a child or young person, that there is reasonable cause to suspect that—

(a) the child or young person has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or

(b) that an offence punishable under this Act or under Chapter XVI <sup>XLV</sup> of the Indian Penal Code, 1860, has been or is being committed in <sup>of</sup> respect of the child or young person, <sup>1860.</sup>

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child or young person is, to produce forthwith the said child or young person in court, or may issue a warrant authorising any police-officer named therein to search for such child or young person and if it is found that he has been or

[<sup>1</sup>] This sub-section was substituted for the original sub-section (3) by Bom. VIII of 1931, s. 5 (2).

[<sup>2</sup>] The words "In the case of a child" were omitted by Bom. XI of 1933, s. 5 (2) (a).

[<sup>3</sup>]-[<sup>3</sup>] The words "or young person" were inserted by Bom. XI of 1933, s. 5 (2) (b).

\*The provisions of this section were extended to the Karachi City by H.D. Notification No. 3857/2, dated the 12th March 1932, published in the *Bombay Government Gazette*, 1932, Pt. I, p. 616.

is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child or young person, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police-officer to remove the child or young person, with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act."

Provided that if the said child or young person is in the custody or control of a parent or guardian who being a female does not according to the customs and manners of the country appear in public, the magistrate shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child or young person to be produced in court.

(2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of the child or young person be apprehended and brought before him, or direct that if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The police-officer executing the warrant shall be accompanied by the person laying the information if such person so desire, and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section the name of the child or young person shall be given if known.

\*17. (1) If in any case in which an information has been laid by any person under the provisions of section 16 the magistrate after such inquiry as he may deem necessary is of opinion that such information was false and either frivolous or vexatious the magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of 30 days.

\*The provisions of this section were extended to the Karachi City by H. D. Notification No. 3357/2, dated the 12th March 1932, published in the *Bombay Government Gazette*, 1932, Pt. I, p. 616.

(4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code, 1860, shall, so far as may be, apply. XLV  
of  
1860.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section (6) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.

#### PART IV.

##### YOUTHFUL OFFENDERS.

Bail of children and young persons arrested.

18. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station or section to which such person is brought may in any case and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation release him on bail if sufficient security is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal :

Provided that when any girl apparently under the age of sixteen years is arrested the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

Custody of children and young persons not discharged on bail after arrest.

19. Where a person apparently under the age of sixteen years having been arrested is not released under section 18 or otherwise, the officer in charge of the police station or section shall cause him to be detained in the prescribed manner until he can be brought before a court.

Remand or committal to custody.

20. A court, on remanding or committing for trial a child or young person who is not released on bail, shall order him to be detained in the prescribed manner.

21. (1) Where a child or young person is charged with any offence or [1] is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance [2], be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance at court of parent of child or young person charged with an offence, etc.

(2) Where the child or young person is arrested, the officer in charge of the police station or section to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child or young person :

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child or young person if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

22. Notwithstanding anything to the contrary contained in any law no child or young person shall be sentenced to death or transportation or committed to prison :

Sentences that may not be passed on child or young person.

Provided that a young person may be committed to prison where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent [3] either to a certified school or to a reformatory school and that none of the other methods in which the case may legally be dealt with is suitable.

23. (1) Where a child [4] or young person is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on enquiry that it is expedient so to deal with the child [4] or young person may order him to be sent to a certified school.

Commitment of child to a certified school.

(2) Where a child [4] or young person has been ordered by a court to give security under section 106 or section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the court which passed the order may order such child [4] or young person to be sent to a certified school.

[1] The words " where a child " were omitted by Bom. XI of 1933, s. 6.

[2] The words " and the person so charged or brought before the court is a child " were omitted by Bom. XI of 1933, s. 6.

[3] The words " either to a certified school or " were inserted by Bom. VIII of 1931, s. 6.

[4] The words " or young person " were inserted by Bom. XI of 1933, s. 7.

(3) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the Governor in Council may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.

Power to discharge youthful offender or to commit him to suitable custody.

24. A court may, if it shall think fit instead of directing any youthful offender to be detained in a certified school, order him to be—

(a) discharged after due admonition, or

[<sup>1</sup>](b) committed to the care of his parent or guardian or other adult relative or other fit person on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the youthful offender may lead an honest and industrious life; and the court may in either case order that the youthful offender be placed under the supervision of a person named by the court.

Power to order parent to pay fine, etc., instead of child or young person.

25. (1) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions V of the Code of Criminal Procedure, 1898.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

Detention in the case of certain crimes committed by children or young persons.

26. (1) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act or of the [<sup>2</sup>]Reformatory Schools Act, III of 1897, it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Governor in Council.

(2) Notwithstanding the provisions of section 22, the Governor in Council may order any such child or young person to be detained in such place and on such conditions as he thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

[<sup>1</sup>] This clause was substituted for the original clause by Bom. VIII of 1931, s. 7.

[<sup>2</sup>] General Acts, Vol. II.

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

[<sup>1</sup>] 27. (1) Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether

Methods of dealing with children and young persons charged with offences.

(a) by discharging the offender after due admonition ; or

(b) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour ; or

(c) by so discharging or committing the offender and placing him under the supervision of a person named by the court ; or

(d) by sending the offender to a certified school ; or

(e) by sending the offender to a reformatory school ; or

[<sup>2</sup>] (ee) by sentencing the offender to caning in cases where the conduct of the offender has been such as to lead the court to believe that no other punishment would be effective ; or

(f) by ordering the offender to pay a fine ; or

(g) by ordering the parent or guardian of the offender to pay a fine ; or

(h) where the offender is a young person, by sentencing him to imprisonment ; or

(i) by dealing with the case in any other manner in which it may legally be dealt with :

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

[<sup>3</sup>] (2) Where a child or young person is charged with an offence punishable with fine only, and is dealt with under clause (f) of sub-section (1), the court may, if it thinks fit, add a sentence of caning in default of payment of fine, if it is satisfied that the offender is able to pay the fine.

[<sup>3</sup>] (3) If in any such case as is described in sub-section (2), the offender has previously undergone a sentence of caning passed under that sub-section he may, in default of payment of fine, be sent to a certified school for a period not exceeding three years.

[<sup>4</sup>] 27A. For the purpose of determining the sentence or order which a court ought to pass or make under this Part against any person tried by or brought before it, the court shall, after recording its finding on the facts of the case, have regard to the character of the person and the circumstances in which he is living as disclosed by the facts of the case or, on further inquiry, by any other evidence or information.

Investigation of character and circumstances.

[<sup>1</sup>] This section was renumbered as section 27 (1) by Bom. VIII of 1931, s. 8 (1).

[<sup>2</sup>] This clause was inserted by Bom. VIII of 1931, s. 8 (1).

[<sup>3</sup>] Sub-sections (2) and (3) were inserted by Bom. VIII of 1931, s. 8 (2).

[<sup>4</sup>] This section was inserted by Bom. VIII of 1931, s. 9.

## PART V.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED  
SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES  
OR OTHER FIT PERSONS.

Contribution  
of parent.

28. (1) The court which makes an order for the detention of a child [1]or young person or youthful offender in a certified school or for the committal of a child or young person or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, young person or youthful offender, to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the youthful offender, child or young person and shall record the evidence if any in the presence of the parent or such other person as the case may be or when his personal attendance is dispensed with in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child, young person or youthful offender shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father :

Provided that where the child, young person or youthful offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the court shall not ordinarily <sup>V of</sup> make an order for contribution against the putative father but may order <sup>1898.</sup> the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child, young person or youthful offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal <sup>V of</sup> Procedure, 1898. <sup>1898.</sup>

Boarding out  
of children.

29. The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the chief inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed ; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Governor in Council.

[1] The words " or young person " were inserted by Bom. XI of 1932, s. 8.

30. (1) Where a child [1]or young person or youthful offender is <sup>Placing out on licence.</sup> detained in a certified school, the managers of the school may at any time with the consent of the chief inspector, by licence permit the child [1]or young person or youthful offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train him for some useful trade or calling.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the child [1]or young person or youthful offender to return to the school and shall do so at the desire of the person with whom the child [1]or young person or youthful offender is licensed to live. If the child [1]or young person or youthful offender refuses or fails to return to the school, the managers of the school may, if necessary, arrest or cause to be arrested, the child [1]or young person or youthful offender and take him or cause him to be taken back to the school.

(4) When a licence has been revoked or forfeited and the child [1]or young person or youthful offender refuses or fails to return to the school, the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child [1]or young person or youthful offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child [1]or young person or youthful offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(5) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

V of  
1898.

(6) The time during which a child [1]or young person or youthful offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: provided that, where a child [1]or young person or youthful offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

### 31. Whoever—

(a) knowingly assists or induces, directly or indirectly, a child [2]or young person or youthful offender detained in or placed out on licence <sup>Penalty for abetting escape of youthful offender or child.</sup> from a certified school to escape from the school or from any person with whom he is placed out on licence, or any child or young person to escape from the person to whose care he is committed under the provisions of this Act;

[1] The words " or young person " were inserted by Bom. XI of 1933, s. 9.

[2] The words " young person or " were inserted by Bom. XI of 1933, s. 10.



(b) knowingly harbours, conceals, or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, young person or youthful offender, who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.

Period of  
detention.

**32.** The period for which a child [1]or young person or youthful offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there and shall be such period [2]not being less than two years in the case of a youthful offender who at the date of the order is over the age of fifteen years and three years in the case of other youthful offenders[2] as to the court may seem proper for his teaching and training but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of [3]eighteen years.

Discharge  
and transfer.

**33.** (1) The Governor in Council may at any time order a child [4]or young person or youthful offender to be discharged from a certified school, either absolutely or on such conditions as the Governor in Council approves.

(2) The Governor in Council may order—

(a) a child over the age of twelve years detained in a certified school, who is found to be exercising an evil influence over the other children in the school or who is guilty of a serious breach of the rules of the school or of escaping from the school, to be transferred to a reformatory school;

(b) a youthful offender under the age of fourteen years detained in a reformatory school to be transferred to a certified school;

(c) a child [4]or young person or youthful offender to be transferred from one certified school to another;

[5](d) a youthful offender over the age of sixteen years detained in a certified school to be transferred to a Borstal School established <sup>Bom.</sup> under the [6]Bombay Borstal Schools Act, 1929, in the interest of <sup>XVIII</sup> of discipline or for other special reasons : <sup>1929.</sup>

Provided that the whole period of the detention of the child [4]or young person or youthful offender shall not be increased by the transfer.

[7] (3) Upon the transfer of a youthful offender to a Borstal School <sup>Bom.</sup> under clause (d) of sub-section (2), the provisions of the [6]Bombay <sup>XVIII</sup> Borstal Schools Act, 1929, shall apply to such offender as if he had <sup>of</sup> 1929.

[1] The words "or young person" were inserted by Bom. XI of 1933, s. 11.

[2]-[3] These words were inserted by Bom. VIII of 1931, s. 10 (i).

[3] The word "eighteen" was substituted for the word "sixteen" by Bom. VIII of 1931, s. 10 (ii).

[4] The words "or young person" were inserted by Bom. XI of 1933, s. 12.

[5] This clause was inserted by Bom. VIII of 1931, s. 11 (i).

[6] In this Vol. p. 565.

[7] This sub-section was inserted by Bom. VIII of 1931, s. 11 (ii).

been originally ordered to be detained in a Borstal School under that Act.

[4] (4) The Governor in Council may at any time in his discretion discharge a child or young person from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Governor in Council approves, and may, if he thinks fit, make rules in relation to children or young persons so committed to the care of any person and to the duties of such persons with respect to such children or young persons.

[2] 33A. (1) The Governor in Council in consultation with the managers of any certified school may consent to the transier to that school of any person under the age of [3]eighteen years in respect of whom an order has been made by competent authority in any other part of British India of the nature of an order under this Part directing him to be sent to a certified school or any school of a like nature.

Transfers between certified schools and schools of like nature in different parts of British India.

(2) The Governor in Council may direct any child [4]or young person or youthful offender to be transferred from any certified school to any school of a like nature in any other part of British India in respect of which provision similar to that in the Presidency of Bombay is made by the Local Government of that part under any law in force therein.

## PART VI.

### CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

34. (1) The Governor in Council may establish and maintain industrial schools for the reception of children [5], young persons and youthful offenders.

Establishment and certification of schools.

\*(2) The Governor in Council may certify that any industrial school or other educational institution not established under sub-section (1) is fit for the reception of children [5]young persons or youthful offenders.

35. (1) For the control and management of every school established under sub-section (1) of section 34 a superintendent and a committee of visitors shall be appointed by the Governor in Council and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

Management of schools.

(2) Every school certified under sub-section (2) of section 34 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

36. (1) The Governor in Council may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as he thinks advisable to assist the chief inspector; and every person

Inspection of schools.

[1] This sub-section was renumbered as sub-section (4) by Bom. VIII of 1931, s. 11 (iii).

[2] This section was inserted by Bom. VIII of 1931, s. 12.

[3] The word "eighteen" was substituted for the word "sixteen" by Bom. XI of 1933, s. 13 (i).

[4] The words "or young person" were inserted by Bom. XI of 1933, s. 13 (ii).

[5] The words ", young persons" were inserted by Bom. XI of 1933, s. 14.

\*Under the provisions of this sub-section "The Children Home attached to the Criminal Tribe Settlement, Hubli, has been declared as a certified Institution under the Bombay Children Act. (Vide H. D. Notification No. 3925/3/IV, dated the 1st October 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 2196.)

so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Governor in Council directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every six months, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector: provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall where practicable be conducted by a woman.

Power of inspectors.

**37.** A certified school shall be liable to inspection at all times and in all its departments by the chief inspector or inspector or assistant inspector or by any member of the Bombay Legislative Council or by any member of the Legislative Assembly or the Council of State representing any constituency in the Bombay Presidency.

Medical inspection.

**38.** Any registered medical practitioner empowered in this behalf by the Governor in Council may visit any certified school at any time with or without notice to its managers in order to report to the chief inspector on the health of the inmates and the sanitary condition of the school.

Power of Governor in Council to withdraw certificate.

**39.** The Governor in Council, if dissatisfied with the condition, rules, management or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice and at that time the withdrawal of the certificate shall take effect and the school shall cease to be certified school:

Provided that the Governor in Council may, if he thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children [1]or young persons or youthful offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided also that before the issue of notice under this section or under the first proviso thereto a reasonable opportunity shall be given to the managers of the school to show cause why the certificates shall not be withdrawn or admission to the school shall not be prohibited as the case may be.

Resignation of certificate by managers.

**40.** The managers of a certified school may, on giving six months' notice in writing to the Governor in Council through the chief inspector of their intention so to do, resign the certificates of the school and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or resignation of certificate.

**41.** A child [2]or young person or youthful offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to

[1] The words "or young persons" were inserted by Bom. XI of 1933, s. 15.

[2] The words "or young person" were inserted by Bom. XI of 1933, s. 16.

teach, train, lodge, clothe and feed any children [1] or young persons or youthful offenders detained in the school at the respective dates aforesaid shall, except so far as the Governor in Council otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

42. When a school ceases to be a certified school, the children [2] or young persons or youthful offenders detained therein shall be either discharged absolutely or on such conditions as the Governor in Council may impose or transferred by order of the Governor in Council to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Disposal of inmates on withdrawal or resignation of certificate.

43. The Governor in Council may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificates may be withdrawn or resigned in like manner as a certificate of a school and every such home shall, for such purposes as are specified by the Governor in Council, be treated as part of the certified school or schools to which it is attached.

Auxiliary homes.

44. The managers of a certified school not established by the Governor in Council may decline to receive any child [3] or young person or youthful offender proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child [3] or young person or youthful offender, they shall be deemed to have undertaken to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Liabilities of managers.

45. (1) The Governor in Council may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time at all reasonable hours, by persons appointed by him for the purpose of securing the health and welfare of the children or young persons and the sanitation of the premises.

Inspection of institutions for reception of poor children.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers, relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Governor in Council shall, if so desired by the managers of the institutions, appoint, where practicable, a person of that denomination to visit and inspect the institutions.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

[1] The words " or young persons " were inserted by Bom. XI of 1933, s. 16.

[2] The words " or young persons " were inserted by Bom. XI of 1933, s. 17.

[3] The words " or young person " were inserted by Bom. XI of 1933, s. 18.

## PART VII.

## JUVENILE COURTS.

Juvenile  
Courts.

46. (1) The Governor in Council may provide<sup>[1]</sup> for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child or young person is required :

[2] Provided that where a child or young person is accused of an offence triable jointly with any other person not being a child or young person, nothing in this sub-section shall affect or be deemed to affect the powers of the court, to try such other person under any other law for the time being in force.

(2) Where no such separate court has been established the court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person not being a child or young person, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

## PART VIII.

## MISCELLANEOUS.

Provision as  
to religion.

47. (1) In determining the certified school to which a child [3] or young person or youthful offender is to be sent under this Act, the court shall ascertain the religious denomination of the child [3] or young person or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining on the person to whose care a child or young person shall be committed under this Act, the court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

(3) In any case where a child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious

[1] For "The Bombay City Juvenile Court Rules, 1927", see Home Department Notification No. 962/2-III, dated the 14th June 1927, published in the *Bombay Government Gazette*, 1927, Part I, pp. 1506-1507.

For the Dharwar District Juvenile Court Rules, 1934 see H. D. Notification No. 3925/3/III, dated the 20th September 1934, p. 2099, published in the *Bombay Government Gazette*, 1934, Part I, p. 2099.

[2] This proviso was added by Bom. VIII of 1931, s. 13.

[3] The words "or young person" were inserted by Bom. XI of 1933, s. 19 (1).

denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.

(4) When a child or young person is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child or young person entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own.

[1] (5) Where a child is boarded out, or where a child, young person or youthful offender is permitted by licence to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child, young person or youthful offender, as the case may be, if such person is available, and if no such person is available then a person who gives a satisfactory undertaking that the child, young person or youthful offender shall be brought up in accordance with the religion of such child, young person or youthful offender, and if no such person is available then another person within the provisions of section 29 or 30, as the case may be.

(6) When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section.

(7) Whenever any person interested in the religion of the child or young person is informed of any attempt at conversion or tampering with his religion he may apply to the court for an enquiry and the court on being satisfied may issue an order removing the said child or young person from the custody of such institution or person and hand over the custody to another fit person or institution.

[2] 47A. When a child or young person who has been brought before a Magistrate under any of the provisions of this Act is found to be suffering from a venereal or tubercular disease the Magistrate, if satisfied that medical treatment is necessary and that the child or young person will not otherwise get such treatment, may commit the child or young person to an approved place for such period as he may think necessary and may from time to time extend the said period.

[3] 48. When a child or young person is convicted of any offence, the fact that he has been so convicted shall not have any effect under section 75 of the Indian Penal Code, or section 565 of the Code of Criminal Procedure, 1898, or operate as a disqualification for office or election under any law.

[1] This sub-section was substituted for the original sub-section (5) by Bom. XI of 1933, s. 19 (2).

[2] This section was inserted by Bom. VIII of 1931, s. 14.

[3] This section was substituted for the original section 48, by Bom. VIII of 1931, s. 15.

Control of  
custodian  
over child  
or young  
person.

49. Any person to whose care a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance, and the child or young person shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Bonds taken  
under the  
Act.

50. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act. <sup>V of 1898.</sup>

Appeals.

51. (1) An appeal from an order made by a court under sections 7, 8, 9, 10, [1]10A, 10B, 10D, 10E[1], 11, 12, 15, 26, 28, 30 or 47 shall lie [2] [(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; ]

(b) if passed by any Magistrate not being a Presidency Magistrate to the Court of Session; and

(c) if passed by a Court of Session or a Presidency Magistrate, to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

Power to  
amend  
orders.

[3] 51A. Without prejudice to the powers of courts of appeal and revision, any custody order [4]or supervision order may be amended by the court which made the order, in respect of the person named as custodian [5]or supervisor, the period of duration and such matters of detail as may be prescribed.

Rules.

52. (1) The Governor in Council may make rules[6] for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(a) the establishment and maintenance of certified schools and auxiliary homes and the certification of schools as certified schools and of auxiliary homes;

[1]—[1] These figures and letters were inserted by Bom. X of 1925, s. 3.

[2] This clause was substituted for the original clause by Bom. XIII of 1927, s. 3.

[3] This section was inserted by Bom. VIII of 1931, s. 116.

[4] The words "or supervision order" were inserted by Bom. XI of 1933, s. 20 (1).

[5] The words "or supervisor, the period of duration and" were substituted for the words "and in respect of" by Bom. XI of 1933, s. 20 (2).

[6] For "the Bombay Children Rules, 1926," see Government Notifications in the Home Department No. 221-XIV, dated 21st December 1926, published in the *Bombay Government Gazette* 1926, Part I, pp. 2898-2906 and No. 2928-2, dated the 2nd June 1928, published in the *Bombay Government Gazette* 1928, Part I, p. 1179.

For amendments in the above Rules, see H. D. Notifications No. 8174/2, dated the 9th January 1934, published in the *Bombay Government Gazette*, 1934, pp. 102-105 and also H. D. Notification No. 3925/3-I, dated the 20th September 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 2098.

For "the Bombay City Juvenile Court Rules, 1927," see *Bombay Government Gazette*, 1927, Part I, pp. 1506-1507.

For "Dharwar District Juvenile Court Rules, see H. D. Notification No. 3925/3/II, dated the 20th September 1934, published in *Bombay Government Gazette*, 1934, Part I, p. 2099.

- (b) the management of certified schools and auxiliary homes ;
  - (c) the appointment of visitors and their tenure of office ;
  - (d) the inspection of certified schools ;
  - (e) the maintenance, education and industrial training of the inmates of certified schools ;
  - (f) the conveyance of youthful offenders [1]young persons and children to certified schools ;
  - (g) the grant of permission to the inmates of certified schools to absent themselves for short periods ;
  - (h) visits to and communication with the inmates of certified schools ;
  - (i) the punishment of offences committed by the inmates of certified schools ;
  - (j) the inspection of the institutions referred to in section 45 ;
  - (k) the manner of detention of children and young persons under arrest or remanded or committed for trial ;
  - (l) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court ;
  - (m) the persons who may be authorized to act under section 7 or 14 ;
  - (n) the manner in which a child or young person may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children and young persons ;
  - (o) the contribution by parents and other persons liable to maintain youthful offenders, children and young persons ;
  - [2] (p) the boarding out of children and the licensing and supervision of children, young persons and youthful offenders and the submission of reports regarding them,
  - (q) the procedure to be adopted in juvenile courts ; and
  - (r) the time within which appeals under section 51 shall be filed ;
- (3) All rules made under clauses (h) and (g) of sub-section (2) shall be subject to the previous approval of the Governor General in Council.
- (4) The power to make rules under this Act shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council, and shall be liable to be modified or annulled by a resolution of the said Council tabled at such next session.

[1] The words "young persons" were inserted by Bom. XI of 1933, s. 21 (1).

[2] This clause was substituted for the original clause (p) by Bom. XI of 1933, s. 21 (2).



BOMBAY ACT No. I OF 1925.<sup>[1]</sup>

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1925]

[3rd October 1925]

## An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. III of 1888. 5 & 6 Geo.V. c. 61. WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, 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 City of Bombay Municipal Short this. (Amendment) Act, 1925.

Bom. III of 1888. 2. In section 3 of the [2]City of Bombay Municipal Act, 1888, here- Ahmedment of section 3 of Bom. III of 1888. inafter called the said Act,

(a) in clause (c) for the words "or appointed" the words of "appointed or co-opted" shall be substituted; and

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

"(yy) 'Trade refuse' means and includes the refuse of any trade, manufacture or business."

3. In section 11 of the said Act—

(a) in sub-section (2) for the words "occupied as owner or tenant in such ward a building, or part of a building separately occupied, as a dwelling or for the purpose of any trade, business or profession, of which the monthly rental was not less than rupees ten" the words "occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied of which the monthly rental was not less than rupees ten" shall be substituted; Amendment of section 11 of Bom. III of 1888.

(b) in the second proviso to the said sub-section for the word "dwelling-house" wherever it occurs the words "building or part of a building" shall be substituted.

4. In clause (b) of sub-section (2) of section 14 of the said Act for the words "person duly authorized by power-of-attorney to represent such company or firm" the words "member of such company or firm or any one person holding a general power-of-attorney from such company or firm whose name has been duly communicated to the Assessor and Collector under clause (e) of section 28" shall be substituted. Amendment of section 14 of Bom. III of 1888.

5. In section 22 of the said Act after the word "councillors" the words "other than co-opted councillors" shall be inserted. Amendment of section 22 of Bom. III of 1888.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, pp. 135-138; for report of Select Committee, see *ibid* 1925, Part V, pp. 23-28; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924, 1925, Vols. XIII and XV.

[2] Vol. III Bom. Code.

Amendment  
of section 23  
of Bom. III  
of 1888.

6. In section 23 of the said Act—

(1) before the words “the dates” occurring in the beginning of the section the words “except as provided in section 31A” shall be inserted;

(2) the fourth paragraph shall be omitted.

Amendment  
of section 26  
of 1888.

7. In sub-section (2) of section 26 of the said Act—

(a) in clause (a) after the word “election” where it occurs for the second time the words “and up to 4 p.m. on the date of election” shall be inserted; and

(b) in clause (i)

(i) after the word “nominated” where it occurs for the second time the words “dies or” shall be inserted;

(ii) for the words “three days” the words “one day” shall be substituted; and

(iii) the following further proviso shall be added, namely:—

“Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.”

Amendment  
of section 28  
of Bom. III  
of 1888.

8. For section 28 of the said Act, the following section shall be substituted, namely:—

“28. With respect to the contested ward elections the following provisions shall have effect, namely:—

(a) Votes shall be given by ballot and in person. No votes shall be received by proxy;

(b) no votes 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;

(c) no votes 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;

(d) 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, managing director or manager;

(e) 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 member of such company or firm whose name has been communicated to the Assessor and Collector as the representative of the company or firm who would be entitled to vote at the election on behalf of the company or firm, or where no such name has been so communicated, from any person who produces to the polling officer a general power-of-attorney from such firm or company;

(f) in plural councillor wards every elector shall have as many votes as there are 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;

Provisions  
respecting  
contested  
ward  
elections.

(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) where an equality of 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 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;

(i) if a candidate is elected councillor for more than one ward, he shall, within three days 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 the wards he shall serve and the choice or declaration shall be conclusive;

(j) 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 to have been elected for such ward shall be deemed to have been elected for the same;

(k) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid and the number of rejected votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward."

9. After section 28 of the said Act, the following section shall be inserted, namely:—

"29. (1) Subject to the provisions of this Act the Corporation shall with the sanction of the Local Government, make rules for the conduct of elections, and in particular providing—

(a) for the appointment of polling stations for each ward;

(b) for the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;

(c) for the hours during which polling stations shall be open for the recording of votes;

(d) for the printing and for the issue of voting papers;

(e) for the checking of voters by reference to the electoral roll;

New section  
29 of Bom.  
III of 1888.  
Corporation  
may make  
rules for the  
conduct of  
elections.

(f) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability ;

(g) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors after other persons have voted as such electors ;

(h) for the scrutiny of votes ;

(i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers ;

and may make such other rules regarding the conduct of the elections as it thinks fit."

Repeal of section 30A of Bom. III of 1888.

10. Section 30A of the said Act shall be repealed.

New section 31A of Bom. III of 1888.

11. After section 31 of the said Act the following new section shall be inserted namely :—

Election of co-opted councillors.

"31A. The election of co-opted councillors shall be held on a day fixed by the Commissioner subsequent to the elections mentioned in section 23 and the appointment of councillors by Government but prior to the day for retirement, and shall be made in accordance with rules made by the Corporation in this behalf subject to the provisions of sub-section (1) of section 5."

Amendment of section 33 of Bom. III of 1888.

12. In sub-section (1) of section 33 of the said Act, for the words "after the result of the election has been declared" the words "from the date on which the list prescribed under clause (k) of section 28 was available for sale or inspection in the Commissioner's office" shall be substituted.

New sections 38A and 38B in Bom. III of 1888.

13. After section 38 of the said Act the following sections shall be inserted, namely :—

Special Committees of the Corporation.

"38A. (1) The Corporation may from time to time appoint, out of their own body, Special Committees and may by specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting delegate any of their powers and duties to such Committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such Committee's recommendation.

(2) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(3) The Corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any Special Committee.

(4) Every Special Committee shall appoint two of their number to be their Chairman and Deputy Chairman :

Provided that no member shall, at the same time, be the Chairman of more than one Special Committee.

(5) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present shall choose one of their number to preside over their meeting.

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation :

Provided that any Special Committee may by a resolution supported by at least one-half of the whole number of members of the Committee direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of their proceedings by the Corporation, if the Committee consider that serious inconvenience would result from delay in taking such action ; but if the Corporation do not confirm the proceedings of the Special Committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable :

Provided also that, if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one-half of the whole number of members of the Committee.

(7) The Corporation may make rules for regulating the constitution of Special Committees and the conduct of business at meetings of such Committees, and for the keeping of minutes and the submission of reports.

38B. (1) The Standing Committee may, from time to time, by a Special resolution carried by a vote of at least two-thirds of their members present at the meeting delegate to any special committee appointed under section 38A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the Standing Committee in this behalf :—

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

14. To sub-section (2) of section 54 of the said Act, the following proviso shall be added, namely :—

“ Provided that when the Commissioner holds a lien on the service of Government, he shall not, during the period of his appointment as Commissioner, be removed from office without the approval of the Corporation.”

Amendment  
of section 54  
of Bom. III  
of 1898.

Amendment  
of section 57  
of Bom. III  
of 1888.

15. In section 57 of the said Act:—

(1) in sub-section (1) for the words "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" the words "a monthly salary of three thousand rupees" shall be substituted; and

(2) in sub-section (3) for the words "three thousand rupees" the words "rupees three thousand and five hundred" shall be substituted.

New section  
62E of Bom-  
III of 1888.

16. After section 62D of the said Act, the following section shall be inserted, namely:—

Corporation  
to provide  
for main-  
tenance of  
lunatics.

"62E. The Corporation shall make payments at such rates per head as Government from time to time by general or special order prescribe, for the maintenance and treatment either in the City or at any asylum, hospital or house, whether within or without the City, which Government declares by notification to be suitable for such purpose, of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the City: <sup>V of 1898.</sup>

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the City for at least one year:

Provided further that the rates prescribed by Government under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section."

Amendment  
of section 106  
of Bom. III  
of 1888.

17. In the proviso to section 106 of the said Act, after the word "contracted" the words "save in the case of a loan granted by the Local Government" shall be inserted.

Amendment  
of section 107  
of Bom. III  
of 1888.

18. To section 107 of the said Act the following proviso shall be added, namely:—"Provided that the orders of the Governor General of India in Council shall not be required in the case of a loan granted by the Local Government."

Amendment  
of section 301  
of Bom. III  
of 1888.

19. For sub-section (1) of section 301 of the said Act, the following sub-section shall be substituted, namely:—

"(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 any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the setback to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

19A. After section 313 of the said Act the following section shall be inserted, namely :—

“ 313A. Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.”

20. In section 367 of the said Act, (1) the figures “ (1) ” and “ (2) ” shall be omitted.

(2) after clause (a) the following clause shall be inserted :—

“ (b) trade refuse ” ;

(3) clause (b) shall be renumbered (c) ; and

(4) clauses “ (c) ” and “ (d) ” shall be renumbered “ (i) ” and “ (ii) ” respectively.

21. For section 368 of the said Act the following section shall be substituted :—

“ 368. (1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse 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 the last preceding section for the temporary deposit or final disposal thereof.

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner, for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section.”

22. In section 372 of the said Act for the words “ and rubbish ” occurring in clause (a) and the words “ or rubbish ” occurring in clauses (b), (c) and (e) the words “ rubbish and trade refuse ” and “ rubbish or trade refuse ” shall respectively be substituted.

New section  
313A in Bom.  
III of 1888.

License for  
sale in  
public places.

Amendment  
of section 367  
of Bom. III  
of 1888.

Substitution  
of a new  
section for  
section 368  
of Bom. III  
of 1888.

Duty of  
owners and  
occupiers to  
collect and  
deposit dust,  
etc.

Amendment  
of section 373  
of Bom. III  
of 1888.

**Amendment of section 373 of Bom. III of 1888.** **23.** In section 373 of the said Act for the words "or rubbish" the words "rubbish or trade refuse" shall be substituted.

**New section 377A of Bom. III of 1888.** **24.** After section 377 of the said Act, the following section shall be inserted, namely :—

**Nuisance arising from defective roof.**

" 377A. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance, or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence."

**Amendment of section 394 of Bom. III of 1888.** **25.** (1) After sub-section (2) of section 394 of the said Act, the following sub-section shall be inserted, namely :—

" (3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (ii) of clause (d) of sub-section (1) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise."

(2) Sub-sections (3), (4) and (5) of the said section shall be re-numbered (4), (5) and (6) respectively.

**Amendment of section 471 of Bom. III of 1888.**

**26.** In the table subjoined to section 471 of the said Act,

(1) below the entry relating to section 313 the following entry shall be inserted, namely :—

Section 313A	.. Prohibition of hawking articles for sale in a public place or street without a license.	Fifty rupees.
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(2) For the entry relating to section 368 the following entry shall be substituted, namely :—

Section 368, sub-sections (1), (2), (3) and (4).	Collection, removal and deposit of refuse and provision of receptacles.	Twenty rupees.
--	---	----------------



and

(3) below the entry relating to section 377 the following entry shall be inserted, namely :—

Section 377A, sub-sections (1) and (2).	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings.	Fifty rupees.
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27. In the table subjoined to section 472 of the said Act,

(1) below the entry relating to section 358 the following entry shall be inserted, namely :—

Amendment of section 472 of Bom. III of 1888.

Section 368, sub-sections (1), (2), (3) and (4).	Collection, removal and deposit of refuse and provision of receptacles.	Ten rupees.
--	---	-------------

and

(2) below the entry relating to section 377 the following entry shall be inserted, namely :—

Section 377A, sub-sections (1) and (2).	Requisition to abate or to prevent recurrence of leakage in the roofs of buildings.	Fifteen rupees.
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28. In sub-section (2) of section 489 of the said Act,

(1) for the entry "section 368, sub-section (2)" the entry "section 368, sub-sections (1), (2), (3) and (4)" shall be substituted ; and

Amendment of section 489 of Bom. III of 1888.

(2) after the entry "section 375" the entry "section 375A" and after the entry "section 377" the entry "section 377A" shall be inserted.

29. In Part IV of Schedule M to the said Act, after the word "Gunpowder" the word "Ice" shall be inserted.

Amendment of Schedule M of Bom. III of 1888.

**BOMBAY ACT No. II OF 1925.<sup>[1]</sup>**

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1925]

[3rd October 1925]

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

Bom. VI of 1923. WHEREAS it is expedient to amend the [2]Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Local Boards (Amendment) Act, 1925. Short title.

Bom. VI of 1923. 2. For section 8 of the Bombay Local Boards Act, 1923 (hereinafter referred to as the said Act), the following shall be substituted, namely:— Substitution of a new section for section 8 of Bom. VI of 1923.

[In this Vol., p. 36]

3. In section 14 of the said Act—

(1) in sub-section (2) the words “to be elected or” shall be omitted, Amendment of section 14 of Bom. VI of 1923.  
and

(2) after sub-section (2) the following sub-section shall be inserted, namely:—

[In this Vol., p. 38]

4. In section 15 of the [2]Bombay Local Boards Act, 1923,

(1) in sub-section (1) for the word “taluka” where it occurs for the second time and in sub-section (2) for the word “district” where it occurs for the second time the word “constituency” shall be substituted; and Amendment of section 15 of Bom. VI of 1923.

(2) after sub-section (3) the following proviso shall be inserted, namely:—

[In this Vol., p. 39]

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 231; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vol. XV.

[2] In this Vol., p. 33.

**BOMBAY ACT No. IV OF 1925.[<sup>1</sup>]**

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1925]

[23rd October 1925]

**An Act further to amend the Bombay Abkari Act, 1878.**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay Abkari  
 V of Act, 1878, in manner hereinafter appearing; It is hereby enacted as  
 1878. follows:—

1. This Act may be called the Bombay Abkari (Amendment) Act, Short title.  
 1925.

Bom. 2. To sub-section (1) of section 16 of the [<sup>2</sup>]Bombay Abkari Act, Amendment  
 V of 1878, the following explanation shall be added, namely:— of section 16  
 1878. of Bom. V  
 “*Explanation.*—The supply of liquor by clubs to their members on of 1878.  
 payment of a price or of any fee or subscription is a sale within the  
 meaning of this section.”

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, pp. 63-64; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vol. XV.

[<sup>2</sup>] Vol. II of Bom. Code.

**THE BOMBAY PREVENTION OF ADULTERATION  
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## BOMBAY ACT No. V OF 1925.[1]

[THE BOMBAY PREVENTION OF ADULTERATION ACT, 1925]

[2nd November 1925]

An Act to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles; AND WHEREAS the previous sanction of the Governor General required by section 80A (3) (e) and (h) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6,  
Geo.V,  
c. 61.

1. (1) This Act may be called the Bombay Prevention of Adulteration Act, 1925. Short title,  
extent and  
operation.

(2) It extends to the whole of the Bombay Presidency.

\*(3) It shall come into operation in the first instance only in the City of Bombay and thereafter either in respect of any specified article of food or generally in respect of all articles of food in such other local area and from such date as the Government of Bombay may, at the request of the local authority concerned by notification in the *Bombay Government Gazette* direct.

2. In this Act unless there is something repugnant in the subject or context— Definitions.

(a) "Food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food and also includes flavouring matters and condiments;

(b) "Local Area" means the City of Bombay or the area comprised within the limits of a municipality, cantonment, notified area or village or any place wherein a market or fair is held or any area which the Government of Bombay by notification declares to be a local area for the purposes of this Act;

(c) "Local Authority" means in the case of the City of Bombay the Municipal Commissioner acting under the general or special orders of the Corporation, in the case of any other municipality the municipality, in the case of a cantonment the cantonment authority, in the case of a notified area the person or committee appointed under section 188 of the [2]Bombay District Municipal Act, 1901, and in the case of a district local board area, the district local board.

Bom.  
III of  
1901.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, page 80; for Report of the Select Committee, see *Bombay Government Gazette*, 1925, Part V, pages 14-17; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924 and 1925, Vols. XIII and XV.

[2] Vol. IV of Bom. Code.

\*This Act came into operation in the Municipal Borough of Surat from 1st March 1934. Vide G. N. No. 8095 (b), dated the 13th December 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 3043.

Prohibition of mixing of food with injurious ingredients or selling the same.

3. Any person who mixes, colours, stains or powders or orders or permits any other person to mix, colour, stain or powder any article of food with any matter or ingredient so as to render the article injurious to health with intent that the same may be sold in that state or sells or offers or exposes for sale any such article so mixed, coloured, stained or powdered shall be punished for the first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees :

Exemption in case of proof of absence of knowledge.

Provided that no person shall be liable to be convicted in respect of the sale of any article of food if he proves to the satisfaction of the court before whom he is charged that he did not know of the article of food being so mixed, coloured, stained or powdered as aforesaid and that he could not with reasonable diligence have obtained such knowledge.

Prohibition of sale or manufacture for sale of food not of the proper nature, substance or quality. Protection to persons acting in good faith.

4. [1] (1) Any person who sells or causes to be sold or manufactures, offers or exposes for sale any article of food which is not of the nature, substance or quality which it purports to be shall be punished for every first offence with a fine which may extend to two hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

(2) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say—

(a) where any matter or ingredient not injurious to health has been added to the article of food because such matter or ingredient is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof ;

(b) where—

(i) any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food, or

(ii) any article of food is composed of any matter or ingredients not injurious to health

and, before the sale thereof, the seller has brought to the notice of the purchaser, by means of a label conforming to such conditions as may be prescribed by rules in this behalf, the fact that such matter or ingredient has been so added, mixed or abstracted or the article is composed of such matter or ingredients.

*Explanation 1.*—Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be.

*Explanation 2.*—The presence upon any premises used for the manufacture of any article of food of any such article shall, until the

[1] For Rules under this section see Government Notifications No. 246, dated the 27th July 1929, published in the *Bombay Government Gazette*, 1929, Part I, pp. 1650-53, No. 8100, dated 24th March 1931, published in the *Sind Official Gazette*, 1931, Part I, pp. 1881-85; No. 8184, dated 25th November 1932, published in the *Bombay Government Gazette*, 1932, Part I-A, pp. 184-187; and No. 8095, dated 6th February 1934, published in the *Bombay Government Gazette*, 1934, Part I, pp. 382-385.

contrary is proved, raise a presumption that such article was manufactured for sale.

(3) In any prosecution under this section it shall be no defence to allege that the seller was ignorant of the nature, substance or quality of the article of food sold by him, or that the article was not defective in all three respects, namely, nature, substance and quality :

What is or is not a good defence in prosecutions under this section.

Provided that the seller shall not be deemed to have committed an offence under this section if he proves to the satisfaction of the court—

(a) that the article sold was purchased or obtained as agent by him as the same in nature, substance and quality, as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality ;

(b) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid ; and

(c) that he sold it in the same state in which he purchased it.

5. Any person who in respect of an article of food sold by him as principal or agent gives to the purchaser a false warranty in writing shall be punished for every first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

Penalty for false warranty.

\*6. (1) Save as provided in sub-section (2) the Government of Bombay may by notification in the *Bombay Government Gazette* appoint any qualified person possessing skill and experience to be a public analyst for the purpose of the Act for any local area.

Appointment of public analyst.

(2) The Corporation of the City of Bombay may appoint any such person to be a public analyst for the purpose of the Act for the City of Bombay.

7. [1] Any purchaser of an article of food shall, within the seven days after the day of the purchase, be entitled, on payment to the public analyst of the local area in which the article is purchased, of such sum as the Government of Bombay may in the *Bombay Government Gazette* from time to time notify, to have such article, analysed by such analyst and to receive from him in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.

Power to purchaser of an article of food to have food analysed.

8. [1] A local authority may, subject to rules made by the Government of Bombay in this behalf, appoint any person to be an inspector under

Appointment of Inspector.

[1] For Rules under this section see *Bombay Government Gazette*, 1929, Part I, pp. 1650-1653, see also G. D. Notifications No. 8100, dated 24th March 1931, published in the *Sind Official Gazette*, 1931, Part I, pp. 1881-85; No. 8184, dated 25th November 1932, published in the *Bombay Government Gazette*, Part I-A of 1932, pp. 184-187; and No. 8095, dated 6th February 1934, published in the *Bombay Government Gazette*, 1934, Part I, pp. 382-385.

\*The Officer in charge of the Public Health Laboratory at Poona was appointed to be a Public Analyst by Govt. Notifn. No. 8095 (a), dated the 13th December 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 3043.

this Act either specially for any article of food or generally for all articles of food.

Inspector may obtain article or sample of food and submit to analyst.

9. An inspector may, himself or by an agent, procure any article or sample of food, and if he suspects that such food has been sold contrary to the provisions of this Act, shall send such article or sample to be analysed to the public analyst of the local area within which the food was procured; and such analyst shall, upon receiving payment of the sum specified in section 7, with all convenient speed analyse the same and deliver to such inspector in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.

Dealing with the article of food or sample when purchased.

10. (1) Any person purchasing any article or sample of food with the intention of sending such article or sample for analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article or sample his intention to have such article or sample analysed by the public analyst; and shall offer to divide the article or sample into three parts to be then and there divided and each part to be marked and sealed and fastened in such manner as its nature permits, and shall, if required to do so, proceed accordingly and shall deliver one of the parts to the seller or his agent.

Provision when article or sample is not divided.

(2) If the seller or his agent do not accept the offer of the purchaser to divide the article or sample purchased in his presence, the public analyst receiving the article or sample shall divide such article or sample into two parts and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the article or sample or when he supplies his certificate, to the purchaser, who shall retain such part for production in case proceedings under this Act in respect of such article or sample should afterwards be taken.

Person refusing to sell food to inspector liable to penalty.

11. If any inspector duly authorised under section 8 shall apply to purchase any article or sample of food manufactured, exposed or offered for sale, whether wholesale or retail, and shall tender the price for the quantity which he shall require for the purpose of analysis not being more than shall be reasonably requisite and the person manufacturing, exposing or offering such food for sale refuses to sell such article or sample the person so refusing shall be punished with a fine which may extend to two hundred rupees.

Offence by which magistrate triable.

12. (1) No offence under this Act shall be triable by a magistrate exercising powers less than those of a magistrate of the second class.

(2) The amount of fine recovered from persons accused of any offence under this Act shall be paid to the local authorities within whose local areas the offence is committed.

Summons when to be applied for and what it is to contain.

13. (1) No summons shall be issued for the attendance of a person accused of an offence under this Act unless the summons is applied for within thirty days of the date of the grant of the certificate by the public analyst of the result of his analysis.



(2) Every such summons shall specify the particulars of the offence charged, the name of the complainant and the date and place fixed for the hearing of the case. The case shall not be proceeded with until at least seven clear days have elapsed from the date of the service of the summons.

14. (1) The production in any proceedings under this Act of certificate of a public analyst in the form specified in Schedule A shall, until the contrary is proved, be sufficient evidence of the facts therein stated.

Certificate of public analyst to be evidence of facts therein stated.

(2) The court may, of its own accord or on the request of the complainant, or the accused, cause any article or sample of food to be sent for analysis to the Chemical Analyser to Government who shall thereupon with all convenient speed analyse the same and report the result of the analysis to the court. The cost of such analysis shall be paid by the complainant or accused as the court shall direct.

Reference to Chemical Analyser to Government.

15. When any person accused of an offence under this Act proposes to produce as evidence a certificate of analysis of an analyst other than a public analyst he shall, at least three days before the date fixed for the hearing of the defence, send a copy of such certificate to the person conducting the prosecution.

Certificate of analyst other than public analyst as evidence.

16. When any person is accused of an offence under this Act he may require the court to summon as a witness the public analyst who analysed the article or sample of food in respect of which he is accused of an offence and the court shall thereupon summon the analyst as aforesaid.

Public analyst to attend court in person.

17. It shall be lawful for an inspector appointed under this Act to enter for the purposes of this Act at all reasonable times into or upon any place which he has reason to believe is used for the manufacture or sale of any food :

Entry for purposes of the Act.

Provided that in making such entry due regard shall be paid to the social and religious customs of the occupiers.

18. No person shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

Liability for acts done in good faith in discharge of duty or exercise of power.

19. [1] The Government of Bombay may, after previous publication, and in the case of the City of Bombay in consultation with the Corporation of the City of Bombay and in the case of other local areas in consultation with the local authorities concerned, make rules, not inconsistent with the provisions of this Act, for—

Rules.

- (a) regulating the appointment of inspectors under section 8 ;
- (b) prescribing the qualifications of inspectors ;

[1] For Rules under this section see *Bombay Government Gazette*, 1929, Part I, pp. 1650-53. See also, G. D. Notifications No. 8100, dated 24th March 1931, published in the *Sind Official Gazette*, 1931, Part I, pp. 1881-85, No. 8184 dated 25th November 1932, published in the *Bombay Government Gazette*, 1932, Part I-A, pp. 184-187 ; and No. 8095, dated 6th February 1934, published in the *Bombay Government Gazette*, 1934, Part I, pp. 382-385.

(c) determining what deficiency in any of the normal constituents of any article of food or what addition of extraneous matter shall raise a presumption, until the contrary is proved, that such food is injurious to health within the meaning of section 3 or is not of the nature, substance or quality it purports to be within the meaning of section 4 and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act; and

(d) generally for carrying out the provisions of this Act.

Repeal.

20. On the coming into operation of the provisions of this Act in any local area in respect of any article of food, the enactments specified in Schedule B shall be deemed to have been repealed to the extent specified in the third column of the said Schedule in respect of such article in such local area.

#### SCHEDULE A

(See SECTION 14)

#### *Form of Certificate.*

To<sup>[1]</sup>

I, the undersigned, public analyst for the

do

hereby certify that I received on the

19

day of

from<sup>[2]</sup>

a sample of

for

analysis (which then weighed<sup>[3]</sup>

), and

have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine

or,

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under.

*Observations*<sup>[4]</sup>

Dated

Signature.

[<sup>1</sup>]Here insert the name of the person submitting the article or sample for analysis.

[<sup>2</sup>]Here insert the name of the person delivering the article or sample.

[<sup>3</sup>]When the article or sample cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

[<sup>4</sup>]Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

## SCHEDULE B

(See SECTION 20)

*Enactments Repealed.*

No. and year of Act	Title	Extent of Repeal
III of 1888	.. The City of Bombay Municipal Act, 1888.	In section 417C the number, letter and word "417A or".
II of 1899	.. The Bombay Prevention of Adulteration Act, 1899.	So much as remains unrepealed except section 6.
III of 1901	.. The Bombay District Municipal Act, 1901.	Sub-section (2) of section 142.
III of 1902	.. The Bombay District Municipal Act (1901) Amendment Act, 1902.	So much of the Schedule as relates to— (a) sub-section (2) of section 142 of the Bombay District Municipal Act, 1901; (b) sections 2, 4 and 5 of the Bombay Prevention of Adulteration Act, 1899.

# THE BOMBAY BETTING TAX ACT, 1925.

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4. Definitions.
5. Tax on totalisator and payment thereof.
6. Totalisator tax to be paid to Government.
7. Inspection of totalisator accounts.
8. Betting Tax.
9. List of licensed bookmakers.
10. Method of recovery of totalisator tax.
11. Rules.
12. Amendment of section 3 of Bom. I of 1923.

BOMBAY ACT No. VI OF 1925.<sup>[1]</sup>

[THE BOMBAY BETTING TAX ACT, 1925]

[26th November 1925]

*Amended by*

Number of Act	Year
Bom. Act No. IV	1931

An Act to impose a tax on <sup>[2]</sup> certain forms of betting.

WHEREAS it is necessary to make an addition to the public revenue of the Bombay Presidency and for that purpose to impose a tax on <sup>[2]</sup> certain forms of betting ;

AND WHEREAS the previous sanction of the Governor General required by section 80-A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

5 & 6,  
Geo.V,  
c. 61.

1. This Act may be called the Bombay <sup>[3]</sup> Betting Tax Act, 1925. Short title.
2. It extends to the whole of the Bombay Presidency. Extent.
3. (1) It shall come into operation<sup>[4]</sup> in the first instance in— Operation.
  - (a) the City of Bombay, and
  - (b) the Cantonment of Poona.

(2) The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that this Act or any portion thereof shall come into operation in any other area in the Bombay Presidency on such date as may be specified in such notification :

Provided that no such notification shall be published in respect of any area included in a Cantonment without the previous sanction of the Governor General in Council.

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

- <sup>[5]</sup>(i) "backer" includes any person who bets at a totalisator or with a licensed bookmaker ;
- (ii) "bet" includes "wager", and "betting" includes "wagering" ;
- (iii) "prescribed" means prescribed by rules under this Act ;
- (iv) "licensee" means a person to whom a license has been granted for horse-racing on a race-course under section 4 of the <sup>[6]</sup> Bombay Race-Courses Licensing Act, 1912 ;

Bom.  
III of  
1912.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 62 ; for Report of Select Committee, see *ibid* 1925, Part V, pp. 259-62 ; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vols. XV and XVI.

[<sup>2</sup>] The words "certain forms of" were substituted for the word "totalisator" by Bom. IV of 1931, s. 2.

[<sup>3</sup>] The word "Totalisator" was deleted by Bom. IV of 1931, s. 3.

[<sup>4</sup>] The words "on the first day of December 1925" were repealed by Bom. IV of 1931, s. 4.

[<sup>5</sup>] This clause was substituted for the original clause by Bom. IV of 1931, s. 5 (a).

[<sup>6</sup>] Vol. V of Bom. Code.

(v)[<sup>1</sup>] “licensed bookmaker” means any person who carries on the business or vocation of or acts as a bookmaker or turf commission agent under a licence or permit issued by a licensee to enable him to carry on his business or vocation under the [<sup>2</sup>] Bombay Race-Courses Licensing Act, 1912, as specified in the licence or permit ;

Bom.  
III of  
1912.

(vi)[<sup>3</sup>] “totalisator” means a totalisator in an enclosure which the licensees have set apart in accordance with the [<sup>2</sup>] Bombay Race-Courses Licensing Act, 1912, and includes any instrument, machine or contrivance known as the totalisator or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.

Bom.  
III of  
1912.

Tax on  
totalisator  
and pay-  
ment  
thereof.

5. There shall be charged, levied and paid to the Government of Bombay out of all monies paid into any totalisator by way of stakes or bets a tax on backers hereinafter referred to as the totalisator tax at such rate not exceeding 4 per cent. of every sum so paid as the Governor in Council may from time to time notify[<sup>4</sup>] in this behalf ; and such portion of the monies so paid into a totalisator as is equal to the amount of the totalisator tax at the rate notified as aforesaid by the Governor in Council in this behalf shall be deemed to have been paid by the backer on account of the totalisator tax and shall be received by the licensees on behalf of the Government of Bombay.

Totalisator  
tax to be  
paid to  
Government.

6. The licensees shall forward at the time and in the manner and to the officer prescribed in this behalf a return stating the total amount of the monies paid into the totalisator at any meeting and shall whenever required make over to the prescribed officer the amount of the tax collected at each meeting.

Inspection of  
totalisator  
accounts.

7. Every person having the custody or control of totalisator accounts shall, when required in writing by an officer empowered in this behalf by the Governor in Council, permit such officer or an officer authorized in writing by him in this behalf to inspect and to take copies of them.

Betting Tax.

[<sup>5</sup>]8. (1) There shall, as from such date as may be notified by the Governor in Council in this behalf, be charged, levied and paid to the Government of Bombay out of all monies paid or agreed to be paid to a licensed bookmaker by a backer in respect of a bet made in an enclosure set apart by the licensees in accordance with the provisions of the [<sup>2</sup>] Bombay Race-Courses Licensing Act, 1912, on any race, a tax, hereinafter referred to as the betting tax, at such rate not exceeding 5 per cent. of all such monies as the Governor in Council may notify in this behalf.

Bom.  
III of  
1912.

(2) The betting tax shall be collected and paid to Government in such manner as may be prescribed.

[<sup>1</sup>] This clause was inserted by Bom. IV of 1931, s. 5 (b).

[<sup>2</sup>] Vol. V of Bom. Code.

[<sup>3</sup>] This was re-numbered as clause (vi) by Bom. IV of 1931 s. 5 (c).

[<sup>4</sup>] For Notification under this section, see Government Notification in the Revenue Department No. 4307A, dated the 17th June 1926, published in the *Bombay Government Gazette*, 1926, Part I, p. 1439.

[<sup>5</sup>] Sections 8 and 9 were inserted by Bom. IV of 1931, s. 6.

[<sup>1</sup>]9. (1) The licensees shall, at such times and in such manner as may be prescribed, forward to the prescribed officer returns setting out the names of the bookmakers licensed or permitted by them, from time to time, to carry on the business or vocation of a bookmaker. List of licensed bookmakers.

(2) All licensed bookmakers shall keep accounts of all sums paid or agreed to be paid by backers in respect of bets, in such manner as may be prescribed, and shall, when required in writing by an officer empowered in this behalf by the Government, permit such officer, or any officer authorised in writing by him in this behalf, to inspect and take copies of such accounts.

[<sup>2</sup>]10. The totalisator tax payable under section 5 shall be recoverable from the licensees as an arrear of land revenue. Method of recovery of totalisator tax.

[<sup>2</sup>]11. The Governor in Council may make rules [<sup>3</sup>] for securing the payment of the totalisator tax [<sup>4</sup>]and the betting tax [<sup>4</sup>] the production- and inspection of accounts kept under this Act, and generally for carrying into effect the provisions of this Act and for dealing with such matters as are herein directed to be prescribed. Rules.

Bom. I of 1923. [<sup>2</sup>]12. In sub-section (1) of section 3 of the [<sup>5</sup>] Bombay Entertain- ments Duty Act, 1923, for the figures "50" the figures "25" shall be substituted. Amendment of section 3 of Bom. I of 1923.

[<sup>1</sup>] Sections 8 and 9 were inserted by Bom. IV of 1931, s. 6.

[<sup>2</sup>] These sections were re-numbered by Bom. IV of 1931, s. 7.

[<sup>3</sup>] For Rules under this section, see Government Notifications, Revenue Department, No. 5457/E-24, dated the 22nd December 1925, published in the *Bombay Government Gazette*, 1925, Part I, pp. 3281-82; and No. 5457/24, dated 24th June 1931, published in the *Bombay Government Gazette*, 1931, Part I, pp. 1493-95.

[<sup>4</sup>]-[<sup>4</sup>] These words were inserted by Bom. IV of 1931, s. 8.

[<sup>5</sup>] In this Vol. pp. 1-4.

# THE BOMBAY CO-OPERATIVE SOCIETIES ACT, 1925

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BOMBAY ACT No. VII OF 1925.[<sup>1</sup>]

[THE BOMBAY CO-OPERATIVE SOCIETIES ACT, 1925]

[4th December 1925]

Amended by

No. of Act.	Year.
Bom. Act No. VIII	1933.

**An Act to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay**

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay ; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act : It is hereby enacted as follows :—

5 & 6  
Geo. V  
c. 61.

*Preliminary.*

1. This Act may be called the Bombay Co-operative Societies Act, Short title, 1925.
2. This Act extends to the whole of the Presidency of Bombay. Extent.
3. In this Act, unless there is anything repugnant in the subject or context, Definitions.
  - (a) "by-laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws ;
  - (b) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a society is entrusted ;
  - (c) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with the rules and by-laws applicable to such society ;
  - (d) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a society to give directions in regard to the business of such society ;
  - (e) "Society" means a society registered or deemed to be registered under this Act ;
  - (f) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act ;

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1924, Part V, pp. 48-48 ; for Report of Select Committee see *ibid*, 1924, Part V, pp. 108-13 and *ibid*, 1925, Part V, pp. 68-70 ; and for proceedings in Council see *Bombay Legislative Council Debates*, 1924 and 1925, Vols. XII, XIII and XV.

(g) "Rules" means rules made under this Act;

(h) (1) a "Resource society" means a society formed with the object of obtaining for its members the credit, goods or services required by them;

(2) a "Producers' society" means a society formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society;

(3) a "Consumers' society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society, the profits accruing from such supply and distribution;

(4) a "Housing society" means a society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;

(5) a "General society" means a society not falling under any of the four classes abovementioned.

The Registrar shall classify all societies under one or other of the above heads and his decision shall be final.

A society formed with the object of facilitating the operations of any one of the above classes of societies shall be classified as a society of that class.

A list of all such societies, so classified shall be published annually in the *Bombay Government Gazette*.

#### *Registration.*

The  
Registrar.

4. [1] Government may appoint a person to be Registrar of Co-operative Societies for the presidency or any portion of it, and may appoint a person or persons to assist such Registrar, and may, by general or special order, confer on any such person or persons all or any of the powers of a Registrar under this Act.

Societies  
which may  
be registered.

5. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability:

Provided that, unless Government by general or special order otherwise directs—

(1) the liability of a society of which a member is a society shall be limited;

(2) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society

[1] For a notification under this section, see Government Notification in the Revenue Department No. 522/28/20383 dated the 28th November 1928 published in the *Bombay Government Gazette*, 1928, Part I, p. 2560.

shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all obligations of such a society :

Provided further that when the question whether the liability of a society is limited or unlimited has once been decided by the Registrar at the time of registration his decision shall be final.

6. Where the liability of the members of a society is limited by shares, no member other than a society shall

Restrictions on interest of member of society with limited liability and a share capital.

(a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules :

(b) have or claim any interest in the shares of the society exceeding three thousand-rupees : provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rs. 10,000.

7. (1) No society, other than a society of which a member is a society, shall be registered under this Act, which does not consist of at least ten persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

Conditions of registration.

(a) reside in the same town or village or in the same group of villages ; or

(b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word " limited " shall be the last word in the name of every society with limited liability registered under this Act.

8. When any question arises whether for the purpose of the formation, or registration or continuance of a society under this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.

Power of Registrar to decide certain questions.

9. (1) For purposes of registration an application to register shall be made to the Registrar.

Application for registration.

(2) The application shall be signed

(a) in the case of a society of which no member is a society, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1) ; and

(b) in the case of a society of which a member is a society, by a duly authorised person on behalf of every such society and where all the members of the society are not societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such

application is made shall furnish such information in regard to the society as the Registrar may require.

Registration. 10. If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may register the society and its by-laws.

Evidence of registration. 11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Annual general meeting. 12. Every society shall within a period of three months after the date fixed for making up its accounts for the year under the rules for the time being in force call a general meeting of its members.

Special general meetings. 13. A special general meeting may be called at any time by a majority of the committee and shall be called within one month—

(1) on the requisition in writing of one-fifth of the members of the society, or

(2) at the instance of the Registrar.

Change of name : its effect.

14. A society may, by a resolution of a general meeting and with the approval of the Registrar, change its name : but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Amalgamation or transfer of societies.

15. (1) Any two or more societies may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting of each such society held for the purpose, amalgamate as a single society ; provided that each member has had clear fifteen days' written notice of the resolution and the date of the meeting. Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating societies. The resolution of the societies concerned shall on such amalgamation be a sufficient conveyance to vest the assets and liabilities of the amalgamating societies in the amalgamated society.

(2) Any society may by a resolution passed in accordance with the procedure laid down in sub-section (1) transfer its assets and liabilities to any other society which is prepared to accept them :

Provided that when any such amalgamation or transfer of assets and liabilities involves the transfer of its liabilities by any society to any other society, it will not be made without giving three months' notice to the creditors of both or all such societies :

Provided further that if a creditor or creditors of any of the societies concerned objects or object to such amalgamation or transfer of assets and liabilities and gives or give written notice to that effect to the society or societies concerned one month before the date fixed for such amalgamation or transfer, the amalgamation or transfer shall not be made until the dues of such creditor or creditors have been satisfied.

16. (1) No amendment of the by-laws of a society shall be valid until approved by the resolution of a general meeting and registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar. Amendment of the by-laws of a society.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may register the amendment.

(3) When the Registrar registers an amendment of the by-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

*Rights and liabilities of members.*

17. No person shall exercise the rights of a member of a society unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society as may be prescribed by the rules or the by-laws of such society. No rights of membership to be exercised till due payments are made.

18. (1) No member of any society shall have more than one vote in its affairs, provided that in the case of an equality of votes the chairman shall have a casting vote. Votes of members.

(2) A society which has invested any part of its funds in the shares of another society, may appoint one of its members to vote in the affairs of such other registered society.

19. (1) The transfer or charge of the share or interest of a member in the capital of a society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules. Restrictions on transfer of share or interest.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership and been accepted by the society.

*Duties of societies.*

20. Every society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change. Address of societies.

21. Every society shall keep open to inspection at all reasonable times at the registered address of the society— Copy of Act, etc., to be open to inspection.

(a) a copy of this Act,

(b) a copy of the rules governing such society,

(c) a copy of the by-laws of such society, and

(d) a register of its members.

22. (1) The Registrar shall by himself or by some person authorized by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year. Audit.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power, when necessary

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

#### *Privileges of societies.*

Societies to be bodies corporate.

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

Prior claim of society.

24. Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

(a) any debt or outstanding demand owing to a society by any member or past member shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member, and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given him by the society ;

Provided that nothing contained in this clause shall affect the claims of any *bona fide* purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or workshops or agricultural or industrial implements ; and

(b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society



shall be a first charge upon his interest in the immoveable property of the society.

25. A society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

Charge and set-off in respect of shares or interest of member.

III of 1909.

V of 1920.

26. Subject to the provisions of section 25, the share or interest of a member in the capital of a society or in any provident fund established under section 41 of this Act shall not be liable to attachment or sale under any decree or order of a court of justice in respect of any debt or liability incurred by such member, and neither the Official Assignee, under the [1]Presidency Towns Insolvency Act, 1909, nor a Receiver under the [2]Provincial Insolvency Act, 1920, shall be entitled to or have any claim on such share or interest.

Shares or interest not liable to attachment.

27. (1) On the death of a member of a society such society may within a period of one year from the death of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or, if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws.

Transfer of interest on death of member.

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A society shall subject to the provisions of section 25 and unless prevented by an order of a competent court pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

28. The liability of a past member for the debts of a society as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

Liability of Past member.

29. The estate of a deceased member shall be liable for a period of one year from the date of his decease for the debts of a society as they existed at the time of his death.

Liability of the estates of deceased members.

[1] General Acts, Vol. IV,

[2] General Acts, Vol. VI.

Register of members.

**30.** Any register or list of members or shares kept by any society shall be *prima facie* evidence of any of the following particulars entered therein :—

(a) the date at which the name of any person was entered in such register or list as a member ;

(b) the date at which any such person ceased to be a member.

Admissibility of copy of entry as evidence.

**31.** (1) A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

(2) In the case of such societies as Government by general or special order may direct no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

Exemption from compulsory registration of instruments relating to shares and debentures of society.

**32.** Nothing in section 17, sub-section (1), clauses (b) and (c), of XVI of the [1] Indian Registration Act, 1908, shall apply to—

of 1908.

(1) any instrument relating to shares in a society, notwithstanding that the assets of the society consist in whole or in part of immoveable property ; or

(2) any debenture issued by any society and not creating, declaring, assigning, limiting or extinguishing any rights, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ; or

(3) any endorsement upon or transfer of any debenture issued by any society.

Power to exempt from income-tax, stamp-duty, registration and court fees.

**33.** (1) The Governor General in Council, by notification in the *Gazette of India*, may, in the case of any society or class of societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.

(2) The Local Government by notification in the *Bombay Government Gazette* may, in the case of any society or class of societies, remit—

(a) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a society or by an officer or member and relating to the business of the society, or any class of

such instruments or awards of the Registrar or arbitrators under this Act are respectively chargeable; and

(b) any fee payable under the law of registration and of court fees for the time being in force.

**33A.** With such safeguards as may be prescribed by rules in this behalf Government may give loans to societies or guarantee the payment of interest on debentures issued by them.

Government may give loans or guarantee interest.

*Property and funds of societies.*

**34.** (1) Except with the general or special sanction of the Registrar a society shall not make a loan to any person other than a member.

Restrictions on loans.

(2) Save with the sanction of the Registrar, a society with unlimited liability shall not lend money on the security of moveable property.

(3) Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immoveable property by any society or class of societies.

**35.** A society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or by the by-laws of the society.

Restrictions in borrowing.

**36.** Consumers', Producers' and Housing Societies may to the extent permitted by their by-laws trade with persons who are not members, but the transactions of a Resource Society with persons other than members except as provided under section 34 or 35 shall be subject to such prohibitions and restrictions, if any, as Government may by rules prescribe.

Restrictions on other transactions with non-members.

**37.** A society may invest or deposit its funds—

(a) in the Government Savings Bank; or

(b) in any of the securities specified in section 20 of the [1] Indian Trusts Act, 1882; or

Investment of funds.

(c) in the shares or on the security of any other society, provided that no such investment shall be made in the shares of any society other than one with limited liability; or

(d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(e) in any other mode permitted by the rules.

**38.** No society shall pay a dividend to its members at a rate exceeding 10 per cent.

Restrictions on dividend.

**39.** (1) Every society which does or can derive a profit from its transactions shall maintain a reserve fund.

Reserve Fund.

(2) In the case of a Resource or Producers' Society at least ¼th of the net profits of the society each year shall be carried to the reserve fund and in the case of any other society at least 1/10th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to the provisions of section 37, as Government may by

of s2.

general or special order direct, or may, with the previous sanction of Government be used in part for some public purpose likely to promote the objects of this Act or for some purposes of provincial or local interest.

Restrictions  
on distri-  
bution of  
profits.

40. Subject to the provisions of section 38 the balance of the profits of a society after making the prescribed provision for the reserve fund may, together with any available profits of past years be distributed among its members, and in the case of Consumers' and Producers' Societies, also among persons who are not members, to the extent and under the conditions prescribed by the rules or by the by-laws of such societies, provided that :—

(a) in the case of a Resource Society on a basis of unlimited liability in which the members do not hold shares, no distribution of profits shall be made without the general or special order of Government in this behalf; and

(b) in the case of a Resource Society on a basis of unlimited liability in which the members hold shares, no such distribution of profits shall be made until 10 years from the date of registration of the society have elapsed.

Provident  
Fund.

41. Any society may establish a provident fund for its members out of contributions from such members in accordance with by-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the reserve fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of section 37; and provided further, that no part of such provident fund shall be considered as an asset of the society.

Contribution  
to charitable  
purpose.

42. With the approval of the Bombay Central Co-operative Institute and after the payments prescribed by sub-section (2) of section 39 have been made to the reserve fund, any society may—

(a) set aside a sum not exceeding 20 per cent. of its net profits, and

(b) utilize from time to time the whole of such sum in contributing to any public or co-operative purpose, or to a charitable purpose as defined in section 2 of the [1]Charitable Endowments Act, 1890.

VI of  
1890.

#### *Inspection of affairs.*

Inquiry by  
Registrar.

43. (1) The Registrar may of his own motion by himself or by a person duly authorised by him in writing in this behalf hold an inquiry into the constitution, working and financial condition of a society.

(2) The Registrar shall hold such an inquiry as is contemplated in sub-section (1) of this section—

(a) on the requisition of a society, duly authorised by rules made in this behalf to make such requisition, in respect of one of its members, such member being itself a society,

- (b) on the application of a majority of the Committee of the society,  
 (c) on the application of  $\frac{1}{3}$ rd of the members of the society.

(3) All officers and members of the society whose affairs are investigated shall furnish such information in their possession in regard to the affairs of the society as the Registrar or the person authorized by the Registrar may require.

(4) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

44. (1) The Registrar may, on the application of a creditor of a society inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society :

Inspection  
of books of  
indebted  
society.

Provided that—

(a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and

(b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the result of any such inspection to the creditor.

45. Where an inquiry is held under section 43 or an inspection is made under section 44 the Registrar may apportion the costs, or such part of the costs, as he may think right, between the society, the members or creditor demanding the inquiry or inspection, the officers or former officers, and the members or past members of the society.

Costs of  
enquiry.

Provided that—

(a) no order of apportionment of the costs shall be made under this section unless the society or persons liable to pay the costs thereunder has or have been heard or has or have had a reasonable opportunity of being heard ;

(b) the Registrar shall state in writing under his own hand the grounds on which the costs are apportioned.

46. Any sum awarded by way of costs under section 45 may be recovered, on application by the Registrar to a Magistrate having jurisdiction in the place where the person from whom the money is claimable actually and voluntarily resides, or carries on business, by the distress and sale of any moveable property within the limits of the jurisdiction of such Magistrate belonging to such person, and such Magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

Recovery  
of costs.

#### *Liquidation and Arbitration.*

47. If the Registrar, after an inquiry has been held under section 43 or after an inspection has been made under section 44 or on receipt of an application made by three-fourths of the members of a society present at a special general meeting, called for the purpose or of his own motion, in the case of a society that has not commenced working, or has ceased

Winding up.

working, or possesses shares or members' deposits not exceeding Rs. 500, is of opinion that the society ought to be wound up, he may issue an order directing it to be wound up, and when necessary, may appoint a liquidator for the purpose and fix his remuneration.

**Society may be wound up if membership is reduced.** 48. Where it is a condition of the registration of a society that it shall consist of at least ten members who are majors, the Registrar may by order in writing direct the society to be wound up, if at any time it is proved to his satisfaction that the membership has been reduced to less than ten such members.

**Effect of cancellation of registration.** 49. When the affairs of a society for which a liquidator has been appointed under section 47 have been wound up, or, where no liquidator has been appointed, after two months from the date of an order under section 47, or after confirmation of such order in appeal, the Registrar shall make an order cancelling the registration of the society, and the society shall be deemed to be dissolved from the date of such order.

**Powers of a liquidator.** 50. A liquidator appointed under section 47 shall have power with the sanction of the Registrar to do all or any of the following things :—

(a) pay any class or classes of creditors in full ;

(b) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable ;

(c) to compromise all calls or liabilities to calls and debts, and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof ;

(d) from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officer to the assets of the society, such contribution including debts due from such members or persons ;

(e) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office ;

(f) to issue requisitions under section 59 upon the Collector for the recovery as arrears of land revenue of any sum ordered by him to be recovered as dues from members, or as a contribution to the assets of the society or to the cost of liquidation ;

(g) to get disputes referred to arbitration ;

(h) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims, and to pay rateably according to the amount of such debts, the surplus if any being applied in payment of interest from the date

of liquidation at a rate to be fixed by the Registrar and not exceeding the contract rate ;

(i) to determine by what persons and in what proportion the cost of the liquidation shall be borne ;

(j) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society ;

(k) to fix the time or times within which creditors shall prove their debts and claims or be included for the benefit of any distribution made before those debts or claims are proved ;

(l) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same :

Provided that no liquidator shall determine the contribution, debt or dues to be recovered from a past member or the representative of a deceased member unless opportunity has been given to such past member or to such representative to answer the claim.

50A. (1) Where, in the course of the winding up of a society it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the managing committee or officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

Power of Registrar to assess damage against delinquent promoters, etc.

(2) This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible.

51. Save in so far as is expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act and when a winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

Bar of suit in winding up and dissolution matters.

52. After all the liabilities including the paid-up share capital of a cancelled society have been met, the surplus assets shall not be divided amongst its members but they shall be devoted to any object or objects described in the by-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following :—

Disposal of surplus assets.

(a) an object of public utility of local or communal interest,

(b) a charitable purpose as defined in section 2 of the [Charitable Endowments Act, 1890, VI of 1890.

(c) the Bombay Central Co-operative Institute, or may be placed on deposit with a Central Co-operative Bank until such time as a new society with similar conditions is registered when with the consent on the Registrar such surplus may be credited to the reserve fund of such new society.

Surplus  
assets of  
housing  
society.

**53.** Where the society directed to be wound up is a housing society, its assets, both moveable and immoveable, shall for the purposes of winding up or dissolution of the society jointly vest, subject to all rights and equities, in three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said Society in a general meeting specifically called for the purpose and one shall be nominated by the Bombay Central Co-operative Institute. Such persons shall, for the purpose of winding up or dissolution of the Society be Joint Liquidators and shall have all the powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the working of the society, or may, subject to his sanction and in consultation with the members of the society in a general meeting, reconstruct the society or may sell off the premises of the society to the best advantage of all interests concerned, and when all the liabilities of the society are met, may dispose of the surplus assets of the society if any, as provided in section 52.

Arbitration.

**54.** If any dispute touching the business of a society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent, or servant of the society or between the society or its committee, and any officer, agent, member or servant of the society, it shall be referred to the Registrar for decision by himself or his nominee, or if either of the parties so desires, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member whether such debts or demands be admitted or not.

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall take action as laid down in paragraph 1 of this section.

Attachment  
before award.

**55.** Where a dispute has been referred to the Registrar under section 54 or to arbitration under clause (g) of section 50, the Registrar or his nominee or the arbitrators, as the case may be, if satisfied on



inquiry or otherwise, that a party to such arbitration with intent to delay or obstruct the execution of any award that may be made,—

(a) is about to dispose of the whole or any part of his property,  
or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

may unless adequate security is furnished direct the conditional attachment of the said property ; and such attachment shall have the same effect as if made by a competent Civil Court.

56. Any party aggrieved by any decision of the Registrar's nominee made under section 54 or an order passed under section 55 by the Registrar's nominee or arbitrators may within one month of the date of the award or order appeal to the Registrar and the Registrar shall decide the appeal himself. Appeal against award of arbitrator.

57. An order passed in appeal under section 56 shall be final and conclusive. The award of the arbitrators or a decision by the Registrar or his nominee under section 54 shall not be liable to be called in question in any civil or revenue court. Finality of order.

58. Wherever in this Act it is provided that the Registrar or person duly authorized by general or special order in writing by the Registrar in this behalf shall hold an inquiry under section 43 or shall make an inspection under section 44 or shall wind up a society or shall arbitrate, such Registrar, or person authorized, as the case may be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908. Powers to enforce attendance.

V of  
1908.

59. (1) Every order passed by a liquidator under section 50, or by the Registrar or his nominee or arbitrators on disputes referred to him or them under clause (g) of section 50 or under section 54, every order passed in appeal under section 56 and every order passed by Government in appeal against orders passed under sections 50 and 54 shall, if not carried out, be executed— Money how recovered.

(a) on a certificate signed by the Registrar or a liquidator by any civil court in the same manner as a decree of such court ; or

(b) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.

(2) When the property attached in execution of an order referred to in sub-section (1) cannot be sold for want of buyers, the same may be handed over to a society with the previous consent of the Registrar on such terms and conditions as may be agreed upon between the Collector and the said society.

## Offences.

Offences.

60. It shall be an offence under this Act if—

Default by a society officer or member.

(a) a society with a working capital of Rs. 50,000 or more or an officer or member thereof fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, send, do or allow to be done ; or

Wilful neglect or default by a society, etc.

(b) a society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorised by him in writing in this behalf ; or

Wilful furnishing of false information.

(c) a society or an officer or member thereof wilfully makes a false return or furnishes false information ; or

Disobedience of summons, requisition or order.

(d) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Act.

Penalty for offences not otherwise provided for.

61. Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a fine not exceeding Rs. 50.

Prohibition of the use of the word "Co-operative".

62. (1) No person other than a registered society shall without the sanction of Government trade or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part :

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Cognizance of offences.

63. (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall, for the purposes of the said Code, be deemed to be non-cognizable. v of 1898.

(3) No prosecution under this Act shall be lodged without the previous sanction of the Registrar, which shall not be given except after hearing the party concerned.

## Appeals and Revision.

Appeals.

64. An appeal against an order or decision of or sanctioned by the Registrar under section 10, 16, 45, 47, 50, 50A or 54 may be made by any party aggrieved or affected by the order or decision to Government within two months of the date of the communication of the order.

64A. The Government and the Registrar may call for and examine the record of any inquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit.

Power of Government and the Registrar to call for proceedings of Subordinate Officers and to pass orders thereon.

#### Miscellaneous.

65. (1) All sums due from a society or from an officer or member or past member of a society as such to Government, may be recovered according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

Recovery of sums due to Government.

(2) Sums due from a society to Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited, from the members or past members subject to the limit of their liability; and, thirdly in the case of other societies, from the members or past members.

(3) The liability of past members shall in all cases be subject to the provisions of section 28.

66. Notwithstanding anything contained in this Act, Government may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

Power to exempt societies from conditions as to registration.

67. [1] Government may, by general or special order to be published in the *Bombay Government Gazette*, exempt any society or class of societies from any of the provisions of this Act, or may direct that such provisions shall apply to such society or class of societies with such modifications as may be specified in the order; provided that no order to the prejudice of any society shall be passed without an opportunity being given to such society to represent its case.

Power to exempt societies from provisions of Act.

71 of 1913. 68. The provisions of the [2] Indian Companies Act of 1913, shall not apply to societies, registered under this Act.

Indian Companies Act not to apply.

69. Every Co-operative Society registered outside the Bombay Presidency, which has or establishes a branch or place of business in the Bombay Presidency shall within six months from the commencement of this Act or from the establishment of such branch or place of business, file with the Registrar a certified copy of the bye-laws and amendments and, if these are not written in the English language, a certified translation in English thereof, and shall submit to the Registrar such returns and information as are submitted by similar societies in the Bombay Presidency in addition to those submitted to the Registrar of the province where it is registered.

Branches, etc., of societies outside the Presidency.

[1] For notification under this section, see Government Notification in the Revenue Department, No. 4203/28, dated 30th January 1930, published in the *Bombay Government Gazette*, 1930, Part I, p. 224.

[2] General Acts, Vol. V:

Notice  
necessary  
in suits.

70. No suit shall be instituted against a society or any of its officers in respect of any act touching the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar, or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

Rules.

71. (1) Government may, for the whole or any part of the presidency and for any society or class of societies, make rules<sup>[1]</sup> to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

(b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

(c) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation;

(d) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership;

(e) provide for ascertaining the value of a deceased member's share or interest;

(f) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(g) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers;

(h) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts, and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;

[1] For Rules under the section see Government Notification in the Revenue Department, No. 5978/24, dated the 11th August 1927, published in the *Bombay Government Gazette*, 1927, Part I, pp. 1999-2005; see also Government Notifications in the Revenue Department, No. 2882/28, dated 16th April 1930, published in the *Bombay Government Gazette*, 1930, Part I, p. 744; No. 684/28, dated 13th August 1930, published in the *Bombay Government Gazette*, 1930, Part I, p. 2030; No. 3818/24, dated 8th January 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 111; No. 7776/28, dated 1st August 1932, published in the *Bombay Government Gazette*, 1932, Part I, pp. 1784-1785; No. 9003/28, dated 10th October 1932, published in the *Bombay Government Gazette*, 1932, Part I, p. 2298; No. 759/33, dated 2nd May 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 977; and No. 1866/33, dated 5th October 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 2227.

(i) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted ;

(j) provide for the persons by whom and the form in which copies of documents or entries in books of societies may be certified, and for the charges to be levied for the supply of such copies ;

(k) provide for the formation and maintenance of a register of members, and where the liability of the members is limited by shares, of a register of shares ;

(l) prescribe the payments to be made and the conditions to be complied with by members applying for loans, and the period for which loans may be made, and the amount which may be lent to an individual member ;

(m) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members ;

(n) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society ;

(o) prescribe the extent to which a society may limit the number of its members ;

(p) prescribe the conditions under which profits may be distributed to the members of a society and the maximum rate of dividend which may be paid by societies ;

(q) prescribe the procedure to be followed in presenting and disposing of appeals ;

(r) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that shares shall not appreciate in value and that necessary capital shall be available for the society as required ;

(s) provide that persons qualified under the by-laws of a society shall not be excluded from membership without due cause ;

(t) prescribe the procedure to be followed by a liquidator appointed under section 47 ;

(u) prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators and for fixing and levying the expenses of determining the dispute ;

(v) provide for the issue and service of processes and for proof of service thereof ;

(w) provide for the writing off of bad debts ;

(x) regulate the manner in which funds may be raised by means of shares or debentures or otherwise ;

(y) provide for the withdrawal and expulsion of members and for the payments to be made to them and for the liabilities of past members ;

(z) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred ;

(aa) prescribe the cases in which an appeal shall lie from the order of a liquidator appointed under section 47 ;

(bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same ;

(cc) prescribe the procedure to be followed for the custody of property attached under section 55 ;

(dd) provide for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by Co-operative Societies to any provident fund which may be established for the benefit of officers and servants employed by them ; and

(ee) prescribe the period and terms under which Government aid may be given to Co-operative Societies and the terms under which the Government may guarantee the payment of interest on debentures issued by registered societies.

(3) Government may, subject to such conditions, if any, as it thinks fit, delegate all or any of its powers to make rules under this section to any authority specified in the order of delegation.

(4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(5) The rules so made shall 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 resolution of the said Council tabled at its next session.

Saving of existing societies.

72. (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded. X of 1904.  
II of 1912.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted, under the said Acts shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

Construction of references to Co-operative Societies Act, 1912, in enactments.

[1]72A. All references to the [2]Co-operative Societies Act, 1912, occurring in any enactment made by any authority in British India and for the time being in force in the Presidency of Bombay shall, in the application, to the said Presidency, of any such enactment, be read and construed as references to this Act and anything done or any proceeding commenced in pursuance of any such enactment on or after the date on which this Act shall have come into operation shall be deemed to have been done or to have been commenced and to have had effect as if the reference in such enactment to the [2]Co-operative Societies Act, 1912, had been the reference to this Act, and no such thing or proceeding shall be deemed to have been invalid on the ground that such enactment did not refer to this Act. II of 1912.  
II of 1912.

Repeal.

73. The enactments specified in the Schedule are hereby repealed in so far as they apply to the Bombay Presidency to the extent specified in the fourth column of the said schedule.

[1] This section was inserted by Bom. VIII of 1933, s. 2.

[2] General Acts, Vol. V.

## SCHEDULE.

*Enactments repealed.*

(See section 73.)

Year.	No.	Short title.	Extent of repeal.
		<i>Acts of the Governor General in Council.</i>	
1912 ..	II	The Co-operative Societies Act, 1912. <sup>[1]</sup>	The whole.
1920 ..	XXXVIII	The Devolution Act, 1920 <sup>[2]</sup>	.. So much as relates to Act II of 1912.
		<i>Act of the Governor of Bombay in Council.</i>	
1920 ..	I	The Bombay Land Revenue Code (Amendment) Act, 1920 <sup>[3]</sup>	The whole.

[1] General Acts, Vol. V.

[2] General Acts, Vol VI.

[3] Vol. V of Bom. Code.

**THE BOMBAY SECURITIES CONTRACTS CONTROL  
ACT, 1925.**

**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Extent and operation.
3. Definitions.
4. Recognition.
5. Rules.
6. Contracts not made subject to rules to be void.



**BOMBAY ACT No. VIII of 1925.[<sup>1</sup>]**

[THE BOMBAY SECURITIES CONTRACTS CONTROL ACT, 1925]

[29th December 1925]

*Amended by*

Number of Act.	Year.
Bom. Act No. IX .. . . .	.. 1927

**An Act to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay and elsewhere in the Bombay Presidency.**

WHEREAS it is expedient to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay and elsewhere in the Bombay Presidency in manner hereinafter appearing; <sup>5 & 6</sup> And whereas the previous sanction of the Governor General required <sup>Sec. V</sup> by section 80A (3) of the Government of India Act has been obtained <sup>1. 61.</sup> for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Securities Contracts Control Act, 1925. Short title.

2. (1) This Act shall apply to the whole of the Presidency of Bombay. Extent and operation.

(2) It shall come into [ ]operation in the city of Bombay on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint: the Governor in Council may further, by notification in the *Bombay Government Gazette*, direct that the Act shall come into operation in any place in the Bombay Presidency other than the city of Bombay on such date as may be specified in such notification.

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

(1) "securities" include stocks, shares, bonds, debentures, debenture stock and any other instruments of a like nature.

(2) "stock-exchange" means any association, organisation or body of individuals, whether incorporated or not, established for the purpose of assisting, regulating and controlling business in buying, selling and dealing in stocks, shares, bonds, debentures, debenture stock and any other like securities.

(3) "recognised stock-exchange" means a stock-exchange which is, for the time being, recognised by the Governor in Council as provided in section 4.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 447; for Report of Select Committee, see p. 1037 of Appendix to Vol. XVI of the Bombay Legislative Council Debates, 1925; and for Proceedings in Council, see *ibid.*, Vol. XVI.

[<sup>2</sup>] This Act came into operation in the City of Bombay on the 1st January 1926, (vide Government Notification in the Finance Department No. 2902-A, dated the 30th December 1925, published in the *Bombay Government Gazette*, 1925, Part I, p. 3361).

(4) "ready delivery contract" means a contract for the purpose or sale of securities for performance of which no time is specified and which is to be performed immediately or within a reasonable time.

*Explanation.*—The question what is a reasonable time is in each particular case a question of fact.

Recognition. 4. (1) A stock-exchange desirous of being recognized for the purpose of this Act shall make an application in writing to the Governor in Council for such recognition, and shall submit rules for the regulation and control of transactions in securities other than ready delivery contracts and furnish such information in regard to such recognition as the Governor in Council may require.

(2) The Governor in Council may give or refuse such recognition provided that the rules submitted by the stock-exchange under sub-section (1) shall be published in the *Bombay Government Gazette* one month before such recognition is given.

(3) The Governor in Council may at any time withdraw the recognition given to a stock-exchange under sub-section (2), and such stock-exchange shall thereupon cease to be a recognized stock-exchange.

Rules. 5. (1) A stock-exchange subject to the sanction of the Governor in Council may make and may from time to time add to, vary or rescind rules for the regulation and control of transactions in securities (other than ready delivery contracts).

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

(a) the government of the stock-exchange by a governing body and the constitution of such governing body;

(b) the powers and duties of the governing body and the manner in which its business shall be transacted;

(c) the fixing of a scale of charges;

(d) the making, settling and closing of bargains;

(e) the exercise of emergency powers in the case of corners;

(f) the regulation of dealings by members for their own account; and

(g) the settlement of disputes arising between members and the punishment of defaulting members.

(3) [1] Rules made by a stock-exchange under sub-section (1) shall be published in the *Bombay Government Gazette* one month before they are sanctioned by the Governor in Council and shall again be published after sanction.

[1] For Rules under this section, see—

Government Notification in the Finance Department No. 2902-A, dated 14th May 1927, published in the *Bombay Government Gazette*, 1927, Part I, pp. 1292-1355.

Government Notification in the Finance Department No. 2902-A, dated the 29th January 1929, published in the *Bombay Government Gazette*, 1929, Part I, pp. 135-8.

Government Notification in the Finance Department No. 2902-D, dated 11th November 1929, published in the *Bombay Government Gazette*, 1929, Part I, p. 2426.

Government Notification in the Finance Department No. 2902-D, dated the 16th August 1930, published in the *Bombay Government Gazette*, 1930, Part I, pp. 2097-98.

6.[<sup>1</sup>] Every contract for the purchase or sale of securities, other than a ready delivery contract, entered into after a date to be notified in this behalf by the Governor in Council shall be void, unless the same is made subject to and in accordance with the rules duly sanctioned under section [<sup>2</sup>]5 and every such contract shall be void unless the same is made between members or through a member of a recognised stock-exchange ; and no claim shall be allowed in any Civil Court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

Contracts  
not made  
subject to  
rules to be  
void.

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[<sup>1</sup>] For Notification under this section, see Government Notification in the Finance Department No. 2902-A, dated the 16th May 1927, published in the *Bombay Government Gazette*, 1927, Part I, p. 1356.

[<sup>2</sup>] This figure was substituted for the figure " 4 " by Bom. Act IX of 1927, s. 2, first Schedule.

**BOMBAY ACT No. IX OF 1925.[<sup>1</sup>]**

[THE BOMBAY VILLAGE POLICE (AMENDMENT) ACT, 1925]

[27<sup>th</sup> January 1926]

**An Act further to amend Bombay Act VIII of 1867, being an Act  
for the Regulation of the Village Police in the Presidency  
of Bombay.**

887. <sup>III</sup> WHEREAS it is expedient further to amend<sup>[2]</sup> Bombay Act No. VIII of 1867, being an Act for the Regulation of the Village Police in the Presidency of Bombay, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Village Police (Amendment) Act, 1925. Short title.

2. In section 14 of the said Act after the words "to punish" and before the words "with confinement" the words "with fine not exceeding two rupees and in default of payment thereof with confinement which may extend to twelve hours or" shall be inserted, and for the words "eight days" the words "two days" shall be substituted. Amendment of section 14 of Bom. Act No. VII of 1867.

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 49; for Report of Select Committee, see *ibid*, 1925, Part V, pp. 440-443; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1925, Vols. XV and XVI.

[<sup>2</sup>] Vol. II of Bom. Code.

**BOMBAY ACT No. X OF 1925.<sup>[1]</sup>**

[THE BOMBAY CHILDREN (AMENDMENT) ACT, 1925]

[27th January 1926]

**An Act to amend the Bombay Children Act, 1924.**

Bom. WHEREAS it is expedient to amend the Bombay Children Act, 1924,  
XIII in manner hereinafter appearing; AND WHEREAS the previous sanction  
of of the Governor General required by section 80A of the Government of  
1924. India Act has been obtained for the passing of this Act; It is hereby  
5 & 6 enacted as follows :—  
Geo. V c. 61.

1. This Act may be called the Bombay Children (Amendment) Act, Short title.  
1925.

Bom. 2. After section 10 of the <sup>[2]</sup>Bombay Children Act, 1924, hereinafter Insertion  
XIII called the said Act, the following sections shall be inserted, namely :— of new ss.  
of 10A, 10B,  
1924. 10C, 10D  
and 10E in  
Bom. XIII  
of 1924.

[For sections 10A, 10B, 10C, 10D and 10E, see p. 155 of this  
Volume.]

3. In sub-section (I) of section 51 of the said Act after the figures Amendment  
“ 10 ” the figures and letters “ 10A, 10B, 10D, 10E ” shall be inserted. of s. 51 of  
Bom. XIII  
of 1924.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 234; for Report of Select Committee, see *ibid.*, 1925, Part V, pp. 323-326; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vols. XV and XVI.

[<sup>2</sup>] In this Volume, p. 149.

BOMBAY ACT No. XI OF 1925.<sup>[1]</sup>

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1925]

[27th January 1926]

## An Act further to amend Bombay Act No. III of 1874.

Bom. WHEREAS it is expedient further to amend <sup>[2]</sup>Bombay Hereditary  
III of Offices Act being Bombay Act No. III of 1874 in manner hereinafter  
1874. appearing; It is hereby enacted as follows :—

1. This Act may be called Bombay Hereditary Offices (Amendment) Short title.  
Act, 1925.

Bom. 2. In section 60 of Bombay Act III of 1874, delete the words : Amendment  
III of “ direct the forfeiture of the whole or of any part of any watan in of section 60  
1874. which he has an interest. Such forfeiture may be either absolute or Act III of  
for such period as the Governor in Council thinks fit,” 1874.

and insert :

“(a) if the offence be committed in the discharge of his official duties or be any of those enumerated in Schedule II (2) to (6), direct the forfeiture of the life interest of the person convicted or if he be not the representative watarand also of the representative watarand ;

XLV (b) if the offence is as is described in Chapter VI of the Indian  
of Penal Code, direct the forfeiture of the whole or of any part of any  
1860. watan in which he has an interest. Such forfeiture may be either  
absolute or for such period as the Governor in Council thinks fit”.

3. To section 61, the following proviso shall be added : Amendment  
“ Provided that the Governor in Council shall not direct under this of section 61  
or the preceding section the forfeiture of any watan or part thereof of Bom.  
belonging to a person other than the one so convicted or found guilty, Act III of  
1874. unless it is proved to his satisfaction that that person had previous  
knowledge of or connived at the offence or misconduct.”

4. In section 62 of the Act, for the words “ or after investigation Amendment  
recorded in writing ” substitute “ if any and after investigation recorded of section 62  
in writing in which an opportunity of being heard either in person or of Bom.  
through pleader shall be given to the party against whom any such order Act III of  
1874. is proposed to be passed ”.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 55; for Report of Select Committee, see *ibid.* 1925, Part V, pp. 429-32; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vols. XV and XVI.

[2] Vol. II of Bom. Code.

**BOMBAY ACT No. XII OF 1925.[<sup>1</sup>]**

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1925]

[27th January 1926]

**An Act further to amend the City of Bombay Municipal Act, 1888.**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]City of Bombay  
III of Municipal Act, 1888, in manner hereinafter appearing; It is hereby  
1888. enacted as follows :—

1. This Act may be called the City of Bombay Municipal (Amend- Short title.  
ment) Act, 1925.

Bom. 2. In clause (b) of sub-section (1) of section 16 of the [<sup>2</sup>]City of Bombay Amendment  
III of Municipal Act, 1888, hereinafter called the said Act, after the word of section 16  
1888. “as” the words “such sentence has not expired or” shall be inserted. of Bom. III  
of 1888.

3. In section 118 of the said Act, after the figures and letter “62D” Amendment  
the figures and letter “62E” shall be inserted. of section 118  
of Bom. III  
of 1888.

4. In sub-section (1) of section 518 of the said Act, after the figures Amendment  
and letter “62D” the figures and letter “62E” shall be inserted. of section  
518 of Bom.  
III of 1888.

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, pp. 464-65; for Report of Select Committee, see p. 1047 of Appendix to Bombay Legislative Council Debates, 1925, Vol. XVI; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vol. XVI.

[<sup>2</sup>] Vol. III of Bom. Code.

**BOMBAY ACT No. XIII OF 1925.<sup>[1]</sup>**

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1925]

[27th January 1926]

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

Bom. VI of 1923. WHEREAS it is expedient further to amend the [2]Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Local Boards (Amendment) Short title. Act, 1925.

Bom. VI of 1923. 2. In section 9 of the [2]Bombay Local Boards Act, 1923, Amendment of section 9 of Bom. VI of 1923. (1) in sub-section (1)—  
(a) for clauses (c) and (d) and the explanation to clause (d) the of 1923. following shall be substituted namely :—

[In this Volume p. 36.]

(b) clauses (e) and (f) shall be relettered (d) and (e) respectively.

(2) In sub-section (2) for the letter and brackets “(f)” the letter and brackets “(e)” shall be substituted.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, pp. 455-56; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vol. XVI.

[2] In this Vol., p. 33.



BOMBAY ACT No. XIV OF 1925.<sup>[1]</sup>

[THE BOMBAY VILLAGE PANCHAYATS (AMENDMENT) ACT, 1925]

[27th January 1926]

## An Act to amend the Bombay Village Panchayats Act, 1920.

Bom. [X. of 1920.] WHEREAS it is expedient to amend the [2]Bombay Village Panchayats Act, 1920, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Village Panchayats (Amend- Short title. ment) Act, 1925.

Bom. [X. of 1920.]

2. In section 6 of the [2]Bombay Village Panchayats Act, 1920—

Amendment of section 6 of Bom. IX. of 1920.

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

“(d) 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, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, such sentence or order not having been subsequently reversed or remitted or the offender pardoned, if and so long as such sentence has not expired or if and so long as such order is in force, unless his disqualification has been removed by an order which the Governor in Council is hereby empowered to make, or;”

of 1920.

(b) clause (e) shall be deleted and clauses (f), (g) and (h) shall be relettered (e), (f) and (g), respectively;

(c) for clause (h) the following clause shall be substituted, namely:—

“(h) has been removed from office under section 15 and five years have not elapsed from the date of the expiry of such removal, unless his disqualification has been removed by an order which the district local board is hereby empowered to make”

(d) the last paragraph shall be deleted.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, pp. 453-54; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vol. XVI.

[2] Vol. V of Bom. Code.

**BOMBAY ACT No. XV OF 1925.[<sup>1</sup>]**

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1925]

[27th January 1926]

**An Act further to amend the Bombay District Municipal Act, 1901.**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay District  
III of Municipal Act, 1901, in manner hereinafter appearing; It is hereby  
1901. enacted as follows :—

1. This Act may be called the Bombay District Municipal Short title.  
(Amendment) Act, 1925.

Bom. 2. For clause (a) of sub-section (I) of section 15 of the [<sup>2</sup>]Bombay Amendment  
III of District Municipal Act, 1901, the following shall be substituted, of section 15  
1901. namely :— of Bcm. III  
of 1901.

“(a) who

(i) 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 been subsequently reversed or quashed, if and so long as such sentence has not expired ;

OR

(ii) has been removed from office under section 16,  
unless he has, by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf, been relieved from the disqualification arising on account of such sentence or removal from office, or.”

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 452 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vol. XVI.

[<sup>2</sup>] Vol. IV of Bom. Code.

**BOMBAY ACT No. XVII OF 1925.<sup>[1]</sup>**

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1925]

[9th April 1926]

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

Bom. VI of 1879. 5 & 6 Geo. V. c. 61. WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Port Trust Act, 1879, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by 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 Port Trust (Amendment) Act, 1925. Short title.

Bom. VI of 1879. 2. After section 61 of the <sup>[2]</sup>Bombay Port Trust Act, 1879, the following section shall be inserted, namely:— Insertion of new s. 61A in Bom. VI of 1879.

“61A. (1) The Board shall, immediately upon the landing of any goods take charge thereof, except as may be otherwise provided in the bye-laws, and store such as are liable in their opinion to suffer from exposure in any shed or warehouse belonging to the Board. Board to take charge of goods landed.

VIII of 1878. VIII of 1878. (2) If any owner, without any default on the part of the Board, fails to remove any goods, other than those stored in the warehouses appointed by the Board for the storage of duty-paid goods or in warehouses licensed under section 16 of the <sup>[3]</sup>Sea Customs Act, 1878, from the premises of the Board or from any public warehouse on the premises of the Board appointed under section 15 of the <sup>[3]</sup>Sea Customs Act, 1878, within seven clear days from the date on which such goods shall have been landed, such goods shall remain on the premises of the Board or in such public warehouse at the sole risk and expense of the owner, and the Board shall thereupon be discharged from all liability theretofore incurred by them in respect of such goods.” Goods not stored in licensed warehouses to remain at risk and expense of owner if not removed within seven days.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 59; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1925, Vols. XV and XVI.

[2] Vol. II of Bom. Code.

[3] General Acts, Vol. II,

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## SCHEDULES I—VII.

BOMBAY ACT No. XVIII OF 1925.[<sup>1</sup>]

[THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925]

[8th June 1926]

Number of Act.	<i>Amended by</i>			Year.
Bom. Act No. X .. .. .	..	..	..	1926
Bom. Act No. I .. .. .	..	..	..	1927
Bom. Act No. XII .. .. .	..	..	..	1927
Bom. Act No. III .. .. .	..	..	..	1930
Bom. Act No. IV .. .. .	..	..	..	1930
Bom. Act No. IX .. .. .	..	..	..	1930
Bom. Act No. XXV .. .. .	..	..	..	1930
Bom. Act No. XII .. .. .	..	..	..	1931
Bom. Act No. XXIII .. .. .	..	..	..	1931
Bom. Act No. VII .. .. .	..	..	..	1932
Bom. Act No. XV .. .. .	..	..	..	1932
Bom. Act No. XVII .. .. .	..	..	..	1933
Bom. Act No. XIV .. .. .	..	..	..	1934

**An Act to give wider powers in the management of municipal affairs  
in certain cities.**

WHEREAS it is expedient to amend the law relating to the management of municipal affairs in certain cities of the Bombay Presidency; And Whereas the previous sanction of the Governor General required by section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Bombay [<sup>2</sup>]Municipal Boroughs Act, 1925. Short title and extent.
- (2) It extends to the whole of the Bombay Presidency.
2. The provisions of the Commissioner in [<sup>3</sup>]Sind Act (Act V of 1868) shall not apply to any powers hereby conferred upon Government.
3. In this Act and in the schedules, unless there be something repugnant in the subject or context,—
  - (1) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery containedDefinitions.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, pages 187-195; for Report of the Select Committee, see *ibid*, pages 335-342; and for Proceedings in Council, see *Council Debates*, 1925, Volumes XV and XVI.

[<sup>2</sup>] These words were substituted for the words "City Municipalities" by Bom. Act IV of 1930, s. 4.

[<sup>3</sup>] Vol. I of Bom. Code.

or situate therein or thereon, might reasonably be expected to let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to his tenancy.

(2) "Building" shall include any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, door-steps and the like.

(3) "Commissioner" shall mean the Commissioner of a division appointed under the [1]Bombay Land Revenue Code, 1879, and in Sind, the Commissioner in Sind. Bo  
V  
18:

(4) "Councillor" shall mean any person legally a member of the municipality in a municipal borough.

(5) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.

(6) "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, cess-pool 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.

(7) "Judge" shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, or Joint Subordinate Judge.

(8) "Land" shall include land which is built upon or covered with water.

(9) "Municipal borough" shall mean a municipal district as defined in the [2]Bombay District Municipal Act, 1901, included or hereafter included in Schedule I, during the period of such inclusion. Bon  
III.  
190:

(10) "Municipal district" shall mean a municipal district as defined in the [2]Bombay District Municipal Act, 1901. Bon  
III.  
190)

(11) "Nuisance" shall include 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.

(12) "Octroi" shall include a terminal tax.

(13) "Official year" shall mean the year commencing on the first day of April.

(14) "Owner" shall include the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any other person or for any society or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant.

(15) "Public securities" shall mean—

(a) securities of the Government of India and of the Local Government ;

[1] Vol. II of Bom. Code.

[2] Vol. IV of Bom. Code.

(b) stocks, debentures or shares in railway or other companies the interest whereon has been guaranteed by the Secretary of State for India in Council;

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India; or

(d) a security expressly authorized by any order which the Government makes in this behalf.

(16) "Public street" shall mean any street--

(a) over which the public have a right of way; or

(b) heretofore levelled, paved, metalled, channelled, sewerred or repaired out of municipal or other public funds; or

(c) which under the provisions of section 115 or 116 is declared by the municipality to be, or under any other provisions of this Act becomes a public street.

(17) "Private street" means a street which is not a public street.

(18) "Salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(19) "Street" shall mean any road, footway, square, court, alley, or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not; but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(20) "Tax" shall mean any toll, rate, cess, fee or other impost leviable under this Act and shall include a water rate.

(21) "Vehicle" shall include bicycles, tricycles, motor cars, and every wheeled conveyance which is used or capable of being used on a public street.

## CHAPTER II.

### CONSTITUTION OF MUNICIPALITIES.

#### (1) *Municipal boroughs.*

4. (1) The Government may, by notification in the *Bombay Government Gazette* and with effect from a date to be specified in the said notification, include in Schedule I any municipal district [1] or exclude any municipal boroughs from the said schedule.

Extension of Act to and withdrawal of Act from municipal districts and boroughs.

[1] The words "other than the municipal district of Karachi," were repealed by Bom. XVII of 1933, s. 4.

(2) The Government may, after consulting the municipality, by notification in the *Bombay Government Gazette* and with effect from a date to be specified in the said notification, extend, contract or otherwise alter the limits of any municipal borough.

Limits to be specified in notification altering area. (3) A notification altering the limits of a municipal borough shall clearly set forth the local limits of the area to be included in or excluded from such municipal borough.

Property and rights of municipalities which have ceased to exist to vest in Government. [1] [(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.]

Bom. III of 1901 not to apply to municipal boroughs. Municipal boroughs excluded from Schedule I. Continuance of acts, notifications, etc., in respect of boroughs. 5. (1) The provisions of the [2]Bombay District Municipal Act, 1901, shall not apply to any municipal district included or hereafter included in Schedule I from the date of such inclusion : Bom. III of 1901.

Provided that—

(a) references in any other enactment or in any instrument to the [2]Bombay District Municipal Act, 1901, shall, unless a different intention appears, be construed in respect of any municipal borough as references to this Act Bom. III of 1901.

(b) any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the [2]Bombay District Municipal Act, 1901, in respect of a municipal district included or hereafter included in Schedule I, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such district shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the municipal borough constituted by such inclusion unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Act or such other law. Bom. III of 1901.

(2) From the date specified in a notification under sub-section (1) of section 4, excluding a municipal borough from Schedule I, it shall cease to be a municipal borough and the provisions of the [2]Bombay District Municipal Act, 1901, shall apply to it. Bom. III of 1901.

Transfer of rights, etc., on inclusion in Schedule I. 6. The property, rights and liabilities of the municipality in a municipal district included or hereafter included in Schedule I shall vest in the municipality of the municipal borough constituted by such inclusion, from the date of such inclusion.

Preliminaries before notification. 7. (1) Not less than three months before the publication of a notification under section 4 the Government shall cause to be published in the *Bombay Government Gazette* in English, and in at least one of the local

[1] This sub-section was inserted by Bom. I of 1927, s. 2.

[2] Vol. IV of Bom. Code.

newspapers (if any) in the vernacular language of the district in which the municipal borough or municipal district is situate, and to be posted up in conspicuous places in such municipal borough or municipal district in such vernacular language, a proclamation announcing that it is proposed to include in or exclude from Schedule I the municipal district or municipal borough, as the case may be, or to alter the limits of the municipal borough in a certain manner, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor in writing, to the Collector within two months from the date of the said proclamation; and whenever it is proposed to add to or exclude from a municipal borough any inhabited area, it shall be the duty of the municipality also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Collector shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are in its opinion insufficient or invalid.

8. In every municipal borough there shall be a municipality, and every such municipality shall be a body corporate by the name of "the Municipality of—", and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name through its Chief Officer.

*Incorporation of municipalities.*

(3) *Election of Councillors.*

9. (1) Every such municipality shall consist of—

(a) elected councillors; and

(b) nominated councillors, that is to say, such persons as from time to time are by name appointed in this behalf, or are executing the functions of any office from time to time notified in this behalf, by Government:

*Municipalities to consist of elected and nominated councillors.*

Provided that the number of elected councillors shall not be less than four-fifths of the whole number, and that not more than one-half of the nominated councillors shall be salaried servants of the Government:

*In specified proportions.*

Provided also that the Government may direct that all the councillors shall be elected.

*But all councillors may be elected.*

(2) Any vacancy due to failure to elect the full number of councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 29 may, notwithstanding anything in this Act, be filled up by nomination by Government.

*Failure to elect.*

(3) Councillors elected or nominated under the [1]Bombay District Municipal Act, 1901, and holding office in a municipal district included or hereafter included in Schedule I, immediately prior to such inclusion, shall be deemed to have been elected or nominated, as the case may be, under this Act: provided that where the Government has directed that all the councillors shall be elected, councillors nominated under the [1]Bombay District Municipal Act, 1901, shall not be deemed to

*Continuance of councillors holding office at commencement of Act. Election in case of non-continuance.*

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have been nominated under this Act, and councillors shall be elected under the provisions of this Act in place of such nominated councillors.

The Govern-  
ment shall  
determine  
number of  
councillors ;  
fix propor-  
tion of elect-  
ed and nomi-  
nated coun-  
cillors, and  
make rules  
for regulat-  
ing elections.

10. (1) The Government shall, from time to time, generally or specially for each municipality,—

(a) determine the number of councillors ;

(b) fix, subject to the provisions of section 9, the proportion of the councillors, if any, who shall be nominated ;

(c) make rules consistent with this Act prescribing the number of councillors to be elected, the number of wards to be constituted for Mahomedans, Non-Mahomedans and depressed classes in each municipal borough, the extent of such wards and the number of councillors to be elected by each ward, providing for the preparation and revision of the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm, or any other association or body of individuals or any trustees of any building or land being two or more in number entered in such list, may be recorded and exercised, and prescribing the restrictions, if any, on the number of votes which a voter may give ;

determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what judicial authority the appeals as to such entries and omissions shall lie ;

prescribing the date for the publication of the Municipal Election Roll ; regulating generally such elections.

*Explanation.*—A depressed class for the purpose of this section shall be one which in the opinion of the Government is a depressed class and the number of which is sufficient to require representation. There shall not be more than one ward for all such classes combined.

(2) The Government may from time to time delegate<sup>[1]</sup> to the Commissioner any of the powers granted to the Government by clause (c) of sub-section (1), subject to such restrictions or conditions, if any, as the Government may attach to the delegation and such powers shall not be exercised without first receiving the opinion of the municipality concerned.

Persons  
qualified  
to vote or be  
candidates  
at a municip-  
al election.  
Electoral  
roll of tax-  
payers.

11. (1) Save as provided in section 16, every person whose name is entered in the current electoral roll or part thereof, prepared for a municipal borough which constitutes or forms part of a general constituency, and published under regulation 6 (3) of Part II of the Bombay Electoral Regulations, 1923, shall be qualified to vote at a municipal election in such Municipal borough.

(2) (a) Save as provided in section 16, every person—

(i) who in any municipal borough, on the first day of April next preceding the date of publication of the electoral roll, occupied as

[1] Powers under this section have been delegated to the Commissioner in Sind and the Commissioners of the Divisions (*vide* G. R., G. D., No. 7240, dated the 10th September 1928).

owner or tenant a house or building, or part of a house or building separately occupied, as a dwelling or for the purpose of any trade, business or profession of which the annual rental was not less than Rs. 12 or of which the capital value was not less than Rs. 200, or

[<sup>1</sup>](ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has been assessed to the qualifying tax, and who within the three months next preceding the date referred to in sub-clause (ii) has paid all arrears of taxes, if any, due from him to the municipality, shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough.

*Explanation.*—A person shall be deemed to be in arrears of taxes if he has not paid within one month of the date of presentation any bill which has been presented under section 104.

Provided that a person who—

(i) is not a British subject or a subject of an Indian State, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(iii) is under 21 years of age,

shall not be entitled to have his name entered in such electoral roll.

*Explanation.*—For the purposes of this section, “the qualifying tax” means a tax, other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire, imposed in a municipal borough.

(b) The electoral roll of tax-payers for the time being in force shall be conclusive evidence for the purpose of determining whether any person is entitled to vote under the provisions of this sub-section at any election. If an electoral roll is not revised in accordance with the rules made under clause (c) of sub-section (1) of section 10, the roll shall continue in force until such revision has taken place.

(3) Every person so qualified to vote who for a period of not less than six months next preceding the last day before the preparation or revision of the electoral roll upon which under the rules applications for enrolment may be received has been resident in such borough or within seven miles of the limits thereof shall, subject to the provisions of this Act and of any other law for the time being in force, be qualified to be a candidate at a municipal election in such municipal borough.

*Explanation.*—For the purposes of this section a person shall be deemed to be resident in or within seven miles of the limits of a municipal borough if he ordinarily resides or has his principal place of residence in or within seven miles of the limits of such borough.

12. (1) No person may become a councillor—

(a) who—

(i) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term

General  
disqualifica-  
tions for  
becoming a  
councillor.  
Vacation  
of seat.

[<sup>1</sup>] This clause was substituted for the original clause by Bom. Act IV of 1930, s. 4.  
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Decision of  
Government  
in case of  
dispute.

exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, if and so long as such a sentence has not expired, or

(ii) has been removed from office under section 27 and five years have not elapsed from the date of the expiry of such removal,

unless he has, by an order which the Government is hereby empowered to make, if it shall think fit, in this behalf, been relieved from the disqualification arising on account of such sentence or removal from office; or

(b) who is an uncertificated bankrupt or an undischarged insolvent, or,

(c) who is a Judge.

(2) No person—

(a) who is a subordinate officer or servant of a municipality, or

(b) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a municipality, or in any contract or employment with or under or by or on behalf of a municipality,

may be a councillor of such municipality.

(3) A person shall not be deemed to have incurred disqualification under clause (b) of sub-section (2) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company or in any society registered or deemed to be registered under the Co-operative Societies Act, which shall contract with or be employed by or on behalf of the municipality, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipality may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipality, or

(v) being professionally engaged on behalf of the municipality as a legal practitioner, or

(vi) having a share or interest in the occasional sale to the municipality of any article in which he regularly trades, or in the purchase from the municipality of any article, to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the municipality with the sanction of the Government may fix in this behalf, or

(vii) having a share or interest in the occasional letting out on hire to the municipality or in the hiring from the municipality of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipality with the sanction of the Government may fix in this behalf, or

(viii) being a party to any agreement made with the municipality under the provisions of section 91 or of proviso (a) to sub-section (1) of section 194.

(4) If any person is elected or nominated as a councillor in contravention of the provisions of this section his seat shall be deemed to be vacant.

(5) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

13. (1) When, in accordance with rules framed under [1] clause (c) of sub-section (1) of section 10[1], a list of voters has been prepared or, upon a general revision, completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll. A new Election Roll shall be published in each year on such date as may be prescribed by the rules, and shall continue in operation for a period of twelve months from that day :

Operation of lists.

Provided that if a new Election Roll is not published in any year before the date prescribed, the roll then in operation shall continue in operation until the new roll is published.

(2) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Right to vote to depend on entry in roll.

14. A person shall not be qualified to be elected a councillor unless he is enrolled in the Municipal Election Roll :

Enrolment in Municipal Election Roll necessary for elected councillor. Representative of an Association.

Provided that if any company, body corporate, or other association of individuals is enrolled in the Municipal Election Roll, any one person duly authorized in this behalf by a resolution of such company, body or Association to represent such association shall be deemed to be qualified to be elected a councillor.

15. (1) If the validity of any election of a councillor is brought in question by any person qualified to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Court of the district within which the election has been or should have been held, for the determination of such question.

Determination of validity of elections.

(2) An inquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the Government either specially for the case or for such cases generally ; and such Judge may, after such inquiry as he deems necessary and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of

Powers of Judge holding inquiry.

[1]—[1] These words were substituted for the original words by Bom. X of 1926, s. 2, which takes effect from the date when the original Act came into operation.

any such inquiry shall be paid; such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive.

Declaration in case of corrupt practice by a candidate.

(3) (a) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of sub-section (3)—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any gratification or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote ;

(iii) who pays or promises to pay any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote ;

(iv) who hires, employs, borrows or uses for the purposes of the election any boat, vehicle, or animal, usually kept for letting on hire or for the conveyance of passengers by hire :

Provided that any elector may hire any boat, vehicle or animal or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded ;

Candidates when deemed to have committed corrupt practice.

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation 1.*—For the purposes of this section the term “ gratification ” is not restricted to pecuniary gratification or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward.

*Explanation 2.*—The expression “ a promise of individual profit ”—

(i) does not include a promise to vote for or against any particular measure which may come before a municipality for consideration, but

(ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(5) If the validity of the election is brought in question only on the ground of any error by the officer or officers charged with carrying out the rules made under clause (c) of sub-section (1) of section 10, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Mere irregularities and informalities not to invalidate election.

*Explanation.*—The expression “error” in this clause does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of the election has been materially affected.

(6) If the Judge sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipal borough or district for a term of years not exceeding seven, and the decision of the Judge shall be conclusive: provided, however, that such person, may by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification: provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Disqualification of persons committing corrupt practice.

LV 16. Any person who has been convicted of an offence under section 171-E or 171-F of the Indian Penal Code, or has been disqualified from exercising any electoral right for a period of not less than five years on account of malpractices in connection with an election, shall be disqualified for five years from the date of such conviction or disqualification from voting at any municipal election in any municipal borough or district or at any election to a local board constituted under the [1] Bombay Local Boards Act, 1923.

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Voter disqualified for corrupt practice.

17. The names of all councillors, finally elected to any municipality and the names of the nominated councillors, if any, appointed thereto shall be published, as soon as conveniently may be, in the *Bombay Government Gazette*.

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

(4) *Appointment of presidents and vice-presidents.*

18. (1) A municipality shall be presided over by a president who shall be elected by the councillors from among their number. There shall be a vice-president similarly elected for each municipality. No salaried servant of the Government shall be eligible for election as president or vice-president of a municipality and the election of any such person shall be void.

Election of president and vice-president. Continuance of president or vice-president holding office at the commencement of this Act.

(2) A president or vice-president holding office in a municipal district, included or hereafter included in Schedule I, at the time of such inclusion shall be deemed to have been elected under this section and shall continue to hold the office of president or vice-president as the case may be until a fresh election has been held under the provisions of this Act.

19. (1) Save as otherwise provided in this Act a president or vice-president shall hold his office for such term, not less than one year and

Term of office of president and vice-president.

not exceeding three years, as the municipality shall, previous to the election of the president or vice-president determine, or until the expiry within the said term of his term of office as councillor, but shall be eligible for re-election :

Provided that the term of office of such president or vice-president shall be deemed to extend to and expire with the date on which his successor is elected.

President and vice-president to continue to carry out certain duties until their successors take over charge.

(2) On the expiry of the term of office of a municipality the president and vice-president shall continue to carry out the current administrative duties of their offices until such time as a new president and vice-president shall have been elected and shall have taken over charge of their duties : Provided that in the case of the new municipality constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring municipality. The president of the retiring municipality shall preside at such meeting and the new municipality shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president.

Resignation of president and vice-president.

20. A president may resign his office by tendering his resignation in writing to the municipality, and such resignation shall take effect on its acceptance by the municipality. Such acceptance shall be published in the *Bombay Government Gazette*. A vice-president may resign his office by tendering his resignation in writing to the president.

Liability of president and vice-president to removal.

21. A president or vice-president shall be removable from his office as such president or vice-president by the municipality by a resolution passed to that effect, provided that three-fourths of the whole number of the councillors of the municipality vote in favour of such resolution and provided, further, that before such resolution is passed the president or vice-president is given a reasonable opportunity of showing cause why such resolution should not be passed.

Consequences of absence of president or vice-president without leave.

22. (1) Every president who for a period exceeding three months and every vice-president who for a period exceeding one month, shall absent himself from the municipal borough in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the municipality.

Limit to grant of leave, and arrangements pending absence of vice-president.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a vice-president under that sub-section, a councillor shall be elected by the councillors from among their number to perform all the duties and exercise all the powers of the vice-president, during the period for which such leave is granted.

Vacancies in office of president and vice-president to be filled up.

23. (1) In the event of the non-acceptance of office, death, resignation or removal from office of a president or of a vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a president or a vice-president under sub-section (1) of section 22 or a councillor under sub-section (1) of section 28, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by the election of some other councillor thereto.

(2) When the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under sub-section (1) of section 18 or sub-section (1) of this section within 15 days from the commencement of the term or the occurrence of the vacancy the Collector may exercise the powers of the president for the purpose of calling such meeting.

(5) *Term of office of councillors.*

24. (1) Save as otherwise provided in this Act councillors deemed to have been elected or nominated under sub-section (3) of section 9 shall continue to hold office for the term for which they were elected or nominated under the [1] Bombay District Municipal Act, 1901. Councillors elected under the said sub-section shall hold office for the same period as councillors deemed to have been elected as aforesaid.

Term of office of councillors holding office prior to commencement of Act: and of councillors then elected.

[2] 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 1928 [3];

(b) any notification issued under proviso (a) after the expiry of the term of office of any municipality constituted under the [1] 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 [1] 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.

(2) The provisions of clause (b) of sub-section (2) of section 25 shall apply to such councillors.

Validation of Acts of expired municipalities.

[4] [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.]

25. (1) Councillors nominated or elected at a general election under this Act shall, save as otherwise provided in this Act, hold office for a term of three years, extensible by order of the Government to a term

Term of office of councillors after general election.

[1] Vol. IV of Bom. Code.

[2] This proviso was added by Bom. I of 1927, s. 3.

[3] This figure was substituted for the original figure "1927" by Bom. XII of 1927, s. 2.

[4] S. 24A was inserted by Bom. I of 1927, s. 4.

not exceeding in the aggregate four years, if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the *Bombay Government Gazette*, so to extend the same.

Provided that before such order is made the Government shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal borough concerned.

(2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and

(b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.

Resignation  
of councillors.

Liability of  
councillors  
to removal  
from office.

Disabilities  
from con-  
tinuing a  
councillor.

26. Any councillor may resign his office by giving notice in writing to that effect to the president.

27. The Government if it thinks fit, on the recommendation of the municipality supported by at least two-thirds of the whole number of councillors, may remove any councillor elected or nominated under this Act, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct or has become incapable of performing his duties as a councillor :

Provided that no resolution recommending the removal of any councillor shall be passed by the municipality unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

28. (1) If any councillor during the term for which he has been elected or nominated—

(a) becomes subject to any disqualifications specified in section 12, or

(b) acts as a councillor in any matter—

(i) in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clause (i), (ii), (iii), (vi), or (viii) or of sub-section (3) of section 12 whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any case against the municipality, or

(c) departs beyond the limits of the Presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(d) not being a president or vice-president or a salaried servant of the Government, absents himself during four successive months from the meetings of the municipality, except with the leave of the municipality,

(e) fails to pay any arrears of any kind due by him to the municipality within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

(2) If any question arises whether a vacancy has occurred under sub-section (1), the orders of the Government shall be final for the purpose of deciding such question after a reasonable opportunity has been given to the Councillor.

29. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 15, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or nomination 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 nominated would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

A councillor whose office has become vacant under section 28 shall, if his disability has ceased, be eligible for re-election.

(6) *Municipal Government. Functions of President and Vice-President.*

30. (1) Except as in this Act otherwise expressly provided, the municipal government of a municipal borough vests in the municipality.

Municipal government vests in the municipality. Executive power vests in the Chief Officer.

(2) The executive power for the purpose of carrying out the provisions of this Act vests in the Chief Officer appointed under section 33, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipality or of the standing committee and subject also to all other restrictions, limitations and conditions imposed by this Act and the rules made thereunder.

31. It shall be the duty of the president of a municipality—

Function of president.

(a) to preside, unless prevented by reasonable cause, at all meetings of the municipality, and subject to the provisions of the rules for the time being in force under clause (a) of section 58 to regulate the conduct of business at such meetings;

(b) to watch over the financial and executive administration of the municipality and to perform such executive functions as may be allotted to him by or under this Act;

(c) to exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality; and, subject to the rules of the municipality at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.

(d) The president of a municipality may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the municipality, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund:



Provided that—

(a) he shall not act under this section in contravention of any order of the municipality prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reason therefor to the Standing Committee at its next meeting.

Functions  
of vice-  
presidents.

32. It shall be the duty of the vice-president of a municipality—

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipality and he shall when so presiding exercise the same authority as is vested in the president under clause (a) of section 31 ;

(b) to exercise such of the powers and perform such of the duties of the president as the president may from time to time depute to him ; and

(c) pending the election of a president, or during the absence of the president, to exercise the powers and perform the duties of the president.

(7) *Appointment and powers of chief and other municipal officers.*

Appointment  
of Chief  
Officer :  
Conditions  
of tenure.

[1] 33. (1) There shall be a chief officer in every municipal borough who shall be a graduate of a recognized university or a qualified engineer appointed by the municipality :

Provided that a person permanently appointed as chief officer under the [2]Bombay District Municipal Act, 1901, before the coming into operation of this Act [3][or a person temporarily appointed as chief officer under this Act for a period not exceeding two months in the aggregate in a year] need not be a graduate of a recognized university or a qualified engineer.

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[4]Provided further that, with the previous sanction of Government, a person who is not a graduate of a recognised university or a qualified engineer, may be appointed Chief Officer of a municipal borough with an annual income of less than two lacs of rupees.

(2) No chief officer shall be removed from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors ; and no such officers shall be punishable with fine. [1]

Powers and  
duties of  
Chief Officer.

34. (1) The Chief Officer shall—

(a) subject to the general control of the president, watch over the financial and executive administration of the municipality and perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act ;

(b) subject to the provisions of sub-section (4), exercise supervision and control over the acts and proceedings of all officers and servants of the municipality as regards appointments referred to in clause (c)

[1] This section was substituted for the original section by Bom. X of 1926, s. 3, which takes effect from the date when the original Act came into operation.

[2] Vol. IV of Bom. Code.

[3] These words were inserted by Bom. Act IV of 1930, s. 4.

[4] This new proviso was added by Bom. VII of 1932, s. 2.

in matters of executive administration and in matters concerning the accounts and records of the municipality; and subject further to the rules of the municipality for the time being in force, dispose of all questions relating to the service of the officer and servants and their pay, privileges, leave and allowances;

(c) subject to the provisions of sub-section (4) appoint to any post the monthly salary for which as fixed by rules made under clause (c) of section 58 does not exceed Rs. 50 and to any other post the appointment to which has not been otherwise provided for by such rules;

(d) with the permission of the President furnish to the Collector, or such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality;

(e) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, grant, give and issue under his signature all licenses and permissions which may be granted or given by the municipality or the standing committee under this Act, other than licenses for markets or slaughter-houses;

(f) receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;

(g) subject to the orders of the president, or of the standing committee or of the municipality, as the case may be, take prompt steps to remove any irregularity pointed out by the auditor appointed under section 210;

(h) report to the President and the standing committee all cases of fraud, embezzlement, theft, or loss of municipal money and property.

(2) The Chief Officer may

(a) subject to the provisions of sub-section (4) fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 30 and subject further to the provisions of the rules for the time being in force, any other municipal officer or servant, not being the health officer, engineer or auditor of the municipality;

Provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal either to the standing committee or, if the rules for the time being in force so provide, to the municipality;

(b) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, at his discretion suspend, withhold or withdraw any license, in any case in which he is empowered to grant or give a license and in which the municipality or the standing committee may suspend, withhold or withdraw such license;

(c) with the sanction of the standing committee, delegate any of his powers or duties to any municipal officer or servant;

Provided that such delegation shall be subject to such limitations, if any, as may be prescribed by the standing committee, and also to control and revision by the Chief Officer.

(3) The Chief Officer shall at any time supply any return, statement, account or report or a copy of any document in his charge, called for by the municipality or the standing committee and shall comply with any orders passed by the municipality or the standing committee thereon.

(4) The powers conferred on the municipality by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the municipality, or employed in any educational institution aided by the municipality, shall not be exercised by the Chief Officer.

Appointment of health officer and engineer.

(5) (a) A municipality may appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently.

(b) No such officer shall be removable from office, reduced or suspended unless by the assent of at least two-thirds of the whole number of councillors, and no such officer shall be punishable with fine.

Power of Government to require the removal of a chief officer, health officer or an engineer.

[1] 34A. (1) Notwithstanding anything contained in section 33 and sub-section (5) of section 34, it shall be lawful for the Government on the recommendation of any municipality supported by a resolution passed by a majority of the councillors present at a special general meeting called for the purpose to make in its discretion an order vetoing the continuance in office of any person holding the appointment of a chief officer, a health officer or an engineer :

Provided that—

(a) Notwithstanding anything contained in sub-section (7) of section 35 no resolution shall be passed by such meeting unless a quorum shall have been present throughout ; and

(b) no order shall be made under this section unless an inquiry has been made into the matter by such person and in such manner as Government may direct and unless the person affected by the order has been given a reasonable opportunity at the inquiry of explaining the allegations made against him.

(2) The tenure of office by any person whose continuance in office is vetoed under sub-section (1) shall cease and determine on and from such date as may be appointed by Government in that behalf.

### CHAPTER III.

#### CONDUCT OF BUSINESS.

##### (1) *Municipal Meetings.*

Provisions in regard to meetings of a municipality.

35. The following provisions shall be observed with respect to the meetings of a municipality :—

Ordinary general meetings.

(1) There shall be held four ordinary general meetings in each year for the disposal of general business, on or about the tenth day of the months of January, April, July and October, respectively, and

[1] This section was inserted by Bom. Act III of 1930, s. 2.

such other ordinary general meetings as the president may find necessary. It shall be the duty of the president to fix the dates for all ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this clause the Vice-President may call such meeting for a day not more than thirty days after the presentation of such request.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the councillors, and posted up at the municipal office or the local kacheri or some other public building in the municipal borough and also published in a local vernacular newspaper having a large circulation if such exists. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten clear days previous to the meeting, of his intention to bring forward thereat, and in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting.

(4) Every meeting of a municipality shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the buildings used as a municipal office by such municipality.

(5) Every meeting shall, in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (a) of section 31.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipality such as should be held in private :

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings :

Provided further that the presiding authority may cause to be removed from the meeting any councillor who does not obey his ruling.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof the presiding authority shall after waiting for not more than 30 minutes adjourn the meeting to such hour on the following or some other future day as he may reasonably fix ; a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

Business to be transacted at meetings and order of business.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been entered in the notice convening such meeting or, in the case of a special general meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings.

(9) In every municipality there shall be kept in the vernacular language and if any councillor so desire, in English also, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (14), and of the proceedings at each general meeting, in a book to be provided for this purpose; such minutes shall be signed, as soon as practicable, by the presiding authority and shall at all reasonable times be open to inspection by any inhabitant of the municipal borough.

Questions decided by majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 58.

Adjournments.

(11) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the Municipal office shall be deemed sufficient notice of the adjournment meeting.

Modification and cancellation of resolutions.

(12) No resolution of a municipality shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors and passed at a general meeting, whereof notice shall have been given fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Notice of certain business to be given to the Government Executive Engineer or Educational Inspectors.

(13) Except for reasons which the presiding authority deems urgent, no business relating to any work which is being executed for the municipality by a Government Executive Engineer or to any educational matter, shall be transacted at any meeting of a municipality unless, at least fifteen days previous to such meeting a letter has been addressed to the said Executive Engineer or to the Deputy Educational Inspector of the district, informing him of the intention to transact such business.

thereat, and of the motions or propositions to be brought forward concerning such business.

(14) (a) The members of the Sanitary Board, and the Executive Engineer, Deputy Educational Inspector and the Assistant Director of Public Health, and the Civil Surgeon in a district when charged with any of the duties of a health officer therein, if not members of a municipality within the district, shall have the right of being present at any meeting of such municipality; with the consent of the municipality, each of them may take part at such meeting in the discussion or consideration of any question on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipality:

Certain Government officers may attend and may be required to attend meetings.

Provided that the said officers shall not, unless they are members of the municipality be entitled to vote upon any such question.

(b) If it shall appear to a municipality that the presence of the Executive Engineer, Deputy Educational Inspector, Assistant Director of Public Health or Civil Surgeon of or in the district is desirable for the purpose aforesaid at any meeting of such municipality, it shall be competent to such municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative instead of appearing thereat in person.

36. The Chief Officer shall be present at every meeting of the municipality, and may with the permission of the president or of the municipality make an explanation or a statement of facts in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at such meeting.

The Chief Officer to be present at every meeting of the municipality but not to vote upon or make any proposition.

## (2) Committees.

37. (1) In every municipality there shall be a committee called the standing committee consisting of such number of councillors not being more than twelve nor less than six, as the municipality may determine and elected by the municipality in accordance with rules framed under section 58, clause (a). The members so elected shall hold office for a period of one year.

Standing committee.

(2) The standing committee shall exercise the functions allotted to it under this Act and subject to any limitations prescribed by the municipality especially in this behalf or generally by rules made under clause (a) of section 58, and to the provisions of sections 34, [1] [37A] and 38, shall exercise all the powers of the municipality.

Powers of standing committees.

[1] This figure and letter were inserted by Bom. Act IV of 1930, s. 4.

Pilgrim  
Committee.

[<sup>1</sup>]37A. (1) In every municipality notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 58 and of three persons nominated by the Commissioner of whom not more than two may be salaried servants of Government.

(2) The members of the Pilgrim Committee shall hold office for the duration of the municipality and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section.

In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 65 and shall exercise the powers and perform the duties of the municipality in respect of the said fund subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 58.

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

(5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

(6) Section 45 shall not apply to the Pilgrim Committee; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.

(7) The provisions of sections 210, 211 and 212 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely:—

“ The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration,

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[<sup>1</sup>] This section was inserted by Bom. Act IV of 1930, s. 4.

and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee for reconsideration, either in whole or in part, together with any alterations, which they may recommend, and if the Pilgrim Committee agrees to those alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."

(8) The provisions of sections 213, 214, 215, 218 and 219 shall apply to a Pilgrim Committee and in their application to a Pilgrim Committee the said sections shall be construed so far as may be, as if for the word "municipality" occurring in the said sections the words "Pilgrim Committee" were substituted.

38. (1) Notwithstanding anything contained in section 37 (2) other committees consisting of such number of councillors as the municipality may decide, may be appointed to exercise the powers and perform the duties of the municipality in respect of any purpose [ ]not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 37A. The standing Committee shall not exercise any powers or perform any duties which such committee has been appointed to exercise or perform. Other executive committees.

(2) The members of such committees shall be elected by the municipality in accordance with the rules framed under clause (a) of section 58 and such members shall hold office for a period of one year.

39. A municipality may from time to time appoint such other committees consisting of such councillors as it thinks fit, and may refer to such committees for inquiry and report or for opinion such special subjects relating to the purposes of this Act as the municipality shall think fit, and may at anytime discontinue or alter the constitution of any such committee. The municipality may direct that the report of any such committee shall be made to the standing committee, or to a committee appointed under section 38, instead of to the municipality. Consultative committees.

40. Notwithstanding anything contained in this Act, it shall be lawful for a municipality from time to time by a resolution supported by not less than one-half of the whole number of councillors, to elect as members of any committee appointed under section 39 or 38 any person of either sex, who is not a councillor but who in the opinion of such municipality possesses special qualifications for serving on such committee; provided that the number of persons so elected on any committee shall not exceed one-third of the total number of the members of such committee. When persons other than councillors may serve on committees.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors, shall be applicable so far as may be to such persons. Duties, etc., of such persons.

[ ] These words were inserted by Bom. Act IV of 1930, s. 4.



Casual vacancies; re-eligibility.

41. A vacancy occurring in a standing committee or in a committee appointed under section 38 shall, as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

*Ex-officio* and appointed chairman. Non-attendance of chairman.

42. (1) The president or vice-president, if elected a member of any committee, shall be *ex-officio* chairman thereof :

[1] Provided that in the case of a Pilgrim Committee the President shall be *ex-officio* Chairman thereof.

(2) A municipality may appoint a chairman for a committee of which there is no *ex-officio* chairman.

(3) A committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipality, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

(4) A committee, of which there is no *ex-officio* chairman or chairman appointed by the municipality, shall appoint from time to time a chairman from the members of such committee.

Procedure at meetings.

43. (1) The provisions of sub-sections (4), (9), (10) and (14) of section 35 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipality contained in those provisions, and as if for the word "municipality" where it occurs in the proviso to clause (a) of sub-section (14) of section 35, there was substituted the word "committee".

If the chairman of any committee has been absent from the municipal borough for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof :

Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 35, a committee may record its proceedings either in English or in the vernacular language, as it may think fit.

Meeting and adjournment of committees.

(2) A committee may meet and adjourn as it thinks proper ; but the chairman of a committee may whenever he thinks fit, and shall, upon the written request of the president of the municipality or of not less than two members of the committee and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

Quorum.

(3) No business shall be transacted at any meeting of a committee unless more than one-third of the members of the committee be present thereat.

[1] This proviso was added by Bom. Act IV of 1930 s. 4.

44. (1) Notwithstanding anything contained in section 43 the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own or of any other member of the committee or of any executive officer of the municipality for the observations and votes of the members of the committee.

Procedure by circular.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (13) of section 3b, shall obtain thereupon the remarks, if any, which any Government officer whose presence the municipality would be entitled to require under the provisions of clause (b) of sub-section (14) of section 35, desires to record.

Propositions when to be sent to Government officers for remarks.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

Decisions how to be taken on propositions circulated.

(4) Every decision arrived at by a committee under this section shall be recorded in the minute book.

And how to be recorded.

45. (1) A committee shall conform to any instructions that may from time to time be given to it by the municipality; the municipality may at any time call for any extract from any proceedings of any committee and for any return, statement, account or report in connection with any matter with which any committee has been authorized or directed to deal; every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Subordination of committees to municipality.

(2) Every order passed by a standing committee or by a committee appointed under section 38, other than orders under sub-section (3) of section 81, shall be subject to such revision and open to such appeal as may be required or allowed in respect thereof by any rules of the municipality for the time being in force under section 58.

46. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipality may be delegated in accordance with rules to be made by the municipality in this behalf, to the president or to the vice-president or to the chairman of the school or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on the Chief Officer by this Act or on any committee by or under section 37, [1] [37A] or 38, and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

(3) *Joint transactions with other bodies.*

47. (1) A municipality may from time to time—

(a) join with any other municipality or with any local board, cantonment authority, sanitary board, sanitary committee or committee

Joint committees of local bodies. Joint levy of octroi.

[1] This figure and letter were inserted by Bom. Act IV of 1930, s. 4.

appointed for a notified area or with any combination of such municipalities, boards, authorities or committees—

(i) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee ; and

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies ; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed ; and

(b) enter, subject to the sanction of the Government, into an agreement with a municipality, cantonment authority, board, committee or combination as aforesaid for the levy of octroi duty, and tolls whereby the octroi duties and tolls respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

[1] (IA) Where a municipality has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Commissioner may pass such orders as he may deem fit, requiring the concurrence of such other local authority, not being a cantonments authority, in the matter aforesaid ; and such other local authority shall comply with such orders.

(2) If any difference of opinion arises between bodies having joined or entered into an agreement for any purpose under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

#### (4) Contracts.

Power of municipality to sell, lease and contract.

48. (1) A municipality shall be competent, subject to the restriction contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it ; and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

(2) In the case of every lease or sale of land under sub-section (1) of section 114 and of a lease of immoveable property for a term exceeding seven years and of every sale or other transfer of such property, the previous sanction of the Commissioner is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(3) In the case—

(a) of a lease for a period exceeding one year or of a sale or other transfer or contract for the purchase of any immovable property ;

(b) of every contract which will involve expenditure not covered by a budget grant ;

[1] This sub-section was inserted by Bom. XIV of 1934, s. 4.

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract; the sanction of the municipality by a resolution passed at a general meeting is required.

(4) In a municipality—

(a) every contract under or for any purpose of this Act shall be made on behalf of the municipality by the Chief Officer :

Execution of  
contracts on  
behalf of  
municipality.

(b) no such contract for any purpose which the Chief Officer is not empowered by this Act to 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 which will involve an expenditure exceeding three hundred rupees shall be made by the Chief Officer unless otherwise authorized in this behalf by the municipality except with the approval or sanction of the standing committee ;

(d) every contract made by the Chief Officer involving an expenditure exceeding two hundred rupees and not exceeding three hundred 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 to every variation or discharge of a contract to the same extent as to an original contract.

(5) No contract shall be binding on a municipality unless the requirements of this section have been complied with.

49. (1) Every contract entered into by a Chief Officer on behalf of a municipality shall be entered into in such manner and form as would bind such Chief Officer if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Mode of  
executing  
contracts.

Provided that—

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

(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 municipality 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 municipality 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.

(3) A contract not executed in the manner provided in this section shall not be binding on the municipality.

Tenders to be invited for contracts involving expenditure exceeding Rs. 1,000.

50. (1) Except as is otherwise provided in sub-section (3), a Chief Officer 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 one thousand rupees, give notice by advertisement in a local newspaper, inviting tenders for such contract.

(2) The Chief Officer shall not be bound to accept any tender which may be made in pursuance of such notice, but may, with the approval of the standing committee, accept any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) A municipality may authorise the Chief Officer, for reasons which shall be recorded in its 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.

Security when to be taken for performance of contract.

51. A Chief Officer shall require security for the due performance of every contract into which he enters under section 50 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

(5) *Compulsory acquisition of land.*

Recourse to the Land Acquisition Act, 1894.

52. When there is any hindrance to the permanent or temporary acquisition by a municipality upon payment of any land or building required for the purposes of this Act, the Government may, after obtaining possession of the same for itself under the [1] Land Acquisition Act, 1894, or other existing law, vests such land or building in the municipality on its paying the compensation awarded, and on its repaying to Government all costs incurred by Government on account of the acquisition.

I of 1894.

(6) *Liabilities of Councillors, officers and servants.*

Councillors to be held responsible for misapplied funds.

53. Every councillor shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by gross neglect of his duty as a councillor and may be sued for recovery of the moneys so mis-applied as if such moneys had been the property of Government :

Provided that no councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred, by, or on behalf of the municipality ; the funds at the disposal of each municipality shall be liable for, and be charged with, all costs in respect of any such contract or agreement and all such expenses.

Officer or servant of municipality not to be interested in contract with such municipality.

54. (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 a municipality, or in any employment with, under, by or on behalf of a municipality, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipality.

(2) Any municipal officer or servant 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 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, under, by or on behalf of a municipality, as under clauses (i), (ii) and (iv) of sub-section (3) of section 12, it is permissible for a person to have without his being thereby disqualified from becoming a councillor.

55. (a) Any councillor who knowingly acquires directly or indirectly any share or interest in any contract or employment with, under, by or on behalf of a municipality of which he is a member, not being a share or interest such as under section 12 it is permissible for a person to have without being thereby disqualified from becoming a councillor, and

(b) any municipal officer or servant who knowingly acquires directly or indirectly any share or interest in any contract, or, except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by or on behalf of a municipality of which he is an officer or servant, not being a share or interest such as under clauses (i) and (iv) of sub-section (3) of section 12—it is permissible for a person to have without being thereby disqualified from becoming a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

XLV of 1860. 56. (1) Every municipal councillor, officer or servant and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860. (2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipality.

#### (7) *Validity of proceedings.*

57. (1) No disqualification of or defect in the election or appointment of any person acting as councillor or as the president or presiding authority of a general meeting, or as chairman or member of a committee appointed under this Act shall be deemed to vitiate any act or proceeding of the municipality or of any such 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.

No resolution of a municipality or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice, upon any councillor or member, provided that the proceedings of the municipality or committee, were not prejudicially affected by such irregularity.

(2) Until the contrary is proved every meeting of a municipality or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members

Penalty for councillor, officer or servant of a municipality being interested in contract, etc., with that municipality.

Councillors, etc., to be deemed public servants.

Acts and proceedings of municipality and committee not vitiated by disqualifications, etc., of members thereof.

Proceedings presumed to be good and valid.

of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy  
not to affect  
proceedings.

(3) During any vacancy in a municipality or committee the continuing councillors or members may act as if no vacancy had occurred.

## CHAPTER IV.

### RULES AND BY-LAWS.

Municipalities to make rules.

58. A municipality shall make rules not inconsistent with this Act and may from time to time alter or rescind them—

(a) regulating the conduct of its business and the delegation of any of its powers or duties to any committee or to the Chief Officer or [1] subject to the provisions of section 37A the powers or duties of any committee to any other committee or to the Chief Officer and the appointment and constitution of committees;

[2] (aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the Pilgrim Fund.

(b) determining the executive functions to be performed by the president, vice-president and the chairman of any committee;

Defining the functions of the President and others; establishment;

(c) determining the staff of officers and servants to be employed by the municipality and the respective designations, salaries, fees and absentee or other allowances of such officers and servants and their powers and duties;

general guidance of municipal servants; amount of security;

(d) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

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

mode of appointing, etc., municipal servants;

(f) determining, subject to the limitations imposed by sections [3] [33, 34 (5) and 34A,] the mode and conditions of appointing, punishing, or dismissing any officer or servant; and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

leave to municipal servants;

(g) regulating the grant of leave to its officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

pensions, etc.,

(h) regulating the period of service of its officers and servants and determining the conditions under which such officers and servants or

[1] These words were inserted by Bom. Act IV of 1930, s. 4.

[2] This clause was inserted by Bom. Act IV of 1930, s. 4.

[3] These figures and word were substituted for the figures and word "33 and 34 (5)" by Bom. Act III of 1930, s. 3.

any of them shall receive pensions, gratuities or compassionate allowances on retirement or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities or compassionate allowances; and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such officers or servants whose death has been caused through the execution of their duty;

(i) authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipality or, with the approval of the municipality, by its officers and servants; <sup>provident funds;</sup>

(j) prescribing the taxes to be levied in the municipal borough for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions will be granted, and the system on which refunds will be allowed and paid, in respect of such taxes; the limits of the charges or payments to be fixed in lieu of any tax under section 91, the fees to be charged for licenses or permissions granted under section 90 and for giving copies and stamping weights and measures; the fees for notices demanding payments due on account of any tax and for the [1] issue and execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained; and the time at which and the mode in which such taxes, charges, payments, fees or rates shall be levied or recovered or be payable and the persons authorised to receive payment of the same and the manner in which auctions of movable and immovable property under section 106 shall be held; <sup>prescribing taxes;</sup>

(k) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the standing committee: <sup>writing off amounts due.</sup>

Provided that—

(a) no rule or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government; <sup>Approval required to rules.</sup>

(b) if an officer serving or having served under a municipality has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipality, the municipality shall contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Governor General in Council in this behalf; <sup>Officers transferred from or to the service of Government.</sup>

(c) a municipality shall not unless with the assent of the Government dispense with the services of any officer transferred from the service of the Government to the service of the municipality or employed partly by the Government and partly by the municipality, or finally dismiss from the service of the municipality any officer transferred <sup>Notice required in certain cases of dismissal.</sup>

[1] The words "issue and" were inserted by Bom. XII of 1931, s. 3 (i).



from the service of the municipality to the service of the Government, without giving the Government six months' previous notice.

Discretionary power to make rules.

[<sup>1</sup>] 58A. A municipality may, at its discretion, make rules, not inconsistent with this Act, determining the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of its officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances :

Provided that no rule or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government.

Rules made with approval of Commissioner or without approval.

59. (1) Notwithstanding anything contained in clause (a) of the proviso to section 58, the approval required to be given in respect of rules framed under clause (c) of section 58 may be given by the Commissioner instead of by Government, subject to the condition that any such rules relating to Chief Officers, health officers or engineers or to the salaries, fees or absentee or other allowances of such officers shall require the sanction of the Government.

(2) Notwithstanding anything contained in clause (a) of the proviso to section 58 or in sub-section (1) of this section, a municipality shall have power to make without sanction a rule under clause (c) of section 58, creating an appointment or increasing the salary of an appointment or granting or increasing an allowance in any case where the salary of such appointment or the amount of such allowance or the amount of such increase, as the case may be, does not involve a charge on the municipal fund exceeding rupees one hundred in the month :

Provided that the Government may withdraw this power from any municipality either permanently or for such period as they think fit to prescribe when, in their opinion there are good reasons for doing so.

Power to suspend, reduce or abolish any existing tax.

60. (1) Subject to the requirements of clause (a) of the proviso to section 58 a municipality may, except as otherwise provided in clause (b) of the proviso to section 103 at any time for any sufficient reason, suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to make by-laws ;

61. (1) A municipality may from time to time, with the previous sanction of the Government, make, alter or rescind by-laws not inconsistent with this Act—

markets and slaughter-houses, etc., etc.,

(a) for the regulation and inspection of markets and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein ; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipality, for regulating the sale of fruit and vegetables in the municipal market or other specified places ;

[<sup>1</sup>] This section was inserted by Bom. Act IX of 1930, s. 2.

(b) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipality—

(i) as a slaughter-house ;

(ii) for the manufacture, preparation, storing, sale or supply for the purpose of trade of any article or thing intended for human food or drink, whether such food or drink is to be consumed in such place or not ;

(iii) for any of the purposes mentioned in sub-section (1) of section 186 ;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

(c) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means in factories or other places for the purpose of summoning or dismissing workmen, or persons employed ;

(d) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of any place or building for the purpose of lodging pilgrims, and providing for the inspection and regulation of such places or buildings ;

(e) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose ; as may be necessary to prevent danger to the public health ;

(f) prescribing the conditions on which sweet-meats may be sold and on which licenses may be granted, refused, suspended, or withdrawn for the use, for purposes of trade, of any place for stabling milch cattle, for storing or selling milk, or for making, storing or selling butter or other milk products ;

(g) (i) for the inspection of milch cattle ; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-men or milk-sellers ;

(ii) for securing the cleanliness of milk-stores, milk-shops and vessels used by milk-sellers or buttermen for milk or butter ;

[<sup>1</sup>] (h) (*Repealed*)

[<sup>1</sup>] (i) (*Repealed*)

(j) for the registration of births, deaths, and marriages and the taking of a census within the municipal borough and for enforcing the supply of such information as may be necessary to make such registration or census effective ;

[<sup>1</sup>] Clauses (h) and (i) were repealed by Bom. XV of 1932, second Schedule, Pt. II.

regulating  
the disposal  
of the dead ;

(k) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead ;

for enforcing  
supply of  
information  
as to  
epidemics ;

(l) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 179 and 180 ;

for enforcing  
information  
as to liability  
to municipal  
taxation ;

(m) for enforcing the supply of such information by inhabitants of the municipal borough as may be necessary to ascertain their respective liabilities to any tax imposed therein ;

octroi :

(n) fixing octroi limits and stations ; providing for the exhibition of tables of octroi ; regulating, subject to any general or special orders which the Government may make in this behalf, the system, under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipal borough ; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained and the minimum amount for which any claim to refund may be made ;

terminal tax ;

(o) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax ;

for protecting  
water ;

(p) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water, whether within or without the limits of the municipal borough, and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works, and of pipes and fittings in connection therewith, whether the property of the municipality or not ;

*Explanation.*—Sources and means of water-supply shall include private wells which are used by the public.

public baths  
etc. ;

(q) regulating the use of public bathing and washing places within the municipal borough ;

conservancy ;

(r) regulating sanitation and conservancy and the disposal of the carcasses of dead animals ;

temporary  
structures  
and  
buildings ;  
buildings ;

(s) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets ;

(t) regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health, and determining the purposes for which existing or newly erected buildings may be used in any area ;

(u) for preventing the erection of buildings without adequate provision being made for the location and laying out of streets; and for the payment of compensation in such cases when necessary;

(v) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

(w) prescribing the qualifications of surveyors or persons by whom plans required under section 123 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers and, fixing the fees chargeable for such licenses; and for modifying the provisions of or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made except by such persons;

(x) regulating, in any other particular not specifically provided in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals and drainage or sewerage works of every description whether the property of the municipality or not;

(y) determining the information and plans to be required by the municipality under sections 117 and 123;

(z) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street, prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed either generally in such by-laws or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws:

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipality in conspicuous places at or near both ends of such street or portion of a street;

(aa) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipality, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

(bb) generally for the regulation of all matters relating to municipal administration;

and the municipality may, with the like sanction, prescribe a fine not exceeding five hundred rupees for every infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) A municipality shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration; and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any by-law made by a municipality is submitted to the Government for sanction, a copy of the notice published and of every objection or suggestion received under the provisions of sub-section (2), shall be submitted for the information of the Government along with the said by-law.

Rules and by-laws to be printed and sold.

62. The rules and by-laws for the time being in force shall be kept open to public inspection at the municipal office at all reasonable times; printed copies thereof and of this Act in the vernacular language of the district and in English shall be kept on sale at cost price.

## CHAPTER V.

### MUNICIPAL PROPERTY AND FUND.

Power to acquire and hold property for the purposes of the Act.

63. (1) A municipality may acquire and hold property both movable and immovable, whether within or without the limits of the municipal borough.

(2) All property of the nature specified in the clauses to this section, not being specially reserved by the Government, shall be vested in and belong to the municipality, and shall, together with all other property of what nature or kind soever, which may become vested in the municipality, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act:—

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description.

(b) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works; and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works; and also any adjacent land, not being private property, appertaining to any public tank or well.

(c) All public sewers and drains; all sewers, drains, tunnels, culverts gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth, or rubbish of any kind collected by the municipality from the streets, houses, privies, sewers, cesspools or elsewhere.

(d) All public lamps, lamp-posts, and apparatus connected therewith, or appertaining thereto.

(e) All lands transferred to it by the Secretary of State for India in Council, or by gift or otherwise, for local public purposes.

(f) All public streets, and the pavements, stones and other materials thereof and also all trees, erections, materials, implements and things provided for such streets.

64. (1) In any municipal borough to which a survey of lands, other than lands ordinarily used for the purposes of agriculture only, has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the municipality, or by any person as against the municipality, it shall be lawful for the Collector after formal enquiry, of which due notice has been given, to pass an order deciding the claim. Decision of claims to property by or against the municipality.

(2) Any suit instituted in any civil court after the expiration of one year from the date of any order passed by the Collector under sub-section (1), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204 of the [1] Bombay Land Revenue Code, 1879, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order provided that the plaintiff has had due notice of such order. Bom. of 879.

(3) (a) The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer as defined in the [1] Bombay Land Revenue Code, 1879. Bom. of 879.

(b) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid [1] Code. Bom. of 879.

(c) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government.

65. All moneys received by or on behalf of a municipality by virtue of this or any other Act; all taxes, fines and penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipality, and all rents accruing from its land or property; and all interest, profits and other moneys accruing by gift or transfer from the Secretary of State for India in Council or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property specified in section 63 :— Municipal fund.

Provided that—

(a) nothing in this section or in section 63 shall in any way affect any obligation accepted by or imposed upon any municipality by any declarations of trust executed by or on behalf of such municipality or by any scheme settled under the [2] Charitable Endowments Act, 1890, for the administration of any trust, or by a trust of the nature specified in clause (b) of this proviso; Special trusts.

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[1] Vol. II of Bom. Code.

[2] General Acts, Vol. III.

(b) a municipality may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the municipal accounts any portion of the municipal fund received or set apart by it specially for the purposes of schools or dispensaries or water works or fire-brigades or other such purposes as the Commissioner in this behalf approves, and the municipality may apply any sums properly so credited exclusively to the special purposes for which such sums were received or set apart.

[<sup>1</sup>] (c) (1) Every municipality in a municipal borough in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the "Pilgrim Fund Account".

(2) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner for

(i) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force;

(ii) such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims; and

(iii) the cost of collection of the said tax.

(3) The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner.

66. The municipal fund and all property vested in a municipality shall be applied for purposes of this Act within the limits of the municipal borough:

Provided always that it shall be lawful for the municipality, with the sanction of the Government or any officer [<sup>2</sup>] duly authorised by it in this behalf,—

(a) to incur expenditure in the acquisition of land or in the construction, maintenance or repair of works beyond the said limits for the purpose of obtaining a supply of water required for the inhabitants of the municipal borough, or of establishing slaughter-houses or places for the disposal of night-soil or sewage or carcasses of animals or for drainage works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said borough; or

Application of municipal property and funds within and without the municipal borough.

[<sup>1</sup>] This proviso was added by Bom. Act IV of 1930, s. 4.

[<sup>2</sup>] The Commissioner in Sind and the Commissioners of the Divisions have been invested with powers to authorise expenditure to be incurred under clauses (a) (b) and (c) of the 1st proviso. (Vide G.R., G.D. No. 6795 dated 12th October 1926.)

(b) to make a contribution towards expenditure incurred by any other local authority or out of any public funds for measures affecting the health, instruction, safety or convenience of the public and calculated to benefit the residents within the limits of the contributing municipality ; or

(c) to create scholarships tenable outside the limits of the municipal borough :

Provided, further, that nothing in this section or in any other provision of this Act shall be deemed to make it unlawful for a municipality, when with such sanction as aforesaid it has constructed works beyond the limits of the municipal borough for the supply of water or for drainage as aforesaid—

(a) to supply or extend to or for the benefit of any person or buildings or lands in any place whether such place is or is not within the limits of the said borough, any quantity of water not required for the purposes of this Act within the said borough, or the advantages afforded by the system of drainage-works, on such terms and conditions with regard to payment and to the continuance of such supply or advantages as shall be settled by agreement between the municipality and such person or the occupier or owner of such buildings or lands, or

(b) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes or other works necessary for the purpose of such supply or for the extension of such advantages.

67. (1) It shall be lawful for a municipality to deposit [1] with the Imperial Bank of India or such other bank as may hereafter be appointed to conduct the business of His Majesty's treasury at Bombay, or with the sanction of the Government in any bank in the Presidency of Bombay, any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities in the name of the municipality, and from time to time to dispose of such securities as may be necessary.

Power to deposit and invest surplus funds.

(2) All surplus funds over and above what may be required for current expenses, unless deposited or invested as provided for in sub-section (1), shall be deposited in the local Government treasury or such other place of security as may be sanctioned in the rules of the municipality.

Surplus not so deposited or invested how to be dealt with.

## CHAPTER VI.

### OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPALITIES.

68. It shall be the duty of every municipality to make reasonable and adequate provision—

Duties of municipalities.

(1) for the following matters within the municipal borough under its authority, namely :—

(a) lighting public streets, places and buildings ;

[1] The words " at interest " were deleted by Bom. XXIII of 1931, s. 4 (c).



- (b) watering public streets and places ;
  - (c) cleansing public streets, places and sewers, and all spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipality or not ; removing noxious vegetation ; and abating all public nuisances ;
  - (d) extinguishing fires, and protecting life and property when fires occur ;
  - (e) regulating or abating offensive or dangerous trades or practices ;
  - (f) removing obstructions and projections in public streets or places and in spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipality or in His Majesty ;
  - (g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;
  - (h) acquiring and maintaining, changing and regulating places for the disposal of the dead ;
  - (i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;
  - (j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;
  - (k) naming streets and numbering houses ;
  - (l) registering births, marriages and deaths ;
  - (m) public vaccination ;
  - (n) suitable accommodation for any calves, cows, or buffaloes required within the municipal borough for the supply of animal lymph ;
  - (o) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;
  - (p) establishing and maintaining primary schools ;
  - (q) printing such annual reports on the municipal administration of the borough as the Government by general or special orders requires the municipality to submit ;
  - (r) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipality for the purposes of this Act or for the protection of any municipal property ;
  - (s) erecting substantial boundary marks of such description and in such position as shall be approved by the Collector, defining the limits or any alteration in the limits of the municipal borough ;
- and

(2) subject to such reasonable and adequate provision as aforesaid, for the following special matters, namely :—

(a) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence, of the disease ;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipal borough.

69. Every municipality shall, out of the municipal property and fund, make payments, at such rates and subject to such conditions as the Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the Government declares by notification to be suitable for such purpose either within or without the municipal borough, and for other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institution and proceeding from the municipal borough :

Provision for anti-rabic treatment of indigent persons.

Provided that the municipality shall not be liable under this section for the maintenance, treatment and other necessary expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person, previous to his admission thereto, has been resident in the municipal borough for at least one year.

70. Every municipality shall also, out of the municipal property and fund, make payments at such rates as the Government from time to time by general or special order prescribes, for the maintenance and treatment either in the municipal borough or at any asylum, hospital or house, whether within or without such borough, which the Government declares by notification to be suitable for such purpose,—

Provision for lunatics and lepers.

(a) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, and

V of 1898.

(b) of lepers,

resident within, or under any enactment for the time being in force removed from, such borough :

Provided that the municipality shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper, immediately previous to his admission thereto, has been resident in the municipal borough for at least one year :

Provided further that before making any order for the payment of the cost of maintenance and treatment of any lunatic under this section the court making such order shall give an opportunity to the municipality to show that the lunatic has an estate applicable to his maintenance, or that there is a person legally bound to maintain such lunatic and having the means to maintain him, or that such lunatic has not been

resident in the municipal borough for at least one year as aforesaid or that the cost of maintenance and treatment of such lunatic should be borne by a State in India or by a local authority other than the municipality to whose jurisdiction the lunatic belongs or by the Local Government. The officer in charge of any asylum to which lunatics for whose maintenance and treatment a municipality is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of each lunatic detained in the asylum and shall furnish a copy thereof to the municipality on application.

Discretionary powers of expenditure of municipalities.

71. A municipality may, at its discretion, provide, either wholly or partly, out of the municipal property and fund for—

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, and the land required for the construction of buildings or curtilages thereof, to abut on such streets ;

(b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharamsalas, rest-houses and other public buildings ;

(c) furthering educational objects other than those set forth in clause (p) of sub-section (I) of section 68 ;

(d) planting and maintaining road-side and other trees ;

(e) providing music for the people ;

(f) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(g) making a survey ;

(h) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate, or any portion of any such charges ;

(i) arranging for the destruction or the detention and preservation of dogs which may be destroyed or detained under section 157 of this Act or under section 49 of the [1]Bombay District Police Act, 1890 ;

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1890.

(j) securing or assisting to secure suitable places for the carrying on of the offensive trades specified in sub-section (I) of section 186 ;

(k) supplying, constructing and maintaining, in accordance with a general system approved by the sanitary board, receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipality ;

(l) the acquisition and maintenance of grazing grounds ; and the establishment and maintenance of dairy farms and breeding stud ;

(m) establishing and maintaining a farm or factory for the disposal of sewage ;

(n) the construction, maintenance, management, organisation or purchase of telephone lines, or for guaranteeing the payment of interest

on money expended for the construction of a telephone line subject to the previous sanction of the Commissioner when the line extends beyond the limits of the municipal borough ;

(o) providing accommodation for any class of servants employed by the municipality ;

(p) the construction of sanitary dwellings for the poorer classes ;

(q) the construction, management and maintenance of light-railways and tramways ;

(r) any other measure not specified in section 68 likely to promote the public safety, health, convenience or education ; and

(s) by a resolution passed at a general meeting and supported by two-thirds of the whole number of councillors any public reception, ceremony, entertainment or exhibition within the municipal borough.

72. Where a municipality has entered into any arrangement or made any promise, purporting to bind it or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipality or its successors with the sanction of the Government to cancel such arrangement or promise, or to discontinue, or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Arrangements purporting to be binding permanently or for a term of years.

## CHAPTER VII.

### MUNICIPAL TAXATION.

#### (1) *Imposition of Taxes.*

73. Subject to any general or special orders which the Government may make in this behalf and to the provisions of sections 75 and 76, a municipality may impose for the purposes of this Act any of the following taxes, namely—

Taxes which may be imposed.

(i) a rate on buildings or lands or both situate within the municipal borough ;

(ii) a tax on all vehicles, boats or animals used for riding, draught or burden and kept for use within the said borough, whether they are actually kept within or outside the said borough ;

(iii) a toll on vehicles and animals used as aforesaid, entering the said borough but not liable to taxation under clause (ii) of this section ;

(iv) an octroi on animals or goods or both, brought within the octroi limits for consumption or use therein ;

(v) a terminal tax on goods imported into or exported from the terminal tax limits :

Provided that, save as provided in clause (xiv) no such tax shall be leviable in a borough in which an octroi was not levied on or before the 6th July 1917 ;

- (vi) a tax on dogs kept within the said borough ;
- (vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;
- (viii) a general sanitary cess for the construction and maintenance of public latrines, and for the removal and disposal of refuse ;
- (ix) a drainage tax ;
- (x) a general water-rate or a special water-rate or both for water supplied by the municipality, which may be imposed in the form of a rate assessed on buildings and lands or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of case or of any individual case ;
- (xi) a lighting tax ;
- (xii) a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough ;
- (xiii) a special educational tax ;
- (xiv) any other tax which under rules made under clause (a) of subsection (3) of section 80-A of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General ;
- (xv) any other tax to the nature and object of which the approval of the Government and of the Governor General in Council shall have been obtained prior to the selection contemplated in clause (a) of section 75 :

Provided that—

- (a) no tax imposed as aforesaid, other than a special sanitary cess, a drainage tax or a water-rate, shall, without the express consent of the Government, be leviable in respect of any building or part of any building or of any vehicle, animal or other property, belonging to His Majesty and used solely for public purposes and not used or intended to be used for purposes of profit ; and no toll shall be leviable in respect of any animal or vehicle used for the passage of troops or the conveyance of Government stores or of any other Government property, or for the passage of military or police-officers on duty or the passage or conveyance of any person or property in their custody ;
- (b) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds unless and until the municipality has—
- (i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and
- (ii) issued either severally to the persons to be charged, or generally to the inhabitants of the borough or part of the borough to be charged with such cess, one month's notice of the intention of the municipality to perform such cleansing and to levy such cess ;

(c) the municipality in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (x) and (xi), may impose a consolidated tax assessed as a rate on buildings or lands or both situate within the municipal borough.

74. (1) The Government shall pay to the municipality annually in lieu of a rate on buildings from which buildings vesting in His Majesty are exempted by proviso (a) to section 73, a sum ascertained in the manner provided in sub-sections (2) and (3). Payment to be made to the municipality in lieu of a rate on buildings by the Government.

(2) The rateable value of the buildings vesting in His Majesty and beneficially occupied, in respect of which but for the said exemption a rate on such buildings would be leviable from the Government shall be fixed by a person from time to time appointed in this behalf by the Government. 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 and extent of the buildings vesting in His Majesty in the said borough materially increases or decreases.

(3) The sum to be paid annually to the municipality by the Government shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings in the said borough on account of the said rate on buildings on a rateable value of the same amount as that fixed under sub-section (2).

75. A municipality before imposing a tax shall observe the following preliminary procedure :— Procedure preliminary to imposing tax.

(a) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 73 and approve rules prepared for the purposes of clause (j) of section 58, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both, which the municipality proposes to make liable, and any exemptions which it proposes to make ;

(ii) the amount or rate at which the municipality proposes to assess each such class ;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed ;

(iv) all other matters which the Government may require to be specified therein.

(b) When such resolution has been passed, the municipality shall publish the rules so approved with a notice in the form of Schedule II prefixed thereto.

(c) Any inhabitant of the municipal borough objecting to the imposition of the said tax or to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemptions

proposed may, within one month from the publication of the said notice, send his objection in writing to the municipality; the municipality shall take all such objections, into consideration, or shall authorize a committee to consider the same and report thereon; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

*Explanation.*—In the case of lands the basis of valuation may be either capital or annual letting value.

Power to sanction, modify and impose conditions.

76. The Government may refuse to sanction the rules submitted under section 75, or may return them to the municipality for further consideration; or if no objection or no objection which is in its opinion sufficient, was made to the proposed tax within the period prescribed under section 75, may sanction the said rules without modification, or subject to such modifications not involving an increase in the amount to be imposed, or to such conditions as to the application within the municipal borough to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of the tax, as it deems fit.

Publication of sanctioned rules with notice.

77. Rules sanctioned under section 76 with the modifications and conditions, if any, subject to which the sanction is given shall be published by the municipality in the municipal borough, together with a notice reciting the sanction and the date and serial number thereof; and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the date of publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipality in accordance with all conditions, if any, subject to which sanction under section 76 was given:

Provided that—

(a) a tax leviable by the year shall not come into force except on one of the following days, namely, the first day of April, the first day of July, the first day of October or the first day of January in any year; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;

(b) on or before the day on which a notice is issued under this section, the municipality shall publish such further detailed rules as may be required, and as may have been approved by the Government under clause (a) of the proviso to section 58, prescribing the mode of levying, and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof shall be payable;

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(2) *Assessment of and liability to rates on buildings or lands.*

78. (1) When a rate on building or lands or both is imposed, the Chief Officer shall cause an assessment-list of all buildings or lands or lands and buildings in the municipal borough to be prepared containing—

Preparation of an assessment list.

- (a) the name of the street or division in which the property is situate;
- (b) a description of the property sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the valuation based on capital or annual letting value, as the case may be, on which the property is assessed; and
- (e) the amount of the tax assessed thereon.

(2) In assessing a tax on buildings or lands, where the valuation determined under clause (d) of sub-section (1) of this section is the annual letting value, a sum equal to ten per centum of the said valuation shall be deducted therefrom in lieu of all allowance for repairs or on any other account whatsoever.

(3) For the purpose of preparing such assessment-list the Chief Officer or any person acting under his authority may inspect any building or land in the municipal borough; and on the requisition of the Chief Officer the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature of the name and place of abode of the owner or occupier or of both and the annual letting value and his estimate of the value of such building or land.

Power to inspect and require returns.

79. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both 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.

Person primarily liable for a rate on buildings or land or both how to be designated if his name cannot be ascertained.

(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 rates on buildings or lands or both leviable on the premises of which he is in occupation.

Occupier liable for a rate on buildings or lands or both until he gives information.

80. When the assessment-list has been completed, the Chief Officer shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either the owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment-list.

81. (1) The Chief Officer shall, at the time of the publication of the assessment-list under section 80, give public notice of a date, not less than one month after such publication, before which objections to the valuation or assessment in such list shall be made; and in all cases in

Public notice of time fixed for lodging objections.



which any property is for the first time assessed or the assessment is increased, he shall also give notice thereof to the owner or occupier of the property, if known, and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous position on the property.

Objections  
how to be  
made.

(2) Objections to the valuation and assessment of any property in such list shall, if the owner or occupier of such property desires to make an objection, be made by such owner or occupier or any agent of such owner or occupier to the standing committee before the time fixed in the aforesaid public notice, by application in writing, stating the grounds on which the valuation or assessment is disputed; all applications so made shall be registered in a book to be kept by the standing committee for the purpose.

Hearing of  
objections.

(3) The standing committee, after allowing the applicant an opportunity of being heard in person or by agent, shall—

(a) investigate and dispose of the objections,

(b) cause the result thereof to be noted in the book kept under sub-section (2), and

(c) cause any amendment necessary in accordance with such result to be made in the assessment list:

Provided that powers and duties of the standing committee under this sub-section may be transferred to any other committee appointed by the municipality or with the permission of the Commissioner, to any officer or pensioner of Government.

Authentica-  
tion of list.

(4) When all objections made under this section have been disposed of and all amendments required by sub-section (3) have been made in the assessment list, the said list shall be authenticated by the signatures of the chairman and at least one other member of the standing committee, or if the standing committee's powers and functions under sub-section (3) have been transferred to any other committee or to an officer or pensioner of the Government, by the signatures of not less than two members of such committee or of the officer or pensioner aforesaid; the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein.

Custody and  
inspection of  
list.

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property entered therein or to the agents of such persons, and a notice that it is so open shall be forthwith published.

Authenticat-  
ed list how  
far con-  
clusive.

(6) Subject to such alterations as may be made therein under the provisions of section 82 and to the result of any appeal or revision made under section 110, the entries in the assessment-list so authenticated

and deposited and the entries, if any, inserted in the said list under the provisions of section 82 shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the valuation, or annual letting value on the basis prescribed in the rules regulating the rate, of buildings, lands and both buildings and lands to which such entries respectively refer, and

(ii) for the purposes of the rate for which such assessment-list has been prepared, of the amount of the rate leviable on such buildings or lands or both buildings and lands in any official year in which such list is in force.

82. (1) The standing committee may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment-list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment-list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Amendment of assessment-list. Notice of new buildings.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (2) of section 81, shall be dealt with in all respects as if it were an application under the said section.

Objection how dealt with.

(3) An entry or alteration made under this section shall, subject to the provisions of section 110, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed ; and the tax or the enhanced tax as the case may be shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

Effect of amendment.

83. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the standing committee, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the Chief Officer.

Notice to be given to the standing committee of demolition or removal of a building.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such rate 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.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

New assess-  
ment-list  
need not be  
prepared  
every year.

84. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Chief Officer may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 80, 81 and 82 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

Tax from  
whom  
primarily  
leviable.

85. A tax imposed in the form of a rate on buildings or land or both shall be leviable primarily from the actual occupier of the property upon which the tax is assessed if he is the owner of the property, or holds it on a building or other lease from the Secretary of State for India in Council or from the municipality, or on a building lease from any person. Otherwise the tax shall be primarily leviable as follows, namely :—

(a) if the property is let, from the lessor ;

(b) if the property is sublet, from the superior lessor ;

(c) if the property is unlet, from the person in whom the right to let the same vests :

Recovery  
from  
occupiers.

Provided that where the tax is based on the annual letting value, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the property in respect of which it is due, as bears to the whole amount due the same ratio, which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said property, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater :

Remedy of  
occupier in  
such case.

Provided, further, that for any sum paid by or recovered from any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Remission  
of tax in case  
of vacancies  
when obliga-  
tory.

86. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year, or in respect of which a special sanitary cess is payable by the year or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable, or throughout the period in respect of which any such instalment is payable, the standing committee shall remit or refund not less than two-thirds of the amount of the rate, or of the cess or instalment of the cess, as the case may be :

Provided that no such remission or refund shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Chief Officer, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When dis-  
cretionary.

(2) Where any such building or land as aforesaid—

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consist of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value, the standing committee may remit or refund such portion, if any, of the rate, cess or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him. Burden of proof on claimant.

(4) For the purposes of this section [1] (a) a dwelling-house within the limits of a municipal borough notified by Government as a hill station municipal borough shall be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it, if otherwise unoccupied; and (b)[1] a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not. Explanatory clause.

87. (1) Whenever the title of any person primarily liable for the payment of a rate on buildings or lands or both to or over such land or buildings or both is transferred, the person to whom the same is 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 be executed, give notice of such transfer in writing to the Chief Officer. Notice to be given to the Chief Officer of all transfers of title of persons primarily liable to payment of a rate on buildings or lands.

(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 Chief Officer within one year from the death of the deceased.

(3) If the person liable to give the notice referred to in sub-section (1) or sub-section (2) fails to give such notice he shall be punished with fine which may extend to fifty rupees.

88. (1) The notice to be given under the last preceding section shall be in the form of Schedule III or Schedule IV, as the case may be, and shall state clearly and correctly all the particulars required by the said form. Form of notice.

(2) On receipt of any such notice, the Chief Officer may, if he thinks it necessary, require the production of the instrument of transfer, if any, or a copy thereof, obtained under section 57 of the [2] Indian Registration Act, 1908. XVI of 1908.

89. (1) Every person primarily liable for the payment of a rate on buildings or lands or both who transfers his title to or over such building or land or both without giving notice of such transfer to the Chief Officer as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of the said rate on the buildings or lands or both until he gives such notice, or until the transfer shall have been recorded by the standing committee. Liability for payment of a rate on buildings or lands or both to continue in the absence of any notice of transfer.

[1]-[1] These words were inserted by Bom. XII of 1931, s. 3 (ii).  
 [2] General Acts, Vol. IV.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said rate or to affect the prior claim of the municipality on the said buildings and lands conferred by section 112, for the recovery of the rate on the lands or buildings or both.

(3) *Power to charge fees.*

Fees may be charged for certain licenses.

90. (1) When any license is granted under this Act, or when permission is given thereunder for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipality, the authority granting or giving such license or permission may charge a fee for the same.

Levy of fees for unauthorized occupation or projection.

(2) The municipality may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipality, by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force.

The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) A Chief Officer may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 61, for the use of any such places mentioned in that clause as belong to the municipality and as may be fixed by by-laws under clause (h) of sub-section (1) of section 61 for stamping weights and measures.

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

91. (1) A municipality may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipality to or for use in connection with any private lands or buildings,—

(a) fix at rates not exceeding such as shall be specified in the rules in force under section 58, charges for such supply according to the quantity used, as ascertained by measurement; or

(b) arrange with any person on his application to supply on payment, periodical or otherwise, water belonging to the municipality, in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or any other purpose, on such terms and subject to such conditions as it shall fix by agreement with such person :

Provided that—

(a) the meters, connection-pipes and all other works necessary for and incidental to such supply, and all repairs, extensions and alterations of such works shall be under the control of the municipality, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipality, be defrayed by the persons liable for the charges or payments fixed in respect of such supply; and

(b) such supply of water shall be and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 61.

(2) Where a municipality has made provision for the cleansing of any factory, hotel or club or any group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate and the dates and other conditions for periodical payments thereof; such rate, dates and conditions shall be determined either,

Power to fix a special rate in lieu of special sanitary cess.

(i) in accordance with the rules for the time being in force under section 58, or

(ii) by written agreement with the person who would have been otherwise liable for the cess: provided that in fixing the amount of such rate proper regard shall be had to the probable cost to the municipality of the service to be rendered.

(3) Where a municipality has imposed a tax on vehicles or animals used for riding draught or burden and kept for such use within the municipal borough it may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire for the payment of a lump sum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Power to compound tax on vehicles or animals.

(4) Every sum claimed by a municipality as due under sub-section (1) as charges, payments or expenses, or as a special rate under sub-section (2) or as a lump sum payable under sub-section (3), shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of a tax recoverable under the said chapter:

Recovery of sums claimed under this section.

Provided that nothing in this section shall affect the right or power of a municipality to contract with any person to supply for use beyond the limits of the municipal borough, at such rates and on such conditions as the municipality may think fit, any quantity of water belonging to the municipality but not required for the purposes of this Act.

92. Where a tax is imposed under this Act on pilgrims resorting periodically to a shrine within the limits of a municipal borough, the Commissioner may require the municipality of such borough to assign and pay to the district local board or to the taluka local board having authority in the taluka in which such municipal borough is situate, or partly to the said district local board and partly to the said taluka local board, such portion of the total collections on account of such tax as he shall deem fit; and the portion so assigned shall be expended by the said board or boards, within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims.

Taxes on pilgrims may be assigned in part to local boards.

## (5) Octroi and Tolls.

Octroi by-laws to be submitted with proposal for imposition of octroi.

93. A municipality, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (n) of sub-section (1) of section 61, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

94. (1) A person bringing into or receiving from beyond the octroi limits of a municipal borough any animal or goods on which octroi is payable shall, when required by an officer authorized in this behalf by the Chief Officer and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh, and otherwise deal with such animal or goods ; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods ;

(c) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

Power to search where octroi is leviable.

(2) If any person bringing into or receiving from beyond the octroi limits of a municipal borough in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorized by the Chief Officer in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the municipality as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

95. An officer demanding octroi by the authority of the municipality shall tender to every person introducing or receiving anything on which the tax is claimed, a bill specifying the animal or goods taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

96. Where any animal or goods passing into a municipal borough are liable to the payment of octroi, any person who, with the intention of defrauding the municipality, causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of the said borough any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such octroi or to fifty rupees, whichever may be greater.

Tables of tolls to be shown on demand.

97. A municipality imposing any toll under this Act shall cause to be kept at each place where such toll is to be collected, a table in the vernacular language of the district, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments ; and it shall be the duty of every person authorized to demand payment of a toll, to show such table on the request of any person from whom such demand is made.

98. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipality, any person appointed to collect such octroi or toll may seize any animal or goods on which octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in the form of Schedule VII.

Power to seize vehicle or animal or goods on non-payment of octroi or toll.

(2) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Power to sell property seized at once.

(3) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Chief Officer shall forthwith deliver to him the property seized.

Release of property on payment.

(4) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, or toll and the expenses incidental to the seizure, detention and sale.

Sale.

(5) The surplus if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Chief Officer in writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the municipality.

Surplus how dealt with.

99. The standing committee, if it thinks fit, instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the animals or goods in respect of which the octroi is leviable are introduced within the octroi limits of the municipal borough, may at any time direct that an account-current shall be kept on behalf of the municipality of the octroi so due from such person, firm or body. Such account shall be settled at intervals not exceeding one month, and such person, firm or public body shall give such information or details and make such deposit or furnish such security as the standing committee or any officer authorized by it in this behalf shall consider sufficient to cover the amount which may at any time be due from such person, firm or body in respect of such dues. Any amount so due at the expiry of any such interval shall, for the purposes of chapter VIII, be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Power to keep account current with person, firm or public body in lieu of levying octroi on introduction of goods.

100. Where any agreement such as is referred to in clause (b) of sub-section (1) of section 47 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary for the entire area

Collection of octroi by one public body on behalf of others.



in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of [1]the Act under which that body is constituted relating to octroi shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of [2]that body ; and the collections made and the costs thereby incurred shall, subject to the provisions of section 44, be divided between the bodies entering into the agreement, in such proportions as shall have been determined in the agreement.

Farming of  
tolls.

101. (1) It shall be lawful for a municipality to lease by public auction or private contract the levy of any toll that may be imposed under this Act :

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Persons em-  
ployed by  
lessee of toll  
to have  
power of  
seizure.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, execute the powers and perform the duties conferred and imposed by sub-sections (1) and (2) of section 98 on a person appointed to collect a toll, and any property seized shall be dealt with as if it had been seized under the provisions of that section :

Provided that no property seized may be sold except under the orders of the Chief Officer.

(6) Powers of Government in respect of municipal taxes.

Power of  
Government  
to suspend  
levy of  
objectionable  
taxes.

102. If it shall at any time appear to the Government on complaint made or otherwise that any tax leviable by a municipality is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interest of the general public, it may require the municipality, within such period as the Government shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax ; and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Bombay Government Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may at any time by a like notification, rescind any such suspension.

Power of  
Government  
to require  
muni-  
cipalities to  
impose taxes.

103. Where it appears to the Government that the balance of the municipal fund of a municipality is insufficient for meeting any expenditure incurred under section 215 or for the performance of any duties for the performance of which the Government has directed the Commissioner to fix a period under section 218 the Government may by notification

[1] The words " the Act under which that body is constituted " were substituted for " the words this Act " by Bom. XIV of 1934, s. 4 (2) (i).

[2] The words " that body " were substituted for the words " the body by which they are so established " by Bom. XIV of 1934, s. 4 (2) (ii).

require the municipality to impose, within the municipal borough, any tax specified in the notification which may be imposed under section 73 and which is not at the time imposed within the said borough or to enhance any existing tax in such manner or to such extent as the Government considers fit; and the municipality shall forthwith proceed to impose or enhance, in accordance with the requisition, such tax under the provisions of this chapter as if a resolution of the municipality had been passed for the purpose under section 75 :

Provided that—

(a) the Government shall take into consideration any objection which the municipality or any inhabitant of the municipal borough may make against the imposition or enhancement of such tax ;

(b) it shall not be lawful for the municipality to abandon or modify or to abolish such tax when imposed ;

(c) the Government may at any time cancel or modify any requisition made by it under this section and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

## CHAPTER VIII.

### RECOVERY OF MUNICIPAL CLAIMS.

104. (1) When any amount,

Presentation  
of bill for  
taxes.

(a) which by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(b) which, not being leviable under sub-section (1) of section 98 or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipal borough,

shall have become due, the Chief Officer shall, with the least practicable delay, cause to be presented to any person liable for the payment thereof, a bill for the sum claimed as due.

(2) Every such bill shall specify the period for which, and the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of the liability incurred in default of payment and of the time within which an appeal may be preferred as hereinafter provided against such claim. Contents of  
bill.

(3) If the sum for which any bill has been presented as aforesaid is not paid at the municipal office or to a person authorized by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Chief Officer may cause to be served upon the person to whom such bill has been presented, a notice of demand in the form of Schedule V, or to the like effect. If bill not  
paid within  
fifteen days,  
notice of  
demand to  
issue.

In what cases warrant may issue.

105. (1) If the person on whom a notice of demand has been served under section 104, sub-section (3), does not, within fifteen days from the service of such notice, either—

- (a) pay the sum demanded in the notice, or
- (b) show cause to the satisfaction of the Chief Officer, why he should not pay the same, or
- (c) prefer an appeal in accordance with the provisions of section 110 against the demand,

such sum with all cost of the recovery may be levied under a warrant signed by the Chief Officer in consultation with the President in the form of Schedule VI or to the like effect, by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter : provided that where any measures precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by Government, any proceedings under this chapter in respect of such property shall abate.

To whom warrant should be addressed.

(2) Where the property is in the municipal borough the warrant shall be addressed to an officer of the municipality. Where the property is in another municipal borough or district, the warrant shall be addressed to the Chief Officer in the municipal borough or to the vice-president in the municipal district, as the case may be ; [1][where the property is in a cantonment the warrant shall be addressed to the Executive Officer of the Cantonment] ; and where the property is not in a municipal borough or district [1][or Cantonment], to a Government officer not lower in rank than a Mahalkari ; provided that such Chief Officer, vice-president, [1][Executive Officer] or Government officer may endorse such warrant to a subordinate officer. Where the property is in the City of Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay :

Provided that the Registrar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(3) It shall be lawful for any officer to whom a warrant issued under sub-section (1) is addressed or endorsed, if the warrant contains a special order authorizing him in this behalf, to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make any distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

[1] These words were inserted by Bom. Act IV of 1930, s. 4.

(4) It shall also be lawful for any such officer, if authorized by the warrant, to distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

Warrant how to be executed.

(a) the following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artisans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood ;

(b) the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant ; and if any property has been distrained which, in the opinion of the Chief Officer or of the person to whom the warrant was addressed, should not have been so distrained, it shall forthwith be returned to the defaulter ;

(c) the officer shall on distraining or attaching the property forthwith make an inventory thereof, and give to the person in possession thereof at the time of distraint or attachment a written notice in the form of Schedule VII.

(d) (i) When the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge ;

(ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and then upon a conspicuous part of the municipal office, and also, when the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate.

(e) Any transfer of or charge on the property attached or of any interest therein made without the written permission of the Chief Officer shall be void as against all claims of the municipality enforceable under the attachment.

106. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Chief Officer shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once ; and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of goods distrained in special cases.

(2) If not sold at once under sub-section (1), the property distrained or attached or in the case of immovable property a sufficient portion thereof may, unless the warrant is suspended by the Chief Officer or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress or attachment and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders

Sale of property distrained or attached ; application of proceeds of sale.

of the Chief Officer, and the proceeds or such part thereof as shall be requisite, shall be applied firstly in discharge of any sum due to Government in respect of such property and secondly in discharge of the sum due and of all such incidental costs as aforesaid. Where the sum due together with costs is paid by the defaulter as aforesaid, the attachment if any of immovable property shall be deemed to have been removed. Sales of immovable property under this sub-section shall be held in the manner laid down in the rules framed in that behalf.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint or attachment; if such person shall claim the surplus by written application to the Chief Officer within three years from the date of the notice given under this sub-section, the Chief Officer shall refund the surplus to such person. Any sum not claimed within [1][three years] from the date of such notice shall be the property of the municipality.

Sale outside the district.

107. Where the warrant is addressed outside the municipal borough, the Chief Officer may by endorsement direct the officer or Registrar of the Court of Small Causes of Bombay to whom the warrant is addressed, to sell the property distrained or attached; in such case it shall be lawful for such officer or Registrar to sell the property and to do all things incidental to the sale in accordance with the provisions of section 106, and to exercise the powers and perform the duties of the Chief Officer under section 106, sub-sections (1) and (2), in respect of such sale, except the power of suspending the warrant. Such officer or Registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Chief Officer by whom it was issued who shall dispose of the same in accordance with the provisions of section 106.

Fees and costs chargeable.

108. Fees for every notice issued under sub-section (3) of section 104, [2]every warrant issued under sub-section (1) of section 105 or distress or attachment made under sub-section (4) of the said section[2] and the maintenance of any live-stock seized under the said sub-section shall be chargeable at the rates respectively specified in such behalf in the rules of the municipality and shall be included in the costs of recovery to be levied under section 105.

Summary proceedings may be taken against persons about to leave the borough.

109. (1) If the Chief Officer shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about forthwith to remove from the municipal borough, the Chief Officer 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

[1] These words were substituted for the words "one year." by Bom. Act IV of 1930, s. 4.

[2]—[2] These words were substituted for the words "every distress or attachment made under sub-section (4) of section 105" by Bom. XII of 1931, s. 3 (iii).

leviable by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter in the manner hereinafore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the Chief Officer's warrant for distress and sale may be issued and executed without any delay.

110. (1) Appeals against any notice of demand issued under sub-section (3) of section 104 may be made to any Magistrate or Bench of Magistrates. Appeals to Magistrates. Magistrates by whom under the directions of the District Magistrates such class of cases is to be tried.

(2) No such appeal shall be heard and determined unless—

(a) the appeal is brought within fifteen days next after service of the notice of demand complained of; and

(b) an application in writing, stating the grounds on which the claim of the municipality is disputed, has been made to the standing committee as follows:—

(i) in the case of a rate on buildings or lands or both within the time fixed in the notice given under section 81 or 82 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 104 within fifteen days next after the presentation of such bill; and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

111. (1) Every entry in the assessment list made under the provisions of this Act against which no objection 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 as hereinbefore provided, and the decision of the Magistrate or Bench of Magistrates upon any appeal shall, at the instance of either party, be subject to revision by the Court to which appeals against his or their decisions ordinarily lie. Entries in the assessment list and taxes and decisions to be final.

(2) Effect shall be given by the Chief Officer to every decision of the said Magistrate or Bench of Magistrates on any appeal or any decision in revision on such appeal against any such entry or tax.

112. All sums due on account of any tax imposed in the form of a rate on lands or buildings or both shall, subject to prior payment of land-revenue, if any, due to His Majesty thereupon, be a first charge upon the building or land, in respect of which such tax is leviable and upon the moveable property, if any, found within or upon such building or land, and belonging to any person liable for such tax: Liability of land, buildings, etc., for rates.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if such arrears have been due for more than one year or for a period during which such occupier was not in occupation.

113. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving such payments. Receipts to be given for all payments.

## CHAPTER IX.

## MUNICIPAL POWERS AND OFFENCES.

*(1) Powers in respect of streets.*

Power re-  
garding  
public  
streets, etc.

114. (1) It shall be lawful for a municipality to lay out and make new public streets; to construct tunnels and other works subsidiary to public streets; to widen, open, enlarge or otherwise improve, and to turn, divert, discontinue or stop up any public street; and, subject to the provisions of sub-section (2) of section 48 to lease or sell any such land, theretofore used or acquired by the municipality for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

Acquisition  
of adjacent  
land to form  
street.

(2) In laying out, making, turning, diverting, widening, opening, enlarging or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipality may purchase the land required for the construction of houses and buildings to form the said street; and, subject to the provisions contained in sub-section (2) of section 48, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to  
require  
repair, etc.,  
of private  
streets.

115. (1) Where the standing committee considers that in any street not being a public street, or in any part of such street, within the municipal borough, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the standing committee may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

And to de-  
clare such  
streets  
public.

(2) After such work has been carried out by such owners or, as provided in section 194 by the municipality at the expense of such owners, the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall, be declared by a public notice, put up therein by the standing committee, to be a public street.

Apportion-  
ment of  
expenses in  
default.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipality as provided in section 194, the expenses thereby incurred shall be apportioned by the standing committee between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Power to  
declare any  
street a  
public street  
subject to

116. The standing committee may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipality, give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the

owner or the majority of the several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the municipality may by notice in writing put up in such street, or such part, declare the same to be a public street. objections by the owners.

117. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the Chief Officer and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, and such other particulars as may be required by the by-laws in force in this behalf; and save as hereinafter provided, the level, means of drainage, direction and width of every such street shall be fixed or approved by the standing committee. New private streets.

(2) Before passing orders under sub-section (1), the standing committee may either issue a provisional order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or a demand for further particulars. Power of municipality to pass interim orders.

(3) If—

(a) within one month from the receipt of the notice given under sub-section (1) the standing committee has neither—

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(b) the standing committee, having issued such demand for and having received in accordance with the demand such further particulars, has issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice under sub-section (1) and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

(4) Whoever lays out or makes any such street, either without giving the notice required by sub-section (1) or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with the instructions issued by the standing committee, or in any manner contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred and fifty rupees; and the standing committee may cause any street so laid out or made to be altered, and any building constructed in such street to be altered or removed, and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII. Penalty.

Right to proceed in certain cases.



The regular line of a public street.

118. (1) The Chief Officer shall, subject to the approval of the municipality, prescribe a line on each side of every public street within the municipal borough and may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof :

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Chief Officer shall give public notice of the proposal and shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed ;

(b) the Chief Officer shall comply with any orders passed by the municipality after considering any written objection or suggestion in regard to such proposal, delivered at the office of the municipality within such time as may be specified in such public or special notice.

(2) The line for the time being so prescribed shall be called “ the regular line of the public street.”

(3) (a) Except under the provisions of section 143 no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the Chief Officer under section 123.

(b) Where the Chief Officer refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall with the approval of the municipality be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.

(c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid by the municipality to the owner of any land added to a street under clause (b) of sub-section (3) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken or order passed by the Chief Officer under the said sub-section :

Provided that no such compensation shall be payable in cases to which section 149 applies.

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to one thousand rupees and, in the case of a continuing contravention with an additional fine which may extend to rupees ten for every day during which such contravention continues after the conviction for the first such contravention, and the chief officer may—

(a) direct that the building be stopped, and

(b) with the previous sanction of the standing committee, by written notice, require such building or portion thereof to be altered or demolished in accordance with the provisions of such notice.

## (2) Powers to regulate buildings, etc.

119. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 118 or beyond the front of the building on either side thereof, the municipality may,—

Setting back projecting building.

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part of some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed; or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. The portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipality.

(2) If any land not vested in the municipality, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other structure external to a main building, the municipality after giving the owner of the land not less than fifteen clear days' written notice of his intention, or if the land is vested in His Majesty, then with the permission in writing of the Collector, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipality.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198 shall be paid by the municipality to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under either of the said sub-sections: provided that no such compensation shall be payable in cases to which section 149 applies.

Compensation payable by the municipality.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 149 the municipality may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

120. (1) The standing committee may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated,

Setting forward to regular line of street.

(2) If the land which will be included in the premises of any person permitted under sub-section (1) to set forward a building belongs to the

municipality, the permission of the standing committee to set forward the building shall be a sufficient conveyance to the said owner of the said land ; and the price to be paid to the municipality by the said owner for such land and the other terms and conditions of the conveyance shall be set forth in the said permission.

Roofs and external walls of buildings not to be made of inflammable materials.

**121.** (1) The external roofs and walls of buildings constructed or renewed after the coming into force of this Act, shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable material except with the written consent of the Chief Officer which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(2) The Chief Officer may at any time by written notice require the owner of any building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the Chief Officer.

(3) An appeal shall lie to the standing committee against any order of the Chief Officer refusing the consent under sub-section (1) or against any notice given by the Chief Officer under sub-section (2) if made within fifteen days of the receipt of such refusal or notice, as the case may be.

Penalty.

(4) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such material as aforesaid, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

**122.** No building shall hereafter be constructed upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipality, or into some stream or river or into the sea or some cesspool or other suitable place which may be approved of by the Chief Officer.

Notice of new buildings.

**123.** (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the standing committee is empowered by section 119 to enforce a removal or setback, or to construct or reconstruct which the Chief Officer is empowered by section 118 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the by-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the

intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

(2) Save as otherwise provided in this Act or the rules and by-laws thereunder, the Chief Officer may either give permission to construct, alter, add or reconstruct according to the plan and information furnished or may impose in writing conditions, in accordance with this Act and the rules and by-laws made thereunder, as to level, drainage, sanitation, materials, or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected, or the purpose for which the building is to be used, or may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to his satisfaction.

Power of Chief Officer to pass orders.

(3) The municipality may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under sub-section (2), revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and the rules and by-laws made thereunder, with reference to the matters mentioned in the said sub-section, as it thinks proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

(4) Before issuing any orders under sub-section (2), the Chief Officer may, within one month from the receipt of such notice, either issue—

Or to suspend the work for require further particulars.

(a) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) may demand further particulars.

(5) A work proposed in a notice given under sub-section (1) may be proceeded with in the manner specified in such notice, provided such manner is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, namely :—

Right to proceed in certain cases.

(a) in case the Chief Officer within one month from the receipt of the notice given under sub-section (1) has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (4) any provisional order or any demand for further particulars;

(b) in case the Chief Officer having issued such demand for and having received such further particulars, has issued no further orders within one month from the receipt of such particulars.

(6) No person who becomes entitled under sub-section (2) or (5) to proceed with any intended work of which notice is required by sub-section (1)

Commencement of work.

shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (5). And no person to whom permission to erect or alter or add to any building has been granted by the municipality under section 96 of the [1]Bombay District Municipal Act, 1901, shall be entitled to commence such work after the expiry of one year from the date on which this Act comes into force.

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(7) Whoever begins any construction, alteration, addition or reconstruction without giving the notice required by sub-section (1) or without furnishing any plan, information or particulars required by or under this section, or, except as provided in sub-section (5), without awaiting or in any manner contrary to such legal orders of the Chief Officer as may be issued under this section, or contrary to the provisions of sub-section (5) or (6) or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to one thousand rupees; and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention; and the Chief Officer may—

(a) direct that the construction, alteration, addition or reconstruction be stopped, and

(b) upon a conviction being obtained under sub-clause 7 by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice.

(8) The Chief Officer may at any time inspect any work of which notice is required by sub-section (1) without giving notice of his intention to do so; and at any time during the execution of any such work as aforesaid, may, by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or by-law or order to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

*Explanation.*—The expression “to construct a building” throughout this chapter includes—

(a) any material alteration, enlargement or reconstruction of any building, or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not,

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(d) the conversion of two or more places of human habitation into greater number of such places,

(e) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(f) the addition of any rooms, buildings or other structures to any building,

and a building so altered, enlarged, reconstructed, converted or added to, is throughout this chapter included under the expression "a new building".

124. (1) Every person erecting a building or executing a work as described in sub-section (1) of section 123 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Chief Officer at his office, notice in writing of such completion, and shall give to the Chief Officer all necessary facilities for the inspection of such building or of such work :

Completion  
certificates ;  
permission to  
occupy or  
u.o.

Provided that—

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion ; and

(b) the Chief Officer may, not later than one month from the date of receipt of the notice of completion by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates,

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 123 intimating to the person who gave the notice under sub-section (1) of section 123 the reasons for such refusal and requiring such person, or, if the person responsible for giving notice under sub-section (1) of section 123 is not at the time of such notice the owner of such building or work, then such owner to cause anything which is contrary to any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 123 to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until

(a) the permission referred to in proviso (b) to sub-section (1) has been received, or

(b) the Chief Officer has failed for one month after the receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.

(3) Whoever contravenes the provisions of this section or fails to comply with any order or requisition made thereunder shall be punished with fine which may extend to one hundred rupees and, in the case of a continuing contravention or non-compliance, with an additional fine which may extend to ten rupees for every day during which such contravention or non-compliance continues after the conviction for the first such contravention or non-compliance.

Regulation  
of huts.

**125.** It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the Chief Officer; the Chief Officer may require such huts or sheds to be built so that they stand in regular lines, with a free passage or way in front of and between every two lines, of such width as the Chief Officer may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage; and may require such huts to be provided with such number of privies and such means of drainage as he may deem necessary. If any hut or shed or range or block be built without such notice being given to the Chief Officer or otherwise than as required by the Chief Officer, the Chief Officer may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Chief Officer may think fit.

Improvement  
of huts.

**126.** (1) Where the standing committee is of opinion that any hut or shed whether used as a dwelling or as a stable or for any other purpose, and whether existing at the time when this Act comes into operation or subsequently erected, is by reason—

(a) of insufficient ventilation or of the manner in which such hut or shed is crowded together with other huts or sheds, or

(b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(c) of the impracticability of scavenging,  
attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the standing committee in this behalf, to take down and remove such hut or shed, or to carry out such alterations or works as the standing committee may deem necessary for the avoidance of such risk.

(2) Where any such owner or occupier refuses or neglects to take down and remove such hut or shed or to carry out such alterations or

works within the time appointed, the Chief Officer may cause such hut or shed to be taken down, or such alterations or works to be carried out, in accordance with the requirements of the standing committee.

(3) Where such hut or shed is taken down by the Chief Officer, the said officer shall cause the materials of the hut or shed to be sold, if such sale can be effected; and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner is unknown or the title disputed, shall be held in deposit by the municipality until the person interested therein shall obtain an order of a competent Court for the payment of the same:

Provided always that where a hut or shed, existing at the time when the land on which it is situate first became part of a municipal district or borough, is taken down and removed under this section, compensation shall further be paid to the owner or owners thereof and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 198.

(3) *Powers connected with drainage, etc.*

127. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipal borough shall be under the survey and control of the municipality. Municipal control over drains, etc.

(2) All covered sewers, drains and cesspools, whether public or private, shall be provided by the municipality or other persons to whom they severally belong, with proper traps or other means of ventilation; and the Chief Officer may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

128. (1) It shall be lawful for a municipality for any drainage purposes to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course 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 municipal borough. Powers for making and repairing drains.

(2) A municipality, or any person acting under its authority, may construct a new drain in the place of an existing drain in any land wherein any drain vested in the municipality has been already constructed, or repair or alter any drain vested in the municipality.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall in case of dispute be ascertained and determined in the manner provided in section 198 shall be paid by the municipality to any person who sustains damage by the exercise of such power.

129. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the Chief Officer, the Chief Officer, subject to the control of the standing committee, may by written notice call upon the owner to construct or lay from such building or land a drain of houses. Power to require sufficient drainage



or pipe of such size and materials, at such level, and with such fall as he may think necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner and approved by the Chief Officer.

New build-  
ings not to  
be erected  
without  
drains.

130. (1) It shall not be lawful to construct or reconstruct any building, or to occupy any building newly constructed or reconstructed, unless and until—

(a) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Chief Officer to be necessary for the effectual drainage of such building ;

(b) there have been provided for and set up in such buildings and in the land appurtenant thereto, all such appliances and fittings as may appear to the Chief Officer to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land, 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 set apart by the municipality for the discharge of drainage, situate at a distance not exceeding fifty feet from such building ; but if there is no such drain or place within that distance, then such drain shall empty into a cesspool provided by the owner of such building and approved by the Chief Officer.

Powers of  
owners and  
occupiers of  
buildings or  
lands to  
drain into  
municipal  
drains.

131. (1) The owner or occupier of any building or land within the municipal borough shall be entitled to cause his drains to empty into a municipal drain : provided that he first obtains the written permission of the Chief Officer, and that he complies with such conditions as the Chief Officer may prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the municipality and drains which are so vested.

(2) An appeal shall lie to the standing committee against any order of the Chief Officer under sub-section (1) if made within fifteen days of the receipt of such order.

Right to  
carry drain  
through land  
or into drain  
belonging to  
other persons.

132. (1) If the owner or occupier of any building or land desires to connect the same with any municipal drain, by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Chief Officer.

(2) Subject to the control of the standing committee the Chief Officer thereupon, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in his opinion insufficient, by an order in writing authorize the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties

for maintaining, repairing, flushing, cleaning and emptying the said drains as may appear to him to be adequate and equitable.

(3) Every such order shall be a competent authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and, workmen at any time between sunrise and sunset and, subject to all provisions of this Act, to do all such work as may be necessary—

(a) for the construction or connection of the drain, as may be authorized by the said order ;

(b) for renewing, repairing or altering the same as may be necessary from time to time ; or

(c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall—

(a) cause the work to be executed with the least practicable delay ;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ; and

(c) pay compensation to any person who sustains damage by the execution of the said work.

133. If the owner of any land into, through or under which a drain has been carried under section 132 whilst such land was unbuilt upon, shall at any subsequent time desire to construct a building thereon, the Chief Officer subject to the control of the standing committee shall, if he sanctions the construction of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as he may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

Rights of owner of land through which drain is carried in regard to subsequent building thereon.

134. (1) Where the Chief Officer is of opinion that any privy or cess-pool, or additional privies or cesspools, should be provided in or on any building or land, or, in any municipal borough in which with the approval of the sanitary board a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Chief Officer, subject to the control of the standing committee, may by written notice call upon the owner of such building

Provision of privies, etc.

or land to provide such privies, cesspools or water-closets at such sites as he may deem proper.

(2) The Chief Officer subject to the control of the standing committee may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals at such sites as he may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The Chief Officer subject to the control of the standing committee may by written notice require the owner or occupier of any land upon which there is a privy or urinal, to have such privy or urinal shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as he may direct any privy door or trap door which opens on to any street, and which he deems to be a nuisance.

Power to require owners to keep drains, etc., in proper order; or to demolish or close a privy or cesspool.

135. (1) All sewers, drains, privies, water-closets, urinals, house-gullies and cesspools within a municipal borough shall, unless constructed at the cost of the municipality, be altered, repaired, and kept in proper order at the cost and charge of the owners of the lands or buildings to which they belong, or for the use of which they have been constructed or continued; and the Chief Officer subject to the control of the standing committee may by written notice require any such owner to alter, repair, and put the same in good order in such manner as he may think fit.

(2) Subject to the control of the standing committee the Chief Officer may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which in the opinion of the Chief Officer is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

136. When any building or land within a municipal borough has a drain communicating with any cesspool or sewers, the Chief Officer, if he considers that such drain, though it may be sufficient for the drainage of such building or land and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the locality, may, subject to the control of the standing committee, close such drain and such cesspool or sewer, whether they are or are not on land vested in the municipality, on providing a drain or drains equally effectual for the drainage of such building or land, and the Chief Officer may, subject as aforesaid, do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorizedly constructed, rebuilt or unstopped.

137. The standing committee may by written notice require that any sewer, drain, privy, water-closet, urinal, house-gully or cesspool on any land within a municipal borough, constructed, rebuilt or unstopped—

(a) after such land became part of a municipal district or borough, and

(b) either without the consent or contrary to the orders, directions or general regulations or by-laws, of the municipality, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped; and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, urinal, house-gully or cesspool, whether he does or does not receive such notice or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

138. (1) Whoever, without the written consent of the Chief Officer first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in a municipality, shall be punished with fine which may extend to twenty-five rupees, and the Chief Officer may by written notice require such person to demolish, alter, remake, or otherwise deal with such drain as he may think fit.

Enroachments on municipal drains.

(2) No building shall be newly constructed or reconstructed over any sewer, drain, culvert or gutter vested in a municipality, without the written consent of the Chief Officer; and the Chief Officer may by written notice require any person who has so constructed or reconstructed any building without such written consent, to pull down or otherwise deal with the same as he may think fit.

139. (1) A Chief Officer after due notice to the occupier may inspect any sewer, drain, privy, water-closet, urinal, house-gully or cesspool; and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be.

Inspection of drains, etc.

(2) The expense of such inspection and of causing the ground to be closed and made good as before shall be borne by the municipality, unless the sewer, drain, privy, water-closet, urinal, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment or of any by-laws or orders thereunder in force at the time or issued in respect of such construction; in which case such expense shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Expense of inspection when to be borne by the municipality.

140. (1) The standing committee may, if it thinks fit, cause any work, the execution of which may be ordered by or on behalf of the municipality under any of the provisions of this sub-chapter, to be executed by municipal or other agency under its 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.

Standing committee may execute certain works under this sub-chapter without allowing option to person concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipality shall, by a general or special order or resolution, sanction as it is 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.

Pipes, etc.,  
constructed  
by municip-  
ality to be  
municipal  
property.

141. Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of any private building or land shall, if supplied, constructed or erected at the expense of the municipality, be deemed to be municipal property, unless the municipality shall have transferred its interest therein to the owner of such building or land.

(4) Powers in respect of water-supply.

Power of  
carrying  
water mains.

142. For the purpose of obtaining a supply or an additional supply of water or of distributing the same, the municipality shall have the same powers and be subject to the same restrictions for carrying, renewing, repairing and altering water mains, pipes and ducts within or without the municipal borough as it has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drain within the municipal borough.

(5) Powers regarding external structures, etc.

Permission  
necessary for  
certain pro-  
jections.

143. (1) The Chief Officer, subject to any by-laws made under the provisions of this Act, may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms, to project from any upper storey of such buildings, to an extent not exceeding four feet beyond the line of the plinth or basement wall of the building; and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards, and the like may be allowed to project over such streets.

(2) (a) Notwithstanding any proceedings which may be taken under clause (b) of this sub-section, the Chief Officer may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission or orders given or issued by or on behalf of the municipality.

(b) Any such owner or occupier putting up any projection as aforesaid without such permission or in contravention of such permission or orders, shall be punished with fine which may extend to twenty-five rupees; and if any such owner or occupier fails to remove any projection in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of  
projections.

(3) The Chief Officer may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether made before or after the site of such building became part of a municipal district or borough, shall have been made against or in front of such building, and which—

(a) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or

(b) projects and encroaches into, upon or over any uncovered aqueduct, drain or sewer in any such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the Chief Officer shall, if such projection, encroachment, or obstruction shall have been made in any place before the date on which such place became part of a municipal district or borough or after such date with the written permission of the municipality, pay reasonable compensation to every person who suffers damage by such removal or alteration; and if any disputes shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 198.

144. The Chief Officer may by written notice require the owner of a building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as he may think fit, so that it shall not fall upon the persons passing along the street.

Troughs and pipes for rain water.

IX of 1910. XIII of 1885. 145. The Chief Officer may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of the [1]Indian Electricity Act, 1910, for lamps to be lighted with electricity or otherwise or subject to the provisions of the [2]Indian Telegraph Act, 1885, for telegraph wires or telephone wires, or wires for the conduct of electricity for locomotive purposes; or such pipes as he may deem necessary for the proper ventilation of sewers and water-works: such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the occupants of the said building or of any others in the neighbourhood, or to the public.

Fixing of lamps, brackets, etc., to houses.

146. (1) The municipality may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end or corner of or entrance to a street, the name by which such street is to be known, and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

Naming streets and numbering houses; penalty for defacing, etc.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipality, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

147. Any person—

(a) who, without the consent of the owner or occupier, and in the case of municipal property without the permission in writing of the Chief Officer affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence, pale, post, lamp-post or the like, or

Penalty for defacing buildings, etc.

(b) who, without such consent as aforesaid, writes upon, soils, defaces or marks any such building, wall, board, fence, pale, post, lamp-post or the like, with chalk or paint or in any other way whatsoever.

shall be punished with fine which may extend to twenty rupees.

[1] General Acts, Vol. V.

[2] General Acts, Vol. II.

Removal and  
trimming of  
hedges, trees,  
etc.

148. The Chief Officer may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet; and to cut down, lop, or trim all trees or shrubs which in any way overhang, endanger or obstruct, or which such officer deems likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute, or be likely to pollute the water thereof.

(6) *Powers for promotion of public health, safety and convenience.*

Ruinous or  
dangerous  
buildings ;  
precau-  
tionary  
measures.

149. (1) Where any building or anything affixed thereon is deemed by the Chief Officer to be in a ruinous state or likely to fall or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passengers, the Chief Officer shall immediately, if it appears to him to be necessary, cause a proper hoard or fence to be put up for the protection of passengers :

Provided that if the danger be not of hourly imminence, the Chief Officer may, instead of causing a hoard or fence to be put up, issue in the first instance notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the Chief Officer considers sufficient in the circumstances of the case, the Chief Officer shall at once cause such hoard or fence to be put up.

Repairs to be  
made by  
owner or  
occupier ;  
default by  
such.

(2) The Chief Officer shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the case shall require ; and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Chief Officer shall cause all or so much of such building or thing as he shall think necessary to be taken down, repaired or secured.

(3) All expenses incurred by the Chief Officer under this section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Powers and  
duties with  
regard to  
dangerous,  
stagnant or  
insanitary  
sources of  
water-supply.

150. (1) A Chief Officer may at any time by written notice require that the owner of or any person who has the control over any well, stream, channel, tank or other source of water-supply, shall, whether such source is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within twenty-four hours of such notice—

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the Chief Officer may prescribe, protect any such source of water-supply from pollution by surface drainage, or

(d) repair, protect or enclose in such manner as the Chief Officer approves, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the Chief Officer dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply, other than a stream in its natural flow, which is proved to the satisfaction of the Chief Officer to be unfit for drinking, or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot in the opinion of the Chief Officer be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the Chief Officer considers sufficient to prevent such use, such source of water-supply as aforesaid, or

(g) drain off or otherwise remove from any source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Chief Officer considers is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid, fails or neglects to comply with any such requisition within the time specified by or under the provisions of sub-section (1), the Chief Officer may, and if in his opinion immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice; and all the expenses incurred therein by the Chief Officer shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII :

Remedy on non-compliance with directions issued.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Chief Officer or necessarily incurred by such owner or person having such control, may, if the standing committee so direct, be paid from the municipal fund.

151. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter flags or other materials of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water post, hydrant, or other such municipal property therein, without the written consent of the Chief Officer or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Displacing pavements, etc.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials or in such fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property, shall fail to replace or restore the same to the satisfaction of the Chief Officer after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in replacing or restoring the same; and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Penalty for failure to replace after notice.



152. (1) Whoever in any place after it has become a municipal district, or borough,

Obstructions and encroachments upon public streets and open spaces.

(a) shall have built or set up, or 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

(b) shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing,

in any public street or in or over or upon any open drain, gutter, sewer, or aqueduct in such street shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The Chief Officer shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipality or not : provided that if the space be vested in His Majesty the permission of the Collector shall have first been obtained ; 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.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and, in the case of encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the Chief Officer from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than ten days and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 143.

Hoards to be set up during repairs, etc.

153. (1) A person intending to construct or take down any building or to alter or repair any building externally shall, if the position or circumstances of the work is or are likely to cause or may cause obstruction, danger or inconvenience in any street, before beginning such work—

(a) first obtain a license in writing from the Chief Officer so to do, and

(b) cause sufficient hoards or fences to be put up in order to separate the area where the work is to be carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Chief Officer during such time as the Chief Officer considers necessary for the public safety or convenience, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Chief Officer.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of such conviction for such offence.

154. (1) The Chief Officer shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in the municipality, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts as he shall think fit, to be fixed across or in any street to prevent the passage of carriages, carts or other vehicles, or of cattle or horses, while such construction or repair is being carried on and shall cause any such construction or repair work in a street to be sufficiently lighted and guarded during the night.

Fencing and lighting during repairs, etc.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light without the authority or consent of the Chief Officer, shall be punished with fine which may extend to fifty rupees.

155. (1) No person shall, without the written permission of the Chief Officer or otherwise than in accordance with the conditions of such permission, make a hole in any street or deposit on any street any timber, stone, brick, earth or other material that has been or is intended to be used for building; such permission shall be terminable at the discretion of the Chief Officer; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed to the satisfaction of the Chief Officer until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause such materials or hole to be sufficiently lighted during the night.

Timber not to be deposited or hole made in street without permission.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction for such offence.

156. (1) If in the opinion of the Chief Officer the working of any quarry or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having a right of access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Chief Officer may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Chief Officer shall direct for the purpose of preventing the danger or of abating the nuisance arising or likely to arise therefrom:

Dangerous quarrying.

Provided that if such quarry or place is vested in His Majesty, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government; or any person acting with the permission or under the authority of Government, or of any officer of Government acting as such, the Chief Officer shall not take such action unless and until the Collector has consented to his so doing:

Provided further that the Chief Officer shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if it appears to him to be necessary in order to prevent imminent danger.

(2) Any expense incurred by the Chief Officer in taking action under this section shall be paid by such owner or the person responsible for such working or removal, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provision as  
to dogs.

157. (1) The Chief Officer may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3) the Chief Officer may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it, and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days: provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the Chief Officer under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by chapter VIII.

(7) *Powers for the prevention of nuisances.*

Depositing  
dust, etc.;  
committing  
nuisance.

158. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on any quay, jetty or landing-place or on any part of the seashore on the bank of a tidal river, whether above or below high-water mark, or on the bank of any river, water-course or nullah, except at such places, in such manner and at such hours as shall be fixed by the Chief Officer, and whoever commits or suffers any member of his family or household to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matters described in sub-section (1) except night-soil, or, except with the permission of the Chief Officer, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance or suffers any member of his family or household to commit nuisance in any such sewer, drain,

culvert, tunnel, gutter or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

159. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Chief Officer or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees. Discharging sewage, etc.

160. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction for such offence. Non-removal of filth, etc.

161. (1) The Chief Officer may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter. Removal of night-soil.

(2) Whoever,—

(a) when the Chief Officer has fixed such hours and given public notice thereof by beat of drum, removes or causes to be removed along any street any such offensive matter at any time except within the hours so fixed, or

(b) at any time, whether such hours have been fixed by the Chief Officer, or not,

(i) uses for any such purpose any cart, carriage, receptacle or vessel, not having a covering sufficient for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Chief Officer by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy  
buildings,  
etc.

162. (1) Whoever, being the owner or occupier of any building or land, whether tenanted or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Chief Officer a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Chief Officer to cleanse, clear or otherwise put such building or land in a proper state have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued after the date of the first conviction for such offence.

Deserted and  
offensive  
buildings.

(2) Where any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby—

(a) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(b) coming into use for any insanitary or immoral purpose, or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the standing committee, if it considers such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the municipal borough who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed; in the event of non-compliance with such requirement, the standing committee, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing; all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Buildings or  
rooms in  
buildings  
unfit for  
human  
habitation.

163. (1) If, for any reason, it shall appear to the standing committee that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the standing committee shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, and shall in such notice call upon the owner or occupier aforesaid to state in writing any

objection thereto within thirty days after the receipt of such notice ; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the standing committee invalid or insufficient, the standing committee may by an order in writing prohibit the further use of such building or room as a dwelling.

(2) When any such prohibition as aforesaid has been made, the Chief Officer shall cause notice of such prohibition to be affixed to, and the letters "U.H.H." to be painted on, the door or some conspicuous part of such building or room as the case may be ; and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the standing committee certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

164. It shall be lawful for the president, vice-president, chairman of the standing committee, Chief Officer or any councillor or officer authorised by the municipality in this behalf, at any time between sunrise and sunset after due notice to enter into and inspect all buildings and lands, and by written notice to direct for sanitary reasons all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed.

Power to enter and inspect, etc., buildings.

165. (1) The standing committee may set apart sufficient public places, or any part of the seashore, not being private property, for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in ; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, or for any purpose connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use, for any purpose mentioned in this section, of any or all other public places within the municipal borough.

Bathing places.

(2) Copies of all orders passed and notices issued by the standing committee and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

[1] 165A. (1) The standing committee may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it 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 standing committee, except for such person himself or for the owner or occupier of such place.

Regulation of washing of clothes by washermen.

(2) The standing committee 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 it with the approval of the municipality.

Washing place to be provided by the standing committee for washermen.

(3) The standing committee shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion

[1] This section was inserted by Bom. XII of 1931, s. 3 (iv).

be sufficient, for the information of persons likely to be affected thereby a list of washing places proposed to be provided under sub-section (2) together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified.

Fouling  
water.

166. Whoever, in disobedience of any order of the municipality under section 165, or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit or aqueduct belonging to the municipality, or washes or causes to be washed therein any animal or anything whatsoever or throws, puts or casts or causes to enter therein any animal or anything or causes or suffers to run, drain or be brought there into anything which is or may become a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted and whoever without permission of the Chief Officer steps in any tank, stream, or ditch within or on the boundary of, the municipal borough and an animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance shall be punished with fine which may extend to fifty rupees.

Abatement  
of nuisance  
from wells,  
etc.

167. (1) If, in the opinion of the Chief Officer—

(a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situated within a distance of one hundred yards from any building used as a dwelling house, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Chief Officer may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the Chief Officer shall prescribe, or to take such order with the same for removing or abating the nuisance as the Chief Officer shall prescribe.

(2) (a) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Chief Officer.

(b) If any such work is begun or completed without such permission of the Chief Officer may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Chief Officer shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

Using  
offensive  
manure, etc.

168. Whoever, except with the written permission of the Chief Officer, and in accordance with the conditions of such permission, stores or uses nightsoil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

169. Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper shall be punished with fine which may extend to twenty-five rupees. Tethering  
cattle, etc.

170. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable-refuse, filth or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees. Feeding  
animals on  
filth.

171. (1) It shall be lawful for the municipality to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipal borough whether a steam engine be or be not used or employed therein, shall in all cases be constructed supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace. Consumption  
of smoke.

(2) If any person shall after such direction use, or permit to be used any such furnace not so constructed, supplemented or altered, or shall so negligently use, or permit to be used, any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, such person being the owner or occupier of the said works or buildings or an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(8) *Regulation of markets, sale of food, etc.*

172. (1) It shall be lawful for the municipality to direct that no place other than a municipal market or slaughter-house, shall be used for any of the purposes specified in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 61 except under and in accordance with the conditions of a license from the standing committee, which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases. Licensing  
markets  
and  
slaughter-  
houses.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the standing committee but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the



use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

(4) Nothing in this section or in sub-clause (ii) of clause (b) of sub-section (1) of section 61 shall apply to any liquor as defined in the [1] Bombay Abkari Act, 1878. Bom.  
V of  
1878.

Opening,  
closing  
and letting  
of markets  
and  
slaughter-  
houses.

**173.** (1) The municipality may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in or of otherwise using any such market or slaughter-house.

(2) Any person who, without the permission of or a license from the municipality, shall sell or expose for sale any article in the said markets or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

Farming  
of market  
and  
slaughter-  
house rents.

**174.** It shall be lawful for the municipality to lease by public auction or private contract the collecting of any rent or fees which may be imposed under section 173 :

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Slaughter-  
houses, etc.,  
beyond  
municipal  
limits.

**175.** It shall be lawful for a municipality with the sanction of the Commissioner or, if authorized by him, of the Collector to establish slaughter-houses or places for the disposal of carcasses of animals beyond the limits of the municipal borough and all provisions of this Act and of by-laws in force thereunder relating to such slaughter-houses or places within the municipal borough, shall have full force in slaughter-houses or places established under this section, as if they were within the municipal borough.

Search for  
and  
inspection  
of unwhole-  
some articles.

**176.** (1) The president, vice-president, chairman of the standing committee, Chief Officer or any councillor or officers authorized by the municipality in this behalf—

(a) may at all reasonable times enter into any place for the purpose of inspecting and may inspect any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(b) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine may seize the same.

Any article which is of a perishable nature may under the orders of the president, vice-president, chairman of the standing committee or

Chief Officer if in his opinion it is diseased, unsound, unwholesome or unfit for human food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

ILV If it appear to the Magistrate upon sufficient evidence that any such f possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such animal or article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human food or drink or medicine. 860.

30m. (2) In every municipal borough in which by virtue of a notification under sub-section (4) of section 1, of the [1] Bombay Prevention of Adulteration Act, 1899, the provisions of that Act are in force, and in respect of any food or drink to which the provisions of any section coming into force under sub-section (4) of section 1 of that Act are for the time being applicable in such borough by a notification, under sub-section (5) of section 1 of that Act, the following provisions shall be in force, namely:— Adulterated articles for food or drink.

XLV If any article to which this sub-section is applicable as aforesaid is of intended for food or drink, the president, vice-president, chairman of the standing committee, Chief Officer or any councillor or officers authorised by the municipality in this behalf in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink; and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees. 1860.

*Explanation.*—If such article having been exposed or stored in or brought to any place for sale as ghee contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be.

Where any article to which this sub-section is applicable, appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate— Protection to persons acting in good faith.

(a) that such substance has been added to the article because the same is required for the production or preparation thereof, as an

article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the article or conceal the inferior quality thereof, or

(b) that in the process of production, preparation or conveyance of such article, the extraneous substance has unavoidably become intermixed therewith, or

(c) that, by a label distinctly and legibly written or printed on or with the said article or by other means of public description, he has given sufficient notice that such substance has been so added, or

(d) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Provided that this sub-section shall not apply to any borough to which Bom. the [1] Bombay Prevention of Adulteration Act of 1925 has been<sup>V of 1925</sup> extended.

Application for summons to be refused if not applied for within reasonable time.

(3) In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Powers of inspection of weights and measures, etc.

[2]177. The president, vice-president, chief officer or any councillor authorised by the municipality in this behalf may at all reasonable times enter into any place, where weights or measures or weighing or measuring instruments are used or kept for purposes of trade and inspect such weights or measures or weighing or measuring instruments.

(9) *Regulation of dairies and cattle sheds.*

Licensing of dairies.

178. (1) No person shall, for the purposes of trade, use or permit to be used any place for stabling milch cattle or for storing or selling milk or for making, storing or selling butter except under and in accordance with the terms of a license from the standing committee.

(2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever so uses or permits to be used any place for any of the aforesaid purposes without, or in contravention of any of the conditions of, or after the withdrawal of, or during the suspension of, such license, shall be punished with fine which may extend to fifty rupees and in the

[1] In this Vol., p. 139.

[2] This section was substituted for the original section by Bom. XV of 1932, second Schedule, Pt. I.

case of a continuing offence with additional fine which may extend to ten rupees for each day during which such offence is continued after the date of the conviction for the first such offence.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) the Magistrate shall, on the application of the municipality but not otherwise, order such place to be closed, and thereupon, appoint persons or take other steps to prevent such place being so used.

(10) *Prevention of dangerous diseases.*

179. (1) The Government may at any time confer by notification on any municipality designated therein, all or any of the powers specified in sub-section (2), and such municipality shall, subject to all such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipal borough every power so conferred on it, for such period as may be specified in this behalf, in any such notification, or if no period is so specified, then, until the power is withdrawn.

Powers to prevent disease which may at any time be conferred.

(2) The powers, all or any of which may be conferred under the preceding sub-section, are :

(a) power by orders, which may be either of special or general application, to direct that every medical practitioner, who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under his management or control, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipality in that behalf ;

(b) power to direct or authorize the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place which may appear to the municipality, on the advice of a medical officer, likely to endanger or cause the spread of any dangerous disease ;

(d) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorised by the municipality in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipality ;

(e) power to require by written notice the owner or occupier of any building or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipality in the circumstances of the case considers reasonable, at the expense of the municipality ;

(f) power to provide the means and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(g) power—

(i) to provide and maintain suitable conveyance for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such person in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such persons shall be immediately disinfected ;

(h) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmshala, theatre, market or other place of public resort, or

(ii) any person in charge of any person so suffering from so exposing such sufferer ;

(i) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows or has reason to believe has been exposed to infection of any kind whatsoever from any dangerous disease ;

(j) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmshala or serai, in which a person has, or in which there is reason to believe that a person has been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipality, or of such officer as the municipality may appoint in this behalf ;

(k) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from a dangerous disease.

(3) The municipality may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but, except as allowed by the municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who in a municipal borough disobeys any order which is for the time being in force therein, and which has been passed by the municipality in exercise of any power conferred on such municipality

under this section, or obstructs any officer of the municipality or other person acting under the authority of the municipality in carrying out executively any such order, shall be punished with fine which may extend to fifty rupees.

180. (1) In the event of the municipal borough or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipality shall take all such measures as the Government may deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

Duties of municipality on threatened or actual outbreak of dangerous disease.

(2) In such event as aforesaid the Government may by special notification declaring that such municipal borough is threatened or visited with an outbreak of a dangerous disease, confer on the municipality all or any of the additional powers specified in the following sub-section, and such municipality shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(a) power to order, subject to the conditions—

(i) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein ;

(b) power to direct the examination by a medical officer of persons and if necessary, the disinfection of the clothing, bedding, or other articles suspected of being infected, belonging to persons either arriving from places outside the municipal borough, or residing in any building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such times and places as may be prescribed, for a period not exceeding ten days ;

(c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place or in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipality may in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section ; but except as allowed by the municipality, no claim

for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(5) If in any municipal borough in which a notification under sub-section (2) is for the time being in force, any person—

(a) knowingly disobeys any order which for the time being is in force in such borough and which has been passed by the municipality in exercise of any power conferred on it under section 179 or under this section, or

(b) obstructs any officer of the municipality or other person acting under the authority of the municipality in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

181. (1) The Government may at any time—

(a) withdraw any power conferred under section 179 or under section 180 ;

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power ; or

(c) cancel any order passed by a municipality in exercise of any such power.

(2) Every order passed by a municipality in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipal borough.

Duties of municipality in respect of diseases among cattle, sheep or goats.

182. If in any municipal borough any infectious disease amongst cattle, sheep or goats breaks out or if the introduction of any such disease appears to be likely, the municipality shall take all such measures as it may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

183. (1) Whenever the standing committee considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the standing committee may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the owner of the said building shall have sublet 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.

(4) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants

or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed in such requisition, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants, or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding or such omission to vacate, continues.

184. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise either to any occupier in, or to any inhabitant in the neighbourhood of, any area by reason of any of the following defects, namely—

Special powers which may be conferred by the Government in respect of overcrowded areas.

(a) the manner in which either buildings or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or

(b) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected, or

(c) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

it may by notification confer on the municipality to which such area is subject, all or any of the powers specified in sub-section (2), and may, if it deems necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions, or regulations, subject to which the municipality shall exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Government.

(2) The powers all or any of which may be conferred on a municipality under sub-section (1) are as follows :—

(a) power when any building or block already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipality likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed, as the municipality deems fit, either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection that the persons so addressed shall, within such reasonable time as shall be specified in the notice, either pull down or remove such building or block, or execute such works or take such action in connection therewith as the municipality deems necessary to prevent all such risk of disease ;



(b) power by municipal or other agency to pull down or remove such building or block, or to execute such works or take such action as aforesaid, if the persons addressed in the said notice neglect so to do within the time specified therein ;

(c) power, subject to a right of appeal to the Commissioner whose decision shall be conclusive, to prohibit, by written notice addressed to the owners and occupiers of any site or space hereinafter described and by general notice published in the manner provided in sub-section (3) of section 192, the erection of any building or of any building exceeding such dimensions as may be specified in such notice :—

(i) on the site of any building which has, in whole or in part, under the provisions of this section, been pulled down, or

(ii) on any space not occupied by buildings, whether such space is private property or not and whether it is enclosed or not, if the municipality considers that in order to prevent such risk as aforesaid, such site or space should not be built upon in whole or in part ; and either to acquire such site or space or to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof :

Provided that in every case compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid to any person whose rights are affected by such prohibition.

(3) When, in pursuance of any notice under sub-section (2), any building has been pulled down, the municipality shall, unless such building has been erected contrary to any provision of this Act or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall in case of dispute be ascertained or determined in the manner provided in section 198.

(4) The Government may prescribe by rule a fine not exceeding five hundred rupees, for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the municipality in exercise of any powers conferred upon it under this section.

Closing of  
places for  
disposal of  
the dead.

**185.** (1) Where the municipality is of opinion that any 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, it may submit its opinion with the reasons therefor to the Commissioner and the Commissioner thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in the vernacular of the district shall be published in the local newspapers, if any, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure

of the same, shall be punished with fine which may extend to one hundred rupees.

(11) *Nuisances from certain trades and occupations.*

186. (1) If it be shown to the satisfaction of the standing committee that any building or place used or intended by any person to be used—

Regulation  
of certain  
trades.

- (a) for boiling or storing offal, blood, bones or rags,
- (b) for salting, curing, or storing fish,
- (c) for storing hides, horns or skins,
- (d) for tanning,
- (e) for the manufacture of leather or leather goods,
- (f) for dyeing,
- (g) for melting tallow or sulphur,
- (h) for washing or drying wool or hair,
- (i) as a brick, pottery or lime kiln,
- (j) for soap-making,
- (k) for oil-boiling or oil extracting,
- (l) as a manufactory of sago,
- (m) as a distillery,
- (n) for storing hay, straw, fodder, wood, coal or other combustible material,
- (o) as a manufactory of snuff,
- (p) for the manufacture or sale of sweetmeats,
- (q) as a factory, workshop or place of business in which animals are employed or intended to be employed for doing work, or in which steam, water or any mechanical power is used or intended to be used,
- (r) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells arise, or which may involve risk of fire,

is or is likely to become by reason of such use and of its situation a nuisance to the neighbourhood or is so used or is so situated as to be likely to be dangerous to life, health or property, the standing committee may by written notice require the owner or occupier—

- (i) at once to discontinue the use of, or at once to desist from carrying out or allowing to be carried out the intention so to use, such building or place, or
- (ii) to use it in such manner or after such structural alterations as the standing committee in such notice prescribes, so that it may not become, or may be no longer, a nuisance or dangerous.

*Explanation 1.*—For the purpose of clauses (q) and (r) nuisance shall include any contamination of the atmosphere whereby a deposit of soot is caused or any mechanical noise.

*Explanation 2.*—Nothing in clauses (q) and (r) shall be deemed to affect any provision of the Indian Boilers Act, 1923, or shall authorize any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Indian Factories Act, 1911, are applicable.

(2) Whoever after notice has been given under sub-section (1), uses any building or place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health, or

Liability to  
penalty after  
notice.

property, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the Magistrate shall, on the application of the standing committee but not otherwise, order such place to be closed and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in district in which by-laws under section 61 (1) (b) (iii) are in force.

(4) Whoever uses without a license or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipal borough in which by-laws are for the time being in force prescribing the conditions on or subject to which, the circumstances in which, and the areas or localities in respect of which, licenses for such use may be granted, refused, suspended or withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Prohibition of use of steam-whistles, etc.

187. (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the standing committee.

(2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Loitering or importuning for purposes of prostitution.

188. Whoever in any street or public place within the limits of a municipal borough loiters for the purposes of prostitution, or importunes any person to the commission of sexual immorality, shall be punished with fine which may extend to fifty rupees :

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person importuned, or of a Police Officer not below the rank of an officer in charge of a police station and specially authorized in this behalf by the District Magistrate or by the municipality.

Brothels.

189. In any municipal borough—

(a) any part of which is within three miles of a cantonment, or

(b) to which on the application of the municipality the Government may by notification have declared this section to apply,

any Magistrate of the first class, on receiving information that a house

within the limits of such borough is used as a brothel, may summon the owner or occupier of such house and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it ; and, if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used :

Provided that action under this section shall be taken only—

- (a) with the sanction or by the order of the District Magistrate, or
- (b) on the complaint of three or more inhabitants of the municipal borough residing in the vicinity of the house to which the complaint refers.

(12) *Regulation of pilgrims' lodging houses.*

190. (1) No person shall, in any municipal borough which the Government shall have declared by notification to be a pilgrim centre for the purposes of this section and of clause (d) of sub-section (1) of section 61, use or permit to be used any place or building for the purpose of lodging pilgrims except under and in accordance with the conditions of a license from the standing committee.

Pilgrims  
lodging  
houses.

(2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any further notice.

(3) Whoever lodges or permits to be lodged any pilgrim in any place or building without or in contravention of any of the conditions of or after the withdrawal of or during the suspension of such license, shall be punished with a fine not exceeding five rupees for each such pilgrim for each day or part of a day during which such pilgrim has been so lodged.

(13) *Powers in case of fire.*

191. It shall be the duty of all police officers and of all municipal officers and servants to aid a fire-brigade in the execution of its duties. Such officers and servants 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.

Police and  
municipal  
officers to aid  
fire-brigade.

(14) *Service of notices, penalties on non-compliance therewith, and execution of works on default.*

192. (1) The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for in this Act, be effected by a municipal officer or servant or other person authorized by the Chief Officer in this behalf—

Service of  
notices, etc.,  
addressed to  
individuals.

(a) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(b) if such person is not found, by leaving the notice or bill at his last known place of abode, if within the municipal borough, or by

giving or tendering the notice or bill to some adult male member or servant of his family ; or

(c) if such person does not reside within the municipal borough, and his address elsewhere is known to the President or other person directing the issue of the notice or bill, then by forwarding the notice or bill by registered post under cover bearing the said address ; or

(d) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices on owners or occupiers of buildings and lands.

(2) When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act shall be effected either—

(a) by giving or tendering the notice to the owner or occupier or if there be more owners or occupiers than one, to any one of them ; or

(b) if no such owner or occupier be found, then by giving or tendering the notice to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(c) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Act requires or empowers a municipality or any municipal authority or officer to give or to serve either as a public notice or generally or by provisions which do not expressly require notice to be given to individuals therein specified shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period and in such other public buildings and places, or is published in such local papers or in such other manner, as the municipality in by-laws in this behalf prescribes.

Defective form not to invalidate notice.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) (a) Where any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(b) In the event of non-compliance with the terms of the notice it shall be lawful for the Chief Officer to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipality shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 199.

Punishment for disobedience of orders and notices not punishable under any other section.

193. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a municipality under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by or on behalf of a municipality under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished

with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

194. (1) Where under the provisions of this Act any work is required to be executed by the owner or occupier of any building or land and default is made in the execution of such work, the municipality, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as to the municipality may seem fit :

Municipality in default of owner or occupier may execute works and recover expenses.

Provided that—

(a) where any drainage scheme or water-works scheme has been commenced by any municipality, it shall be lawful for the municipality, without prejudice to its powers under section 129 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipality shall render : and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement or in default, in the manner described in sub-sections (2) and (3) ;

Agreement for construction of drainage and water connections.

(b) where an order or requisition has been passed under sub-section (1) of section 115, sub-section (1) of section 117, sub-section (2) or (8) of section 123 or under section 127, 129, 134 or 135 or where permission has been given under section 131, or where an arrangement has been made under proviso (a) of this sub-section, the municipality may, without prejudice to any other powers under this Act, if it think fit, declare any expenses incurred by the municipality in the execution of such order or in the carrying out of such requisition, permission or arrangement to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipality may decide, including interest at the rate of seven and a half per cent. per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Improvement expenses.

(2) If the defaulter be the owner of the building or land, the municipality may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or any time thereafter, occupies the building or land under such owner ; and in default of payment thereof by such occupier on demand,

Power to levy charges on occupier who may deduct the same from his rent.

the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable, at the time of the demand made upon him or which at any time after such demand and notice not to pay rent to the landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipality, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of any such expenses as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

195. Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipality cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any occupier opposes the execution of the Act.

196. If the occupier of any building or land prevent the owner thereof from carrying into effect in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute, any such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(15) *Miscellaneous.*

Entry for purposes of the Act.

197. It shall be lawful for the president, vice-president, Chief Officer or any officer authorised by the Chief Officer for such purpose, to enter

for any purpose of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land :

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier :

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

198. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by a panchayat of five persons, of whom two shall be appointed by the municipality, two by the party to or from whom such compensation or damages may be payable or recoverable, and one, who shall be sir-panch, shall be selected by the members already appointed as above.

Arbitration  
in cases of  
compensa-  
tion, etc.

(2) If either party or both parties fail to appoint members, or if the members fail to select a sir-panch within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayat shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayat not giving a decision within one month from the date of the selection of the sir-panch or of the appointment by the District Court of such members as may be necessary to constitute the panchayat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the [1] Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court :

I of  
1894.

Provided that—

(a) no application to the Collector for a reference shall be necessary, and

(b) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayat has given a decision, either party, if dissatisfied with the decision, may within a month of the date thereof apply to the District Court, and the matter shall be determined by the District Court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building the municipality may, after the award has been made by the panchayat or the District Court, as the case may be, take possession of the land or building, after paying the amount of the compensation determined by the panchayat or the District Court to the party to whom

[1] General Acts, Vol. III.



such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipality shall deposit the amount of the compensation in the District Court.

Costs or expenses how determined and recovered.

199. If a dispute arises with respect to any costs or expenses which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the standing committee and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

## CHAPTER X.

### PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipality may prosecute.

200. (1) The standing committee and, subject to the provisions of sub-section (3), the Chief Officer may direct any prosecution for any public nuisance whatever and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act or of any rule or by-law thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act or by-laws framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate ; recovery of compensation and expenses.

(2) Any prosecution under this Act or under any rule or by-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate ; and every fine or penalty imposed under or by virtue of this Act or any rule or by-law thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to any Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

(3) The Chief Officer shall not, except with the previous approval of the standing committee, direct a prosecution or order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections, namely :—

section 55 ; sub-section (4) of section 118 ; section 171 ; and sub-section (4) of section 117 ; sub-section (4) of section 184.

Distress lawful though defective in form.

201. No distress levied or attachment made by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or attachment or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him ; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction,

202. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of a municipality shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Damage to municipal property how made good.

203. In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipality to sue in any Court of competent jurisdiction the person liable to pay the same.

Alternative procedure by suit.

204. (1) A municipality may sue in any Court of competent jurisdiction any person who may have in any way caused or may appear likely to cause any injury to any property, rights or privileges of the municipality.

Power to sue, compromise and pay compensation.

(2) A municipality may compound or compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(3) A municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers and servants under this Act.

(4) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on its behalf.

205. For the purpose of the recovery of any amount due on account of rent from any person to a municipality in respect of any land vested in or otherwise held by such municipality, the municipality shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the [1] Bombay Land Revenue Code, 1879; and the municipality as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land-revenue payable to him by an inferior holder.

Assistance for the recovery of rent on land.

Bom.  
V of  
1879.

206. No person shall commence any suit against any municipality or against any officer or servant of a municipality or any person acting under the orders of a municipality for anything done or purporting to have been done in pursuance of this Act, without giving to such municipality, officer, servant or person two months' previous notice in writing

Limitation of suits, etc.

[1] Vol. II of Bom. Code.

of the intended suit and of the cause thereof, nor after six months from the date of the act complained of ;

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Powers of  
police officers.

207. (1) Any Police-officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person is unknown to him, and if he declines to give his name and address or if the Police-officer has reason to doubt the accuracy of such name and address if given ; and such person may be detained at the station-house until his name and address has been correctly ascertained :

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all Police-officers to give immediate information to the municipality of the commission of any offence against the provisions of this Act or of any by-law thereunder and to assist all municipal officers and servants in the exercise of their lawful authority

Accounts to  
be kept.

208. Accounts of the receipts and expenditure of every municipality shall be kept in accordance with the Municipal Account Code subject to such modifications as the Government may in each case direct.

## CHAPTER XI.

### MUNICIPAL ACCOUNTS.

Presenta-  
tion of ac-  
counts,  
Budget  
Estimates.

209. (1) A municipality shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipality since the 1st day of April last preceding, and at a general meeting which shall be held on such day between the 10th January and the 1st of March as may be fixed in this behalf by the rules of the municipality, a complete account of the actual and expected receipts and expenditure for the financial year ending on the 31st March next following, together with a budget estimate of the income and expenditure of the municipality for the financial year to commence on the 1st April next following.

(2) The municipality shall thereupon decide upon the appropriation and the ways and means contained in the budget of the year to commence on the 1st April next following. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose :

Provided that the standing committee or any other committee appointed under the Act may, within the budget so sanctioned, sanction re-appropriations not exceeding Rs. 500 from one sub-head to another or from one minor head to another minor head under the same major head and controlled by the same committee. A statement of such

re-appropriations shall be submitted to the municipality at every quarterly general meeting.

(3) The municipality shall at the general meeting in April, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past years.

210. [1] (1) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality. Audit of accounts.

(2) The auditor shall, for the purposes of his office, have access to all the accounts and other records of the municipality.

211. A municipality shall as soon as the accounts of the past year have been finally passed by it transmit to the Government or any officer duly authorized by it in this behalf, a copy thereof, or an account in such form as the Government may prescribe, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct. Transmission of accounts to Government.

212. The quarterly and annual accounts, receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the municipality may prescribe in this behalf. Publication of accounts.

## CHAPTER XII.

### CONTROL.

213. (1) The Commissioner, Collector or any officer of Government authorized by the Government by a general or special order shall have power— Power of inspection and supervision.

(a) to enter on and inspect, or cause to be entered on and inspected any immovable property occupied by any municipality or any institution under its control or management or any work in progress under it or under its direction ;

(b) to call for or inspect any extract from any municipality's or any committee's proceedings and any book or document in the possession of or under the control of a municipality.

(2) The Collector shall have power—

(a) to call for any return, statement, account or report which he may think fit to require such municipality to furnish ;

(b) to require a municipality to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such municipality or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipality, and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing, or for not doing, such thing.

[1] This sub-section was substituted for the original sub-section by Bom. Act XXV of 1930, s. 16 (3).

Collector's powers of suspending execution of orders, etc. of municipalities.

214. (1) If, in the opinion of the Collector, the execution of any order or resolution of a municipality, or the doing of anything which is about to be done or is being done by or on behalf of a municipality, is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner, who may confirm or modify it.

(2) When the Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the municipality affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

(3) The Commissioner shall forthwith submit to the Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made:

Provided that no order of the Collector or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the municipality reasonable opportunity of showing cause against the said order.

Extraordinary powers of Collector in case of emergency.

215. (1) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which may be executed or done by or on behalf of a municipality and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public; and may direct that the reasonable expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipality.

(2) If the expense and remuneration are not so paid, the Collector may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipality, as its officer, treasurer, banker or otherwise, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-sections (2) and (3) of section 214 shall apply, so far as may be, to any order made under this section.

Power of Commissioner to prevent extravagance in the employment of establishment.

216. If in the opinion of the Commissioner the number of persons who are employed by a municipality as officers or servants, or whom a municipality proposes to employ or the remuneration assigned by the municipality to those persons or to any particular person is excessive the municipality shall, on the requirement of the Commissioner, reduce the number of the said persons or the remuneration of the said person or persons:

Provided that the municipality may appeal against any such requirement to the Government whose decision shall be conclusive.

217. The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal borough or any matters with respect to which its sanction, approval or consent is required under this Act. Government inquiry into municipal matters.

V of  
1908.

(2) The officer holding such inquiry shall for the purposes thereof have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters:—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses;

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

V of  
1898.

*Explanation.*—For the purpose of enforcing the attendance of witnesses the local limits of such officer's jurisdiction shall be the limits of the Bombay Presidency.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent. per annum; and such costs and interest shall be leviable as an arrear of land revenue.

218. (1) When the Government is informed, on complaint made or otherwise, that default has been made in the performance of any duty imposed on a municipality by or under this Act or by or under an enactment for the time being in force, the Government, if satisfied after due inquiry that the alleged default has been made may direct the commissioner to fix a period for the performance of that duty. Power of Government to provide for performance of duties on default by municipality.

(2) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipality.

[1](3) If the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the municipality are deposited to pay such expense and remuneration from

[1] This sub-section was substituted for the original sub-section (3) by Bom. XXIII of 1931, s. 4 (i).

such moneys as may be standing to the credit of the municipality in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person ; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the municipality in respect of any sum or sums so paid by it or him out of the moneys of the municipality so deposited with such bank or person.

**219.** (1) If, in the opinion of the Government, a municipality is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, exceeds or abuses its powers, the Government may, after giving the municipality an opportunity to render an explanation, by an order published, with the reasons therefor, in the *Bombay Government Gazette* declare the municipality to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipality or supersede it for a period to be specified in the order.

Power of Government to dissolve or supersede municipality in case of incompetency, default or abuse of power.

(2) When the municipality is so dissolved or superseded, the following consequences shall ensue :—

Consequences of dissolution or supersession.

(a) all councillors of the municipality shall, in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution vacate their offices as such councillors ;

(b) all powers and duties of the municipality shall, during the period of dissolution or supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in this behalf ;

(c) all property vested in the municipality shall, during the period of dissolution or supersession, vest in His Majesty.

(d) The person or persons appointed under clause (b) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(e) When more than one person are appointed under clause (b) they may sue or be sued by any one of them who has been duly authorised to sue and be sued on behalf of the rest by a resolution duly passed by them in this behalf.

(3) On the issue of an order of dissolution under sub-section (1) elections of councillors shall be held under the provisions of this Act or of the rules made thereunder on or before a date to be specified by the Government in the order, and the municipality shall be re-established by the election or appointment of councillors under the aforesaid provisions on such date as may be specified by the Government in the aforesaid order.

Re-establishment of municipality after dissolution.

(4) If, after inquiry made, the Government so directs the period of supersession with all the consequences aforesaid shall, from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipality.

Power after inquiry to continue period of supersession.

(5) After the municipality is superseded it shall be re-established by the election or appointment of councillors under the provisions of this Act or the rules made thereunder applicable thereto,

(a) if no direction has been made under sub-section (4) on the expiration of the period specified in the order of supersession under sub-section (1) and

(b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the municipality.

220. In all matters connected with this Act, the Government, Commissioners and Collectors shall, respectively, have and exercise the same authority and control over Commissioners, Collectors and their subordinates as in matters of general and revenue administration.

221. All rules made by the Government or the Commissioner under this Act shall be laid on the table of the Bombay Legislative Council for one month previous to the session thereof, and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session.

### SCHEDULE I. [1]

(See section 4)

#### MUNICIPAL BOROUGHS.

##### *Northern Division.*

- |               |           |
|---------------|-----------|
| 1. Ahmedabad. | 4. Surat. |
| 2. Nadiad.    | 5. Thana. |
| 3. Broach.    | [2] 6.    |

##### *Bombay Suburban.*

- |            |            |
|------------|------------|
| 7. Bandra. | [1] Kurla. |
|------------|------------|

##### *Central Division.*

- |                |                     |
|----------------|---------------------|
| 8. Ahmednagar. | 14. Poona City.     |
| 9. Jalgaon.    | 15. Poona Suburban. |
| 10. Bhusaval.  | 16. Lonavla.        |
| 11. Amalner.   | 17. Satara City.    |
| 12. Dhulia.    | 18. Sholapur.       |
| 13. Nasik.     | 19. Pandharpur.     |

##### *Southern Division.*

- |              |                      |
|--------------|----------------------|
| 20. Belgaum. | 23. Hubli.           |
| 21. Bijapur. | 24. Gadag-Bettigeri. |
| 22. Dharwar. | 25. Ratnagiri.       |

##### *Sind.*

- |                |                |
|----------------|----------------|
| 26. Hyderabad. | 28. Shikarpur. |
| 27. Sukkur.    | 29. Larkana.   |

[1] Kurla Municipality was included in this Schedule by Government Notification in the General Department No. 5107, dated the 19th April 1929, published in the *Bombay Government Gazette*, 1929, Part I-A, p. 65.

[2] Godhra Municipal borough was repealed by Government Notification in the General Department No. 371, dated 29th September 1927, published in the *Bombay Government Gazette*, 1927, Part I-A, p. 56.

Powers of Government and of the Commissioners over Collectors, etc.  
All rules made by Government or Commissioner to be laid on the table of the Bombay Legislative Council.



## SCHEDULE II.

(See clause (b) of section 75)

Notice is hereby given to the inhabitants of the municipal borough of \_\_\_\_\_ that the municipality desire to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended (in lieu of the tax known as the \_\_\_\_\_ which

\*To be inserted if the tax is to be substituted for any existing tax. is published at page \_\_\_\_\_ of the sanctioned rules\*) Any inhabitant of the municipal borough objecting to the proposed tax may, within one month from the date of this notice, send his objection in writing to the municipality.

## RULES.

(The rules approved by the municipality under clause (a) of section 75 are to be appended here.)

## SCHEDULE III.

(See section 88)

## FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To

THE CHIEF OFFICER,

Municipality.

I, A. B. hereby give notice as required by section 88 of the Bombay City Municipalities Act, 1925, of the following transfer of property :—

Date of Notice.	Date of instrument.	Name of vendor or Assignor.	Name of purchaser or Assignee.	Amount of consideration.	DESCRIPTION OF THE PROPERTY.						If any instrument has been registered, the date of registration.	Remarks.	
					Of what it consists.	Situation.	Number in Assessment Book.	Chief Officer's No.	Dimensions of land.	Boundaries.			

Dated

(Signed)

SCHEDULE IV.

(See section 88)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To

THE CHIEF OFFICER,  
Municipality.

I, A. B, hereby give notice as required by section 88 of the Bombay City Municipalities Act, 1925, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Chief Officer's record.	To whom it is to be transferred.	DESCRIPTION OF THE PROPERTY.					Remarks.
			Of what it consists.	Situation.	Number in Assessment Book.	Chief Officer's No.	Dimensions of land.	

Dated

(Signed) \_\_\_\_\_

SCHEDULE V.

(See sub-section (3) of section 10A)

FORM OF NOTICE OF DEMAND.

To

A. B., residing at

Take notice that the municipality of \_\_\_\_\_ the sum  
demand from \_\_\_\_\_  
of \_\_\_\_\_ due from \_\_\_\_\_ on  
account of \_\_\_\_\_

(Here describe the property or other thing in respect of which the tax is leviable.)

leviable under rule No. \_\_\_\_\_ for the period  
of \_\_\_\_\_ commencing on the \_\_\_\_\_ day of 19 \_\_\_\_  
and ending on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at \_\_\_\_\_, and sufficient cause for non-payment is not shown to the satisfaction of the Chief Officer, a warrant of distress or attachment will be issued for the recovery of the same with costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signed)

Chief Officer.

### SCHEDULE VI.

(See sub-section (1) of section 105)

#### FORM OF WARRANT.

(Here insert the name of the officer charged with the execution of the warrant.)

\*Here describe the tax.

Whereas A. B. of \_\_\_\_\_ has not paid, and has not shown satisfactory cause for the non-payment of, the sum of \_\_\_\_\_ due for the tax\* mentioned in the margin for the period commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19 , and ending with the \_\_\_\_\_ day of \_\_\_\_\_ 19 , and leviable under rule No. \_\_\_\_\_ ;

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to  $\frac{\text{distrain}}{\text{attach}}$ , subject to the provisions of section 105 of the Bombay City Municipalities Act, [..]  $\frac{\text{the goods and chattels}}{\text{any property}}$  of the said A. B. to the amount of.....being the amount due from him, as follows :— ①

Rs. a. p.

On account of the said tax ..

For service of notice ..

[<sup>1</sup>]For issue of warrant[<sup>1</sup>] ..

and forthwith to certify to me together with this warrant all particulars of the  $\frac{\text{goods distrained}}{\text{property attached}}$  by you thereunder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signed)

Chief Officer.

[<sup>1</sup>]-[<sup>1</sup>] These words were inserted by Bom. XII of 1931, s. 3 (v).

SCHEDULE VII.

*(See clause (c) of sub-section (4) of section 105  
and sub-section 1 of section 98.)*

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at

Take notice that I have this day distrained the goods and chattels  
attached property  
specified in the inventory beneath this, for the value of due  
for the tax\* mentioned in the margin for the period commencing with \*Here  
the day of 19 and describe  
ending with the day of 19 the tax.  
together with Rs. due as for service of notice of  
demand and that unless within five days from the day of the date of this  
notice you pay into the municipal office at the  
said amount together with the costs of recovery, the said goods and chattels  
property  
will be sold.

Dated this day of 19

Signature of officer executing the warrant  
collecting octroi

Inventory.

*(Here state particulars of goods and chattels  
property seized.)*

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**BOMBAY ACT No. XIX OF 1925.[<sup>1</sup>]**

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1925]

[25th January 1927]

**An Act to amend the Bombay District Police Act, 1890.**

10m. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay District  
V of Police Act, 1890, in manner hereinafter appearing ; It is hereby enacted  
890. as follows :—

1. This Act may be called the Bombay District Police (Amendment) Short title.  
Act, 1925.

10m. 2. (1) After clause (b) of sub-section (2) of section 25 of the Amendment  
V of [<sup>2</sup>]Bombay District Police Act, 1890, the following proviso shall be of section 25  
890. inserted, namely :— of Bom. IV  
of 1890.

“ Provided that a copy of every direction given by Government under this sub-section shall be sent forthwith to each member of the Bombay Legislative Council, and shall be laid on the table of the Bombay Legislative Council at the commencement of the session next following the date of such direction, and the question whether the said cost or any part thereof shall be defrayed in the manner specified in this sub-section or whether it shall be defrayed out of the general revenues of Government shall, if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the said Council ; and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session.”

(2) From sub-section (4) of the said section, delete the words “ amount of the charge shall be paid by the municipality from the municipal fund or.”

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1924, Part V, pp. 81-82 ; for Report of Select Committee see *ibid*, 1925, Part V, pp. 65-66 ; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1924 and 1925, Vols. XIII, XIV and XV.

[<sup>2</sup>] Vol. III of Bom. Code.

**BOMBAY ACT No. IV OF 1926.<sup>[1]</sup>**

[THE CATTLE-TRESPASS (BOMBAY AMENDMENT) ACT, 1926]

[11th May 1926]

**An Act further to amend the Cattle-trespass Act, 1871, in its application to the Presidency of Bombay.**

I of 1871. WHEREAS it is expedient further to amend the <sup>[2]</sup>Cattle-trespass Act, 1871, as amended by Bombay Act IX of 1924, in its application to the Presidency of Bombay in manner hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Cattle-trespass (Bombay Amendment) Short title. Act, 1926.

I of 1871. 2. In section 6 of the <sup>[2]</sup>Cattle-trespass Act, 1871, Amendment of section ( of Act I o 1871.  
(1) for the second proviso, the following proviso shall be substituted, namely :—

“ Provided further that in the Presidency of Bombay

Bom. IX of 1920. (a) in any local area which has been declared to be a village under clause (a) of section 3 of the <sup>[3]</sup>Bombay Village Panchayats Act, 1920, when the police patel, or the head of the village, is the sarpanch or a member of the Panchayat, the Panchayat may appoint another person to be pound-keeper ;

(b) in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, the local authority may appoint another person to be pound-keeper ; ”

(2) after the words “ such Magistrate ” the words “ or in the Presidency of Bombay, in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, by such local authority ; and in the said Presidency every pound-keeper appointed by a Panchayat may be suspended or removed by such Panchayat ” shall be inserted.

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[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1926, Part V, pp. 20-21, and for Proceedings in Council see *Bombay Legislative Council Debates*, 1926, Vol. XVII.

[2] General Acts, Vol. I.  
MO-III Bk H 1227—25a

[3] Vol. V of Bom. Code.

**BOMBAY ACT No. V OF 1926<sup>[1]</sup>**

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT) ACT, 1926]

[13th May 1926]

**An Act further to amend the Bombay Prevention of Gambling Act, 1887.**

Bom. WHEREAS it is expedient further to amend the <sup>IV</sup>[<sup>2</sup>]Bombay Prevention of Gambling Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Prevention of Gambling Short title.  
(Amendment) Act, 1926.

Bom. 2. In section 6 of the <sup>IV</sup>[<sup>2</sup>]Bombay Prevention of Gambling Act, 1887, Amendment of section 6 of Bom. IV of 1887. for the words "Assistant Superintendent" the words "Assistant or Deputy Superintendent" shall be substituted, and for the words "Chief Constable" the word "Sub-Inspector" shall be substituted.

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[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1926, Part V, p. 35, and for Proceedings in Council see *Bombay Legislative Council Debates*, 1926, Vol. XVII.

[2] Vol. II of Bom. Code.

**BOMBAY ACT No. VI OF 1926<sup>[1]</sup>**

[THE BOMBAY CIVIL COURTS (AMENDMENT) ACT, 1926]

[19th May 1926]

**An Act further to amend the Bombay Civil Courts Act, 1869.**

XIV of 869. WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Civil Courts Act, 1869, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Civil Courts (Amendment) Act, 1926. Short title.

XIV of 869. 2. For section 32 of the <sup>[2]</sup>Bombay Civil Courts Act, 1869, the following section shall be substituted, namely :— Amendment of section 32 of Act XIV of 1869.

“ 32. (1) No subordinate court other than the court of a subordinate judge of the first class and no court of small causes shall receive or register any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party. Government suits.

(2) In every such case the plaintiff shall be referred to the court of the Subordinate Judge of the first class and such suit shall be instituted only in the court of the subordinate judge of the first class and shall be heard by such subordinate judge, subject to the provisions of section 24 of the <sup>[3]</sup>Code of Civil Procedure, 1908.

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway: or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of—

(a) member of a local authority,

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—

(i) Order 32, rule 4 (4), of the <sup>[3]</sup>Code of Civil Procedure, 1908;

(ii) section 69 or 71 of the <sup>[4]</sup>Indian Lunacy Act, 1912;

(iii) section 7, 18 or 42 of the <sup>[5]</sup>Guardians and Wards Act, 1890;

(iv) section 1 or 17 of the <sup>[6]</sup>Ahmedabad Talukdars' Act, 1862;

(v) section 3, 19 (1), 19 (2), 20, 22 (1) or 41 (1) of the <sup>[7]</sup>Bombay Court of Wards Act, 1905.”

V of 1908.  
IV of 1912.  
VIII of 1890.  
Bom. VI of 1862.  
Bom. I of 1905.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1926, Part V, p. 47, and for Proceedings in Council see *Bombay Legislative Council Debates*, 1926, Vol. XVII.

[<sup>2</sup>] Vol. I of Bom. Code.

[<sup>4</sup>] General Acts, Vol. V.

[<sup>6</sup>] Vol. II of Bom. Code.

[<sup>3</sup>] General Acts, Vol. IV.

[<sup>5</sup>] General Acts, Vol. III.

[<sup>7</sup>] Vol. IV of Bom. Code.



## THE SIND COURTS ACT, 1926.

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BOMBAY ACT No. VII OF 1926.<sup>[1]</sup>

[THE SIND COURTS ACT, 1926]

[21st August 1926]

Amended by

Number of Act.	Year.
Bom. Act No. VII .. .. .	1930

## An Act to consolidate and amend the law relating to the Courts in Sind.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in Sind; and whereas the previous sanction of the Governor General, required by section 80A of the Government of India Act, has been obtained for the passing of this Act: It is hereby enacted as follows :—

& 6  
Sec. V,  
. 61.

*Preliminary.*

1. This Act may be called the Sind Courts Act, 1926. Short title.
2. (1) It extends to the Presidency of Bombay. Extent and commencement.  
(2) It shall come into force on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint. commencement.

*The Chief Court.*

3. On and from the commencement of this Act there shall be established for Sind a Chief Court hereinafter referred to as "the Chief Court". Establishment of Chief Court.
4. (1) The Chief Court shall consist of a Chief Judge and three or more Judges who shall be appointed by the Governor General in Council and shall hold office during his pleasure. Constitution of Chief Court and appointment and tenure of Judges.  
(2) The Chief Judge and Judges must each be either :
  - (a) a Barrister of not less than five years' standing; or
  - (b) a Member of the Indian Civil Service of not less than ten years' standing and having for at least three years served as or exercised the powers of a District Judge; or
  - (c) a person having held judicial office not inferior to that of a Subordinate Judge or a Judge of the Small Cause Court for a period of not less than five years; or

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1925, Part V, pp. 481-84; for Report of the Select Committee see *ibid*, 1926, Part V, pp. 3-6; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1925, Vol. XVI; 1926, Vol. XVIII.

(d) a person who has been an Advocate or a Pleader of any Court which is a High Court within the meaning of clause (22) of section 3 of the [1]Bombay General Clauses Act, 1904, for an aggregate period of not less than ten years :

Bom.  
I Co  
1904

Provided that the Chief Judge and Judges counted together must include not less than two such Barristers, Advocates or Pleaders and not less than two Members of the Indian Civil Service.

(3) Additional Judges duly qualified as aforesaid may be appointed for such period not exceeding two years as may be required by the Governor General in Council and shall each of them during such period have all the powers of a Judge of the Chief Court.

Provision for  
vacancy in  
the office of  
Chief Judge.

5. On the occurrence of a vacancy in the office of the Chief Judge and during any absence of the Chief Judge the Governor in Council may appoint one of the other judges of the Chief Court to perform the duties of the Chief Judge, until some person has been appointed by the Governor General in Council to the office of Chief Judge of the Chief Court, and has entered on the discharge of the duties of that office, or until the absent Chief Judge has returned to his duties, as the case requires.

Provision for  
vacancy in  
the office of  
a judge other  
than the  
Chief Judge.

6. On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge or on the appointment of any such judge to act as Chief Judge the Governor in Council may appoint a person to officiate as a judge of the Chief Court and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor General in Council to the office of judge of the Chief Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council sees cause to cancel the appointment of the acting judge.

Rank and  
precedence of  
Chief Judge  
and Judges  
of Chief  
Court.

7. (1) The Chief Judge whether permanent or officiating shall have rank and precedence before the other judges of the Chief Court.

(2) Save as aforesaid and subject to any general or special direction by the Governor General in Council the judges shall have rank and precedence according to the seniority of their appointment as such judges :

Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.

Civil and  
criminal  
jurisdiction  
of Chief  
Court.

8. The Chief Court shall be the highest civil court of appeal and revision and the highest court of criminal appeal and revision for Sind and the principal civil court of original jurisdiction for the civil district of Karachi and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi.

Civil juris-  
diction in  
Karachi  
District.

9. The Chief Court shall be the court of appeal from all decrees and orders passed by subordinate courts in the civil district of Karachi from which an appeal lies under any law for the time being in force.

of  
98.

10. (1) Notwithstanding anything in the [1]Code of Criminal Procedure, 1898 :—

Criminal  
jurisdiction  
in Karachi  
sessions  
division.

(a) a magistrate exercising jurisdiction in the sessions division of Karachi, when committing accused persons for trial, shall commit them to the Chief Court; and

(b) all appeals which lie under any law for the time being in force to the Court of Session from the sentences or orders of Courts or Magistrates exercising jurisdiction in the sessions division of Karachi shall lie to the Chief Court.

of  
98.

(2) Section 9 of the [1]Code of Criminal Procedure, 1898, shall not apply to the sessions division of Karachi.

11. (1) Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its judges of any of its powers.

Delegation  
of powers to  
members of  
Court: Full  
Bench.

(2) The Chief Court may make rules, declaring what number of judges, not being less than three, shall constitute a full bench of the Chief Court, and may by these rules prescribe the mode of determining which judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Chief Judge may determine which judge in each case shall sit alone and which judges of the Chief Court shall constitute any bench.

12. Any single judge of the Chief Court and any bench of judges thereof, not being a full bench, may in any case refer for the decision of a bench of two judges or of a full bench, respectively, any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the judge or bench and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

Power to  
refer question  
to full bench.of  
898.

13. Where in any case any such question as is referred to in section 12 has been decided by a judge of the Chief Court exercising the jurisdiction of the Chief Court as the principal criminal court of original jurisdiction for the sessions division of Karachi, and no reference has been made under the provisions of that section or of section 434 of the [1]Code of Criminal Procedure, 1898, the Chief Court may on its being certified by the Government Advocate for Sind that in his opinion the decision should be further considered, review the case or such part of it as may be necessary, and finally determine the question, and may thereupon alter the judgment, order or sentence passed by the judge and pass such judgment, order or sentence as it thinks right.

Review in  
certain  
original  
cases.

The Government Advocate for Sind shall be appointed by the Governor in Council.

14. (1) Except as otherwise provided by any enactment for the time being in force, an appeal from any original decree or from any order against which an appeal is permitted by any law for the time being in force made by a single judge of the Chief Court, shall lie to a Bench consisting of two other judges of the Chief Court.

Appeal from  
original civil  
jurisdiction  
of Chief  
Court.

Appeals from appellate civil jurisdiction of a single judge. (2) Except as otherwise provided by any enactment for the time being in force, an appeal from any appellate decree made by a single judge of the Chief Court shall lie to a Bench consisting of two other judges of the Chief Court, if the judge who made the decree declares that the case is a fit one for appeal.

Procedure of Chief Court in exercise of civil and criminal jurisdiction. 15. (1) Notwithstanding anything contained in the [1]Code of Civil Procedure, 1908, or the [1]Code of Criminal Procedure, 1898, the Chief Court shall record evidence including examinations of accused persons and judgments in such manner as it may direct by rule made with the sanction of the Governor in Council.

(2) So much of rule 35 of Order XLI of the First Schedule to the [1]Code of Civil Procedure, 1908, as requires the decree to be signed and dated by the judge or judges who passed it, shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

Ministerial officers of Chief Court. 16. (1) Subject to any rules and restrictions which may be prescribed by the Governor in Council the Chief Judge may appoint Registrars, Deputy Registrars, Assistant Registrars, an Official Receiver, Official Commissioners, a Clerk of the Crown and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointments of the Registrars, Deputy Registrars, Assistant Registrars, the Official Receiver, the Official Commissioners and the Clerk of the Crown shall be subject to the sanction of the Governor in Council.

(3) The officers appointed under sub-section (1) shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Every officer appointed under the provisions of this section shall receive such salary as the Chief Judge may fix, subject to the sanction of the Governor in Council.

(5) Any officer appointed under sub-section (1) may be suspended or dismissed from his office by order of the Chief Judge :

Provided that none of the officers mentioned in sub-section (2) shall be dismissed without the previous sanction of the Governor in Council.

Superintendence and control of other courts. 17. The general superintendence, direction and control over all courts subject to its appellate jurisdiction shall be vested in the Chief Court.

Admission and removal of Advocates, Pleaders and Attorneys. 18. The Chief Court may, subject to such rules as it may with the sanction of the Governor in Council determine, admit proper persons to be Advocates, Pleaders and Attorneys in any court in Sind, and may remove or suspend from practice for misbehaviour any person so admitted ; and may authorise such Advocates, Pleaders and Attorneys to plead or to act or to plead and act for suitors and accused persons.

Power to make rules. 19. In addition to any other power to make rules expressly or by implication conferred by this Act the Chief Court may, with the sanction of the Governor in Council, make rules consistent with this

Act and any other enactment for the time being in force to regulate any of the following matters, namely :—

(a) the supervision of all Courts subject to the control of the Chief Court and their visitation and inspection ;

(b) the exercise by the district judges of the general control vested in them over the civil courts in their respective civil districts ;

(c) all matters relating to the officers of courts ;

(d) the translation of any papers filed in the Chief Court and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or on whose behalf papers are filed, of the expenses thereby incurred ;

(e) the holidays and vacations of the Chief Court and the courts subordinate to it ;

(f) the places and times for the holding of courts ;

(g) the qualifications and admission of proper persons to be petition-writers in courts, the issue of licenses to such persons, the fees to be charged by such persons and the conduct of business by such persons, the punishment by a fine not exceeding fifty rupees of the breach of any such rules, and the authority by which such breaches shall be investigated and fines imposed ; and the recovery of any such fine as though it were a fine imposed by a magistrate in the exercise of his ordinary jurisdiction ;

(h) the fees to be charged for processes issued by the civil courts, or by any officer of any such court and the fees payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding ;

(i) the manner in which the proceedings of civil courts shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies.

20. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of its business, or required by the Governor in Council, and shall comply, in such form and manner as the Governor in Council may deem proper, with any requisition which the Governor in Council may make for records of, or papers belonging to the Chief Court, or any court subordinate to it, or for certified copies of or extracts from, such records or papers, or for returns, statements or reports.

#### *District Courts.*

21. (1) For the purposes of this Act the Governor in Council may by notification divide Sind into civil districts and fix the limits of such civil districts and determine the headquarters of each such district.

(2) The districts existing for the purposes of civil justice when this Act comes into force shall be deemed to have been made under this Act.

District courts.

22. (1) There shall be in each civil district other than that of Karachi a district court and the Governor in Council shall appoint a district judge to each such court.

Original jurisdiction of district court.

(2) The district court shall be the principal court of original civil jurisdiction in the civil district.

Joint judges.

23. (1) The Governor in Council may appoint joint judges to any district court.

(2) Every such joint judge shall exercise the powers and jurisdiction of the district court concurrently with the district judge in such matters as may be referred to him by the district judge.

(3) All Regulations and Acts now or hereafter in force and applying to a district judge shall be deemed to apply also to the joint judge and the seal of the joint judge shall be the same as is used by the district judge.

Assistant judges.

24. (1) The Governor in Council may appoint assistant judges to any district court.

(2) An assistant judge shall have jurisdiction to hear such original suits, such applications or references under special Acts, and such miscellaneous applications, not being of the nature of appeals, as the district judge may refer to him.

Appellate jurisdiction of assistant judge.

25. (1) The Governor in Council may confer upon any assistant judge the power to hear such appeals from the decrees and orders of the subordinate courts as lie to the district court and as may be referred to him by the district judge.

(2) An assistant judge on whom the power to hear appeals has been conferred under this or any other Act, shall continue to have such power so long and so often as he may hold the office of assistant judge, without reference to the civil district in which he may be employed: Provided that the Governor in Council may at any time withdraw such power.

Power to invest joint or assistant judge with powers of district court.

26. The Governor in Council may confer upon any joint or assistant judge any of the powers and jurisdiction of the district court within any specified part of a civil district and such powers and jurisdiction shall not, while so conferred upon the joint or assistant judge, be exercised in such part by the district judge.

Control of courts.

27. The district judge shall have general control over all the civil courts within the district.

Appellate jurisdiction of district court.

28. (1) Save as provided in sections 8, 9, 26, 33, 34 and 36 in any case where a decree or order of a subordinate court is appealable, the appeal shall lie to the district court.

(2) Where a decree or order passed by an assistant judge in his original jurisdiction is appealable, the appeal shall lie to the Chief Court or to the district court, according as the amount or value of the subject-matter exceeds, or does not exceed, five thousand rupees.

#### *Subordinate Courts.*

Subordinate courts.

29. (1) There shall be in each civil district so many civil courts subordinate to the District Court (in this Act called "subordinate courts") as the Governor in Council may by notification direct.



(2) The Governor in Council may determine the local limits of the jurisdiction of subordinate courts and the places where such courts shall be held.

(3) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

(4) The Governor in Council shall appoint a subordinate judge to each such court.

(5) The Governor in Council may at any time for special reasons close temporarily any such court.

30. (1) The Governor in Council may appoint joint subordinate judges to a subordinate court. Joint subordinate judges and deputation.

(2) The district judge, with the previous sanction of the Chief Court, may depute to a subordinate court the judge of any other subordinate court in the civil district.

(3) A subordinate judge so appointed or deputed to a subordinate court shall dispose of such civil business within the pecuniary limits of his jurisdiction as the judge of such court, subject to the control of the district judge, may refer to him.

[1]A subordinate judge so deputed may also dispose of the civil business of his court at the place of his deputation subject to the general or special orders of the Chief Court in this behalf.

31. (1) The ordinary jurisdiction of subordinate judges of the first class shall extend to all original suits and proceedings of a civil nature. Jurisdiction of subordinate courts.

(2) The ordinary jurisdiction of subordinate judges of the second class shall extend to all such suits and proceedings wherein the subject matter does not exceed five thousand rupees in amount or value.

[2]Provided that the Governor in Council may invest any subordinate judge of the second class of not less than ten years' standing and specially recommended in this behalf by the Chief Court with power to exercise jurisdiction over all such suits and proceedings wherein the subject-matter does not exceed seven thousand and five hundred rupees in amount or value. A subordinate judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a subordinate judge of the second class without reference to the district in which he may be employed unless the powers are withdrawn by Government.

32. (1) A subordinate judge of the first class, in addition to his ordinary jurisdiction, shall exercise in the civil district to which his court belongs a special jurisdiction in respect of such suits and proceedings of a civil nature, [3][\* \* \* \*] as may arise within the local limits of the jurisdiction of all subordinate courts in the civil district of which the judges are of the second class [4]and wherein the subject-matter exceeds the pecuniary jurisdiction of the subordinate judge of the second class as defined by section 31. Special jurisdiction of first class subordinate judge.

[1] These words were added by s. 6 of Bom. Act. VII of 1930, *infra*.

[2] This proviso was added by Bom. Act VII of 1930, s. 6.

[3] The words " wherein the subject-matter exceeds five thousand rupees in amount or value " were omitted by Bom. Act VII of 1930, s. 6.

[4] These words were added by Bom. Act VII of 1930, s. 6.

(2) In any civil district in which there are two or more subordinate judges of the first class, the district judge, subject to the orders of the Chief Court, shall determine the local limits within which each such judge shall exercise his special jurisdiction.

Appeal from decision of first class subordinate judge.

33. Where a decree or order passed by a subordinate judge [1][\* \* \*] in any suit or proceeding of which the amount or value of the subject-matter exceeds five thousand rupees is appealable, the appeal shall lie to the Chief Court.

Appellate jurisdiction of first class subordinate judge or small cause court judge.

34. (1) The Governor in Council may invest any subordinate judge of the first class, or any judge of a court of small causes established under the [2]Provincial Small Cause Courts Act, 1887, with power to hear appeals from such decrees and orders of subordinate courts as may be referred to him by the district judge. IX of 1887.

(2) The appellate decision in any such case shall have the same force as if passed by the district judge.

(3) A subordinate judge of the first class or a judge of a court of small causes, on whom the power of hearing appeals has been conferred under this or any other Act, shall continue to have such power so long and so often as he may hold the office of subordinate judge of the first class or judge of a court of small causes, respectively, without reference to the civil district in which he may be employed.

Power to invest subordinate judge with small cause powers.

35. The Governor in Council may confer upon any subordinate judge within any specified local limits the jurisdiction of a court of small causes for the trial of suits cognizable by such courts up to any specified amount not exceeding, in the case of a subordinate judge of the first class, one thousand rupees, and in the case of a subordinate judge of the second class, [3]three hundred rupees.

Power to invest subordinate judges with jurisdiction under certain Acts.

36. (1) The Chief Court may by general or special order invest any subordinate judge, within such local limits and subject to such pecuniary limitation, as may be prescribed in such order, with all or any of the powers of a district judge or a district court, as the case may be, under the Indian Succession Act, 1925, or paragraph 5 of Schedule III to the [4]Code of Civil Procedure, 1908. XXX  
IX of  
1925  
V of  
1908

(2) Every order made by a subordinate judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the Chief Court or the district court according as the amount or value of the subject-matter exceeds or does not exceed five thousand rupees.

(3) Every order of the district court passed on appeal under sub-section (2) from the order of the subordinate judge shall be subject to an appeal to the Chief Court under the rules contained in the [4]Code of Civil Procedure, 1908, applicable to appeals from appellate decrees. V of  
1908

[1] The words "of the first class in his ordinary or special jurisdiction" were repealed by Bom. Act VII of 1930, s. 6.

[2] General Acts, Vol. III.

[3] The word "three" was substituted for the word "two" by Bom. Act VII of 1930, s. 6.

[4] General Acts, Vol. IV.

37. (1) No subordinate court other than the court of a subordinate Government judge of the first class and no court of the small causes shall receive or register any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party. suits.

(2) In every such case, the plaintiff shall be referred to the court of the subordinate judge of the first class and such suit shall be instituted only in the court of the subordinate judge of the first class and shall be heard by such subordinate judge, subject to the provisions of section 24 of the [1]Code of Civil Procedure, 1908.

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway; or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of—

(a) member of a local authority,

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—

(i) Order 32, rule 4 (4), of the [1]Code of Civil Procedure, 1908 ;

(ii) section 195 of the Indian Succession Act, 1925 ;

(iii) section 69 or 71 of the [2]Indian Lunacy Act, 1912 ;

(iv) section 7, 18 or 42 of the [3]Guardians and Wards Act, 1890 ;

(v) section 7 (2) (c) or 34 of the [4]Sindh Incumbered Estates Act, 1896 ; or

(vi) section 3, 19 (1), 19 (2), 20, 22 (1) or 41 (1) of the [5]Bombay Court of Wards Act, 1905.

#### Temporary Vacancies.

38. In the event of the death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave the joint judge, if any, or the first in rank of the assistant judges in the district, or in the absence from the district of the joint or assistant judge, the first in rank of the subordinate judges, shall assume charge of the district court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated joint judge, assistant judge or subordinate judge, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed, or assumed by an officer duly appointed thereto. Temporary vacancy of office of district judge.

39. Any district judge leaving the headquarters and proceeding on duty to any place within his district may delegate to a joint judge or an assistant judge, or in the absence of a joint judge or an assistant judge, to a subordinate judge at the headquarters, the power of performing such duties, enumerated in section 38 as may be emergent ; and such officer Delegation of powers of district judge.

[1] General Acts, Vol. IV.

[2] General Acts, Vol. V.

[3] General Acts, Vol. III.

[4] Vol. III of Bom. Code.

[5] Vol. IV of Bom. Code.

shall be designated joint, assistant or subordinate judge, as the case may be, in charge of the headquarters.

Temporary  
vacancy of  
office of  
subordinate  
judge.

40. In the event of the death, suspension or temporary absence of any subordinate judge, the district judge may empower the judge of any subordinate court of the same civil district to perform the duties of the judge of the vacated subordinate court, either at the place of such court or of his own court; but in every such case the registers and records of the two courts shall be kept distinct.

*Suspension and removal of Subordinate Judges.*

Suspension  
and removal.

41. (1) The Governor in Council may suspend or remove from office any subordinate judge for misbehaviour or neglect of duty.

(2) The Chief Court may suspend from office any subordinate judge pending inquiry into his conduct.

(3) The district judge may, in cases of urgent necessity, suspend from office any subordinate judge in the civil district, but shall forthwith report the case to the Chief Court.

*Officials of Courts other than the Chief Court.*

Appoint-  
ment  
and removal  
of court  
officials.

42. (1) The Chief Judge may appoint for the subordinate courts of the civil district of Karachi such ministerial officers as the Governor in Council may direct; and the district judge of any other civil district may make the like appointments for the district court and the subordinate courts of such district; and the Chief Judge and district judge respectively may promote, suspend or dismiss any such officer:

Provided that no officer who is in receipt of a monthly salary amounting to not less than thirty rupees shall be dismissed without the sanction of the Chief Judge.

(2) The Chief Judge may transfer any ministerial officer of any civil court to any other such court and the district judge may make any such transfer in the courts within the local limits of his jurisdiction.

(3) The Judge of a subordinate court may appoint peons and menial servants of such court and may suspend or remove any bailiff or peon or menial servant, subject to an appeal to the Chief Judge in the case of the civil district of Karachi and to the district judge in the case of any other civil district.

*Supplemental.*

Seal.

43. Every court shall use a seal on which shall be engraved the royal arms and the title of such court.

Execution of  
decree for  
debt against  
certain  
privileged  
persons.

44. (1) No decree for payment of debt passed by any court shall, save as provided by sub-section (2), be executed against a defendant who is a member of any of the late reigning families of Sind and whose name is entered in a list published in this behalf by the Governor in Council in the *Bombay Government Gazette*.

(2) Where application is made for the execution of such decree against such person, the court shall forward a copy of the decree and of the application to the Commissioner in Sind, who may by special order direct that the decree shall be executed against such person and may specify the manner in which it may be executed.

45. (1) Every proceeding pending at the commencement of this Act in the Court of the Judicial Commissioner of Sind or in the District Court of Karachi or in the court of Session of Karachi shall be deemed to be transferred to the Chief Court and the Chief Court shall proceed to try, hear and determine the matter as if it had been instituted in such court. Pending proceedings.

(2) Appeals from decrees, sentences and orders passed and not appealed against before the commencement of this Act, which would before that date have lain to the said Court of the Judicial Commissioner or the said district or sessions court, shall lie to the Chief Court.

(3) All decrees, sentences and orders passed before the commencement of this Act by the said Court of the Judicial Commissioner or the said district or sessions court shall be deemed for the purposes of execution to have been passed by the Chief Court:

Provided that nothing contained in sub-section (1) or sub-section (2) shall be construed to extend the period of limitation to which any suit or appeal may be subject.

46. (1) The enactments mentioned in the First Schedule are hereby amended, or, as the case may be, shall be deemed to be amended, to the extent and in the manner specified in the fourth column thereof. Enactments amended and repealed.

(2) The enactments mentioned in the Second Schedule are hereby repealed, or, as the case may be, shall be deemed to be repealed, to the extent specified in the fourth column thereof.

### THE FIRST SCHEDULE.

#### ENACTMENTS AMENDED OR DEEMED TO BE AMENDED.

[See section 46 (1).]

Year.	No.	Short title.	Amendments.
<i>Part I—Acts of the Governor-General in Council.</i>			
1866	XXVII	The [1] Indian Trustees' Act, 1866.	In the definition of High Court in section 2, for the words "Court of Oudh" the words "Courts of Oudh and Sindh" shall be deemed to have been substituted.
1866	XXVIII	The [1] Trustees' and Mortgagees' Powers Act, 1866.	In the definition of High Court in section 1, for the words "Court of Oudh" the words "Courts of Oudh and Sindh" shall be deemed to have been substituted.
1869	IV	The [1] Indian Divorce Act, 1869.	In clause (1) of section 3, after the words "of Oudh" the words "in Sind—the Chief Court of Sind" shall be deemed to have been inserted.  In clause (2) of section 3, for the words "in Burma" the words "in Burma and Sind" shall be deemed to have been substituted.

[1] General Acts, Vol. I.

Year.	No.	Short title.	Amendments.
		<i>Part I—Acts of the Governor-General in Council—contd.</i>	
1875	XVIII	The [1]Indian Law Reports Act, 1875.	(1) In the preamble for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.  (2) In section 3 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1879	XVIII	The [1]Legal Practitioners' Act, 1879.	In sub-section (4) of section 41 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.
1891	XVI	The [2]Colonial Courts of Admiralty (India) Act, 1891.	In section 2, (1) after clause (4) the following clause shall be deemed to have been inserted, namely:— " (5) The Chief Court of Sind, and "; (2) Clause " (5) " shall be deemed to have been renumbered " (6) ".
3	V	The [2]Code of Criminal Procedure, 1898.	(1) In clause (j) of sub-section (1) of section 4,  (i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and (ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted.  (2) In section 266,  (i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and (ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted.  (3) In sub-section (1) of section 364, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.  (4) In section 365, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.

[1] General Acts, Vol. II.

[2] General Acts, Vol. III.

[3] General Acts, Vol. IV.

Year.	No.	Short title.	Amendments.
		<i>Part I—Acts of the Governor-General in Council—concl'd.</i>	
1908	V	The [1]Code of Civil Procedure, 1908.	In section 122, for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted. In sub-section (1) of section 123, for the words " Chief Court " the words " Chief Courts " shall be deemed to have been substituted.
1908	IX	The [2]Indian Limitation Act, 1908.	In the First Schedule, Third Division, in Article 162 after the word " Bombay " the words " or the Chief Court of Sind " shall be deemed to have been inserted.
		<i>Part II—Acts of the Governor of Bombay in Council.</i>	
1879	V	The [3]Bombay Land Revenue Code, 1879.	In sub-section (3) of section 135H, for the words " Court of the Judicial Commissioner " the words " Chief Court " shall be substituted.
1906	II	The [4]Mamlatdars Courts Act, 1906.	In section 24 for the words " Court of the Judicial Commissioner " the words " Chief Court " shall be substituted.
1915	I	The [5]Bombay Town Planning Act, 1915.	In section 33, (1) in sub-section (2) for the words " Judicial Commissioner " where they occur for the second time the words " Chief Judge of the Chief Court of Sind " shall be substituted; and (2) for the words " Additional Judicial Commissioner " in sub-sections (2) and (3) the words " Judge of the Chief Court of Sind " shall be substituted.
1923	VI	The [6]Bombay Local Boards Act, 1923.	In the <i>explanation</i> to clause (1) of sub-section (1) of section 9 for the words " Court of the Judicial Commissioner in Sind " the words " Chief Court of Sind " shall be substituted.

[1] General Acts, Vol. IV. [2] Vol. II of Bom. Code. [3] Vol. IV of Bom. Code.

[4] Vol. V of Bom. Code.

[5] In this Vol., p. 33.

## THE SECOND SCHEDULE.

## REPEALS.

[See section 46 (2).]

Year.	No.	Short title.	Extent of repeal.
<i>Part I—Acts of the Governor-General in Council.</i>			
1869	IV	The [1] Indian Divorce Act, 1869.	In section 3, clause (2), the words “in Sind the Judicial Commissioner of that Province” shall be deemed to have been repealed.
1869	XIV	The [1] Bombay Civil Courts Act, 1869.	So far as extended by notification to Sind.
1891	XVI	The [2] Colonial Courts of Admiralty (India) Act, 1891.	In section 2, (1) the word “and” in clause (5) and (2) clause (6), shall be deemed to have been repealed.
<i>Part II—Acts of the Governor of Bombay in Council.</i>			
1866	XII	The [3] Sindh Courts Act, 1866.	So much as has not been repealed.
1868	III	The [3] Bombay Act V of 1867 (Amendment) Act, 1868.	So much as has not been repealed.
1906	I	The [4] Sind Courts (Amendment) Act, 1906.	The whole.
1910	I	The [5] Bombay Repealing and Amendment Act, 1910.	So much of it as relates to the Sind Courts (Amendment) Act, 1906.
1916	II	The [5] Sind Courts (Amendment) Act, 1916.	The whole.

[1] General Acts, Vol. I. [2] General Acts, Vol. III. [3] Vol. II of Bom. Code.  
[4] Vol. IV of Bom. Code. [5] Vol. V of Bom. Code.



BOMBAY ACT No. VIII OF 1926.<sup>[1]</sup>

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1926]

[25th September 1926]

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

Bom. WHEREAS it is expedient further to amend the Bombay Port Trust  
VI of Act, 1879, in manner hereinafter appearing; AND WHEREAS the previous  
1879. sanction of the Governor General required by section 80A of the Govern-  
5 & 6 ment of India Act has been obtained for the passing of this Act; It is  
Geo. V. hereby enacted as follows :—  
o. 61.

1. This Act may be called the Bombay Port Trust (Amendment) Short title.  
Act, 1926.

Bom. 2. In section 22 of the [2]Bombay Port Trust Act, 1879, hereinafter Amendment  
VI of called the said Act— of section 22  
1879. of Bom. VI of

(a) in sub-section (5) after the word “them” where it occurs for the 1879.  
first time the words “and the Chairman” shall be inserted; and

(b) in sub-section (6) after the word “servants” where it occurs for  
the second time the words “and the Chairman” shall be inserted.

3. In sub-section (1) of section 49 of the said Act after the word Amendment  
“servants” where it occurs for the third time the words “and the of section 49  
Chairman” shall be inserted. of Bom. VI of  
1879.

4. The amendments made by sections 2 and 3 shall be deemed to Amendments  
have been made and to have had effect from the 21st day of May 1923. made by  
sections 2 and  
3 to have  
retrospective  
effect.

5. For sub-section (2) of section 61A of the said Act the following Amendment  
sub-section shall be inserted, namely :— of section 61A  
of Bom. VI of  
1879.

VIII  
of  
1878.

“(2) If any owner, without any default on the part of the Board, Goods not  
fails to remove any goods other than those stored in the warehouses stored in  
appointed by the Board for the storage of duty paid goods or in ware- licensed  
houses appointed under section 15, or licensed under section 16 of the warehouses  
[2]Sea Customs Act, 1878, from the premises of the Board within seven to remain a  
clear days from the date on which such goods shall have been landed, risk and  
such goods shall remain on the premises of the Board at the sole risk expense of  
and expense of the owner and the Board shall thereupon be discharged owner if not  
from all liability theretofore incurred by them in respect of such goods.” removed  
within seven  
days.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1926, Part V, p. 88; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1926, Vol. XVIII.

[2] Vol. II of Bom. Code.

[3] General Acts, Vol. II.

BOMBAY ACT No. IX OF 1926.<sup>[1]</sup>

[THE BOMBAY PREVENTION OF PROSTITUTION (AMENDMENT) ACT, 1926]

[28th September 1926]

Amended by

Number of Act	Year
Bom. Act No. IX .. .. .	1927

## An Act to amend the Bombay Prevention of Prostitution Act, 1923.

Bom. XI of 1923. 5 & 6 Geo.V. c. 61. WHEREAS it is expedient to amend the <sup>[2]</sup>Bombay Prevention of Prostitution Act, 1923, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by 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 Prevention of Prostitution Short title. (Amendment) Act, 1926.

Bom. XI of 1923. 2. In sub-section (2) of section 1 of the <sup>[2]</sup>Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the words and figures "and section 12" the words and figures "section 12 and section 13, sub-section (1)" and for the word and figures "sub-section 8 (3)" the word and figures "section 8 (3)" shall be substituted. Amendment of s. 1 of Bom. XI of 1923.

3. In section 3 of the said Act, Amendment of s. 3 of Bom. XI of 1923.  
 (a) for the words "eight days" the words "three months" and  
 (b) for the word "fifty" the words "one hundred" shall be substituted.

4. After sub-section (5) of section 9 of the said Act the following sub-section shall be added, namely:— Amendment of s. 9 of Bom. XI of 1923.  
 "[In this Vol., p. 108]"

5. For sub-section (1) of section 10 of the said Act the following shall be substituted, namely:— Amendment of s. 10 of Bom. XI of 1923.  
 "(1) [In this Vol., p. 108]"

6. In section 13 of the said Act,— Amendment of s. 13 of Bom. XI of 1923.  
 (a) For clause (c) of sub-section (1) the following shall be substituted, namely:—  
 "[In this Vol., p. 109]"  
 (b) For clause (e) of sub-section (1) the following shall be substituted, namely:—  
 "[In this Vol., p. 109]"

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1926, Part V, pp. 42-43; for Report of the Select Committee, see *ibid*, 1926, Part V, p. 73; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1926, Vols. XVII and XVIII.

[2] In this Vol., p. 103.

**BOMBAY ACT No. X OF 1926.[<sup>1</sup>]**

[THE BOMBAY CITY MUNICIPALITIES (AMENDMENT) ACT, 1926]

[13th October 1926]

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

Bom. XVIII of 1925. WHEREAS it is expedient to amend the [<sup>2</sup>]Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay City Municipalities Short titl. (Amendment) Act, 1926.

Bom. XVIII of 1925. 2. In sub-section (I) of section 13 of the [<sup>2</sup>]Bombay City Amendment Municipalities Act, 1925, hereinafter called the said Act, for the words of section 13 and figures "sub-clauses (iii) and (iv) of clause (c) of section 11" and the words and figures "clause (c) of sub-section (I) of section 10" shall be substituted.

3. For section 33 of the said Act the following section shall be substituted, namely:—  
 "[In this Vol., p. 282.]"  
 Substitution of a new section for section 33 of Bom. XVIII of 1925.

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

Provided that nothing in this section shall apply or shall be deemed to have applied in the case of any person who, being a chief officer, was removed from office under section 33 of the said Act before the 16th day of July 1926, as not being a graduate of a recognized university, or a qualified man.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1926, Part V, p. 92; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1926, Vol. XVIII.

[<sup>2</sup>] In this Vol., p. 267.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

**THE INVALIDATION OF HINDU CEREMONIAL  
EMOLUMENTS ACT, 1926.**

**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Extent and commencement.
3. Definitions.
4. Right to claim ceremonial emoluments.
5. Hereditary priest may be relieved of his obligation to perform services.
6. Extent to which rights of hereditary Hindu priest or his alienee affected under the Act.

**BOMBAY ACT No. XI OF 1926.<sup>[1]</sup>**

[THE INVALIDATION OF HINDU CEREMONIAL EMOLUMENTS  
ACT, 1926]

[13th October 1926]

**An Act to amend the law relating to the emoluments claimable  
by hereditary Hindu priests.**

WHEREAS it is expedient to amend the law relating to the emoluments claimable by hereditary Hindu priests and whereas the previous sanction of the Governor General required under section 80-A (3) of the Government of India Act has been obtained for the passing of this Act ;  
5 & 6 Geo.V, It is hereby enacted as follows :—  
c. 61.

1. This Act may be called the Invalidation of Hindu Ceremonial Short title.  
Emoluments Act, 1926.

2. (1) This Act shall apply to the whole of the presidency of Bombay. Extent and  
(2) It shall come into operation on the first day of April 1928. commencement.

3. In this Act, Definitions.  
“Ceremonial emoluments” means all perquisites, fees and any other dues claimable by any person for religious ceremonials, on account of his being a hereditary priest or an alienee from a hereditary priest.

4. No person shall be entitled to claim, as a matter of right, any Right to  
ceremonial emoluments from any Hindu who does not call in the services claim  
of the person claiming those emoluments. ceremonial  
emoluments.

5. After this Act comes into operation—

(i) Every hereditary priest who holds no inam land or receives no Hereditary  
cash allowance as remuneration for the performance of his services to priest may be  
the village shall be deemed to be relieved of his obligation to perform relieved of his  
such services when required by any villager to officiate or to provide a obligation to  
substitute to officiate at any religious ceremony in the village. perform  
services.

(ii) A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands or, as the case may be, to forego his cash allowance ; provided that such option shall be allowed to be exercised once only in the case of each inam grant.

6. Nothing in this Act shall affect the rights of a hereditary Hindu Extent to  
priest or an alienee from such priest to the inam lands or cash allowance which rights  
attached to his office for the performance of any service pertaining to it, of hereditary  
except to the extent specified herein. Hindu priest  
or his alienee  
affected

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1925, Part V, p. 488 ; for Report of the Select Committee, see *ibid*, 1926, Part V, pp. 81-83 ; and for Proceedings in Council see *Bombay Legislative Council Debates* 1925, Vol. XVI, and 1926, Vols. XVII and XVIII.

**BOMBAY ACT No. XII OF 1926.[1]**

[THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1926]

[20th October 1926]

**An Act further to amend the City of Bombay Police Act, 1902.**

Bom. IV of 1902. WHEREAS it is expedient further to amend the [2]City of Bombay Police Act, 1902, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Police (Amendment) Short title. Act, 1926.

Bom. IV of 1902. 2. After section 29 of the [2]City of Bombay Police Act, 1902, the following section shall be inserted, namely :—

New section 29-A of Bom. IV of 1902.

“29-A. (1) Any police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed.

Destruction of suffering or unfit animals.

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal, or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police Officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

*Explanation.*—For the purpose of this section ‘ bull ’ does not include ‘ bullock ’.

(2) The Governor in Council may appoint such persons as he thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.”

Power to appoint Veterinary Practitioners.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1926, Part V, p. 36; for Report of the Select Committee, see *ibid*, 1926, Part V, pp. 94-96; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1926, Vols. XVII and XVIII.

[2] Vol. IV of Bom. Code.

**BOMBAY ACT No. I OF 1927.<sup>[1]</sup>**

[THE BOMBAY CITY MUNICIPALITIES (AMENDMENT) ACT, 1927<sup>[2]</sup>

[24th March 1927]

**An Act further to amend the Bombay City Municipalities Act, 1925.<sup>[2]</sup>**

Bom. XVIII of 1925. WHEREAS the term of office of certain municipalities to which the [2]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 herein-after appearing ;

It is hereby enacted as follows :—

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

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

[In this Vol., p. 270]

3. To sub-section (1) of section 24 of the said Act the following Amendment of section 24 of Bom. XVIII of 1925. proviso shall be added, namely :—

[In this Vol., p. 279]

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

[In this Vol., p. 279]

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1927, Part V, pp. 13-14, and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1927, Vol. XIX.

[2] In this Vol., p. 267.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

**BOMBAY ACT No. VI OF 1927.<sup>[1]</sup>**

**[THE ADEN CIVIL AND CRIMINAL JUSTICE (AMENDMENT)  
ACT, 1927]**

[19th September 1927]

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

II of 1864. 5 & 6 Geo. V. c. 61. WHEREAS it is expedient further to amend the <sup>[2]</sup>Aden Civil and Criminal Justice Act, 1864, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by subsection (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 Aden Civil and Criminal Justice Short title. (Amendment) Act, 1927.

II of 1864. 2. In section 1 of the <sup>[2]</sup>Aden Civil and Criminal Justice Act, 1864, Amendment of section 1 of Act II of 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.

V of 1908. 3. In section 5 of the said Act for the words “ Code of Civil Procedure ” the words and figures <sup>[3]</sup>“ Code of Civil Procedure, 1908 ” Amendment of section 5 of Act II of 1864. shall be substituted.

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

“ 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.

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

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

<sup>[1]</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1926, Part V, pp. 111-12; for Report of the Select Committee see *ibid*, 1927, Part V, pp. 16-17; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1927, Vols. XIX and XX.

<sup>[2]</sup> Vol. I of Bom. Code.

<sup>[3]</sup> General Acts, Vol. IV.



(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 [1]Provincial Small Causes Courts Act, 1887"; and

LX of  
1887.

(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 [2]Code of Civil Procedure, V of 1908" shall be substituted.

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 the powers of a Magistrate of the first, second or third class, as described in the [2]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."

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

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

Special  
Magistrates.

"18A. The Governor in Council may confer on any person all or any of the powers conferred or conferrable by or under the [2]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.

[1] General Acts, Vol. III.

[2] General Acts, Vol. IV.

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.

V of 1908.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by the [1]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.

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 [1]Code of Criminal Procedure, 1898, for the guidance of Magistrates' Benches respecting the following subjects :—

Rules for the guidance of Benches of Magistrates.

- (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.

V of 1908.

18D. The Governor in Council may withdraw all or any of the powers conferred on any person under the [1]Code of Criminal Procedure, 1898.

Powers may be withdrawn.

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."

Sentences, etc., passed prior to this Act.

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

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

" 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.

Appeal and Revision.

(2) An appeal from a judgment or order of any magistrate of the second or third class, where such appeal is allowed by the [1] 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."

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

11. In sections 20, 23 and 27 of the said Act, for the words "Code of Criminal Procedure" the words and figures "[1]Code of Criminal Procedure, 1898" shall be substituted. V of 1898.

Amendment of section 22A of Act II of 1864.

12. In section 22A of the said Act,—

(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.

“ 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. Process fees.

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

BOMBAY ACT No. VII OF 1927.[<sup>1</sup>]

[THE DEKKHAN AGRICULTURISTS' RELIEF (AMENDMENT) ACT, 1927]

[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 [<sup>2</sup>]Dekkhan Agriculturists' Relief Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows :—

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

2. In section 35 of the [<sup>2</sup>]Dekkhan Agriculturists' Relief Act, 1879 :— Amendment of section 35 of Act XVII of 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.

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 1-2, and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XX.

[<sup>2</sup>] Vol. I of Bom. Code.

**BOMBAY ACT No. VIII OF 1927. [1]**

[THE PRESIDENT'S SALARY (AMENDMENT) ACT, 1927]

[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 Salary (Amendment) Short title. Act, 1927.

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

Amendment of section 2 of Bom. XII of 1924.

[In this Vol., p. 143.]

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[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, p. 28, and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vols. XIX and XX.

[2] In this Vol., p. 143,

**THE BOMBAY REPEALING AND AMENDING ACT, 1927.****CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title.
2. Amendments of certain enactments.
3. Repeal of certain enactment.
4. Savings.

**First Schedule.****Second Schedule.**

**BOMBAY ACT No. IX OF 1927.[<sup>1</sup>]**

[THE BOMBAY REPEALING AND AMENDING ACT, 1927]

[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 Short title Act, 1927.
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;

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.

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 66-67, and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XX.



## THE FIRST SCHEDULE.

## AMENDMENTS.

(See section 2).

Year	Number	Short title	Amendments											
<i>Act of the Governor-General in Council</i>														
1869 ..	XIV	The [1]Bombay Civil Courts Act, 1869.	In the proviso to section 38 for the word "ten" the word "eighteen" shall be substituted.											
<i>Acts of the Governor of Bombay in Council</i>														
1923 ..	XI	The [2] 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 [3]Bombay Securities Contracts Control Act, 1925.	In section 6 for the figure "4" the figure "5" shall be substituted.											
1926 ..	III	The [4]Court-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" style="margin-left: 20px;"> <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: middle; padding: 0 10px;">}           <table border="0" style="margin-left: 10px;"> <tr> <td>When the amount or value of the Estate does not exceed two thousand rupees ..</td> <td>Two rupees.</td> <td></td> </tr> <tr> <td>When it exceeds two thousand rupees but does not exceed five thousand rupees ..</td> <td>Five rupees.</td> <td>X3 of</td> </tr> <tr> <td>When it exceeds five thousand rupees ..</td> <td>Ten rupees.”</td> <td>X3 of</td> </tr> </table> </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>	} <table border="0" style="margin-left: 10px;"> <tr> <td>When the amount or value of the Estate does not exceed two thousand rupees ..</td> <td>Two rupees.</td> <td></td> </tr> <tr> <td>When it exceeds two thousand rupees but does not exceed five thousand rupees ..</td> <td>Five rupees.</td> <td>X3 of</td> </tr> <tr> <td>When it exceeds five thousand rupees ..</td> <td>Ten rupees.”</td> <td>X3 of</td> </tr> </table>	When the amount or value of the Estate does not exceed two thousand rupees ..	Two rupees.		When it exceeds two thousand rupees but does not exceed five thousand rupees ..	Five rupees.	X3 of	When it exceeds five thousand rupees ..	Ten rupees.”	X3 of
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When the amount or value of the Estate does not exceed two thousand rupees ..	Two rupees.													
When it exceeds two thousand rupees but does not exceed five thousand rupees ..	Five rupees.	X3 of												
When it exceeds five thousand rupees ..	Ten rupees.”	X3 of												
1926 ..	IX	The [5]Bombay Prevention of Prostitution (Amendment) Act, 1926.	In clause (a) in section 6 for the word, figures and brackets "clause 33 (i)" the word, figures and brackets "section 33 (i)" shall be substituted.											

## THE SECOND SCHEDULE.

## REPEAL.

(See section 3).

Year	Number	Short title	Repeal
1923 ..	VII	The [6]Bombay Boiler Inspection (Amendment) Act, 1923.	The whole Act.

[1] Vol. I of Bom. Code.

[2] In this Vol., pp. 103-110.

[3] In this Vol., pp. 233-235.

[4] Not printed in this Vol. as having been spent.

[5] In this Vol., p. 409.

[6] Not printed in this Vol. as having been repealed.

## BOMBAY ACT No. X OF 1927. [1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1927]

[3rd November 1927]

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

Bom. WHEREAS it is expedient further to amend the [2]Bombay Local  
VI of Boards Act, 1923, in manner hereinafter appearing: And Whereas  
1923. the previous sanction of the Governor General required by sub-section  
5 & 6 (3) of section 80A of the Government of India Act has been obtained  
Geo.V for the passing of this Act; It is hereby enacted as follows :—  
o. 61.

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

Bom. 2. To section 27 of the [2]Bombay Local Boards Act, 1923, hereinafter Amendment  
VI of called "the said Act," the following proviso shall be added, namely :— of section 27  
1923. [In this Vol., p. 44.] of Bom. VI  
of 1923.

3. Section 29 of the said Act shall be renumbered "29 (1)", and the Amendment  
following shall be added as sub-section (2) :— of section 29  
[In this Vol., p. 45.] of Bom. VI  
of 1923.

4. In sub-section (1) of section 40 of the said Act, Amendment  
(i) the word "and" occurring after the word "therein" shall be of section 40  
deleted; of Bom. VI  
of 1923.

(ii) after the word "board" where it occurs for the first time the  
following words shall be inserted, namely :—  
[In this Vol., p. 50.] and

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

5. After section 45 of the said Act the following section shall be Insertion of  
inserted, namely :— a new section  
[In this Vol., p. 53.] 45-A in Bom.  
VI of 1923.

6. In section 50 of the said Act after clause (m) the following clause Amendment  
shall be inserted, namely :— of section 50  
[In this Vol., p. 55.] of Bom. VI  
of 1923.

7. After section 61 of the said Act, the following section shall be Insertion of a  
inserted, namely :— new section  
[In this Vol., p. 60.] 61A in Bom.  
VI of 1923.

8. To section 82 of the said Act, the following proviso shall be added, Amendment  
namely :— of section 82  
[In this Vol., p. 69.] of Bom. VI  
of 1923.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 37-38, and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XX.

[2] In this Vol., pp. 33.

Amendment  
of section 89  
of Bom. VI  
of 1923.

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

- (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 :—  
[In this Vol., p. 70.]

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 :—

[In this Vol., p. 71.]

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 :—  
[In this Vol., p. 72.]

(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 :—

[In this Vol., p. 72.] 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.

Amendment  
of section 122  
of Bom. VI  
of 1923.

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”.

Substitution  
of a new sec-  
tion for sec-  
tion 137 of  
Bom. VI of  
1923.

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

[In this Vol., p. 88.]

**BOMBAY ACT No. XI OF 1927.[1]**

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1927]

[13th December 1927]

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

Bom. WHEREAS it is expedient further to amend the [2]Bombay District  
IV of Police Act, 1890, in manner hereinafter appearing; And whereas the  
1890. previous sanction of the Governor General required by section 80-A (3)  
5 & 6 of the Government of India Act has been obtained for the passing of this  
Geo. V, Act; It is hereby enacted as follows:—  
o. 61.

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

Bom. 2. In clause (b) of section 3 of the [2]Bombay District Police Act, 1890, Amendment  
IV of hereinafter called the said Act, after the word "Act" the words "and of section 3  
1890. shall include, subject to the provisions of sub-section (2) of section 27-A, of Bom. IV  
an additional police officer" shall be inserted.

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

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

(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.

(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.

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

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927,  
Part V, p. 151, and for proceedings in Council see *Bombay Legislative Council Debates*,  
1927, Vol. XXI.

[2] Vol. III of Bom. Code.

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 :—

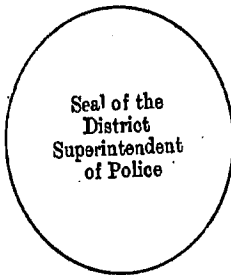
When police may arrest without a warrant. "51-A. Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 4, 5 or 6 of the [1]Prevention of Cruelty to Animals Act, 1890." XI of 1890.

Schedule C. 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 section \_\_\_\_\_

**BOMBAY ACT No. XII OF 1927.[<sup>1</sup>]**

[THE BOMBAY CITY MUNICIPALITIES (SECOND AMENDMENT)  
ACT, 1927]

[14th December 1927]

**An Act further to amend the Bombay City Municipalities Act, 1925.[<sup>2</sup>]**

Bom. <sup>XVIII</sup> WHEREAS it is expedient to amend the [<sup>2</sup>]Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as of 1925. follows:—

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

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

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 152-153, and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XXI.

[<sup>2</sup>] In this Vol., p. 267.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

**BOMBAY ACT No. XIII OF 1927.<sup>[1]</sup>**

[THE BOMBAY CHILDREN (AMENDMENT) ACT, 1927]

[14th December 1927]

**An Act further to amend the Bombay Children Act, 1924.**

Bom. WHEREAS it is expedient further to amend the <sup>[2]</sup> Bombay Children  
XIII Act, 1924, in manner hereinafter appearing: AND WHEREAS the pre-  
of of 1924. vious sanction of the Governor General required by section 80-A (3)  
5 & 6 of the Government of India Act has been obtained for the passing of this  
Geo.V,Act; It is hereby enacted as follows:—  
c. 61.

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

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

[In this Vol., p. 153]

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

[In this Vol., p. 172]

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, p. 144, and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XXI.

[<sup>2</sup>] In this Vol., p. 149.

**BOMBAY ACT No. XIV OF 1927.[1]**

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1927]

[23rd December 1927]

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

Bom. WHEREAS it is expedient further to amend the [2 Bombay Port Trust  
VI of Act, 1879, in manner hereinafter appearing ; And Whereas the previous  
1879. sanction of the Governor General required by section 80A (3) of the  
5 & 6 Government of India Act has been obtained for the passing of this Act ;  
Geo.V It is hereby enacted as follows :—  
c. 61.

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

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

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

“(6-B) for authorizing the payment of contributions or appro Contribution  
priation to any special fund or funds which may be established by the or appropria-  
Board for any of the purposes of this Act : tions to spe-  
cial 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.”

3. In section 49 of the said Act,—

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

Amendment  
of section 49  
of Bom. VI  
of 1879.

“(I) (i) the salaries, fees, allowances, pensions, gratuities, com-  
passionate 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 ;

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 159-60 ; and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XXI.

[2] Vol. II of Bom. Code.



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 ;
- (iv) 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
- (v) 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 Government, the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section.”

Amendment  
of section 50  
of Bom. VI  
of 1879.

4. In section 50 of the said Act,—

(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<sup>[1]</sup>****[THE BOMBAY PRIMARY EDUCATION (AMENDMENT) ACT, 1927]**

[10th January 1928]

**An Act to amend the Bombay Primary Education Act, 1923.**

Bom. WHEREAS it is expedient to amend the <sup>[2]</sup>Bombay Primary  
 IV of Education Act, 1923, in manner hereinafter appearing; it is hereby  
 1923. enacted as follows :—

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

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

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 145-146; and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XXI.

[<sup>2</sup>] In this Vol., p. 9.

BOMBAY ACT No. XVI OF 1927.[<sup>1</sup>][THE MAHUL CREEK (EXTINGUISHMENT OF RIGHTS) (AMENDMENT)  
ACT, 1927]

[10th January 1928]

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

Bom. WHEREAS it is expedient to amend the [<sup>2</sup>]Mahul Creek (Extinguish-  
IV of ment of Rights) Act, 1922, in manner hereinafter appearing;  
1922. It is hereby enacted as follows:—

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

Bom. 2. In the preamble and section 2 of the [<sup>2</sup>]Mahul Creek (Extin- Amendment  
IV of guishment of Rights) Act, 1922, hereinafter called the said Act, the of preamble  
1922. words "tidal rights and" shall be repealed. and section 2  
of Bom. IV  
of 1922.

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

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, pp. 88-89; for Report of the Select Committee see *ibid*, 1927, Part V, pp. 163-164; and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XXI,

[<sup>2</sup>] Vol. V of Bom. Code.

## THE BOMBAY COTTON MARKETS ACT, 1927

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	“ Prescribed ”	..	..	..
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5.	The Market Committee	..	..	..
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7.	By-laws	..	..	..
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**BOMBAY ACT No. XVII OF 1927.[<sup>1</sup>]**

[THE BOMBAY COTTON MARKETS ACT, 1927]

[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 Markets Act, 1927. Short title.
2. This Act shall apply to the whole of the 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. Extent.
3. In this Act, unless there is anything repugnant in the subject or context,—
  - (i) "Cotton" includes ginned cotton and unginned cotton. "Cotton."
  - (ii) "Cotton market" means a market established under section 4. "Cotton market."
  - (iii) "A grower of cotton" shall not include a dealer or broker in cotton, although such a 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. "Grower of cotton."
  - (iv) "Prescribed" means prescribed by rules or by-laws made under this Act. "Prescribed."
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. Notification of a cotton market.
  - (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.
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. The Market Committee.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1927, Pt. V, p. 8; for Report of the Select Committee see *ibid* pp. 102-109 and for proceedings in Council, see *Bombay Legislative Council Debates*, 1927, Volumes XX and XXI.

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,<sup>[1]</sup> 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 the 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 ;

[1] For Rules under this section, see Government Notifications in the Revenue Department, No. 375/28, dated the 30th October 1929, published in the *Bombay Government Gazette*, 1929, Part I, pp. 2371-80 ; No. 375/28, dated 27th January 1933, published in the *Bombay Government Gazette*, 1932, Part I, pp. 270-274 ; and No. 375/28, dated 1st August 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 1792.

(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.

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. By-laws.

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. Sub-committees and joint committees and delegation of powers.

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. Appointments and salaries of servants of the market committee.

(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 subsection (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 The market committee fund.

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.

Purposes for which the market committee fund may be expended.

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

(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 pension 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 immoveable, to lease, sell or otherwise transfer any moveable or immoveable 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.

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.

Penalties.

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.

Offences to be triable only by a First Class Magistrate.

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.

**THE BOMBAY NON-AGRICULTURISTS' LOANS ACT. 1928.**

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6. Power to make rules.

BOMBAY ACT No. III OF 1928.[<sup>1</sup>]

[THE BOMBAY NON-AGRICULTURISTS' LOANS ACT, 1928]

[30th March 1928]

*Amended by*

Number of Act.	Year.
Bom. Act No. XI .. .. .	1928

**An Act to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans.**

WHEREAS it is expedient to provide for the grant of loans by Government to non-agriculturists for the relief of distress caused by floods or other calamities and for the recovery of such loans in manner hereinafter appearing :

And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A and the previous sanction of the Governor required by section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

5 & 6  
Geo. V  
c. 61.

XII  
of  
1884.

1. This Act may be called "the Bombay Non-Agriculturists' Loans Act, 1928." Short title.

2. Section 1 and this section extend to the whole of the Bombay Presidency. The rest of the Act may be extended by the Local Government by notification in the *Bombay Government Gazette* to any part of the Presidency from such date as may be specified in such notification. Extent.

3. Subject to such rules as may be made under section 6, loans may be granted under this Act for rebuilding or repairing houses or for the relief of distress to any person to whom a loan under the [2]Agriculturists' Loans Act, 1884, cannot be granted. Purpose for which loans may be granted.

4. All loans granted after the 1st day of August 1927 to such persons as are referred to in section 3 for the purpose mentioned therein shall be deemed to be loans granted under this Act. Loans already granted to be deemed to have been granted under Act.

5. [3] All loans granted or deemed to have been granted under this Act, together with all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same shall be recoverable Recovery of loans.

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1928, Pt. V, p. 7; and for proceedings in Council see *Bombay Legislative Council Debates*, 1928, Vol. XXII.

[<sup>2</sup>] General Acts, Vol. II.

[<sup>3</sup>] The figure and brackets "(1)" were repealed by Bom. Act XI of 1928, s. 3 and Second Schedule.

at the discretion of the Collector in any one or more of the following modes, namely :—

(a) from the borrower—as if they were arrears of land revenue due by him ;

(b) from his surety (if any)—as if they were arrears of land revenue due by him ;

(c) out of the assets left by a deceased borrower or surety or out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of a defaulter's moveable or immoveable property other than the land on which that revenue is due ;

(d) if the loan is for the benefit of a house, out of such house,—as if it were arrears of land revenue due in respect of the land on which the house stands.

Power to  
make rules.

6.<sup>[1]</sup> (1) The Local Government may, from time to time, by notification in the *Bombay Government Gazette*, make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely :—

(a) the manner of making applications for loans ;

(b) the officers by whom loans may be granted ;

(c) the nature of the security, if any, to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans ; and

(d) the instalments by which and the mode in which loans shall be repaid.

[1] For Rules under this section, see Government Notification in the Finance Department, No. 6004-E., dated the 1st December 1930, published in the *Bombay Government Gazette*, 1930, Part I, pp. 2951-58.

## THE BOMBAY UNIVERSITY ACT, 1928.

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BOMBAY ACT No. IV OF 1928.[<sup>1</sup>]

[THE BOMBAY UNIVERSITY ACT, 1928]

[2nd August 1928]

*Amended by*

Number of Act.				Year.
Bom. Act No.	XII	..	..	1928
" "	XIII	..	..	1929
" "	XV	..	..	1930
" "	XX	..	..	1930

**An Act to amend the law relating to the University of Bombay.**

WHEREAS by [<sup>2</sup>]Act XXII of 1857 a University was established and incorporated at Bombay;

And whereas the law relating to the said university was amended by <sup>VIII of</sup> 1904. the [<sup>3</sup>]Indian Universities Act, 1904;

And whereas it is necessary to reconstitute the said University to enable it to provide greater facilities for higher education and to conduct post-graduate teaching and research in all branches of learning, including technology, while continuing to exercise due control over the teaching given by colleges affiliated to it from time to time; And whereas the <sup>51 & 6,</sup> previous sanction of the Governor General required by section 80A (3) <sup>Geo.V</sup> and the previous sanction of the Governor required by section 80C of the <sup>c. 61.</sup> Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

## CHAPTER I.—PRELIMINARY.

1. This Act may be called the Bombay University Act, 1928. Short title.
2. This section and sections 1 and 44 shall come into operation at Commence-  
once. The rest of the Act shall come into operation on such date as ment.  
Government may, by notification [<sup>4</sup>]in the *Bombay Government Gazette*,  
appoint in this behalf.
3. In this Act, unless there is anything repugnant in the subject or Interpreta-  
context— tion.

(a) " College " means an affiliated college ;

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, p. 81; for Report of the Select Committee see *ibid.*, 1927, Part V, p. 114; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vols. XX and XXI, and 1928, Vol. XXII.

[<sup>2</sup>] General Acts, Vol. I.

[<sup>3</sup>] General Acts, Vol. IV.

[<sup>4</sup>] Sections 3 to 43 and 45 to 52 came into operation on 24th January 1929 (*vide* Government Notification in the Educational Department, No. 3132, dated the 23rd January 1929, published in the *Bombay Government Gazette*, 1929, Part I, p. 132).



(b) "Fellow" means an *ex-officio* Fellow or an ordinary Fellow of the University appointed under the provisions of this Act but does not include an Honorary Fellow ;

(c) "Head Master" means the head of a High School registered by the University ;

(d) "Prescribed" means prescribed by the Act or by any Statutes, Ordinances or Regulations made thereunder ;

(e) "Principal" means the head of a college ;

(f) "Registered Graduate" means a graduate registered under the provisions of this Act or of [1]the Indian Universities Act, 1904 ;

VIII.  
of  
1904.

(g) "Statutes," "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made or deemed to have been made under this Act and for the time being in force ;

(h) "Teacher" means such Professor, Reader, Lecturer and person giving instruction in any college as may be declared by the Statutes to be a teacher ;

(i) "University" means the University of Bombay as reconstituted under this Act ;

(j) "University Department" means any collegiate institution or post-graduate or research department maintained by the University ;

(k) "University Professor" means a person appointed as such by the University ; and

(l) "University Teacher" means a person appointed by the University to give instruction on its behalf.

## CHAPTER II.—THE UNIVERSITY.

Incorporation and powers of the University.

4. (1) The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and University teachers, to hold and manage educational endowments, to erect, equip and maintain University laboratories and museums, to make regulations relating to the residence and conduct of students, to lay down courses of instruction for the various examinations, to guide the teaching in colleges, to inspect colleges and to take measures to ensure that proper standards of teaching are maintained in them, to hold examinations, to confer degrees, to undertake post-graduate teaching and to promote research, and to do all acts, not inconsistent with this Act, which tend to the promotion of study and research.

(2) The Chancellor, Vice-Chancellor, the Rector (if any), the Fellows and all persons who may hereafter become or be appointed or elected to be Chancellor, Vice-Chancellor, Rector or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, Rector or Fellows, are hereby constituted and declared to be one Body Corporate by the name of the University of Bombay ; and such

[1] General Acts, Vol. IV.

Body Corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(3) The University 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 for the purposes of the University and to contract and do all other things necessary for the purposes of this Act.

[<sup>1</sup>]4A. The territorial limits within which the powers conferred upon the University by this Act shall be exercised shall comprise the whole of the Bombay Presidency (excluding Aden) and such Indian States and other territories as may, from time to time, be notified in this behalf by the Local Government in the *Bombay Government Gazette*. Territorial Limits of the University.

5. (1) The Chancellor shall have the right to make an inspection or to cause an inspection to be made by such person or persons, as he may direct, of the University, of any institutions associated with the University and of any work conducted or done by the University, and to make an enquiry or to cause an enquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the Senate of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made, and the Senate shall be entitled to be represented thereat. Inspection of the University.

(2) The Chancellor may, after such inspection or enquiry, by order in writing, cancel any decision of the University or any authority thereof in respect of any matter which is not in conformity with this Act and the Statutes, Ordinances and Regulations :

Provided that, before making any such order, he shall call upon the Senate to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

6. No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof. Religious and other tests.

7. The following shall be the authorities of the University :—

- (1) The Senate,
  - (2) The Faculties,
  - (3) The Syndicate,
  - (4) The Academic Council,
  - (5) The Board of Post-graduate Studies,
  - (6) Such other bodies as the Senate may declare by Statutes to be authorities of the University.
- Authorities of the University.

[<sup>1</sup>] Section 4A was inserted by Bom. Act XX of 1930, s. 2.

CHAPTER III.—THE SENATE. ITS POWERS, CONSTITUTION AND DUTIES.

Constitution of the Senate. 8. The Senate shall consist of the Fellows of the University (*ex-officio* and ordinary).

The Chancellor. 9. (1) The Governor of Bombay, for the time being, shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

The Vice-Chancellor. 10. The Chancellor shall appoint a Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years, and shall be eligible for reappointment.

Powers of the Vice-Chancellor. 11. The Vice-Chancellor shall be responsible for the proper administration of the University and shall

(a) in the absence of the Chancellor, preside at the convocation and meetings of the Senate ;

(b) convene the Senate ;

(c) preside when present at the meetings of the Syndicate and exercise such other powers as may be conferred on him by this Act, the Statutes, Ordinances and Regulations.

The Rector. 12. (1) The Senate may create the office of the Rector by a statute to be framed by a majority of at least three-fourths of the whole number of Fellows.

(2) The Rector shall be a wholetime salaried officer of the University. He shall, subject to the approval of the Government, be appointed by the Senate and shall have rank and precedence next after the Chancellor and the Vice-Chancellor.

(3) The Senate may, subject to the provisions of this Act, frame Statutes prescribing the manner of appointment of the Rector, the salary and conditions of his office and his powers and duties.

Fellows. 13. (1) The Fellows of the University shall be—

I. *Ex-officio*.

- (A) (i) The Chancellor,  
(ii) The Vice-Chancellor,  
(iii) The Rector (if any),  
(iv) The Registrar of the University.

- (B) (i) The Chief Justice of Bombay,  
(ii) The Minister of Education, Bombay,  
(iii) The Director of Public Instruction, Bombay,  
(iv) The Surgeon General with the Government of Bombay,  
(v) The Director of Agriculture, Bombay,  
(vi) The Secretary to the Government of Bombay, Public Works Department.

(vii) Vice-Chancellors of other Universities, if any, established by law in the Bombay Presidency, and holders of such other offices as are prescribed by Statutes: provided that the number of such Fellows shall not exceed five.

(C) All Heads of University Departments.

## II. Ordinary.

(A) Elected as prescribed below :—

(i) By one electorate of principals of colleges entitled to send up students for degree examination from among themselves as under :— .. .. . 13

[<sup>1</sup>](a) Principals of arts colleges as follows :—

(1) one principal elected by separate elections to represent the principals of arts colleges in each group as hereinafter defined .. .. . 5

(2) three principals elected by a separate election to represent the principals of arts colleges in all the groups as hereinafter defined .. .. . 3

(b) Principals of colleges of pure science .. .. . 1

(c) Principals of colleges of medicine .. .. . 1

(d) Principals of colleges of agriculture .. .. . 1

(e) Principals of colleges of engineering .. .. . 1

(f) Principals of colleges of law .. .. . 1

(ii) By University teachers and teachers including principals from among themselves .. .. . 20

(iii) One by head masters of schools in each group from among themselves .. .. . 5

(iv) By public associations or bodies in British India as under :— .. .. . 15

(a) Municipal Corporation of the City of Bombay .. 1

(b) Indian Merchants' Chamber .. .. . 1

(c) Chamber of Commerce .. .. . 1

(d) Millowners' Association, Bombay .. .. . 1

(e) Millowners' Association, Ahmedabad .. .. . 1

(f) [<sup>2</sup>]Municipal Boroughs of the Gujarat Group .. 1

(g) [<sup>2</sup>]Municipal Boroughs of the Deccan Group .. 1

(h) [<sup>2</sup>]Municipal Boroughs of the Karnatak Group .. 1

(i) [<sup>2</sup>]Municipal Boroughs of the Konkan Group (except Bombay City) .. .. . 1

(j) [<sup>2</sup>]Municipal Boroughs of the Sind Group [<sup>3</sup>] and the Karachi Municipality .. .. . 1

(k) District local boards of the Gujarat Group .. 1

(l) District local boards of the Deccan Group .. 1

(m) District local boards of the Karnatak Group .. 1

[<sup>1</sup>] This entry was substituted by Bom. Act XV of 1930, s. 2.

[<sup>2</sup>] The words "Municipal Boroughs" were substituted for the words "City municipalities" by Bom. Act XIII of 1929, s. 2.

[<sup>3</sup>] These words were inserted by Bom. Act XIII of 1929, s. 2.

(n) District local boards of the Konkan Group	..	1
(o) District local boards of the Sind Group	..	1
(v) By registered graduates	..	25
(vi) By the Faculties	..	10
(vii) By the Legislative Council of the Governor of Bombay, of whom one shall be the representative of the University on the Council if he is not already a member of the Senate	..	5

[<sup>1</sup>] Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by next Council.

*Explanation (1).*—For the purposes of this section [<sup>2</sup>]\* \* \* the Bombay Presidency (excluding Aden) shall be divided into the following groups :—

Name of Group.	Territorial extent of the group.
1 Gujarat group	.. Ahmedabad, Surat, Panch Mahals, Kaira and Broach districts.
2 Konkan group	.. The City of Bombay and the Nasik, Thana, Bombay Suburban, Ratnagiri and Kolaba districts.
3 Deccan group	.. Poona, Satara, Sholapur, Ahmednagar, West Khandesh and East Khandesh districts.
4 Karnatak group	.. Belgaum, Dharwar, Bijapur and Kanara districts.
5 Sind	.. Province of Sind.

The Senate shall, by statute, determine to which of the groups above-mentioned schools and colleges in Indian States [<sup>3</sup>] and other territories within the territorial limits of the University [<sup>3</sup>] shall be attached.

*Explanation (2).*—The [<sup>4</sup>]\* \* municipalities and district local boards mentioned in sub-clauses (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) are free to elect a person, who need not be a member of the city municipality or a district local board, to represent them on the senate.

(B) Nominated by the Chancellor .. .. . 40

(C) Donors to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees, if willing to serve, to be subject to the provisions of sections 14, 15 and 17 Fellows for life.

(D) One nominee of each of the bodies giving a donation to, or for the purposes of, the University of money or property to the value

[<sup>1</sup>] This proviso was added by Bom. Act XV of 1930, s. 2.

[<sup>2</sup>] The words "the Schools and College in" were omitted by Bom. Act XIII of 1929, s. 2.

[<sup>3</sup>—<sup>3</sup>] These words were inserted by Bom. Act XX of 1930, s. 3.

[<sup>4</sup>] The word "City" was omitted by Bom. Act XIII of 1929, s. 2.

of not less than one lakh of rupees : Provided that the right of making any such nomination and, subject also to the provisions of sections 14, 15, 16 and 17, the tenure of any such nominee shall not extend beyond a period of twenty years from the date of the acceptance by the University of any such donation.

*Explanation.*—For the purposes of this section the value of any property offered as a donation to the University shall mean the market value of such property on the date of acceptance of the donation by the Senate.

(2) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or University teacher or Head-master or a teacher the question shall be decided by the Vice-Chancellor.

14. (1) If any person being Chancellor, Vice-Chancellor, or Fellow Office vacated of the said University shall leave India without the intention of returning by leaving India thereto, his office shall thereupon become vacant.

(2) If the Vice-Chancellor is temporarily absent from India the Chancellor may appoint another person to act as Vice-Chancellor during the absence of the absent Vice-Chancellor.

15. (1) Any Ordinary Fellow may, by letter addressed to the Vacating of Chancellor, resign his office and on the acceptance of the resignation the office office shall become vacant.

(2) If for a period of twelve consecutive months any ordinary Fellow except a Fellow for life, has not attended a meeting of the Senate, other than a convocation, the Chancellor may declare his office to be vacant.

[1](3) Any person who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.

16. (1) The Ordinary Fellows shall, save as herein otherwise provided, Term of office hold office for five years. of ordinary Fellows.

(2) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

17. The Local Government may, on the recommendation of the Senate supported by at least two-thirds of the whole number of Fellows, cancel the appointment of any person appointed or elected a Fellow of the University. As soon as such order is notified in the *Bombay Government Gazette*, the person so appointed or elected shall cease to be a Fellow; and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the Local Government by a notification in the *Bombay Government Gazette*. The appointment of a Fellow may be cancelled.

18. (1) The Senate shall be the supreme governing body of the University and shall exercise all powers and perform all duties conferred Powers of the Senate. or imposed on it by or under this Act as well as all powers of the University not provided for in this Act.

[1] This sub-section was inserted by Bom. Act XV of 1930, s. 3.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Senate may—

(a) save as provided in section 44 make, amend, or repeal Statutes and accept, reject or refer back but not amend draft Statutes submitted by the Syndicate ;

(b) subject to the provisions of this Act consider and cancel or refer back but not amend ordinances of the Syndicate, and regulations of the Academic Council ;

(c) consider and pass resolutions on the Annual Report, Accounts and Estimates ;

(d) consider the Annual Financial Statement placed before it by the Syndicate and pass it with such modifications as the Senate may think fit ;

(e) make provision for the physical [1]\* \* \* training of students ;

[2](ee) make grants from the funds of the University towards the maintenance of any University Corps established for the University under the Indian Territorial Force Act, 1920 ;

(f) institute and maintain professorships and other teaching posts, University Departments and hostels, found scholarships and prizes, and encourage the pursuit of learning by other means ;

(g) grant and confer degrees ;

(h) elect office-bearers and authorities provided in this Act and Statutes ;

(i) accept donations and endowments, and, if the interests of the University so require, give up any donation or endowment it has accepted ;

(j) consider and decide appeals in cases where such appeal is provided for in the Statutes ;

(k) delegate any of its powers to such authority or authorities as it may deem fit ; and

(l) generally do all such other acts and things as may be necessary or desirable to further the objects of the University.

#### CHAPTER IV.—FACULTIES.

Faculties.

19. (1) The University shall include such Faculties as are constituted by the Senate by Statutes from time to time.

(2) The Senate shall frame Statutes prescribing the constitution of each Faculty.

(3) A Fellow may be assigned, on the recommendation of the Syndicate, to one or more Faculties.

(4) The Syndicate shall frame Ordinances governing the conduct of business of each Faculty and the appointment by each Faculty of its Chairman (to be called the Dean).

(5) The Senate may empower any Faculty to co-opt as members to serve on Boards of Studies controlled by it persons who possess special

[1] The words " and military " were omitted by Bom. Act XII of 1928, s. 2.

[2] This clause was inserted by Bom. Act XII of 1928, s. 2.

knowledge of the subjects of study represented by the Faculty, but who are not Fellows, in such manner and for such period as may be prescribed by the Syndicate by ordinance :

Provided that the number of persons so co-opted by any Faculty shall not exceed half the number of Fellows assigned to that Faculty.

#### CHAPTER V.—THE SYNDICATE.

20. (1) The executive government of the University shall be vested in the Syndicate constituted as follows from among the Fellows :— The Syndicate.

- (a) the Vice-Chancellor ;
- (b) the Rector, if any ;
- (c) the Director of Public Instruction, Bombay ;

[<sup>1</sup>](d) seven persons elected by the members of the Academic Council from among themselves as follows :—

- (i) one to represent each Faculty by separate elections ; and
- (ii) the remaining, if any, to represent the Academic Council generally ;

(e) nine persons to be elected by the Senate from among the Fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head Masters.

(2) Every member of the Syndicate shall hold office for three years, or until he ceases to be a Fellow, whichever period is shorter.

(3) The Senate shall frame Statutes prescribing the manner of election of elected members of the Syndicate and the conditions governing their term of office.

(4) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or a University Teacher or Teacher or Head Master, the question shall be decided by the Vice-Chancellor.

21. The Syndicate shall have power—

(a) to direct the form, custody and use of the common seal of the University ;

Powers and duties of the Syndicate.

(b) subject to the powers conferred by this Act on the Senate, the Vice-Chancellor and the Rector (if any), to regulate and determine all matters concerning the University in accordance with the provisions of this Act, the Statutes and the Ordinances ;

(c) to accept, reject, return to the Academic Council for reconsideration, but not amend regulations framed by the Academic Council ;

(d) to frame the budget of the University for the consideration of the Senate ;

(e) to administer the funds and property of the University ;

(f) save as otherwise provided by this Act or the Statutes, to appoint on the recommendation of a committee of selection if any as required by the Act or Statutes the officers (other than the Chancellor, the

[<sup>1</sup>] This clause was substituted by Bom. Act XV of 1930, s. 4.



Vice-Chancellor and the Rector), University Professors, University Teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts ;

(g) to accept, subject to the direction of the Senate, transfer of any moveable or immoveable property on behalf of the University ;

(h) to arrange for and direct the inspection of colleges and hostels, and to issue instructions for maintaining the efficiency of the Colleges and in case of disregard of such instructions, to recommend modification of the conditions of affiliation and to take such other steps as it deems proper ;

(i) to call for reports, returns and other information from the Colleges ;

(j) to appoint examiners and to make ordinances for the conduct of University examinations ;

(k) to publish the results of the University examinations and other tests ;

(l) to control the University library and to appoint a library committee provided that at least half the members of the Committee shall be appointed from the Academic Council ;

(m) to provide for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University ;

(n) to enter into, vary, carry out, and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes ;

(o) to make, amend and cancel Ordinances ;

(p) to fix, demand and receive such fees for the degrees to be conferred by it and upon admission into the University and for continuance therein and for other purposes of a like nature as may be prescribed by Statutes ;

(q) to make provision for post-graduate instruction and research ; and

(r) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes :

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses [1] (h) and (j) without inviting and receiving a report thereon from the Academic Council.

#### CHAPTER VI.—THE ACADEMIC COUNCIL.

Constitution  
of the  
Academic  
Council.

22. The Academic Council shall consist of the following members, all of whom need not be Fellows :—

(i) The Rector, if any, otherwise the Vice-Chancellor the Chairman ;

(ii) Deans of Faculties ;

(iii) Such number of representatives not exceeding five of the University Professors and whole-time University Teachers, as may be determined by Statute ;

[1] “(h)” was substituted for “(b)” by Bom. Act. XV of 1930, s. 5.

(iv) two Head Masters to be elected by the Senate from among the Fellows ;

(v) twenty representatives of the Boards of Studies or groups of Boards of allied Studies as may be determined by Statute ; and

(vi) five persons elected by the Senate from among Fellows.

23. (1) The Senate shall frame a Statute prescribing the manner of election of the elected members of the Academic Council, and the conditions governing their term of office. Election of the Academic Council.

(2) If in the case of any election the question is raised whether any person is or is not a University Professor or a whole-time teacher or head master, the question shall be decided by the Vice-Chancellor.

24. The Academic Council shall frame regulations as provided in this Act and shall have the following powers :— Powers of the Academic Council.

(a) to regulate teaching and examinations within the University ;

(b) to determine and maintain the standards of examinations, remaining responsible for the maintenance of such standards ;

(c) to make regulations laying down courses of study subject to the approval of the Syndicate ;

(d) to propose to the Syndicate the institution of new University teaching appointments, their duties and emoluments ;

(e) to propose to the Syndicate schemes for the constitution of University Departments, Faculties and Boards of Studies ;

(f) to make regulations for the award of University scholarships and prizes ;

(g) to recommend to the Syndicate the names of persons to be appointed examiners ;

(h) to make regulations prescribing equivalence of examinations ;

(i) to arrange for co-ordination of studies and inter-collegiate lectures ;

(j) to make regulations prescribing the conditions to be complied with by candidates, not being students of any College for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University ;

(k) to exercise such other powers as may be conferred on it by Statutes ; and

(l) generally to advise the University on all academic matters.

#### CHAPTER VII.—THE BOARD OF POST-GRADUATE STUDIES.

25. (1) The Board of Post-graduate Studies shall consist of : The Board of Post-graduate Studies.

(i) the Rector, if any, otherwise the Vice-Chancellor.....the Chairman ;

(ii) four members appointed by the Syndicate ;

[<sup>1</sup>] [(iii) three members appointed by the Academic Council ;

(iv) one University Professor appointed by the Academic Council.]

[<sup>1</sup>] Clauses (iii) and (iv) were substituted by Bom. Act XV of 1930, s. 6.

(2) The Board shall subject to the Act, and Statutes, Ordinances and Regulations framed thereunder control and co-ordinate post-graduate teaching and research in the University Departments and the Colleges and shall recommend to the Syndicate what teachers in the Colleges shall be recognised as University Teachers for Post-Graduate instruction and research.

#### CHAPTER VIII.—OTHER UNIVERSITY BODIES.

- Boards of Studies.** 26. (1) The Senate may, from time to time, frame Statutes constituting Boards of Studies, defining their functions, and attaching each Board to one or more Faculties.
- (2) The Senate may abolish any Board of Study so constituted.
- Other bodies.** 27. The Senate may by Statutes constitute and define the functions of such other bodies as it may from time to time deem necessary for the purpose of carrying out the work of the University, and may abolish any of the bodies so constituted.
- Committee of Selection.** 28. (1) Whenever it is necessary to appoint a whole-time University Professor or University teacher, a Committee of Selection shall be formed.
- (2) The members of the Committee shall be :
- (a) The Vice-Chancellor (Chairman);
- (b) Four persons having special knowledge of the subject, to be selected as follows :—
- (i) one, who shall be a member of a Faculty of the University : by the Academic Council;
- (ii) three, who shall not be Fellows, Members of Faculties, University Professors, University Teachers, or Teachers : one by the Academic Council, and two by the Syndicate.
- (3) The Committee shall investigate the merits of the various candidates, and shall report to the Syndicate the names arranged in order of merit of persons, if any, whom it considers to be suitable for the vacant post.
- (4) The Syndicate shall make the final selection out of the persons, if any, so recommended.

#### CHAPTER IX.—DEGREES.

- Degrees, diplomas, licenses, titles and marks of honour.** 29. The Senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by Statutes.
- Honorary Degrees.** 30. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

31. (1) Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour has been conferred by the Senate or who is an Honorary Fellow, has been convicted of what is, in the opinion of the Syndicate, a serious offence, the Syndicate may, after giving the person concerned an opportunity to explain, propose to the Senate that the degree, diploma, license, title or mark of honour or Honorary Fellowship be cancelled, and, if the proposal is accepted by not less than two-thirds of the fellows of the Senate and is confirmed by the Chancellor, the degree, diploma, license, title, mark of honour or Honorary Fellowship shall be cancelled accordingly.

Cancellation  
of degrees  
and the like  
and their  
restoration.

(2) The degree, diploma, license, title or mark of honour may subsequently be restored on good cause shown.

(3) The procedure for the restoration of a degree, diploma, license, title or mark of honour, shall, as far as is practicable, be as in sub-section (1) of this section.

#### CHAPTER X.—UNIVERSITY FUND.

32. (1) The fees charged by the Senate shall be carried to one General Fee Fund for the payment of expenses of the University.

University  
Fund.

(2) Government shall contribute to that fund the sum of Rs. 1,17,000 per annum to be utilized for the recurring expenditure of the University departments.

(3) The accounts of income and expenditure of the University shall, once in every year, be submitted to the Government of Bombay for such examination and audit as the Government may direct.

#### CHAPTER XI.—STATUTES, ORDINANCES AND REGULATIONS.

33. (1) The Senate may, from time to time, make Statutes consistent with this Act, for all matters relating to the University.

Statutes—  
their Scope.

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

(a) the declaration of any person to be a teacher under section 3 (h) ;

(b) the declaration of other bodies to be authorities of the University as provided in section 7 (6) ;

(c) the manner of election of the elected Fellows and the elected members of the Syndicate, the Academic Council and the Board of Post-Graduate Studies and the term and conditions of their office, the maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate, the Academic Council and the Board of Post-Graduate Studies ;

(d) the powers of the Vice-Chancellor ;

(e) the appointment, conditions of office, powers and duties of the Rector, if any, and the Registrar and of the officers and servants of the University ;

(f) the prescribing of offices the holders of which shall be *ex-officio* Fellows under section 13 (I) (B) (vii) ;

(g) the constitution, reconstitution or abolition of Faculties ;

(h) the procedure at meetings of the Senate, the Syndicate, the Academic Council, the Board of Post-Graduate Studies and the Faculties and the quorum of members to be required for the transaction of business ;

(i) the duties of the Academic Council ;

(j) the constitution and powers of Boards of Studies ; the functions of each such Board, the procedure of such boards and the quorum of members to be required for the transaction of business, and the attaching of each Board to one or more Faculties ;

(k) the holding and control of the matriculation examination ;

[<sup>1</sup>](kk) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation Examination and the conditions to be complied with by candidates for the Matriculation Examination whether sent up by recognised schools or not ;

(l) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(m) the institution and conferment of degrees and the granting of diplomas, licenses, titles and marks of honour in respect of degrees and examinations ;

(n) the registers of graduates and students to be kept by the University ;

(o) the institution of pension or provident fund for the benefit of the officers, teachers and other servants of the University ;

(p) all matters which by this Act may be prescribed by the Statutes ; and

(q) generally, all matters relating to the University for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Senate, necessary.

Statutes—  
their framing,  
amendment,  
repeal and  
operation.

34. (1) The Statutes may be amended, repealed, or added to, by Statutes made by the Senate in the manner hereinafter provided.

(2) All Statutes framed by the Senate, from time to time, shall be submitted for sanction to the Chancellor and they shall not come into operation until the Chancellor has accorded his sanction thereto.

(3) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(4) The Senate before passing a Statute taken into consideration of its own motion and affecting the powers or duties of any officers or authority of the University shall ascertain and consider the views of the officer or authority concerned and of the Syndicate thereon.

[<sup>1</sup>] This clause was inserted by Bom. Act XII of 1928, s. 3.

35. (I) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

Ordinances—  
their making  
and scope.

- (a) the admission of students to the University ;
- (b) the courses of study to be laid down for all degrees and diplomas of the University ;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and be eligible for degrees, diplomas, licenses, titles and marks of honour ; and the form of the certificate to be produced by a candidate for examination under section 37 and the conditions on which any such certificate may be granted ;
- (d) the recognition of colleges and hostels ;
- (e) [ ] [\*\*\*] ;
- (f) the residence and conduct of students ;
- (g) the number, qualifications and conditions of appointment of University Professors and University Teachers ;
- (h) the fees to be charged for courses of instruction in the University given by University professors and University teachers, for tutorial and supplementary instruction given by the University, upon admission into the University and for continuance therein, for admission to the examinations, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature ;
- (i) the conditions of appointment, the mode of appointment and the duties of examiners ;
- (j) the conduct of examinations ;
- (k) the conduct of business of each Faculty and the appointment of the Dear of each Faculty ;
- (l) the duties and powers of the Boards and committees to be appointed by the University jointly with any other University or body ;
- (m) the discipline to be enforced in regard to the graduates and under-graduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;
- (n) the extension of University teaching in any suitable centre within the Presidency by means of University Extension Lectures or otherwise ;
- (o) the rules to be observed and enforced by Colleges in respect of transfer of students ;
- (p) the functions of each Faculty ;
- (q) the fee (if any) to be paid for the entry or retention of a name on any register ;
- (r) the inspection of Colleges and the reports, returns and other information to be furnished by Colleges ;
- (s) the registers of students to be kept by Colleges ;

[ ] Repealed by Bom. Act XII of 1928, s. 4.

(i) the appointment and duties of University Professors and University Teachers ;

(u) the mode of execution of contracts or agreements for or on behalf of the University ;

(v) generally, all matters which by this Act or by the Statutes, may be provided for by the Ordinances and all matters for which provision is in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed on the Syndicate by this Act or the Statutes :

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (b), (c), (d), (g), (i), (j), (n) and (o) without inviting and receiving a report thereon from the Academic Council.

(2) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct, but every Ordinance so made shall be laid on the table of the Senate as soon as may be and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration any such Ordinance.

(3) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such ordinance until the Senate has considered it as provided in sub-section (2).

Regulations  
—their  
making and  
scope.

36. (1) The Academic Council may make Regulations consistent with this Act and the Statutes and Ordinances to carry out the duties assigned to it thereunder and shall submit them to the Syndicate for approval.

(2) All Regulations when approved shall, except as otherwise provided by this Act, have effect from such date as the Academic Council may direct ; but every Regulation so made shall be placed on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration any such Regulation.

(3) If the Syndicate does not approve of a Regulation, the Regulation shall, on a requisition by at least five members of the Syndicate, be referred to the Senate who shall thereupon have all the powers of the Syndicate in this connection. If the Regulation is accepted by the Senate the provisions of sub-section (2) shall not apply to it.

(4) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such Regulation until the Senate has considered it as provided in sub-section (2) or sub-section (3).

## CHAPTER XII.—AFFILIATED COLLEGES.

Certificates  
required of  
candidates  
for examina-  
tion.

37. Save on the recommendation of the Syndicate, by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for matriculation, unless he

produces a certificate from a College to the effect that he has completed the course of instruction prescribed.

38. Any College affiliated to the University before the passing of this Existing Act may continue to exercise the rights conferred upon it by such affilia- Colleges. tion, save in so far as such rights may be withdrawn, restricted or modified in the exercise of any power conferred by this Act.

39. (1) A College applying for affiliation to the University shall Affiliation. send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(a) that the College is to be under the management of a regularly constituted governing body ;

(b) that the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction to be undertaken by the College ;

(c) that the buildings in which the College is to be located are suitable, and that provision will be made, in conformity with the Statutes and Ordinances, for the residence in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the supervision and physical welfare of students ;

(d) that due provision has been or will be made for a library ;

(e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum ;

(f) that due provision will, so far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the College or the place provided for the residence of students ;

(g) that the financial resources of the College are such as to make due provision for its continued maintenance ; and

(h) that the College rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing College in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1), the Syndicate shall—

(a) direct a local inquiry to be made by a competent person authorized by the Syndicate in this behalf ;

(b) make such further inquiry as may appear to them to be necessary, and

(c) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.



(3) The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such inquiry as may appear to them necessary, shall grant or refuse the application or any part thereof.

(4) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(5) And application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (2).

Extension  
of affiliation.

40. Where a College desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 39 shall, so far as may be, be followed.

Inspection of  
Colleges and  
reports.

41. (1) Every College affiliated to the University, whether before or after the commencement of this Act, shall furnish such reports, returns and other information as the Syndicate, after consulting the Academic Council, may require to enable it to judge of the efficiency of the College.

(2) The Syndicate shall cause every such College to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in sub-section (1) of section 39.

Disaffiliation.

42. (1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn in whole or in part, or modified, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Principal concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, and after consulting the Academic Council, shall make a report to the Senate.

(4) On receipt of the report under sub-section (3), the Senate shall after such further inquiry (if any) as may appear to them to be necessary record their opinion in the matter.

(5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto

to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where by an order made under sub-section (5) the rights conferred by affiliation are withdrawn, in whole or in part, or modified the grounds for such withdrawal or modification shall be stated in the order.

#### CHAPTER XIII.—HONORARY FELLOWS.

43. (1) The Chancellor may nominate any person to be an Honorary Fellow for life, who is eminent for his attainments in any branch of learning, or is an eminent benefactor of the University, or is distinguished for services rendered to the cause of education generally. Honorary  
Fellows.

VIII  
of  
1904. (2) Notwithstanding anything contained in this Act, any person appointed to be an Honorary Fellow under section 13 of the Indian Universities Act, 1904, shall continue to be an Honorary Fellow for life, and shall be deemed to have been so appointed under this Act.

(3) A person shall not be debarred from appointment as fellow, member of the Syndicate, member of the Academic Council or other office under this Act, merely on the ground of being an Honorary Fellow.

#### CHAPTER XIV.—TRANSITORY PROVISIONS.

44. (1) Notwithstanding anything contained in this Act, the first Syndicate Statutes, Ordinances and Regulations under this Act shall be framed by the Syndicate constituted under the Acts repealed by this Act (in this section referred to as "the present Syndicate") within such time before the date of coming into operation of this Act as Government may fix in this behalf, and on approval by the Chancellor, shall be deemed to have been duly made under this Act. first to make  
the Statutes,  
Ordinances  
and Regula-  
tions.

(2) If the present Syndicate fails to frame the Statutes, Ordinances and Regulation; referred to in sub-section (1) within the time therein mentioned, Government may frame such Statutes, Ordinances and Regulations, and the Statutes, Ordinances and Regulations so framed shall be deemed to have been made under this Act.

(3) Till the Senate is constituted as provided in this Act, the Senate and other University bodies constituted under the Acts repealed by this Act and existing on the date on which this Act comes into operation and all officers of the University shall continue in office.

(4) Until the various University bodies other than the Senate are duly constituted under this Act, all their duties (except that of framing statutes, ordinances and regulations) shall be performed by one or more committees appointed by the Chancellor who shall also frame rules for the proper working of those Committees.

(5) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act,

Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

Elected and nominated Fellows to retire by rotation.

45. (1) The Vice-Chancellor shall, after the Senate is constituted under this Act, divide by lot the first fellows elected, and nominated under Part II (A) and (B) of sub-section (1) of section 13 into five equal groups as far as possible, under each of the said heads, the order of the groups being also determined by lot.

(2) Subject to the other provisions of this Act the fellows in the first, second, third, fourth and fifth of the said groups shall hold office for one, two, three, four or five years respectively.

(3) Fellows who have vacated their office under this section shall be eligible for re-election, and re-nomination.

[1] (4) Nothing contained in sub-sections (1), (2) and (3) shall apply or shall be deemed to have applied in the case of Fellows elected by the Legislative Council of the Governor of Bombay under entry (vii) under the heading II-Ordinary (A) in sub-section (1) of section 13.

Elected members of the Syndicate to retire by rotation.

46. (1) The Vice-Chancellor shall, after the Syndicate is constituted under this Act, divide the members of the Syndicate elected under clauses (d) and (e) of sub-section (1) of section 20 into three equal groups, as far as possible under each of the heads, the order of the groups being also determined by lot.

(2) Subject to the other provisions of this Act, the members of the Syndicate in the first, second and third of the said groups shall hold office for one, two or three years respectively.

(3) Members of the Syndicate who have vacated their office under this section shall be eligible for re-election.

#### CHAPTER XV.—GENERAL.

Interpretation in case of doubt.

47. (1) If any question arises regarding the interpretation of any provision of this Act or of any statute, ordinance or regulation, or as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter may be referred to the Chancellor, and shall be so referred if ten fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question, and his decision shall be final.

(2) Nothing in this section shall be deemed to affect in any way the existing jurisdiction of the High Court of Bombay.

Elections to be by proportional representation.

48. Every election to any authority of the University under this Act shall be made according to the system of proportional representation by means of the single transferable vote in such manner as may be prescribed by Statutes.

Proceedings not invalidated by vacancy.

49. No act or proceeding of any authority or other body of the University shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any *de facto* member of the body whether present or absent.

[1] This sub-section was inserted by Bom. Act XV of 1930, s. 7.

50. The University shall establish for the benefit of its officers, teachers and other servants such pension or provident fund as it may deem fit in such manner and subject to such conditions as may be prescribed by the Senate by Statutes. Pension or Provident Fund.

51. All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for the University of Bombay as constituted under the Acts repealed by this Act as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act. Passing of property and rights to the University as reconstituted.

52. The enactments specified in the Schedule shall be repealed to the extent specified in the fourth column thereof: Repeal.

Provided that—

(a) this repeal shall not affect the validity of anything already done under any enactment hereby repealed; and

(b) the appointments of the Registrar and all other officers and servants of the University, and of Examiners, validly made under the Acts hereby repealed and subsisting on the date on which this Act comes into operation, shall be deemed to have been validly made under and for the purposes of this Act, and the Registrar and such officers, servants and examiners shall continue to hold office and to act, subject to the conditions governing the tenure of their office or employment, except in so far as such conditions may be altered by competent authority.

**SCHEDULE.**

**ENACTMENTS REPEALED.**

(Section 52.)

*Acts of the Governor General in Council.*

Year.	Number.	Short title.	Extent of repeal.
1857 ..	XXII	The Bombay University Act, 1857.	So much as has not already been repealed.
1904 ..	VIII	The Indian Universities Act, 1904.	[ <sup>1</sup> ] The whole Act.

[<sup>1</sup>] These words were substituted by Bom. Act XX of 1930, s. 4.

**BOMBAY ACT No. V OF 1928.<sup>[1]</sup>**

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1928.]

[26th September 1928]

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

Bom. VI of 1923. WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Local Boards (Amendment) Short title. Act, 1928.

Bom. VI of 1923. 2. To the proviso to clause (i) of section 50 of the <sup>[2]</sup>Bombay Local Boards Act, 1923, hereinafter called "the said Act", the words "who is in receipt of travelling allowance as such Government servant" shall be added. Amendment of section 50 of Bom. VI of 1923.

3. (a) Section 94 of the said Act shall be renumbered as sub-section (1); Amendment of section 94 of Bom. VI of 1923.

(b) in clause (c) of the said section after the words "agreed upon by the Collector" the words "in agreement with the district local board who shall pass a special resolution to that effect" shall be inserted; and

(c) the following shall be added as sub-section (2) of the said section :—

" [In this Vol., p. 73] "

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[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1928, Pt. V, p. 9, and for proceedings in Council see *Bombay Legislative Council Debates*, 1928, Vol. XXIII.

[<sup>2</sup>] In this Vol., p. 33.

**BOMBAY ACT No. VII OF 1928.[<sup>1</sup>]**

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT) ACT, 1928.]

[4th October 1928]

**An Act further to amend the Bombay Public Conveyances Act, 1920.**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay Public  
VII of Conveyances Act, 1920, in manner hereinafter appearing; And Whereas  
1920. the previous sanction of the Governor required by section 80-C of the  
5 & 6 Government of India Act has been obtained for the passing of this Act;  
Geo.V, ch. 61. It is hereby enacted as follows:—

1. This Act may be called the Bombay Public Conveyances Short title.  
(Amendment) Act, 1928.

Bom. 2. In section 2 of the [<sup>2</sup>]Bombay Public Conveyances Act, 1920, Amendment  
VII of hereinafter called "the said Act" for clause (c) the following clause of section 2 of  
1920. shall be substituted, namely:— Bom. VII of  
1920.

"(c) 'licensing year' means the year commencing on such date as the Commissioner of Police shall, subject to the condition of previous publication, fix for the purpose of licenses granted under this Act".

3. In sub-section (2) of section 6 of the said Act for the words, Amendment  
figures and brackets "a fee at one-half of the rate chargeable for the of section 6 of  
grant of a license for a public conveyance under section 7, sub-section Bom. VII of  
(1), shall be charged" the following words shall be substituted, 1920.  
namely:—

"the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct."

4. To section 8 of the said Act the following sub-section shall be added, Amendment  
namely:— of section 8 of  
Bom. VII of  
1920.

"(5) Such licenses shall if so directed by the Commissioner of Police be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer."

5. In section 9 of the said Act for the word "shall" the words Amendment  
"may, if he thinks it necessary", shall be substituted. of section 9 of  
Bom. VII of  
1920.

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1927, Part V, p. 148; for Report of the Select Committee see *ibid*, 1928, Part V, p. 13; and for proceedings in Council see *Bombay Legislative Council Debates*, 1927, Vol. XXI and 1928, Vol. XXIII.

[<sup>2</sup>] Vol. V. of Bom. Code.

New section  
16-A of Bom  
VII of 1920.

Licensee to  
report name  
of person left  
in charge of  
conveyance  
during his  
absence.

Amendment  
of section 19  
of Bom. VII  
of 1920.

Amendment  
of section 26  
of Bom. VII  
of 1920.

Amendment  
of section 27  
of Bom. VII  
of 1920.

Amendment  
of section 31  
of Bom. VII  
of 1920.

Amendment  
of section 35  
of Bom. VII  
of 1920.

6. After section 16 of the said Act the following section shall be inserted, namely :—

“16A. Whenever the licensee of a public conveyance shall be absent from the City of Bombay for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act.”

7. To section 19 of the said Act the following words shall be added, namely :—

“and may, at any time, abolish any such stand or place.”

8. In section 26 of the said Act,—

(a) in sub-section (1) for the words “without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge” the words “without a badge, if he has received a badge from the Commissioner of Police or, when acting as such driver, shall fail to wear a badge so received” shall be substituted ;

(b) in clause (e) of sub-section (2) after the word “license” the commas and words “if any”, shall be inserted and for the word and figure “section 11” the words and figures “section 8 or section 11” shall be substituted.

9. After clause (b) of section 27 of the said Act the following clause shall be inserted, namely :—

(bb) who, before leaving the City of Bombay for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or”.

10. In sub-section (2) of section 31 of the said Act for the words “nearest police officer of rank not below that of inspector” the words “officer in charge of the nearest police station” shall be substituted.

11. In section 35 of the said Act,—

(a) for sub-section (1) the following shall be substituted, namely :—

“(1) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with this Act,—

(a) fixing the sum to be paid towards the cost of an inscription under sub-section (2) of section 6 ;

(b) generally for the regulation of public conveyances.”

(b) After sub-section (2) the following sub-section shall be inserted, namely :—

“(3) Such rules may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees.”

12. In section 36 of the said Act,—

(a) for clause (c) of sub-section (2) the following shall be substituted, namely :—

Amendment  
of section 36  
of Bom. VII  
of 1920.

“ (c) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act ; ”

(b) after sub-section (3) the following sub-section shall be inserted, namely :—

“(3A) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression ‘ City of Bombay ’ occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification ; ”

(c) in sub-section (4) after the word “ appointing ” the words “ and abolishing ” shall be inserted.

13. For section 37 of the said Act the following shall be substituted, namely :—

Substitution  
of a new sec-  
tion for sec-  
tion 37 of  
Bom. VII of  
1920.

“ 37. The Governor in Council, or, in any area to which this Act or any specified provisions thereof have been extended under section 36, the Commissioner in Sind, or the Commissioner of a division, as the case may be, may, by notification in the *Bombay Government Gazette* apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire, or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire. ”

*Explanation.*—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement.”



**BOMBAY ACT No. VIII OF 1928. [1]**

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1928.]

[4th October 1928]

**An Act further to amend the City of Bombay Municipal Act, 1888.**

Bom. III of 1888. WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, hereinafter referred to as "the said Act", in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal Short title. (Amendment) Act, 1928.

2. Section 50 of the said Act shall be repealed.

Repeal of section 50 of Bom. III of 1888.

3. Clause (b) of section 118 of the said Act shall be repealed.

Repeal of clause (b) of section 118 of Bom. III of 1888.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 20, and for proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vol. XXIII.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. IX OF 1928.<sup>[1]</sup>

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1928]

[10th November 1928]

An Act further to amend the City of Bombay Municipal Act  
(Act No. III of 1888).

Bom. WHEREAS it is expedient further to amend the <sup>[2]</sup>City of Bombay  
III of Municipal Act, 1888, in the manner hereinafter provided ; It is hereby  
1888. enacted as follows :—

1. This Act may be called the City of Bombay Municipal (Amendment) Short title.  
Act, 1928.

Bom. 2. To section 3 of the <sup>[2]</sup>City of Bombay Municipal Act, 1888, herein- Amendment  
III of after called the said Act, the following clauses shall be added as clauses of section 3  
1888. (ee), (ff) and (gg), namely :— of Bom. III  
of 1888.

XVI  
of  
1926.

(ee) "Registered trade union" means a trade union of manual workers employed in trade or industry, registered under the Indian Trade Unions Act, 1926, or other law for the registration of trade unions for the time being in force.

(ff) "Delegate" means a person elected by the members of a registered trade union as a member of the electoral college under the provisions of section 21-A.

(gg) "Electoral college" means a body of delegates elected by registered trade unions for the purpose of electing councillors to the Corporation.

3. In sub-section (I) of section 5 of the said Act,

(a) for the words "one hundred and six," the words "one hundred and eight" shall be substituted ;

(b) for the word "sixteen" the word "fourteen" shall be substituted ; and

(c) below the words "one by fellows," the following shall be inserted, namely :—

"four councillors elected by delegates."

4. After section 11 of the said Act, the following section shall be New section  
inserted : 11-A of Bom.  
III of 1888.

"11-A. Every member of a registered trade union shall be entitled to be enrolled as a voter in the electoral roll of the registered trade Qualifications  
of voters at  
election of  
delegates.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1927, Part V, p. 100 ; for Report of the Select Committee, see *ibid*, 1928, Part V, p. 106 ; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vols. XXIII and XXIV.

[2] Vol. III of Bom. Code.

union and when so enrolled shall be entitled to vote at the election of delegates, provided—

(1) that he has been a member for six months immediately preceding the 1st day of September 1928 and for the purpose of future elections for six months immediately preceding the first day of September in the year in which the electoral roll of delegates is published ; and

(2) that he has had a place of residence in the city for six months immediately preceding the first day of September aforesaid.”

New section  
14-A of Bom.  
III of 1888.  
Qualifications  
for election as  
a councillor  
by delegates.

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

Qualifications  
for election as  
a councillor  
by delegates.

“ 14-A. A person shall not be qualified to be elected as a councillor by the delegates unless he is a voter as prescribed by section 11-A and enrolled in the electoral roll of delegates.”

New section  
21-A of Bom.  
III of 1888.

6. After section 21 of the said Act, the following shall be inserted, namely :—

Procedure  
regarding  
election of  
delegates and  
councillors.

“ 21-A. The election of the delegates, and of councillors by the delegates shall be made in accordance with the following provisions, namely :—

(a) The councillors shall be elected by an electoral college of delegates constituted as provided in the following clauses.

(b) Every registered trade union which had on the first day of September not less than 100 and not more than 200 members on its register of members entitled to vote under section 11-A shall be entitled to elect one delegate to the electoral college.

For every complete multiple of 200 such members in addition to the original 200 such union shall be entitled to elect one additional delegate.

(c) For the purposes of this election, any two or more registered trade unions may combine to elect delegates, and shall be deemed to be one registered trade union, provided that—

(i) the number of members entitled to vote of each of such registered trade unions is less than 100 ;

(ii) notice of such combination is given to the Commissioner three days before the electoral roll of such trade unions is submitted to him.

(d) Within seven days of the coming into operation of this Act, and, for the purposes of future elections, before the first day of September the Commissioner shall call on every registered trade union to prepare and submit within ten days the electoral roll of its members entitled to vote at the election of delegates. A copy of such roll shall from the same day be kept at the office of the registered trade union open to the inspection of any member of that trade union or of any other registered trade union.

(e) Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Commissioner not later than three days after the date fixed for such submission.

The Commissioner shall thereupon decide the matter, and his decision shall be final and conclusive.

(f) The electoral roll of the registered trade union shall be corrected in accordance with the decision passed by the Commissioner and shall thereafter be the electoral roll of the registered trade union. Such roll shall be kept at the office of the registered trade union open to the inspection of any member.

(g) The Commissioner shall then decide and inform each registered trade union how many delegates it is entitled to elect to the electoral college.

(h) Thereafter, within ten days, the members of each registered trade union shall elect the specified number of delegates. Every such elector shall have as many votes as there are delegates to be elected by the registered trade union in which he votes, and shall be entitled to accumulate all of them upon one candidate, or to distribute them amongst the candidates as he pleases.

(i) The registered trade union shall immediately report the names of the delegates to the Commissioner. The election of members whose names are so reported shall not be open to question, in any court or otherwise.

(j) The Commissioner shall then prepare and publish a nominal roll of delegates so elected constituting the electoral college. The roll shall show by which registered trade union each delegate was elected, and shall state his address.

(k) On or before the 15th of January 1929 and for the purpose of future elections on or before the 20th day of December the Commissioner shall give notice by advertisement in the local papers of the publication of the said roll and the place at which and the fee for which copies of it may be obtained.

(l) The election of the four councillors by the electoral college of delegates shall take place fourteen days after the ward elections.

(m) Save as herein otherwise provided all the provisions of this Act with regard to ward elections, including those relating to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by the electoral college of delegates."

## BOMBAY ACT No. X OF 1928.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1928]

[6th December 1928]

## An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. III of 1888. 5 & 6 Geo. V. c. 61. WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, 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 and the previous sanction of the Governor required by section 80C 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 City of Bombay Municipal (Amend- Short title. ment) Act, 1928.

2. In section 19 of the said Act,—

(a) in sub-sections (1), (6) and (7) for the word “October” Amendment of section 19 of Bom. III of 1888. wherever it occurs in the said sub-sections the word “September” shall be substituted;

(b) in sub-sections (8), (9), (10) and (11) for the word “November” the word “October” shall be substituted; and

(c) in sub-section (12) for the words “on some one of the first fifteen days”, the words “before the fifteenth day” shall be substituted.

3. In sub-section (2) of section 27 of the said Act,—

(a) for the word “four” the word “three” shall be substituted; Amendment of section 27 of Bom. III of 1888. and

(b) the words “and the names of the persons subscribing their respective nomination papers as proposers and seconders”, shall be repealed.

4. (1) In clause (e) of section 28 of the said Act, after the word Amendment of section 28 of Bom. III of 1888. “Collector” the words “before five o'clock in the afternoon of the day fixed for the election” shall be inserted.

(2) In the same clause for the words “vote at the election” the words “vote at the poll” shall be substituted.

5. In clause (f) of section 36 of the said Act, for the word “twenty” Amendment of section 36 of Bom. III of 1888. in both the places where it occurs the word “twenty-five” shall be substituted.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 70; for Report of the Select Committee, see *ibid*, 1928, Part V, p. 97; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vols. XXIII and XXIV.

[2] Vol. III of Bom. Code.

Insertion of  
new section  
36-A in Bom.  
III of 1888.

6. After section 36 of the said Act, the following section shall be inserted, namely :—

Power to  
order with-  
drawal of  
member.

“ 36-A. (1) The President shall preserve order and may direct any Councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any Councillor is ordered to withdraw a second time within 15 days, the President may suspend the Councillor from attending the meetings of the Corporation for any period not exceeding 15 days and the Councillor so directed shall absent himself accordingly :

Provided that the President may remit the period of suspension on apology being made to his satisfaction by the Councillor under suspension :

Provided also that such suspension from the service of the Corporation shall not prevent any Councillor from serving on any Committee.

(2) The President may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

Amendment  
of section 68  
of Bom. III  
of 1888.

7. In sub-section (2) of section 68 of the said Act,—

(i) for the entry “ section 82 ” the entry “ section 80-A ” shall be substituted ;

(ii) after the entry “ section 85, sub-section (1) ” the entry “ section 92 ” shall be inserted ;

Amendment  
of section 92  
of Bom. III  
of 1888.

8. In the proviso to clause (a) of section 92 of the said Act, after the word “ Commissioner ” the words “ other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Commissioner from compliance with the requirements of this proviso ” shall be inserted.

Amendment  
of section 105  
of Bom. III  
of 1888.

9. In sub-section (1) of section 105 of the said Act, for the words “ January ” and “ December ” the words “ April ” and “ March ” shall, respectively, be substituted.

Amendment  
of section 113  
of Bom. III  
of 1888.

10. For sub-section (1) of section 113 of the said Act, the following shall be substituted :—

“ 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 or the Deputy 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 Chief Accountant or in the event of the illness or occasional absence of both the Commissioner and the Deputy Commissioner from the City, by a member of the Standing Committee and the Chairman of the Standing Committee and the said Chief Accountant, or in his absence the Deputy Accountant, or in the absence of both, by the Chairman of the Standing Committee.”

11. After section 118 of the said Act, the following section shall be inserted, namely :—

Insertion of  
new section  
118-A in Bom.  
III of 1888.

“118-A. Expenditure by the Corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by at least fifty-four councillors, be made outside the City for any of the purposes of this Act.”

Municipal  
fund where to  
be expended.

12. After the word “Majesty” in clause (b) of sub-section (I) of section 143 of the said Act the words “used solely for public purposes and not used or intended to be used for the purposes of profit” shall be inserted.

Amendment  
of section 143  
of Bom. III  
of 1888.

13. In sub-section (I) of section 279 of the said Act,—

Amendment  
of section 279  
of Bom. III  
of 1888.

(a) in clause (a)

(i) after the word “water” the words and figures “or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287-A” shall be inserted ;

(ii) for the word “bill” the words “notice of demand” shall be substituted.

(b) before proviso (i) the following shall be inserted, namely :—

“(i) In any case under sub-clause (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises.”

(c) provisoes (i) and (ii) shall be renumbered (ii) and (iii), respectively.

14. In section 381 of the said Act,—

Amendment  
of section 381  
of Bom. III  
of 1888.

(a) for sub-section (I) the following sub-section shall be substituted, namely :—

“(I) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank, well, pond, quarryhole, drain, water-course or any collection of water ; or

(b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building ; or

(c) any land on which water accumulates or is likely to accumulate ; or

(d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition, which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (z) of section 3.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this act for offences under this section.

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor."

(b) In sub-section (2) :—

(i) for the words and figures " an owner, on whom a requisition is made under sub-section (1) " the words " any person who, by a requisition made under sub-section (1), is required " shall be substituted ; and

(ii) for the word " owner " where it occurs for the second time the word " person " shall be substituted.

15. The explanation to section 415 and section 417A of the said act shall be repealed.

Repeal in part of section 415 and of section 417A of Bom. III of 1888.



16. In the table to section 471 of the said Act :—

Amendment of section 471 of Bom. III of 1888.

(1) below the entry relating to section 272, sub-section (1), the following entry shall be inserted, namely :—

" Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 272, sub-section (5).	Provision as to unauthorised connections with Municipal water works, etc.	Fifty rupees."

(2) in column 3 of the entry relating to section 381 for the word " fifty " the words " one hundred and fifty " shall be substituted.

(3) in column 3 of the entries relating to section 381-A, sub-section (1), and section 381-A, sub-section (2), for the word " fifty " the words " two hundred and fifty " shall be substituted.

17. In the table to section 472 of the said Act—

(1) in column 3 of the entry relating to section 381 for the word " five " the word " fifteen " shall be substituted ;

Amendment of section 472 of Bom. III of 1888.

(2) in column 3 of the entry relating to section 381-A, sub-section (2), for the word " five " the word " twenty " shall be substituted.

18. For Parts I, II and III of Schedule M to the said Act, the following shall be substituted :

Amendment of Schedule M of Bom. III of 1888.

" PART I.

Articles which shall not be kept without a license in or upon any premises—

(See section 394).

Blood.	Gun-cotton.
Dynamite.	Nitro-glycerine.
Blasting powder.	Phosphorus.
Fulminate of mercury.	

PART II.

Articles which shall not be kept without a license, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively.

Articles.	Maximum quantity which may be kept at any one time without a license.
Bidi leaves .. .. .	4 cwts.
Camphor .. .. .	½ cwt.
Celluloid .. .. .	} 4 cwts.
Celluloid goods .. .. .	
Chemicals, liquid .. .. .	4 gals.
Chemicals, non-liquid .. .. .	½ cwt.

Articles.	Maximum quantity which may be kept at any one time without a license.
Chlorate of Potash .. ..	¼ cwt.
Cinematograph films .. ..	20 lbs.
Copra .. ..	4 cwts.
Cotton refuse and waste .. ..	4 "
Cotton seed .. ..	4 bags not exceed- ing 4 cwts.
Dry leaves (Patravali, etc.) .. ..	4 cwts.
Esas .. ..	1 cwt.
Ghee kept for sale .. ..	4 cwts.
Gunpowder .. ..	5 lbs.
Matches for lighting .. ..	1 gross boxes.
Methylated spirit .. ..	10 gals.
Packing stuff (Paper cuttings, straw, etc.)	4 cwts.
Paints .. ..	5 cwts.
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use .. ..	4 "
Petroleum as defined in the Indian Petro- leum Act, 1899 .. ..	10 gals.
Dangerous Petroleum as defined in the same Act .. ..	3 "
Oil (other sorts) .. ..	15 "
'Oilseeds' other than cotton seeds .. ..	1 ton.
Rosin .. ..	¼ cwt.
Saltpetre .. ..	¼ "
Sulphur .. ..	¼ "
Tar, pitch, dammer or bitumen .. ..	½ "
Turpentine .. ..	1 gal.
Varnish .. ..	20 gals.

### PART III.

Articles which shall not be kept without a license, in or upon any premises, for sale or for other than domestic use—

Acetylene gas.	Hemp.
Ashes.	Hessian cloth (Gunny bag cloth).
Bamboos.	Hides (dried).
Bones.	Hides (raw).
Cocconut fibre.	Hoofs.
Carbide of Calcium.	Horns.
Charcoal.	Jute.
China grass.	Khokas or wooden boxes or barrels (manufacturing and storing).
Coal.	Offal.
Coke.	Rags.
Fat.	Sandalwood.
Fins.	Skins.
Firewood.	Straw.
Fireworks.	Tallow.
Fish (dried).	Timber.
Flax.	Wool (raw)."
Grass.	
Gunny bags.	
Hair.	
Hay.	

**THE BOMBAY REPEALING AND AMENDING ACT, 1928.**

**CONTENTS.**

**PREAMBLE.**

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2. Amendment of certain enactments.
3. Repeal of certain enactments.
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**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

BOMBAY ACT No. XI OF 1928.[<sup>1</sup>]

[THE BOMBAY REPEALING AND AMENDING ACT, 1928]

[11th January 1929]

**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 ; 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 :—

5 & 6  
Geo. V.  
c. 61.

1. This Act may be called the Bombay Repealing and Amending Act, 1928. 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. Amendment of certain enactments.
3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.
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 ;

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.

[<sup>1</sup>] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1928, Part V, p. 96 ; and for proceedings in Council see *Bombay Legislative Council Debates*, 1928, Vol. XXIV.

## THE FIRST SCHEDULE.

## AMENDMENTS.

(See section 2).

Year.	No.	Short title.	Amendments.
		<i>Act of the Governor General in Council.</i>	
1890 ..	XI	The [1]Prevention of Cruelty to Animals Act, 1890 (in its application to the Presidency of Bombay).	In section 4 after the word "cow" the words "or she-buffalo" shall be inserted.
		<i>Acts of the Governor of Bombay in Council.</i>	
1902 ..	IV	The [2]City of Bombay Police Act, 1902.	In section 125 the letter and brackets "(a)" shall be deleted.
1906 ..	II	The [2]Mamlatdars' Courts Act, 1906.	To sub-section (2) of section 19 the following words shall be added. viz:—"He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case".
1920 ..	XVII	The [3]Bombay Pleadors Act, 1920.	In sub-section (1) of section 18 for the figures "17" the words and figures "3 of the Legal Practitioners (Fees) Act, 1926" shall be substituted. XXI 1926.

[1] General Acts, Vol. III.

[2] Vol. IV of Bom. Code.

[3] Vol. V of Bom. Code.

## THE SECOND SCHEDULE.

## REPEAL.

(See section 3).

Year.	No.	Short title.	Extent of Repeal.
		<i>Acts of the Governor of Bombay in Council.</i>	
1862 ..	I	The [1]Gaikwar of Baroda Ceded Lands Laws Act, 1862.	The whole.
1918 ..	III	The [2]Gaikwar of Baroda Ceded Lands Laws Act, 1918.	The whole.
1928 ..	III	The [3] Bombay Non-Agriculturists' Loans Act, 1928.	The figure and brackets "(1)" in section 5.

[1] Vol. II of Bom. Code.

[2] Vol. V of Bom. Code.

[3] In this Vol. p. 459.

BOMBAY ACT No. XII OF 1928<sup>[1]</sup>

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1928]

[11th January 1929]

## An Act to amend the Bombay University Act, 1928.

Bom. WHEREAS it is expedient to amend the <sup>[2]</sup>Bombay University Act, IV of 1928, in manner hereinafter appearing: It is hereby enacted as follows :—

1. This Act may be called the Bombay University (Amendment) Act, 1928. Short title.

2. In sub-section (2) of section 18 of the <sup>[2]</sup>Bombay University Act, 1928, hereinafter called the said Act, Amendment of section 18 of Bom. IV of 1928.

(i) in clause (e) the words "and military" shall be repealed;

(ii) after clause (e) the following shall be inserted, namely :—

[In this Vol., p. 472.]

3. After clause (k) of sub-section (2) of section 33 of the said Act, Amendment of section 33 of Bom. IV of 1928. the following shall be inserted, namely :—

[In this Vol., p. 478].

4. Clause (e) of sub-section (1) of section 35 of the said Act shall be Amendment of section 35 of Bom. IV of 1928. repealed.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1928, Part V, p. 112; and for proceedings in Council see *Bombay Legislative Council Debates*, 1928, Vol. XXIV.

[2] In this Vol. p. 465.

# THE KARACHI SMALL CAUSES COURT ACT, 1929.

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BOMBAY ACT No. IV OF 1929.<sup>[1]</sup>

[THE KARACHI SMALL CAUSES COURT ACT, 1929]

[22nd May 1929]

## An Act to provide for the Establishment of a Court of Small Causes at Karachi.

5 & 6  
Geo. V,  
c. 61.

WHEREAS it is expedient to provide for the establishment of a Court of Small Causes at Karachi; and whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:

## CHAPTER I.

## PRELIMINARY.

1. This Act may be called the Karachi Small Causes Court Act, 1929. Short title.

2. It shall come into force on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint. Commencement.

IX of  
1887.

3. On and from the date on which this Act comes into operation the <sup>Repeal.</sup> [2]Provincial Small Causes Courts Act, 1887, so far as it applies to the taluka of Karachi, shall be repealed.

Provided that—

(a) all notifications published, declarations and rules made, places appointed, securities given, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under the said Act or any Act amending the same and still in force shall, so far as they are not inconsistent with this Act, be deemed to have been respectively published, made, appointed, given, filed, prescribed, framed and conferred under this Act;

IX of  
1887.

(b) all proceedings instituted before, and pending at the date on which this Act comes into force in the Court of Small Causes at Karachi under the [2]Provincial Small Causes Courts Act, 1887, shall be continued, tried, heard and determined as if they had been instituted under this Act;

IX of  
1887.

(c) all appeals and revision proceedings instituted under the [2]Provincial Small Causes Courts Act, 1887, before and pending at the date on which this Act comes into force in the Chief Court, shall be continued, tried, heard and determined as if this Act had not been passed;

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1928, Part V, p. 92; for Report of the Select Committee see *ibid.*, 1929, Part V, p. 28; and for proceedings in Council see *Bombay Legislative Council Debates*, 1928, Vol. XXIV and 1929, Vol. XXV.

[2] General Acts, Vol. III.

(d) all decrees passed and orders made under the [1]Provincial Small Causes Courts Act, 1887, shall be deemed, for the purposes of IX of 1887. execution, to have been passed under this Act :

Provided further that nothing contained in this section shall be construed to affect the period of limitation to which any proceeding or appeal may be subject.

Definitions. 4. In this Act, unless there is anything repugnant in the subject or context :

(a) " Act " includes rules ;

(b) the " Chief Court " means the Court of the Judicial Commissioner of Sind and, when the [2]Sind Courts Act, 1926, comes into operation Bom. VII of 1926. shall mean the Chief Court of Sind established under that Act ;

(c) the " Chief Judge " includes the Judge, whether permanent or officiating, when not more than one Judge has been appointed ;

(d) " the Court " means the Karachi Small Causes Court established under the provisions of this Act ;

(e) " Registrar " includes a " Deputy Registrar " ;

(f) " Rules " means the rules and forms made or prescribed under section 37 ;

(g) " Taluka of Karachi " means the taluka of Karachi as constituted or defined for the time being under the [3]Bombay Land Revenue Bom. V of 1879. Code, 1879.

## CHAPTER II.

### CONSTITUTION OF THE COURT.

Establishment of the Court of Small Causes. 5. (1) On and from the commencement of this Act there shall be established at Karachi a Court of Small Causes to be called the Karachi Small Causes Court.

(2) It shall be deemed to be a Court subject to the superintendence of, V of 1908. and subordinate to, the Chief Court, within the meaning of the Code Bom. of Civil Procedure, 1908, [3]Sind Courts Act, 1866, and the [2]Sind XII of 1866. Courts Act, 1926. Bom.

Appointment of Judges. 6. The Governor in Council may, from time to time, appoint one or VII of 1926. more persons to be Judges of the Court who shall hold office during his pleasure :

Provided that no person shall be so appointed unless he has been—

(a) an Advocate, Vakil, Attorney or pleader of a Court which is a High Court within the meaning of clause (22) of section 3 of the Bom. [4]Bombay General Clauses Act, 1904, for an aggregate period of not I of 1904. less than seven years, or

[1] General Acts, Vol. III.

[2] In this Vol. p. 393.

[3] Vol. II of Bom. Code.

[4] Vol. IV of Bom. Code.

(b) a Judge of a civil court for an aggregate period of not less than five years.

When more than one Judge has been appointed, the Governor in Council may appoint one of them to be the Chief Judge of the Court.

7. (1) The Chief Judge, whether permanent or officiating, shall have rank and precedence before the other Judges of the Court. Rank and precedence of Judges.

(2) Save as aforesaid, and subject to any general or special direction by the Governor in Council, the judges shall have rank and precedence according to the seniority of their appointment as such judges: Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.

8. On the occurrence of a vacancy in the office of the Chief Judge and during any absence of the Chief Judge, the Governor in Council may appoint one of the other judges of the Court to perform the duties of the Chief Judge, until some person has been appointed by the Governor in Council to the office of the Chief Judge of the Court, and has entered on the discharge of the duties of that office, or until the absent Chief Judge has returned to his duties, as the case requires. Provision for vacancy in the office of Chief Judge.

9. On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge, or on the appointment of any such judge to act as Chief Judge, the Governor in Council may appoint a person to officiate as a judge of the Court and the person so appointed may sit and perform the duties of a judge of the Court, until some person has been appointed by the Governor in Council to the office of judge of the Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council cancels the appointment of the acting judge. Provision for vacancy in the office of a judge other than the Chief Judge.

10. The Court shall use a seal of such form and dimensions as are for the time being prescribed by the Governor in Council. Seal to be used.

### CHAPTER III.

#### LAW ADMINISTERED BY THE COURT.

11. All questions, other than questions relating to procedure or practice, which arise in the Court in suits or other proceedings under this Act shall be dealt with and determined according to the law for the time being administered by the Chief Court in the exercise of its original civil jurisdiction. Questions arising in suits under the Act to be decided according to law administered by the Chief Court.

### CHAPTER IV.

#### JURISDICTION IN RESPECT OF SUITS.

12. (1) The Court shall exercise jurisdiction within the taluka of Karachi. Local limits of jurisdiction of the Court.

(2) Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by the Court shall not be tried by any other Court having jurisdiction within the taluka of Karachi.

Jurisdiction. 13. Subject to the provisions of sections 14, 15, 16 and 17 and of the Code of Civil Procedure, 1908, the Court shall have jurisdiction to try <sup>V of</sup> all suits of a civil nature when the amount or value of the subject-matter <sup>1908.</sup> does not exceed two thousand rupees.

*Explanation.*—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Court shall have jurisdiction to try such suit.

Suits in which the Court has no jurisdiction.

14. The Court shall have no jurisdiction in—

- (a) suits concerning the assessment or collection of land-revenue ;
- (b) suits concerning any act ordered or done by the Governor-General in Council or the Local Government or by any member of the Council of the Governor General or of the Governor of Bombay, or by any Minister in his official capacity, or by any person by order of the Governor General in Council or the Local Government ;
- (c) suits concerning any act ordered or done by a Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or of any Judge or judicial officer ;
- (d) suits for the recovery of immoveable property ;
- (e) suits for the partition of immoveable property ;
- (f) suits by mortgagees of immoveable property for the foreclosure of the mortgage or for the sale of the property, or by mortgagors of immoveable property for the redemption of the mortgage ;
- (g) suits for the determination of any other right to or interest in immoveable property ;
- (h) suits for the specific performance or rescission of contracts ;
- (i) suits to obtain an injunction ;
- (j) suits for the cancellation or rectification of instruments ;
- (k) suits to enforce a trust ;
- (l) suits for a general average loss and suits on policies of insurance on sea-going vessels ;
- (m) suits for compensation in respect of collisions on the high seas or in any inland waters ;
- (n) suits for compensation for the infringement of a patent, copy-right or trade-mark.
- (o) suits for a dissolution of partnership or for an account of partnership transactions ;
- (p) suits for an account of property and its due administration under a decree of a Court ;
- (q) suits for compensation for libel, slander, malicious prosecution, adultery, seduction or breach of promise of marriage.
- (r) suits for the restitution of conjugal rights, or for a divorce ;
- (s) suits for declaratory decrees in respect of any immoveable property ;

- (t) suits for possession of a hereditary office ;  
 (u) suits against Sovereign Princes, or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States ;  
 (v) suits on any judgment of a High Court or of the Chief Court ;  
 (w) suits, the cognizance whereof by the Court is barred by any law for the time being in force ;  
 (x) suits for compensation for obstruction of an easement or diversion of a water course.

15. (1) When the parties to a suit, which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Court, have entered into an agreement in writing that the Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees. Court may by consent try suits beyond pecuniary limits of jurisdiction.

(2) Every such agreement shall be filed in the Court, and when it is so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

16. Any suit cognizable by the Court except suits in respect of property taken in execution of its process or the proceeds or value thereof to which an officer of the Court is a party may, at the election of the plaintiff, be instituted in the Chief Court. If such suit is instituted in the Court, it shall, on application by any of the defendants, be submitted to the Chief Court, for trial and disposal, provided that such application is made within a week of the service of the summons on the applicant or before the first hearing whichever interval is shorter. Suits by and against officers of the Court.

17. Nothing in this Chapter shall be deemed to preclude the Court from trying any suits or proceeding which it is specially authorised to try by any other enactment for the time being in force. Saving.

## CHAPTER V.

### RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

18. When any person has had possession of any immoveable property situate within the local limits of the Court's jurisdiction and of which the annual rental value does not exceed two thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims, and such tenancy or permission has determined or been withdrawn, and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person, such other person (hereinafter called the applicant) may apply to the Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property. Summons against person occupying property without leave.

19. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure, 1908, for the service of a summons on a defendant. Service of summons.

Order for possession.

20. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Court is satisfied that he is entitled to apply under section 18, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

*Explanation.*—If the occupant proves that the tenancy was created or permission granted by virtue of a title which is determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Bar to Proceedings against judge or officer for issuing, etc., order or summons.

21. No suit or prosecution shall be maintainable against any judge or officer of the Court by whom any such order as aforesaid was issued or against any bailiff or other person by whom the sale was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings. Occupant may sue for compensation.

22. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for a recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity; when no such damage is proved, the suit shall be dismissed; and when such a damage is proved but the amount of compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Court certifies that in its opinion full costs should be awarded to the plaintiff.

Liability of applicant obtaining order when not entitled.

23. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this Chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Stay of proceedings on occupant giving security to bring suit against applicant.

24. Whenever on an application being made under section 18 the occupant binds himself, with two sureties, in a bond for such amount as the Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the Chief Court against the applicant, for compensation for trespass and to pay all the costs of such suits in case he does not prosecute the same or in case judgment therein is given for the applicant, the court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order, if any, made under section 20.

V of 1908. 25. In all proceedings under this chapter the Court shall, as far as may be, and except as herein otherwise provided, follow the procedure prescribed for a court of first instance by the Code of Civil Procedure, 1908. Proceedings to be regulated by Code of Civil Procedure.

26. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the Chief Court for trying the title thereto. Recovery of possession no bar to suit to try title.

27. (1) Any person claiming to be entitled to arrears of rent of any house or premises situate within the local limits of the Court's jurisdiction of which the annual rental does not exceed two thousand rupees may apply to the Court for a distress warrant in accordance with the provisions of this Act. Application for distress warrant.

(2) The application shall be supported by an affidavit or affirmation to the effect of Form A in the Schedule hereto annexed.

(3) Nothing in this section shall apply to—

(a) any rent due to Government;

(b) any rent which has been due for more than twelve months before the application mentioned in sub-section (1).

28. The debtor or any other person alleging himself to be the owner of any property seized under this chapter may, at any time within five days from such seizure, apply to the Court to discharge or suspend the warrant, or to release a distrained article, and the Court may discharge or suspend such warrant or release such article accordingly, upon such terms as it thinks just, Application to discharge or suspend warrant.

and the Court may, in its discretion, give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Court and shall be paid as the Court directs.

## CHAPTER VI.

### PROCEDURE.

V of 1908. 29. (1) The following provisions of the Code of Civil Procedure, 1908, shall not extend to the Court, that is to say:— Procedure.

(a) So much of the body of the Code as relates to—

(i) suits excepted from the cognizance of the Court;

(ii) the execution of decrees in such suits;

(iii) the execution of decrees against immoveable property, except so far as it may relate to proceedings under Chapter V of this Act.

(b) Section 7;

Section 9;

Sections 91 and 92;

Sections 94 and 95, so far as they relate to injunctions and interlocutory orders;

Sections 96 to 112 and 115.



(2) An application for a review of judgment shall be presented within fifteen days of the date of the judgment.

(3) An applicant for an order to set aside a decree passed *ex-parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(4) Where a person has become liable as surety under sub-section (3), the security may be realised in manner provided by section 145 of the Code of Civil Procedure, 1908. V of 1908.

## CHAPTER VII.

### REMOVAL OF CAUSES, REVISION AND REFERENCES.

Removal of certain causes into Chief Court. **30.** (1) In any suit instituted in the Court in which the amount or value of the subject-matter exceeds the sum of one thousand rupees, the defendant or any one of the defendants, may, before the day fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply *ex-parte* on an affidavit setting forth the facts on which he relies for his defence to the Chief Court for an order removing the cause into the said Court.

(2) Unless the Chief Court is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right: Provided that the removal directed by such order shall, unless the Chief Court otherwise directs, be conditional upon the applicant giving security, to the approval of that Court within a reasonable time to be prescribed in the order for the payment of the amount claimed and of the costs which may become payable by him to the plaintiff in respect of the said suit.

(3) If the applicant fails or neglects to complete the required security (if any) within the prescribed time the said order shall be discharged and the suit shall proceed in the Court as if such order had never been made.

(4) If the plaintiff in any case which has been removed under this section into the Chief Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of the Court, he shall be permitted to revive the portion of his claim so abandoned.

Rule with respect to suits removed under section 30. **31.** (1) When a suit has been removed into the Chief Court under section 30 it shall be heard and disposed of by the Chief Court in the exercise of its original jurisdiction, and the Chief Court shall have all the powers and jurisdiction in respect thereof as if the suit had been originally instituted in the Chief Court.

(2) In every suit so removed the affidavit filed under sub-section (1) of section 30, shall be treated as a written statement of the defendant tendered under Order VIII, rule I of the First Schedule of the Code of Civil Procedure, 1908, unless the Chief Court shall otherwise order. V of 1908.

32. The Chief Court may for the purpose of satisfying itself that a Revision. decree or order made in any case by the Court was according to law, call for the case and pass such order with respect thereto as it thinks fit.

33. (1) If two or more Judges of the Court sit together in any suit, or in any proceeding under Chapter V, and differ in their opinion as to any question of law or usage having the force of law or the construction of a document, which construction may affect the merits, or

if in any suit or in any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises upon which the Court entertains reasonable doubt and either party so requires, the Court shall draw up a statement of the facts of the case and the point on which there is a difference of opinion or on which doubt is entertained, and refer such statement with its own opinion on the point for the opinion of the Chief Court; and the provisions of rules 3 to 5 of Order XLVI of the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they are applicable, be deemed to apply as if such reference had been made under rule I of the said Order of the said Code.

V of  
1908.

(2) When the Court refers any question for the opinion of the Chief Court as provided in sub-section (1), it shall either reserve judgment or give judgment contingent upon such opinion.

34. When judgment is given under section 33 contingent upon the opinion of the Chief Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Court, for the costs of the reference to the Chief Court and for the amount of such judgment :

Provided that no security for the amount of such judgment shall be required in any case in which the Court has ordered such amount to be paid into Court, and the same has been paid accordingly.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

35. Save as otherwise provided by this Act or by any other enactment for the time being in force, every decree or order of the Court in a suit shall be final and conclusive.

## CHAPTER VIII.

### FEEs AND COSTS.

36. (1) In addition to the fee payable on a plaint under the [1]Court Institution VII of Fees Act, 1870, a fee of ten rupees shall be paid on the filing of an agree- fees. ment under section 15.

(2) For the purposes of the [1]Court Fees Act, 1870, an application VII of 1870. under section 18 shall be deemed to be a suit of a value equal to the annual rental value of the property in respect of which the application is made.

(3) A fee of annas eight shall be paid on every application made for which no fee is provided, under the [1]Court Fees Act, 1870. VII of 1870.

## CHAPTER IX.

### RULES.

Procedure and practice of the Court.

37. The Chief Court may, from time to time, make rules not inconsistent with this Act,—

(1) providing for the exercise by one or more of the Judges of the Court of any powers conferred on the Court by this Act or any other enactment for the time being in force ;

(2) regulating the procedure of the Court in the exercise of its jurisdiction under Chapter V ;

(3) empowering the Registrar to hear and dispose of undefended suits and interlocutory applications or matters ;

(4) providing for the delegation to any ministerial officer of the Court of any non-judicial or quasi-judicial duties which this Act or the Code of Civil Procedure, 1908, requires to be performed by a Judge, V of 1908. and

(5) providing for pleaders' fees and other costs.

General power of transfer.

38. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of his own motion without such notice, the Chief Judge may, at any stage,—

(a) transfer any suit or other proceeding pending before him for trial or disposal to any other Judge of the Court ; or

(b) withdraw any suit or other proceeding pending before any Judge of the Court, and

(i) try or dispose of the same, or

(ii) transfer the same for trial or disposal to any other judge of the Court, or

(iii) retransfer the same for trial or disposal to the Judge from whom it was withdrawn.

(2) Where any suit or other proceeding has been transferred or withdrawn under sub-section (1), the Judge who thereafter tries such suit or proceeding may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

Distribution of business.

39. Subject to rules framed by the Chief Court the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

## CHAPTER X.

## MINISTERIAL OFFICERS.

40. (1) Subject to the sanction of the Governor in Council the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be, may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the Chief ministerial officer of the Court. Appointment of Registrar and Ministerial Officers.

(2) Subject to the control of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be, the Chief Judge may, from time to time, appoint a Deputy Registrar and as many clerks, bailiffs and other ministerial officers as may be sanctioned by the Governor in Council for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

(3) The Registrar and other officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Judge may, from time to time, direct.

(4) The Chief Judge may suspend, remove or dismiss any Deputy Registrar or other officer so appointed : provided that no officer drawing a monthly salary of one hundred rupees or upwards shall be removed or dismissed without the orders of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be.

41. (1) The Governor in Council may invest the Registrar with the powers of a Judge under this Act for the trial of suits and applications except applications under Chapter V in which the amount or value of the subject-matter does not exceed fifty rupees. Registrar may be invested with powers of a Judge in suits not exceeding fifty rupees.

(2) The provisions of section 38 shall, so far as may be, apply to the Registrar. fifty rupees.

(3) Suits cognisable by the Registrar shall be tried by him and decrees passed therein shall be executed by him, in like manner in all respects as a Judge of the Court might try the suits and execute the decrees respectively.

42. If any clerk, bailiff or other inferior ministerial officer of the Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, to pay to the person injured by such neglect, connivance or omission, such sum not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, appears reasonable. Default of bailiff or other officer in execution of order or warrant.

43. If any clerk, bailiff or other inferior ministerial officer of the Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted or levied and of damages and costs by such officer as it thinks fit. Extortion or default of Officers.

Court  
empowered  
to summon  
witnesses,  
etc.

44. For the purposes of any inquiry under this Chapter, the Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Enforcement  
of order.

45. Any order under this Chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Court in his favour.

#### THE SCHEDULE.

(See section 27.)

#### *Form A.*

In the Karachi Small Causes Court.

A. B. (Plaintiff);

*versus*

C. D. (Defendant).

A. B. of \_\_\_\_\_, in the town  
of \_\_\_\_\_, maketh oath  
(or affirms) and saith that C. D. \_\_\_\_\_, of  
\_\_\_\_\_, is justly indebted to  
\_\_\_\_\_ in the sum of Rs. \_\_\_\_\_,  
for arrears of rent of the house and premises No. \_\_\_\_\_,  
situate at \_\_\_\_\_, in the town of \_\_\_\_\_,  
due for \_\_\_\_\_ months, to wit,  
from \_\_\_\_\_ to \_\_\_\_\_, at  
the rate of Rs. \_\_\_\_\_ per mensem.

Sworn or affirmed before me the \_\_\_\_\_ day of

19

Judge (or Registrar).

BOMBAY ACT No. V OF 1929.<sup>[1]</sup>

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1929]

[22nd May 1929]

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

XVI of 1908.  
5 & 6 Geo. V, s. 61.

WHEREAS it is expedient further to amend the <sup>[2]</sup> Indian Registration Act, 1908, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by 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 Indian Registration (Bombay Amend- Short title.  
ment) Act, 1929.

XVI of 1908.

2. To sub-section (1) of section 8 of the <sup>[2]</sup> Indian Registration Act, 1908, hereinafter called the said Act, the following shall be added, Amendment of section 8 of Act XVI of 1908.  
namely:—

“Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing inspectors of registration offices.”

3. In section 13 of the said Act,

(1) sub-sections (1) and (2) shall be repealed; and

(2) after the word “Sub-Registrars” the words “and Inspectors of Registration offices” shall be inserted.

Amendment of section 13 of Act XVI of 1908.

4. To sub-section (2) of section 21 of the said Act the following shall be added, namely:— Amendment of section 21 of Act XVI of 1908.

“In all city surveyed areas in the Bombay Presidency, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records.”

5. In sub-section (2) of section 22 of the said Act for the word “Save” the words “Except in the case of city surveyed areas in the Bombay Presidency and except” shall be inserted. Amendment of section 22 of Act XVI of 1908.

6. In section 36 of the said Act for the words “may in his discretion” the words “in his discretion, may, upon receipt of the prescribed fee, issue, or may” shall be substituted; and after the word “issue” a comma shall be inserted. Amendment of section 36 of Act XVI of 1908.

7. In sub-section (2) of section 51 of the said Act after the figures “89” the words and figures “sub-sections (2) and (4)” shall be inserted. Amendment of section 51 of Act XVI of 1908.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 8; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXV.

[2] General Acts, Vol. IV.

Amendment  
of section 54  
of Act XVI  
of 1908.

8. In section 54 of the said Act after the word "books" where it occurs for the second time the words "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89" shall be inserted.

Amendment  
of section 55  
of Act XVI  
of 1908.

9. In section 55 of the said Act,

(a) for sub-section (1) the following shall be substituted, namely:—

"(1) six such indexes shall be made in all registration offices and shall be named, respectively, Index No. I, Index No. I-A, Index No. II, Index No. II-A, Index No. III and Index No. IV;"

(b) after sub-section (2) the following sub-section shall be inserted, namely:—

"(2A) Index No. I-A shall contain the names including the father's name, or, in the case of persons usually described by their mother's name, the mother's name and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89;"

(c) after sub-section (3) the following sub-section shall be inserted, namely:—

"(3A) Index No. II-A shall contain such particulars mentioned in section 21 as the Inspector-General may, from time to time, prescribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89;"

(d) for the words "and additions" wherever they occur the words "including the father's name, or, in the case of persons usually described by their mother's name, the mother's name, and the places of residence" shall be substituted.

Amendment  
of section 57  
of Act XVI  
of 1908.

10. In sub-section (1) of section 57 of the said Act after the words and figure "Book No. I" the following words and figures shall be inserted, namely:—

"and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies."

Amendment  
of section 69  
of Act XVI  
of 1908.

11. In clause (h) of sub-section (1) of section 69 of the said Act, after the figures "I" and "II" the figures "I-A" and "II-A" respectively shall be inserted.

Amendment  
of section 89  
of Act XVI  
of 1908.

12. In sub-sections (1) and (3) of section 89 of the said Act for the words and figure "Book No. I" the word "office" shall be substituted.

BOMBAY ACT No. VI OF 1929.[<sup>1</sup>]

[THE BOMBAY PLEADERS' (AMENDMENT) ACT, 1929]

[22nd May 1929]

## An Act to amend the Bombay Pleaders' Act (No. XVII of 1920).

Bom. XVII of 1920. WHEREAS it is expedient to amend the [<sup>2</sup>] Bombay Pleaders' Act, 1920, in manner hereinafter appearing ; It is enacted as follows :—

1. This Act may be called the Bombay Pleaders' (Amendment) Act, Short title. 1929.

Bom. XVII of 1920. 2. In sub-section (2) of section 4 of the [<sup>2</sup>] Bombay Pleaders' Act, 1920, hereinafter called the said Act, after the words " the district " the words " or districts " shall be inserted. Amendment of section 4 of Bom.XVII of 1920.

3. In section 5 of the said Act—

(1) To sub-section (1) the following proviso shall be added :—

" Provided that when a district for which a sanad is to be issued comprises any area which for the purpose of administration of revenue or criminal justice or both is also included in any other district the sanad may be held in respect of both such districts."

(2) In sub-section (2) the word " one " shall be deleted.

4. In section 8 of the said Act, after the words " within the district " the words " or districts " shall be inserted. Amendment of section 8 of Bom.XVII of 1920.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 81 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vol. XXIV and 1929, Vol. XXV.

[<sup>2</sup>] Vol. V of Bom. Code.



**THE BOMBAY MATERNITY BENEFIT ACT, 1929.**

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**CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title.
2. Extent and operation.
3. Definitions.
4. Employment of or work by women in factories prohibited during certain period.
5. Right to payment of maternity benefit.
6. Procedure regarding payment of maternity benefit.
7. Payment of maternity benefit in case of a woman's death.
8. No notice of dismissal to be given to a woman during period of maternity benefit.
9. Forfeiture of maternity benefit.
10. Penalty for contravention of the Act by an employer.
11. Penalty for contravention of the Act by a woman.
12. Cognisance of offences.
13. Limitation of prosecutions.
14. Rules.
15. Copies of this Act and rules thereunder to be exhibited.

BOMBAY ACT No. VII OF 1929.<sup>[1]</sup>

[THE BOMBAY MATERNITY BENEFIT ACT, 1929]

*Amended by*

Number of Act.		Year.
Bom. Act No. V	.. ..	1934.

[23rd May 1929]

**An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.**

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided ; and Whereas the previous sanction of the Governor General required by sub-section (3) of 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 :—

5 & 6  
Geo. V.  
c. 61.

1. This Act may be called the Bombay Maternity Benefit Act, 1929. Short title.
2. (1) This Act shall apply in the first instance to the Bombay Suburban District and the cities of Bombay, Ahmedabad, Viramgam, Surat, Broach, Jalgaon, Sholapur, Belgaum, Amalner and Karachi. Extent and operation.  
The Government may, from time to time, by notification in the *Bombay Government Gazette* extend\* this Act to such other places as it thinks fit.
- (2) It shall come into operation on the first day of July 1929.
3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
  - (a) "Employer" includes an occupier of a factory as defined in the [2] Indian Factories Act, 1911, and the manager of a factory.
  - (b) the expressions "employ", "employed", "factory", and "inspector of factories" shall have the same meanings as are respectively assigned to them under the [2] Indian Factories Act, 1911 ;
  - (c) "maternity benefit" means the amount of money payable under the provisions of this Act to a woman employed in a factory.
  - [3] (d) "wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance, or any deduction or payment made on account of fines.

XII of  
1911.XII of  
1911.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 15 ; for Report of the Select Committee, see *ibid*, 1928, Part V, p. 132 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vol. XXIII and 1929, Vol. XXV.

[2] General Acts, Vol. V.

[3] Clause (d) was inserted by Bom. Act No. V of 1934, s. 2.

\* This Act was extended to the Districts of East and West Khandesh, Sholapur, Dharwar, Thana and Kaira and to the City of Poona with effect from the 1st July 1931 (*Vide* Political Department Notification No. 8178 dated the 26th May 1931 published in the *Bombay Government Gazette*, 1931, Part I, p. 1335).

Employment of or work by women in factories prohibited during certain period.

Right to payment of maternity benefit.

Procedure regarding payment of maternity benefit.

4. After this Act comes into operation—

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

5. (1) Subject to the provisions of this Act, every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day <sup>[1]</sup>in the cities of Bombay, Ahmedabad and Karachi, and elsewhere at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6, or at the rate of eight annas a day, whichever is less<sup>[1]</sup> for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2) :

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than <sup>[2]</sup>nine months immediately preceding the date on which she <sup>[3]</sup>gives notice under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be <sup>[4]</sup>eight weeks, that is to say, four<sup>[4]</sup> weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

<sup>[5]</sup>(3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely :—

(i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that

[1]—[1] The words, figures and brackets were inserted by Bom. Act No. V of 1934, s. 3.

[2] The word "nine" was substituted for the word "six" by Bom. Act, No. V of 1934, s. 3.

[3] The words "gives notice" were substituted for the words "notifies her intention" by Bom. Act, No. V of 1934, s. 3.

[4] The words "eight" and "four" were substituted for the words "seven" and "three" by Bom. Act, No. V of 1934, s. 3.

[5] This sub-section was substituted for the original sub-section (3) of section 6 by Bom. Act, No. V of 1934, s. 4.

the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child ; or

(ii) for the period up to and including the day of delivery—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—punctually four weeks after the production of such certified extract from a birth register ; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production within six weeks of her delivery of a certified extract from a birth register stating that she has given birth to a child ;

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

7. If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child ; and if the child does not survive her to her legal representative.

Payment of maternity benefit in case of a woman's death.

8. When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

No notice of dismissal to be given to a woman during period of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Forfeiture of maternity benefit.

10. If any employer contravenes the provisions of this Act he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Act by an employer.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Penalty for contravention of the Act by a woman.

12. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the inspector of factories.

Cognisance of offences.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.

**Limitation of prosecutions.** 13. No Court shall take cognisance of any offence against this Act or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

**Rules.** 14. (1) The Governor in Council may make [1] rules for the purpose of carrying into effect the provisions of this Act.

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

[2](a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 35 of the [3] Indian Factories Act, 1911.

(b) the inspection of factories for the purposes of this Act by inspectors of factories ; XII of  
1911.

(c) the exercise of powers and the performance of duties by inspectors of factories for the purposes of this Act ;

(d) the method of payment of maternity benefit in so far as provision has not been made in this Act ; and

(e) any other matter for which no provision has been made in this Act and for which provision is, in the opinion of the Governor in Council, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall 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. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.

**Copies of this Act and rules thereunder to be exhibited.** 15. [4]An abstract of the provisions of this Act and the rules thereunder in the local vernacular shall be exhibited in a conspicuous [5]manner by the employer in every [6]part of a factory in which women are employed.

[1] For Rules under this section see Government Notification in the G. D. No. 1066 dated the 2nd August 1929 published in the *Bombay Government Gazette*, 1929, Part I, pp. 1703-1705.

For amendments in the above Rules, see

Political and Reforms Department Notification No. 9699-II dated the 1st June 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 1340.

Political and Reforms Department Notification No. 9721 dated the 7th December 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 2876.

Political and Reforms Department Notification No. 9721 dated the 29th January 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 245.

Political and Reforms Department Notification No. 8574-II dated the 20th September 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 2096.

[2] The present clause (a) was substituted for the original clause (a) by Bom. Act, No. V of 1934, s. 5.

[3] General Acts, Vol. V.

[4] The words "An abstract" were substituted for the words "A copy" by Bom. Act, No. V of 1934, s. 6.

[5] The word "manner" was substituted for the word "place" by Bom. Act, No. V of 1934, s. 6.

[6] The words "part of a" were inserted by Bom. Act, No. V of 1934, s. 6.

**THE BOMBAY PREVENTION OF INTIMIDATION ACT, 1929.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title, extent, duration and commencement.
2. Definitions.
3. Declaration of state of emergency.
4. Offence of criminal intimidation to be cognizable.

BOMBAY ACT No. VIII OF 1929.[<sup>1</sup>]

[THE BOMBAY PREVENTION OF INTIMIDATION ACT, 1929]

[3rd September 1929]

## An Act to make the offence of criminal intimidation cognizable in times of emergency.

WHEREAS it is expedient to take power to enable the police to deal effectively with the offence of criminal intimidation in certain areas of the Bombay Presidency ;

5 & 6  
Geo.V.  
c. 61. 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. (1) This Act may be called the Bombay Prevention of Intimidation Act, 1929. Short title,  
extent,  
duration and  
commence-  
ment.

(2) It extends to the Presidency Area and shall remain in force for a period of five years. Definitions.

(3) This section and sections 2 and 3 shall come into operation forthwith ; section 4 shall come into force in the whole of the Presidency Area or in any part or parts thereof on the date or dates on which a state of emergency is declared to exist in such area or part or parts thereof by notification under section 3, and shall continue to be in operation for such period, not exceeding one month at a time, as may be specified in such notification unless such notification is sooner cancelled by the Local Government.

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

(a) " Presidency Area " means the City of Bombay and the Bombay Suburban District ;

XLV  
of  
1860. (b) " Criminal Intimidation " has the meaning assigned to it by section 503 of the Indian Penal Code.

3. The Local Government, if satisfied that the public tranquillity in the Presidency Area or any part or parts thereof is endangered by the prevalence of criminal intimidation, may, at any time by notification in the *Bombay Government Gazette* declare that a state of emergency exists in the whole area or in any part or parts thereof and shall set forth the reasons for such declaration in the notification. Declaration  
of state of  
emergency.

4. Notwithstanding anything contained in the Second Schedule to the Code of Criminal Procedure, 1898, the offence of criminal intimidation shall be a cognizable offence as defined in that Act and the rest of the provisions of that Act shall have effect accordingly. Offence of  
criminal  
intimidation  
to be cogniz-  
able.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 137 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXXVI.

BOMBAY ACT No. IX OF 1929.<sup>[1]</sup>

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1929]

[24th September 1929]

## An Act further to amend the Bombay Abkari Act, 1878.

Bom. WHEREAS it is expedient further to amend the [2]Bombay Abkari  
 V of Act, 1878, in manner hereinafter appearing; It is hereby enacted as  
 1878. follows :—

1. This Act may be called the Bombay Abkari (Amendment) Act, Short title.  
 1929.

Bom. 2. For section 18-B of the [2]Bombay Abkari Act, 1878, the following Amendment  
 V of shall be substituted :— 18-B of Bom.  
 1878. V of 1878.

18-B. (1) Save as is provided in sub-section (3), no person shall Special provi-  
 export from or import into any prescribed area or collect, transport, sions as to  
 sell or have in his possession within any such area any quantity of mhowra  
 mhowra flowers exceeding the prescribed limit in weight, except under flowers.  
 the authority and subject to the terms and conditions of a license,  
 permit or pass granted by the Collector or other officer duly  
 empowered in this behalf.

(2) In this section "prescribed area" means such area, comprising  
 either the whole or some portion of the Presidency of Bombay, exclud-  
 ing Sind, as the Government from time to time notifies in this behalf;  
 and "prescribed limit" means five seers or such greater quantity as  
 the Government from time to time notifies in this behalf.

The power to issue notifications under this sub-section shall be  
 subject to the condition of previous publication.

(3) Provided that within such limits of the districts and areas men-  
 tioned in column 1 of the subjoined table as the Government may, by a  
 notification in the *Bombay Government Gazette*, specify, and within the  
 period specified against such districts and areas respectively in column  
 2 of the said table or such longer period embracing the said period as  
 the Government may, from time to time, by a notification in the  
*Bombay Government Gazette*, direct (hereinafter called "the vacation  
 period"), no license, permit or pass shall be necessary for the collection,  
 transport, sale or possession anywhere of any quantity of mhowra  
 flowers which are the produce of that year and, in the case of the  
 districts and areas mentioned in entries (2) and (3) of column 1 of  
 the said table, which are the produce of the said districts and areas  
 or of any or either of them or other portion of a prescribed area so  
 specified.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 140; for Report of the Select Committee, see *ibid*, 1929, Part V, p. 83; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vols. XXV and XXVI.

[2] Vol. II of Bom. Code.



## TABLE.

1	2
Districts and areas.	Period within which no license, etc., shall be necessary for the collection, etc., of mhowra flowers.
(1) Kaira and Panch Mahals districts; the North and South Daskroi, Prantij and Dholka talukas and the Modasa Mahal of the Ahmedabad District; and the Nawapur, Nandurbar, Sakri, Shirpur, Shahada and Taloda talukas, and the Akrani Mahal of the West Khandesh District.	From the 16th February to the 31st July in each year.
(2) Thana, Nasik, Kolaba and the East Khandesh District and such portion of the West Khandesh District covered by entry (1) of this table.	From the 16th February to the 31st May in each year.
(3) Broach, Surat, Ahmednagar, Poona and Belgaum districts and such portion of the Ahmedabad District as is not covered by entry (1) of this table.	From the 16th February to the 15th May in each year.

(4) Provided further that unless Government by a notification in the *Bombay Government Gazette* otherwise directs, no license, permit or pass shall be necessary for the transport by rail of any quantity of mhowra flowers mentioned in sub-section (3) through an area which has no vacation period or the vacation period for which as prescribed in column 2 of the said table has expired at the time when the transport takes place, provided that—

(i) the said flowers are not unloaded in transit and

(ii) there is a vacation period at the places from and to which the said flowers are transported at the time when the said flowers are despatched or arrive, as the case may be.

BOMBAY ACT No. X OF 1929.<sup>[1]</sup>

[THE BOMBAY SMOKE-NUISANCES (AMENDMENT) ACT, 1929]

[24th September 1929]

## An Act further to amend the Bombay Smoke-nuisances Act, 1912.

WHEREAS it is expedient further to amend the [2]Bombay Smoke-nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Smoke-nuisances (Amendment) Act, 1929. Short title.

2. In section 3 of the [2]Bombay Smoke-nuisances Act, 1912, hereinafter called the said Act, Amendment of section 3 of Bom. VII of 1912.

(1) After sub-section (1) the following shall be inserted:—

“(1A) ‘Flue’ or ‘Chimney’ means any ‘flue’ or ‘chimney’ joined to, connected with or forming part of a furnace.”

(2) In clause (a) of sub-section (5) the words “flue or chimney” shall be inserted after the word “furnace” wherever it occurs.

3. After section 9 of the said Act, the following sections shall be inserted, namely:— Insertion of new sections 9A and 9B in Bom. VII of 1912.

“9A. (1) No furnace, flue or chimney shall be erected, altered, added to or re-erected except in accordance with plans approved by the Commission. No furnace, etc., to be erected unless plans are approved by Commission.

(2) If any furnace, flue or chimney is erected, altered, added to or re-erected in contravention of the provisions of sub-section (1), the owner of such furnace, flue or chimney shall be liable to fine which may extend to one hundred rupees; and, if any such furnace, flue or chimney is used without the permission of the Commission, to a further fine not exceeding twenty rupees for every day during which such use continues.

9B. (1) A Magistrate imposing a fine on any person under sub-section (2) of section 9A may, by order, direct such person to demolish the furnace, flue or chimney within a period to be specified in the order. Power to order demolition of furnace, flue or chimney unlawfully erected.

(2) Any such person failing to demolish any furnace, flue or chimney within the period specified in the order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 105; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVI.

[2] Vol. VI of Bom. Code.

Amendment  
of section 10  
of Bom. VII  
of 1912.

4. In section 10 of the said Act,

(a) after the word "furnace", wherever it occurs, the words "flue or chimney" shall be inserted ;

(b) the words "or stoked" occurring in clause (c) of sub-section (1) shall be omitted.

Amendment  
of section 11  
of Bom. VII  
of 1912.

5. After clause (h) of sub-section (2) of section 11 of the said Act, the following shall be inserted :—

"(hh) prescribe the procedure regarding the submission and approval of plans under sub-section (1) of section 9A."

BOMBAY ACT No. XI OF 1929.<sup>[1]</sup>

[THE SINDH INCUMBERED ESTATES (AMENDMENT) ACT, 1929]

[25th September 1929]

## An Act further to amend the Sindh Incumbered Estates Act, 1896.

XX of 1896. WHEREAS it is expedient further to amend the <sup>[2]</sup>Sindh Incumbered Estates Act, 1896, in manner hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Sindh Incumbered Estates (Amend- Short title. ment) Act, 1929.

XX of 1896. 2. To section 29 of the <sup>[2]</sup>Sindh Incumbered Estates Act, 1896, the Amendment of section 29 of Act XX of 1896. following shall be added, namely :—

XIX of 1883. XII of 1884. “ or in the case of a loan granted under the <sup>[3]</sup>Land Improvement Loans Act, 1883, or the <sup>[4]</sup>Agriculturists' Loans Act, 1884, with the previous sanction of the officer granting such loan.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 82 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVI.

[2] Vol. I of Bom. Code.

[3] and [4] General Acts, Vol. II.

BOMBAY ACT No. XII OF 1929.<sup>[1]</sup>

[THE BOMBAY MEDICAL (AMENDMENT) ACT, 1929]

[26th September 1929]

## An Act further to amend the Bombay Medical Act, 1912.

Bom. WHEREAS it is expedient further to amend the <sup>VI of</sup> [2]Bombay Medical Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Medical (Amendment) Act, Short title, 1929.

Bom. 2. After sub-section (1) of section 7 of the <sup>VI of</sup> [2]Bombay Medical Amendment Act, 1912, the following sub-section shall be inserted, namely :— of section 7 of Bom. VI

“(1a) Every person for the time being registered under any Act of 1912. for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council, be entitled, on production of his registration certificate, to have registered under this Act, free of charge, such qualifications entered in the said certificate as are registrable under this Act.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 119; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVI.

[2] Vol. V of Bom. Code.

**BOMBAY ACT No. XIII OF 1929.<sup>[1]</sup>**

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1929]

[27th September 1929]

**An Act further to amend the Bombay University Act, 1928.**

Bom. IV of 1928. WHEREAS it is expedient further to amend the [2]Bombay University Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay University (Amendment) Act, 1929. Short title.

Bom. IV of 1928. 2. In Part (A) under the heading “II. Ordinary” in sub-section (1) of section 13 of the [2]Bombay University Act, 1928— Amendment of section 13 of Bom. IV of 1928.

(a) in entries (iv) (f), (g), (h), (i) and (j) for the expression “city municipalities” the expression “municipal boroughs” shall be substituted;

(b) in entry (iv) (j) after the word “Group” the words “and the Karachi municipality” shall be inserted;

(c) in Explanation (1) the words “the schools and colleges in” shall be omitted; and

(d) in Explanation (2) the word “city” shall be omitted.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 76; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVI.

[2] In this Vol. p. 465.

**BOMBAY ACT No. XIV OF 1929.<sup>[1]</sup>**

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT) ACT, 1929]

[27th September 1929]

**An Act further to amend the Bombay Prevention of Gambling Act, 1887.**

Bom. WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay  
IV of Prevention of Gambling Act, 1887, in manner hereinafter appearing ;  
1887. It is hereby enacted as follows :—

1. This Act may be called the Bombay Prevention of Gambling Short title.  
(Amendment) Act, 1929.

Bom. 2. For clause (c) in section 3 of the <sup>[2]</sup>Bombay Prevention of Amendment  
IV of Gambling Act, 1887, the following shall be substituted, namely :— of section 3  
1887. of Bom. IV

“ Between any individual or individuals in person on the one hand of 1887.  
and such licensee on the other hand, or between any number of  
individuals in person, in such manner and by such contrivance as  
may be permitted by such license.”

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 90; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVI.

[2] Vol. II of Bom. Code.

BOMBAY ACT No. XV OF 1929.<sup>[1]</sup>

[THE BOMBAY LAND REVENUE CODE (AMENDMENT) ACT, 1929]

[17th October 1929]

## An Act further to amend the Bombay Land Revenue Code, 1879.

Bom.  
V of  
1879.

WHEREAS it is expedient further to amend the [2]Bombay Land Revenue Code, 1879; It is hereby enacted as follows:—

1. This Act may be called the Bombay Land Revenue Code Short title. (Amendment) Act, 1929.

Bom.  
V of  
1879.

2. For section 216 of the [2]Bombay Land Revenue Code, 1879, Amendment of section 216 of Bom. V of 1879. the following section shall be substituted:—

“216. (1) The provisions of Chapters VIII to X shall be applicable to—

(a) all unalienated lands situated within the limits of an alienated village;

(b) unalienated shares of villages of which a definite share defined by metes and bounds is alienated;

(c) alienated villages the holders of which are entitled to a certain amount of the revenue, but of which the excess above such amount belongs to Government.

(2) Save as is otherwise provided in section 111 and in this section, no provision of the said Chapters shall be applied to any other alienated village except for the purposes of fixing its boundaries and of determining any disputes relating thereto, unless the extension of the provision is authorised by the Commissioner acting on the written application of the sole holder, or, if there be more than one holder, of the holder or holders representing in the aggregate not less than one-half of the total interests in the village in respect of its alienated revenue. If any share of the village is unalienated the prescribed proportion of one-half shall be reckoned as if the village were wholly alienated, Government being considered as the holder in respect of the unalienated share.

(3) In any case in which action under sub-section (2) is taken lawfully by the Commissioner on the application of some only of the holders of the village any covenant or agreement relative to the extension of the said Chapters or incidental thereto, entered into by such holders shall also be binding on the remaining holders of the village in respect of their shares in the revenue of the village as if such covenant or agreement had been entered into by them.

(4) All survey settlements heretofore introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 82; for Report of the Select Committee, see *ibid*, 1929, Part V, p. 77; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vol. XXIV; and 1929, Vol. XXVI.

[2] Vol. II of Bom. Code.

Chapters VIII to X how far applicable to alienated villages.



**BOMBAY ACT No. XVI OF 1929.<sup>[1]</sup>**

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1929]

[17th October 1929]

**An Act further to amend the Bombay Port Trust Act No. VI of 1879.**

Bom. VI of 1879. WHEREAS it is expedient further to amend the <sup>[2]</sup>Bombay Port Trust Act, 1879, in manner hereinafter provided ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Port Trust (Amendment) Short title. Act, 1929.

Bom. VI of 1879. 2. In section 5 of the <sup>[2]</sup>Bombay Port Trust Act, 1879—

(a) in sub-section (1) for the word “twenty-one” the word <sup>Amendment of section 5 of Bom. VI of 1879.</sup> “twenty-two” and for the word “seven” the word “eight” shall be substituted ;

(b) in sub-section (2) for the word “seven” the word “eight” shall be substituted, and after the word “Brigade” the words “and one shall be representative of Labour” shall be added.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 66 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVI.

[2] Vol. II of Bom. Code.

**THE PRESIDENCY AREA (EMERGENCY) SECURITY  
ACT, 1929.**

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PREAMBLE.

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3. Definitions.
4. Power to declare state of emergency.
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6. Procedure to be adopted in making order under section 5.
7. Power to modify order under section 5.
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9. Right of appeal.
10. Failure to comply with order.
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BOMBAY ACT No. XVII OF 1929.<sup>[1]</sup>

[THE PRESIDENCY AREA (EMERGENCY) SECURITY ACT, 1929]

[19th November 1929]

**An Act for safeguarding life and property in the Presidency Area in times of emergency.**

WHEREAS it is expedient to make provision in manner hereinafter appearing for the safeguarding of life and property in the Presidency Area in times of emergency ;

And whereas the previous sanction of the Governor General required <sup>5 & 6</sup> by sub-section (3) of section 80A of the Government of India Act has <sup>Geo. V.</sup> been obtained for the passing of this Act ;  
c. 61.

It is hereby enacted as follows :—

1. This Act may be called the Presidency Area (Emergency) Security Short title.  
Act, 1929.

2. (1) This Act shall extend to the whole of the Presidency of Bombay Extent, com-  
mencement  
and duration.  
and shall remain in force for five years.

(2) Section 5 shall come into force on the date or dates on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates. The rest of the Act shall come into force at once.

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

“ Presidency Area ” means the City of Bombay and the Bombay Suburban District.

4. The Local Government, if satisfied that the public tranquillity Power to  
declare  
state of  
emergency.  
and security of life and property in the Presidency Area or any part thereof are endangered, may at any time, by notification in the *Bombay Government Gazette*, declare that a state of emergency exists and shall set forth the reasons for such declaration in the notification.

5. (1) Whenever the Commissioner of Police or District Magistrate Power to  
order  
removal of  
turbulent  
character.  
exercising jurisdiction in the Presidency Area is satisfied that any person within his jurisdiction is committing or has committed or is about to commit or is assisting, abetting or inciting by words either spoken or written the commission of

(a) a non-bailable offence against any person or property, or

(b) the offence of criminal intimidation, or

(c) any offence involving a breach of the peace,

so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof, the Commissioner of

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929 Part V, p. 141 ; for Report of the Select Committee, see *ibid*, 1929, Part V, p. 159 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vols. XXVI and XXVII.

Police or the District Magistrate, as the case may be, may, subject to the control of the Local Government, by written order briefly stating his reasons therein direct such person to remove himself from the Presidency Area within such time and by such route as may be specified in the order and not to return thereto for a period (not exceeding six months) to be specified in the order without the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(2) An order under sub-section (1) against any person may, unless the Commissioner of Police or the District Magistrate, as the case may be, is satisfied in respect of such person that both he and his father were born in the Presidency of Bombay or that he is a member of a family which has settled in the Presidency of Bombay and is himself so settled, direct that such person shall remove himself from the Presidency of Bombay within such time and by such route as may be specified in the order and shall not return thereto for a period (not exceeding six months) to be specified in the order save with the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(3) An order under sub-section (1) shall be served personally on the person against whom it is directed in such manner as the authority making the order thinks fit.

Procedure to be adopted in making order under section 5.

6. (1) Before making an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation as he may make verbally or in writing.

(2) Within forty-eight hours from the making of an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall forward in writing to the Local Government his reasons for making the order.

Power to modify order under section 5.

7. When by an order under section 5 any person has been directed to remove himself from the Presidency of Bombay and has complied with the order, or when any person has been removed in police custody outside the Presidency of Bombay under section 10, the Commissioner of Police or the District Magistrate, as the case may be, may, of his own motion or upon application made to him in this behalf, if he is satisfied that both such person and the father of such person were born in the Presidency of Bombay or that such person is a member of a family which has definitely settled in the Presidency of Bombay and is himself so settled, modify the order in such manner as to permit such person to return to and remain in any part of the Presidency of Bombay outside the Presidency Area.

Review.

8. (1) As soon as possible after the issue of a notification under section 4 the Local Government shall appoint a committee consisting of such number of persons as it thinks fit for the purpose of reviewing, in manner hereinafter provided, the orders passed under section 5 :

Provided that at least one member of such committee shall be a person who for a period of not less than ten years

(i) has held any judicial office in the service of the Crown in India, or

(ii) has been a Barrister, Advocate, Pleader, Attorney, or Solicitor of any court in British India.

(2) Every order passed by the Commissioner of Police or the District Magistrate, as the case may be, under section 5 shall, as soon as possible, be forwarded by him together with the relevant papers of the case to the committee appointed under sub-section (1).

(3) When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorized by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1) giving reasons why such order should be modified or revoked.

(4) The committee shall, within one month from the date of service of an order under sub-section (1) of section 5, examine the proceedings relating to such order and shall consider such representation as may be made to it under sub-section (3) and shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order.

9. When an order has been served on any person under section 5 and has been complied with by him, he or an agent authorised by him in writing may petition the Local Government to revoke or modify the order and thereupon the Local Government shall consider such facts and circumstances relating to the case as may be placed before it, and may confirm, modify or revoke the order. Right of appeal.

10. Any person who, having been directed by an order made and served on him under section 5— Failure to comply with order.

(a) to remove himself from the Presidency Area or from the Presidency of Bombay, fails to remove himself therefrom within the time specified in the order,

(b) not to return to the Presidency Area or the Presidency of Bombay within a specified period, returns thereto within such period without the written permission of the Commissioner of Police or the District Magistrate, as the case may be,

may be arrested without a warrant by any police officer, and—

(i) may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, or

(ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both :

Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5 has not expired on the date on

which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period.

*Explanation.*—For the purposes of this proviso the period of imprisonment undergone by such person shall be treated as a part of the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5.

Indemnity.

11. No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

**THE BOMBAY BORSTAL SCHOOLS ACT, 1929.**

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11. Transfer from prison to Borstal school.
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**BOMBAY ACT No. XVIII OF 1929.[1]**

[THE BOMBAY BORSTAL SCHOOLS ACT, 1929]

*Amended by*

Number of Act.	Year.
Bom. Act No. X .. .. .	1932
Bom. Act No. III .. .. .	1934

[25th November 1929]

**An Act to provide for the establishment of Borstal Schools in the Presidency of Bombay.**

WHEREAS it is expedient to provide for the establishment of Borstal schools in the Presidency of Bombay ; 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 & 6  
Geo. V  
c. 61.

1. This Act may be called the Bombay Borstal Schools Act, 1929. Short title.
2. (1) This Act shall apply to the whole of the Presidency of Bombay. Extent and commencement.  
 \*(2) It shall come into operation on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint in this behalf.
3. In this Act, unless there is anything repugnant in the subject or context :— Definitions.
  - (a) "Borstal School" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime ;
  - (b) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Governor in Council to perform all or any of the duties imposed by this Act on the Inspector-General ;
  - (c) "prescribed" means prescribed by rules made under this Act.
4. (1) For the purposes of this Act the Governor in Council may establish one or more Borstal schools. Establishment of Borstal schools.  
 (2) For every Borstal school, a visiting committee shall be appointed in such manner as may be prescribed.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 129 ; for Report of the Select Committee, see *ibid.*, 1929, Part V, p. 143, and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vols. XXVI and XXVII.

\*For Notification under this sub-section, see Home Department Notification No. 7311/IV (a), dated the 6th March 1931, published in *Bombay Government Gazette*, 1931, Pt. I, p. 584, appointing the 1st April 1931 as the date of operation of the Act ; and declaring Dharwar Juvenile Jail to be a Borstal School from 1st April 1931.



Application of the Prisons Act, 1894, and the Prisoners Act, 1900. 5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the [1]Prisons Act, 1894, and the [2]Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners. IX of 1894. III of 1900.

Court may pass order for detention in a Borstal School. 6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether any previous conviction is proved against him or not, and it appears to the Court— V of 1898.

(a) that the offender is not less than sixteen or, in any district or place in which the [3]Bombay Children Act, 1924, is not in operation less than fifteen, nor more than twenty-one years of age; and Bom. XIII of 1924.

(b) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation,

it shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898, an order for the detention of the offender in a Borstal school for such term, not being less than two years nor more than five years, as the Court, subject to rules made under this Act, thinks fit: V of 1898.

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Power of Government to exempt. 7. The Governor in Council may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school.

Courts empowered to pass order for detention. 8. The powers conferred on Courts by this Act shall be exercised only by the High Court, a Court of Session, a District Magistrate, a sub-divisional Magistrate, a salaried Presidency Magistrate, or a Magistrate of the first class and may be exercised by such Courts whether the case comes before them originally, or on appeal, or in revision.

Procedure when Magistrate is not empowered to pass an order under this Act. 9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of the opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1898, is a proper person to be detained in a Borstal school, he may, without passing any order, record such opinion V of 1898.

[1] General Acts, Vol. III. [2] General Acts, Vol. IV. [3] In this Vol., p. 149.

and submit his proceedings and forward the offender to the District Magistrate or the Chief Presidency Magistrate, as the case may be, to whom he is subordinate.

(2) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

10. Any offender detained in a Borstal school for failure to furnish security when ordered to do so under section 106 or section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security or on the passing of an order under section 124 of the said Code.

Limitation on powers conferred by section 6.

v of 1898.

11. [1] (1) If the Inspector-General is satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal school, by reason of his criminal habits or tendencies, or association with persons of bad character, might with advantage be detained in a Borstal school, the Inspector-General may by order in writing direct such person to be transferred from prison to a Borstal school and to be detained in such school, in lieu of the unexpired residue of his sentence, for such period as together with the period of transportation or imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under section 6 :

Transfer from prison to Borstal school.

Provided that the Inspector-General shall not, without the previous sanction of Government, direct such person to be detained in a Borstal school for a period which including the period of imprisonment or transportation undergone exceeds the period of imprisonment or transportation to which such person has been sentenced.

(2) A person transferred to a Borstal school under sub-section (1) shall upon transfer to such school be deemed to be an offender ordered to be detained by a Court under the provisions of section 6 and the provisions of the Act shall apply to such person accordingly.

12. (1) Where an offender detained in a Borstal school escapes, or is reported to the Governor in Council by the Inspector-General to be incorrigible or to exercise a bad influence on the other inmates of the school, [2] or to be more than twenty years of age, the Governor in Council

Transfer of incorrigibles, etc., to prison.

[1] This section was substituted for the original s. 11 by Bom. Act No. III of 1934, s. 2.

[2] The words " or to be more than twenty years of age ", were inserted by Bom. Act X of 1932, s. 2.

may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Governor in Council may determine, but in no case exceeding the shorter of the following two periods :—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal school [1] or ordered to be transferred to and detained in such school by the Inspector-General.[1]

(2) Such offender may be confined in any prison within the Bombay Presidency by warrant under the hand of a Secretary to Government and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

13. (1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the Governor in Council may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Governor in Council may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The Governor in Council may order the removal of any offender from any one Borstal school to any other Borstal school, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

14. (1) Subject to the prescribed conditions, the Inspector-General may on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal school and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such—

(a) officer of Government,

(b) secular institution,

(c) religious society, or

(d) responsible person, as may be approved by the Inspector-General and willing to take charge of the offender.

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section

[1]—[1] These words were added by Bom. Act No. III of 1934, s. 3.

shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

15. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by licence been permitted to live, revoke a licence granted under section 14, and upon such revocation the offender shall be detained in a Borstal school until the expiry of the term for which he was ordered to be detained in such school. Revocation of licence.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

16. (1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Governor in Council may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to rules made under this Act, may direct. Subsequent supervision.

(2) The Governor in Council may also direct that any offender who is under supervision in accordance with sub-section (1) shall again be detained in a Borstal school for such period as he may think fit, provided that the total period of detention under this section shall not exceed one year. Discharge from Borstal School.

17. No person shall be detained in a Borstal school after he has, in the opinion of the Governor in Council, attained the age of twenty-three years, or, if in any particular case the Governor in Council so directs, after he has attained the age of twenty-five years. Period of detention.

[<sup>1</sup>]17A. The Governor in Council may at any time order any person detained in a Borstal school to be discharged from such school, either absolutely or on such conditions as may be imposed. Discharge from Borstal School.

18. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal school, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under section 14, [<sup>2</sup>]or has committed a breach of any of the conditions imposed under section 17A[<sup>2</sup>] may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school or to such authority, institution, society or person, as the case may be. Arrest of offender escaping from Borstal school, or escaping from supervision.

19. (1) The Governor in Council may make rules[<sup>3</sup>] for the regulation Rules.

[<sup>1</sup>] The new s. 17A was inserted by Bom. Act No. III of 1934, s. 4.

[<sup>2</sup>]-[<sup>2</sup>] These words were inserted by Bom. Act No. III of 1934, s. 5.

[<sup>3</sup>] For Rules for the control and management of the Borstal School at Dharwar, see Government Notification in the Home Department, No. 6130/2, dated the 25th November 1930, published in the *Bombay Government Gazette*, 1930, Part I, pp. 2901-2904.

For amendments to the above rules, see Home Department Notification, No. 6130/2/II, dated the 30th October 1931, published in the *Bombay Government Gazette*, 1931, Pt. I, p. 2466; and No. P. 98 (c), dated the 31st May 1933, published in the *Bombay Government Gazette*, 1933, Pt. I, p. 341.

and management of any Borstal school and for the carrying into effect of the provision of this Act.

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

(a) the control and management of Borstal schools established under this Act :

(b) the appointment, powers and duties of officials in such schools ;

(c) the constitution, powers and duties of visiting committees ;

(d) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until arrangements can be made for sending them to such school ;

(e) the regulation of visits to, and communication with, offenders detained in such school ;

(f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles ;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school ;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school ;

(i) the form and conditions of licences granted under section 14 ;

(j) the supervision of offenders after the expiration of the term of their detention ;

(k) the transfer of incorrigible offenders from a Borstal school to prison ;

[<sup>1</sup>](l) the conditions on which an offender may be discharged under section 17A.

(3) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall 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. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.

Removal of  
disqualifica-  
tion.

20. The Governor in Council may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal school on account of such detention.

Appeal or  
revision.

21. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under section 6 of this Act shall <sup>V of</sup> 1898. be deemed to be a sentence of imprisonment for the same period :

Provided that nothing contained in the Code of Criminal Procedure, 1898, shall be construed to authorise any Court or Magistrate to alter or <sup>V of</sup> 1898. reverse in appeal or revision any order passed with respect to the age of an offender or the substitution of an order for detention in a Borstal school for transportation or imprisonment.

[<sup>1</sup>] Clause (l) was added by Bom. Act No. III of 1934, s. 6.

**BOMBAY ACT No. XIX OF 1929.[<sup>1</sup>]**

[THE BOMBAY CHILDREN (AMENDMENT) ACT, 1929]

[18th December 1929]

**An Act further to amend the Bombay Children Act, 1924.**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay Children  
XIII Act, 1924, in manner hereinafter appearing : And whereas the previous  
of sanction of the Governor General required by sub-section (3) of section  
1924. 80A of the Government of India Act has been obtained for the passing  
5 & 6 of this Act ; It is hereby enacted as follows :—  
Geo.V, c. 61.

1. This Act may be called the Bombay Children (Amendment) Act, Short title.  
1929.

Bom. 2. For section 4 of the [<sup>2</sup>]Bombay Children Act, 1924, the following Amendment  
XIII shall be substituted, namely :—  
of [In this Vol., p. 151.] Amendment  
1924. [In this Vol., p. 151.] of section 4  
of Bom. XIII  
of 1924.

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 193 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVII.

[<sup>2</sup>] In this Vol., p. 149.

**BOMBAY ACT No. XX OF 1929.<sup>[1]</sup>**

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1929]

[20th December 1929]

**An Act further to amend the Bombay District Municipal Act III of 1901.**

Bom. III of 1901. WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act III of 1901 in manner hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Municipal (Amend- Short title. ment) Act, 1929.

Bom. III of 1901. 2. After section 46 of the [2]Bombay District Municipal Act, 1901, Insertion of new section 46A in Bom. III of 1901. the following section shall be inserted, namely :—

“ 46-A. A Municipality may, at their discretion, make rules, not Discretionary inconsistent with this Act, determining the conditions under which power to make rules. gratuities or compassionate allowances may be paid to the surviving relatives of their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances :

Provided that no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Local Government, or in other cases by the Commissioner.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 73 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVII.

[2] Vol. IV of Bom. Code.

BOMBAY ACT No. XXI OF 1929.<sup>[1]</sup>

[THE BOMBAY REVENUE JURISDICTION (AMENDMENT) ACT, 1929]

[27th December 1929]

## An Act further to amend the Bombay Revenue Jurisdiction Act, 1876.

X of WHEREAS it is expedient further to amend the [2]Bombay Revenue  
1876. Jurisdiction Act, 1876, in manner hereinafter appearing ; It is hereby  
enacted as follows :—

1. This Act may be called the Bombay Revenue Jurisdiction Short title.  
(Amendment) Act, 1929.

X of 2. For section 16 of the [2]Bombay Revenue Jurisdiction Act, 1876, Amendment  
of section 16  
of Act X of  
1876.  
1876. the following section shall be substituted, namely :—

“ 16. Whenever any suit is brought in any Court of a subordinate Privileges of  
Government  
in suits  
defended  
by it.  
judge of the first class against Government, or against any  
Revenue Officer, and the Government undertakes the defence  
thereof, it shall be lawful for the Government, by certificate signed  
by a Secretary thereto, to require that the trial of any such suit shall  
have precedence over the trial of any other suit or other civil proceeding  
then pending in the Court of the first class subordinate judge, or,  
if the suit is transferred, in the Court of the District Judge ; and the  
Court shall give effect to every such requirement.

The privilege conferred on Government by this section shall, *mutatis  
mutandis*, apply to any appeal or special appeal against any decree in  
any such suit as is described in this section.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 157 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXVII.

[2] Vol. II of Bom. Code.



**BOMBAY ACT No. III OF 1930.[<sup>1</sup>]**

[THE BOMBAY CITY MUNICIPALITIES (AMENDMENT) ACT, 1930]

[26th April 1930]

**An Act further to amend the Bombay City Municipalities Act, 1925.[<sup>2</sup>]**

WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom.  
XV-  
III of  
1925.

1. This Act may be called the Bombay City Municipalities (Amendment) Act, 1930. Short title.

Bom.  
XV-  
III of  
1925.

2. After section 34 of the [<sup>2</sup>]Bombay City Municipalities Act, 1925, hereinafter called the said Act, the following section shall be inserted, namely :— New section  
34A of  
Bom. XVIII  
of 1925.

[In this Vol., p. 284.]

3. In clause (f) of section 58 of the said Act for the word and figures "33 and 34 (5)" the word and figures "33, 34 (5) and 34A" shall be substituted. Amendment  
of section 58  
of Bom.  
XVIII of  
1925.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, pp. 195-6; for Report of Select Committee, see *Bombay Government Gazette*, 1930, Part V, pp. 243-445; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929 and 1930, Vols. XXVII and XXVIII.

[<sup>2</sup>] In this Vol., p. 267.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

BOMBAY ACT No. IV OF 1930.<sup>[1]</sup>[THE BOMBAY DISTRICT MUNICIPAL, LOCAL BOARDS AND  
CITY MUNICIPALITIES (AMENDMENT) ACT, 1930]

[28th April 1930]

An Act further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay City Municipalities Act, 1925.

Bom. III of 1901. WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act, 1901, the [3]Bombay Local Boards Act, 1923, and the Bom. VI of 1925. [4]Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. XV. 1. This Act may be called the Bombay District Municipal, Short title. III of 1925. Local Boards and City Municipalities (Amendment) Act, 1930.

Bom. III of 1901. 2. In the [2]Bombay District Municipal Act, 1901, Amendment of Bom. III of 1901. (i) after proviso (b) to sub-section (2) of section 27, the following shall be inserted, namely:—

“(c) any powers of the Pilgrim Committee appointed under section 27A.”

(ii) after section 27, the following shall be inserted, namely:—

“27A. (1) In every municipality notified by Government in Pilgrim Committee. this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 46 and of three persons nominated by the Commissioner of whom not more than two may be salaried servants of Government.

(2) The members of the Pilgrim Committee shall hold office for the term of office of the councillors and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section. In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, pp. 114-116; for Report of Select Committee, see *Bombay Government Gazette*, 1929, Part V, pp. 171-175; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929 and 1930, Vols. XXVI, XXVII and XXVIII.

[2] Vol. IV of Bom. Code.

[3] In this Vol., p. 33.

[4] In this Vol., p. 267.

The title of this Act has been changed to “The Bombay Municipal Boroughs Act, 1925” by Bom. Act IV of 1930, s. 4.

continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 51 and shall exercise the powers and perform the duties of the municipality in respect of the said fund, subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 46.

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

(5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

(6) Section 36 shall not apply to the Pilgrim Committee; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee, and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.

(7) The provisions of sections 170, 171 and 172 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely:—

“The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee, for reconsideration, either in whole or in part, together with any alterations which they may recommend, and if the Pilgrim Committee agrees to these alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final.”

(8) The provisions of sections 173, 174, 175, 178 and 179 shall apply to a Pilgrim Committee, and in their application to a Pilgrim Committee the said sections shall be construed, so far as may be, as if for the word "municipality" occurring in the said sections the words "Pilgrim Committee" were substituted, and as if the words "other than a city municipality in such taluka" occurring in sub-section (2) of section 173 were omitted.

(iii) in section 29 the following words shall be inserted at the end :—

"not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 27A";

(iv) to sub-section (1) of section 33 the following proviso shall be added, namely :—

"Provided that in the case of a Pilgrim Committee the revenue officer of the highest rank who is a member of such committee shall be *ex-officio* chairman thereof";

(v) in section 37 after the figures "27" the figures and letter "27A" shall be inserted;

(vi) in section 46

(1) in clause (a) for the word and figures "section 27" the words, figures and letter "sections 27 and 27A" shall be substituted;

(2) after clause (a) the following clause shall be inserted, namely :—

"(aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund";

(vii) to section 51 the following proviso shall be added, namely :—

"(c) (1) Every municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account.'

(2) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner for

(i) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 or chapter XII;

(ii) such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims; and

(iii) the cost of collection of the said tax.

(3) The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner."

Amendment  
of Bom. VI  
of 1923.

3. In the [1]Bombay Local Boards Act, 1923;

Bom.  
VI of  
1923.

(i) in section 27, for the words "The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president," the following shall be substituted, namely:—

[In this Vol., p. 44.]

(ii) To section 75 the following proviso shall be added, namely:—

[In this Vol., p. 66.]

Amendment  
of Bom.  
XVIII of  
1925.

4. In the [2]Bombay City Municipalities Act, 1925,—

Bom.  
XVIII  
of  
1925.

(i) In sub-section (1) of section 1, for the words "City Municipalities" the words "Municipal Boroughs" shall be substituted.

(ii) In clause (a) of sub-section (2) of section 11, for the figures, brackets and words

"(ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has paid the qualifying tax and who within the three months next preceding the aforesaid date has paid all arrears of taxes if any due from him to the municipality,

shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough:" the following shall be substituted:—

[In this Vol., p. 273.]

(iii) In the proviso to sub-section (1) of section 33, after the word "Act" where it occurs for the second time the words "or a person temporarily appointed as chief officer under this Act for a period not exceeding two months in the aggregate in a year" shall be inserted.

(iv) In sub-section (2) of section 37 after the figures "34" the figures and letter "37A" shall be inserted.

(v) After section 37 the following new section shall be inserted, namely:—

[In this Vol., p. 288.]

(vi) In sub-section (1) of section 38 after the word "purpose" the following shall be inserted, namely:—

[In this Vol., p. 289.]

[1] In this Vol., p. 33.

[2] In this Vol., p. 267.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

(vi) To sub-section (1) of section 42 the following proviso shall be added, namely :—

[In this Vol., p. 290.]

(viii) In section 46 after the figures “ 37 ” the figures and letter “ 37A ” shall be inserted ;

(ix) In section 58,

(1) in clause (a) after the word “ or ” where it occurs for the third time the following shall be inserted, namely :—

“ subject to the provisions of section 37A ” ;

(2) After clause (a) the following clause shall be inserted, namely :—

[In this Vol., p. 296.]

(x) To section 65 the following proviso shall be added, namely :—

[In this Vol., p. 304.]

(xi) In sub-section (2) of section 105

(a) after the words “ as the case may be ” the words “ where the property is in a cantonment the warrant shall be addressed to the Executive Officer of the Cantonment ” shall be inserted ;

(b) after the word “ district ” where it occurs for the third time the words “ or cantonment ” shall be inserted ; and

(c) after the word “ vice-president ” where it occurs for the second time the words “ Executive Officer ” shall be inserted.

(xii) In sub-section (3) of section 106 for the words “ one year ” the words “ three years ” shall be substituted.

BOMBAY ACT No. V OF 1930.[<sup>1</sup>]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1930]

[9th May 1930]

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

Bom. VI of 1879. 5 & 6 Geo. V, c. 61. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay Port Trust Act, 1879, 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 Port Trust (Amendment) Act, 1930. Short title.

Bom. VI of 1879. 2. In the *explanation* to the proviso to paragraph 1 of section 23 of the [<sup>2</sup>]Bombay Port Trust Act, 1879, hereinafter called the said Act, for the words "Port Officer" the words "Deputy Conservator" shall be substituted. Amendment of section 23 of Bom. VI of 1879.

3. In section 24 of the said Act after the words "Chief Accountant" the words "Deputy Conservator" shall be inserted. Amendment of section 24 of Bom. VI of 1879.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, p. 33; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXVIII.

[<sup>2</sup>] Vol. II of Bom. Code.

**BOMBAY ACT No. VI OF 1930.[<sup>1</sup>]**

[THE PROVINCIAL SMALL CAUSE COURTS (BOMBAY AMENDMENT)  
ACT, 1930]

[9th May 1930]

**An Act further to amend the Provincial Small Cause Courts Act,  
1887, in its application to the Presidency of Bombay.**

WHEREAS it is expedient further to amend the [<sup>2</sup>]Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay, in manner hereinafter appearing; It is hereby enacted as follows:—

LX of  
1887.

1. This Act may be called the Provincial Small Cause Courts Short title.  
(Bombay Amendment) Act, 1930.

X of  
1887.

2. In sub-section (3) of section 12 of the [<sup>2</sup>]Provincial Small Cause Courts Act, 1887, hereinafter called "the said Act" for the word "twenty" the word "fifty" shall be substituted.

Amendment  
of section 12  
of Act IX of  
1887.

3. In the Second Schedule to the said Act the following amendments shall be made, namely:—

Amendment  
of the Second  
Schedule to  
Act IX of  
1887.

(1) to clause (4) after the words "such property" the following shall be added, namely:—

"but not including a suit for ejectment where—

(a) The property has been let under a lease made by a written instrument, and

(b) The Court of Small Causes would be competent to take cognizance of a suit for the rent of the property, and

(c) The only substantial issue arising for decision is as to whether the lease has been determined by efflux of the time limited thereby or has been determined by a notice in accordance with clause (h) of section 111 of the Transfer of Property Act, 1882."

LI of  
1882.

(2) in clause (18) for the words "relating to a trust" the words "to enforce a trust" shall be substituted;

(3) to clause (20) after the words "Code of Civil Procedure" the words "in respect of any immoveable property" shall be added;

(4) to clause (21) after the word "attachment" the words "of any immoveable property" and after the word "transfer" the words "of any such property" shall, respectively, be added; and

(5) in clause (31) for the words "and a suit for the profits on immoveable property belonging to the Plaintiff which have been wrongfully received by the Defendant" the words "but not including a suit for mesne profits" shall be substituted.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 35-38; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXVIII.

[<sup>2</sup>] General Acts, Vol. III.



**BOMBAY ACT No. VII OF 1930.[1]**

**[THE BOMBAY CIVIL COURTS AND THE SIND COURTS  
(AMENDMENT) ACT, 1930]**

[14th May 1930]

**An Act further to amend the Bombay Civil Courts Act, 1869, and to  
amend the Sind Courts Act, 1926.**

XIV of 1869. Bom. VII of 1926. WHEREAS it is expedient further to amend the [2]Bombay Civil Courts Act, 1869, and to amend the [3]Sind Courts Act, 1926, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Civil Courts and the Sind Courts (Amendment) Act, 1930. Short title.

XIV of 1869. 2. In section 23 of the [2]Bombay Civil Courts Act, 1869, hereinafter called the said Act, Amendment of section 23 of Act XIV of 1869.

(1) in paragraph 3 after the words "Subordinate Court" the following shall be added, namely:—

"and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts";

(2) to paragraph 4 the following shall be added, namely:—

"He may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the High Court in this behalf."

3. To section 24 of the said Act the following proviso shall be added, Amendment of section 24 of Act XIV of 1869. namely:—

"Provided that the Governor in Council may increase the limit of five thousand rupees to seven thousand and five hundred rupees in the case of any Subordinate Judge of the second class, of not less than ten years' standing and specially recommended in this behalf by the High Court. A Subordinate Judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a Subordinate Judge of the second class without reference to the District in which he may be employed, unless the powers are withdrawn by Government."

4. In section 25 of the said Act—

(1) in paragraph 1 the words "wherein the subject-matter exceeds five thousand rupees in amount or value" shall be omitted, and Amendment of section 25 of Act XIV of 1869.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 4-6; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXVIII.

[2] Vol. I of Bom. Code.

[3] In this Vol., p. 393.

(2) at the end of the paragraph the following words shall be added, namely :—

“and wherein the subject-matter exceeds the pecuniary jurisdiction of the Subordinate Judge of the second class as defined by section 24.”

Amendment  
of section 28  
of Act XIV  
of 1869.

Amendment  
of Bom. VII  
of 1926.

5. In section 28 of the said Act, for the words “two hundred” the words “three hundred” shall be substituted.

6. The following amendments shall be made in the [1]Sind Courts Bom. Act, 1926, and they shall come into operation from the date on which VII of that Act shall come into operation under sub-section (2) of section 2 1926. thereof, namely :—

(1) To sub-section (3) of section 30 the following shall be added, namely :—

[In this Vol., p. 399.]

(2) To sub-section (2) of section 31 the following proviso shall be added, namely :—

[In this Vol., p. 399.]

(3) In sub-section (1) of section 32—

(i) the words “wherein the subject-matter exceeds five thousand rupees in amount or value” shall be omitted; and

(ii) at the end of the said sub-section the following words shall be added, namely :—

[In this Vol., p. 399.]

(4) In section 33, the words “of the first class in his ordinary or special jurisdiction” shall be repealed.

(5) In section 35, for the words “two hundred” the words “three hundred” shall be substituted.

**THE SIND COURTS DIVORCE (TEMPORARY)  
JURISDICTION ACT, 1930.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Extent and operation.
3. Temporary exercise of jurisdiction under the Indian Divorce Act, 1869, by certain Courts.

**BOMBAY ACT No. VIII OF 1930.<sup>[1]</sup>**

[THE SIND COURTS DIVORCE (TEMPORARY) JURISDICTION  
ACT, 1930]

[16th May 1930]

**An Act to provide for the exercise of jurisdiction under the Indian  
Divorce Act, 1869, by certain Courts in Sind.**

WHEREAS it is expedient to provide for the exercise of jurisdiction under the [<sup>2</sup>]Indian Divorce Act, 1869, by certain courts in Sind in manner hereinafter mentioned; 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:—

IV of  
1869

5 & 6  
Geo. V,  
c. 61.

1. This Act may be called the Sind Courts Divorce (Temporary) Short title. Jurisdiction Act, 1930.

Bom.  
VII of  
1926.  
XXX-  
IV of  
1926.

2. (1) This Act shall apply to the Province of Sind.  
(2) It shall remain in operation until the commencement of the [<sup>3</sup>]Sind Courts Act, 1926, and the Sind Courts (Supplementary) Act, 1926.

Extent and  
operation.

Bom.  
VII of  
1926.  
XXX-  
IV of  
1926.  
IV of  
1869.

3. Until the coming into force of the [<sup>3</sup>]Sind Courts Act, 1926, and the Sind Courts (Supplementary) Act, 1926, the jurisdiction of the High Court and the District Judge under the [<sup>2</sup>]Indian Divorce Act, 1869, shall, notwithstanding anything contained in that Act, be exercised in Sind, in the case of the High Court, by the Court of the Judicial Commissioner of Sind and, in the case of the District Judge, in the district of Karachi, by the Court of the Judicial Commissioner of Sind, and in other districts, by the Judge of a District Court.

Temporary  
exercise of  
jurisdiction  
under the In-  
dian Divorce  
Act, 1869,  
by certain  
Courts.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 60-61; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930; Vol. XXVIII.

[2] General Acts, Vol. I.

[3] In this Vol., p. 393.

**BOMBAY ACT No. IX OF 1930.[<sup>1</sup>]****[THE BOMBAY CITY MUNICIPALITIES (AMENDMENT) ACT, 1930]****[22nd May 1930]****An Act further to amend the Bombay City Municipalities Act, 1925.[<sup>2</sup>]**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay City  
 XVIII Municipalities Act, 1925, in manner hereinafter appearing; It is hereby  
 of enacted as follows :—  
 1925.

1. This Act may be called the Bombay City Municipalities (Amend- Short title.  
 ment) Act, 1930.

Bom. 2. After section 58 of the [<sup>2</sup>]Bombay City Municipalities Act, 1925, Insertion of  
 XVIII the following section shall be inserted, namely :— new section  
 of 58-A in  
 1925. Bom. XVIII  
 of 1925.

[In this Volume, p. 298.]

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 13-14; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol XXVIII.

[<sup>2</sup>] In this Vol. p. 267.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

**BOMBAY ACT No. X OF 1930.[<sup>1</sup>]**

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1930]

[22nd May 1930]

**An Act further to amend the City of Bombay Municipal Act, 1888.**

Bom. III of 1888. WHEREAS it is expedient further to amend the [<sup>2</sup>]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor required by section 80-C of the 5 & 6, Government of India Act has been obtained for the passing of this Act; Geo.V. c. 61. It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal (Amend-Short title. ment) Act, 1930.

Bom. III of 1888. 2. In section 111 of the [<sup>2</sup>]City of Bombay Municipal Act, 1888, Amendment hereinafter called the said Act, for the words "all fines levied by any of section 111 of Bom. III magistrate" the words, figures and letter "the balance, after all of 1888. expenses referred to in sub-section (3) of section 513-A have been defrayed, of all fines levied by any magistrate" shall be substituted.

3. In sub-clause (i) of clause (f) in section 118 of the said Act after Amendment the word "under" the words, figures and letter "section 513-A and " of section 118 of Bom. III shall be inserted. of 1888.

4. After section 513 of the said Act, the following section shall be New section inserted, namely:— 513-A of Bom. III of 1888.

"513A. (1) Government may with the consent of the Corporation create one or more posts of Presidency Magistrates for the trial of Appoint- offences against this Act, or against any regulation or bye-law made ment of Presidency Magistrates. thereunder, and may appoint any person to such post and may also appoint such ministerial officers for the court of any such Magistrate as they may think necessary :

Provided that notwithstanding the appointment of one or more Presidency Magistrates under this section it shall be open to the Chief Presidency Magistrate, subject to the rules for the time being in force under section 21 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

v of 1898.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 17-18; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXVIII.

[<sup>2</sup>] Vol. III of Bom. Code.

(2) Such Magistrate or Magistrates and their establishment shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by Government.

(3) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (2), together with all other incidental charges shall be reimbursed to Government by the Corporation and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-section (1) and the balance of the fines, if any, shall be credited to the municipal fund :

Provided that Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to Government annually, on such date as may be fixed by Government in this behalf, such sum based on the average of the total amounts recovered by Government from the Corporation under this section during the three years immediately preceding the date of such direction as may be determined by Government in this behalf."

Amendment  
of section 518  
of Bom. III  
of 1888.

5. In sub-section (1) of section 518 of the said Act for the word and figures "and 438" the word, figures and letter "438 and 513-A" shall be substituted.

**BOMBAY ACT No. XI OF 1930.[<sup>1</sup>]**

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1930]

[29th May 1930]

**An Act further to amend the Bombay Hereditary Offices Act known as Watan Act, being the Bombay Act No. III of 1874.**

Bom. III of 1874. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Hereditary Offices (Amend- Short title.  
ment) Act, 1930.

Bom. III of 1874. 2. In proviso (3) to section 36 of the [<sup>2</sup>]Bombay Hereditary Offices Act, 1874. Amendment of section 36 of Bom. III of 1874.

(i) for the words “ if at any time any person shall by production of a certificate of heirship, or of a decree or order ” the words “ if any person shall by production of a decree ” shall be substituted.

(ii) for the words “ the Collector may ” the words “ at any time within six years of such order, the Collector shall ” shall be substituted.

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, page 79; for Report of Select Committee, see *Bombay Government Gazette*, 1929, Part V, pp. 248-249 and for Proceedings in Council, see *Bombay Legislative Council Debates* 1928, 1929, and 1930. Vols. XXIII, XXVII and XXVIII.

[<sup>2</sup>] Vol. II of Bom. Code.



BOMBAY ACT No. XII OF 1930.<sup>[1]</sup>

[THE BOMBAY PREVENTION OF PROSTITUTION (AMENDMENT)  
ACT, 1930]

[3rd September 1930]

An Act further to amend the Bombay Prevention of Prostitution  
Act, 1923.

WHEREAS it is expedient further to amend the [2]Bombay Prevention of Prostitution 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 Prevention of Prostitution Short title.  
(Amendment) Act, 1930.

2. In section 2 of the [2]Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the definition of "brothel" the following shall be substituted, namely :—

Amendment  
of section 2  
of Bom. XI  
of 1923.

[In this Vol., p. 104.]

3. In clauses (a) and (b) of section 3 of the said Act after the word "prostitution" the words "or carnal intercourse" shall be inserted.

Amendment  
of section 3  
of Bom. XI  
of 1923.

4. In section 5 of the said Act,—

Amendment  
of section 5  
of Bom. XI  
of 1923.

(a) in sub-section (1),—

(i) for the words "male person" the words "person not below the age of 16 years" shall be substituted ;

(ii) after the word "prostitution" the words "of another person" shall be inserted ; and

(iii) for the word "two" where it occurs for the first time the word "three" shall be substituted ;

(b) in sub-section (2),—

(i) for the words "a male" the word "any" shall be substituted ; and

(ii) after the word "generally" the words "or to be keeping or managing or assisting in the management of a brothel" shall be inserted.

5. After section 8 of the said Act, the following sections shall be inserted, namely :—

New sections  
8A to 8D in  
Bom. XI of  
1923.

[In this Vol., p. 106.]

6. Section 11 of the said Act shall be repealed.

Repeal of  
section 11.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 53-55 ; for Report of Select Committee, see *ibid*, 1930, Part V, pp. 73-74 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vols. XXVIII and XXIX.

[2] In this Vol., p. 103.

BOMBAY ACT No. XIII OF 1930.[<sup>1</sup>]

[THE CORONERS' (BOMBAY AMENDMENT) ACT, 1930]

[3rd September 1930]

## An Act further to amend the Coroners' Act, 1871, in its application to the Presidency-town of Bombay.

IV of 1871. WHEREAS it is expedient further to amend the [<sup>2</sup>]Coroners' Act, 1871, in its application to the Presidency-town of Bombay, in manner hereinafter appearing: And Whereas the previous sanction of the 5 & 6. Geo.V. 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 Coroners' (Bombay Amendment) Act, 1930. Short title.

IV of 1871. 2. For sections 8 to 20 of the [<sup>2</sup>]Coroners' Act, 1871, hereinafter called the said Act, the following shall be substituted, namely:— Substitution of new sections for sections 8 to 20 of Act IV of 1871.

"8. (1) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body, without a jury. Jurisdiction to inquire into death.

(2) For the purpose of an inquiry under sub-section (1) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the Police Officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a *post-mortem* examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.

9. (1) If it appears to the Coroner, either before or in the course of an inquiry under section 8, that there is reason to suspect:— Inquest by jury.

(a) that the deceased came by his death by homicide, suicide or infanticide; or

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 30-31; for Report of Select Committee, see *ibid.*, 1930, Part V, pp. 88-89; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vols. XXVIII and XXIX.

[<sup>2</sup>] Vol. I of Bom. Code.

(b) that the death was caused by an accident, or poison, or machinery ; or

(c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place ; or

(d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police ; or

(e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public ;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction.

(2) Such inquest shall ordinarily be held in the Coroner's Court-house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a Criminal Court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(5) The Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

XLV  
of  
1860.  
V of  
1898.

Report to  
Coroner when  
prisoner or  
person in  
police  
custody  
dies.

10. (1) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.

(2) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

Penalty for  
disposal of  
body to  
prevent an  
inquest.

11. (1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of the Indian Penal Code.

XLV  
of  
1860.

12. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

Power to order body to be disinterred.

13. In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

Summoning jury.

14. (1) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

Opening Court. Jurors to be sworn.

(2) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

14A. An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

Inquest may be on Sunday or public holiday.

15. At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also :

View of body.

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

16. The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Proclamation for witnesses.

17. (1) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

Summoning witnesses.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a

warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898. V of  
1898

(3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be. XLV  
of  
1860

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the [1] Prisoners' Act, 1900. III o  
1900

*Post-mortem  
examina-  
tions.  
Fees to medi-  
cal witnesses.  
Report of  
Chemical  
Examiner.*

18. (1) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified Registered Medical Practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every Medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

(2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination, or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898. V of  
1898.

*Evidence to  
be on oath.  
Evidence on  
behalf of  
accused.  
Interpreter.*

19. (1) All evidence given under this Act, shall except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898. V of  
1898.

(3) For the purpose of section 26 of the [2] Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate. I of  
1872.

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

[1] General Acts, Vol. IV.

[2] General Acts, Vol. I.

(5) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

f 20. (1) The evidence given to the jury shall be recorded in the Mode of  
3. 1898. manner prescribed in section 356 of the Code of Criminal Procedure, recording evidence.

(2) For the purpose of this section the Coroner shall be deemed to be a Magistrate."

3. After section 21 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 21A.  
"21A. (1) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings have been instituted against some person before a Magistrate in respect of an offence touching the death of the deceased, he may adjourn the inquest until after the conclusion of the criminal proceedings and may, if he thinks fit, discharge the jury. Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate.

(2) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest:

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to in sub-section (1), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the Commissioner of Police with a certificate stating the result of the criminal proceedings and any particulars necessary for the registration of the death which may have been ascertained.

(5) For the purposes of this section, the expression 'the criminal proceedings' means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof."



2. Cases of suicide . . shooting himself through the head with a pistol. Drowning himself in a tank, river or sea. Opium-arsenic, which he voluntarily administered to himself. Cutting his throat with a razor or any sharp instrument.
3. Cases of infanticide . . strangling to death a newly-born child by its mother.  
by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly-born child.
4. Cases of accident . . falling out of a boat into any river, whereby he was drowned.  
a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
5. Cases of poisoning . . opium or arsenic which was administered to the said A B by C D with the intention of killing him.
6. Cases of death caused by machinery while working in a mill or a workshop being caught in moving machinery.
7. Cases of death arising out of the use of a vehicle. the wheel of a motor car or a heavy cart which was negligently driven by C D passing over his chest and causing death.
8. Cases of death from any other cause. disease of the heart.  
apoplexy.  
sunstroke or any other disease.

And so say the jurors upon their oath aforesaid.

Witness our hands. *E F, Coroner of*  
*G H, I J, K L, M N, O P (jurors)."*



**BOMBAY ACT No. XIV OF 1930.[<sup>1</sup>]****[THE OPIUM (BOMBAY AMENDMENT) ACT, 1930]***[3rd September 1930]***An Act further to amend the Opium Act, 1878, in its application to the Presidency of Bombay.**

I of 1878. WHEREAS it is expedient further to amend [<sup>2</sup>]the Opium Act, 1878, in its application to the Presidency of Bombay 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 & 6 Geo.V, c. 61.

1. This Act may be called the Opium (Bombay Amendment) Act, Short title. 1930.

I of 1878. 2. In section 20 of the [<sup>2</sup>]Opium Act, 1878, for the words "and Excise not below the rank of Inspector" the words "not below the rank of Inspector and every officer of the department of Excise not below the rank of Assistant Inspector" shall be substituted.

Amendment of section 20 of Act I of 1878.

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, p. 135; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[<sup>2</sup>] General Acts, Vol II.

**BOMBAY ACT No. XV OF 1930.[<sup>1</sup>]**

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1930]

[3rd September 1930]

**An Act further to amend the Bombay University Act, 1928.**

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay University  
IV of Act, 1928, in manner hereinafter appearing; It is hereby enacted as  
1928. follows :—

1. This Act may be called the Bombay University (Amendment) Short title.  
Act, 1930.

Bom. 2. In Part (A) under the heading “II Ordinary” in sub-section (I) Amendment  
IV of of section 13 of the [<sup>2</sup>]Bombay University Act, 1928, hereinafter called of section 13  
1928. the said Act,— of Bom. IV  
of 1928.

(a) for entry (i) (a), the following shall be substituted, namely :—

[In this Vol., p. 469.]

(b) After entry (vi) the following provisos shall be inserted,  
namely :—

[In this Vol., p. 470.]

3. After sub-section (2) of section 15 of the said Act, the following Amendment  
sub-section shall be inserted, namely :— of section 15  
of Bom. IV  
of 1928.

[In this Vol., p. 471.]

4. For clause (d) of sub-section (I) of section 20 of the said Act, the Amendment  
following shall be substituted, namely :— of section 20  
of Bom. IV  
of 1928.

[In this Vol., p. 473.]

5. In the proviso to section 21 of the said Act for the brackets and Amendment  
letter (b), the brackets and letter (h) shall be substituted. of section 21  
of Bom. IV  
of 1928.

6. For clause (iii) in sub-section (I) of section 25 of the said Act, Amendment  
the following shall be substituted, namely :— of section 25  
of Bom. IV  
of 1928.

[In this Vol., p. 475.]

7. After sub-section (3) of section 45 of the said Act, the following Amendment  
shall be inserted, namely :— of section 45  
of Bom. IV  
of 1928.

[In this Vol., p. 484.]

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[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, pp. 151-153; for Report of Select Committee, see *Bombay Government Gazette*, 1930, Pt. V, pp. 210-213; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol., XXIX.

[<sup>2</sup>] In this Vol., p. 465.

**BOMBAY ACT No. XVII OF 1930.<sup>[1]</sup>**

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1930]

[4th September 1930]

**An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.**

XVI of 1908. WHEREAS it is expedient further to amend the <sup>[2]</sup>Indian Registration Act, 1908, in its application to the Presidency of Bombay, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; Geo.V, It is hereby enacted as follows:—

c. 61. 1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1930. Short title.

XVI of 1908. 2. After clause (g) of sub-section (1) of section 69 of the <sup>[2]</sup>Indian Registration Act, 1908, hereinafter called the said Act, the following clause shall be inserted, namely:— Amendment of section 69 of Act XVI of 1908.

“(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints and negatives.”

3. After Part XI of the said Act, the following shall be inserted, namely:— Insertion of new Part XI-A in Act XVI of 1908.

“PART XI-A.

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY.

70-A. This part shall apply to the areas only in respect of which a notification is issued by the Local Government under section 70-C. Application of this part.

70-B. For the purposes of this Part ‘Photo-Registrar’ means any person appointed by the Local Government to perform the duties of Photo-Registrar under this Part: Definition.

Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing Photo-Registrars.

70-C. (1) The local Government may, by notification in the *Bombay Government Gazette*, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography. Documents may be photographed in areas notified by Government.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, p. 180; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[2] General Acts, Vol. IV.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the Registration offices affected by the notification.

Application  
of Act to  
areas notified  
under  
section 70-C.

70-D. In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely :—

(1) (a) every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal :

Provided that before transmission of the document to the Photo-Registrar the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

(c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made-up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows :—

(a) In section 19 the words 'and also by a true copy' shall be omitted ;

- (b) sub-section (4) of section 21 shall be omitted ;
- (c) the words ' according to the order of its admission ' occurring in clause (c) of sub-section (1) of section 52 shall be omitted ;
- (d) section 53 shall be omitted ;
- (e) in sub-section (1) of section 60 the words ' and page ' shall be omitted ;
- (f) sub-section (1) of section 61 shall be omitted ;
- (g) in sub-section (1) of section 62,—
  - (i) for the word ' transcribed ' the word ' copied ' shall be substituted ; and
  - (ii) for the words and figures ' copy referred to in section 19 ' the words ' photograph of the original ' shall be substituted."

**BOMBAY ACT No. XVIII OF 1930.<sup>[1]</sup>**

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1930]

[15th September 1930]

**An Act further to amend the City of Bombay Municipal Act, 1888.**

Bom. III of 1888. WHEREAS it is expedient further to amend the <sup>[2]</sup>City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal (Amendment) Short title, Act, 1930.

Bom. III of 1888. 2. In section 39 of the <sup>[2]</sup>City of Bombay Municipal Act, 1888, Amendment of section 39 of Bom. III of 1888. hereinafter called the said Act,—

(a) after sub-section (I) the following sub-section shall be inserted, of 1888. namely:—

“(I-A) The schools’ committee shall be appointed by the corporation at their first meeting in the month of April after each general election.

(I-B) A person shall not be eligible for appointment as a member of the schools’ committee if he is directly or indirectly interested in any immovable property on or in which any municipal school or office is located, or, in any institution or school which receives a donation or grant-in-aid from the schools’ committee or the corporation.

*Explanation.*—A person shall be deemed to be ‘interested’ within the meaning of this sub-section if he derives or has been promised, directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not.

(I-C) If any person having been appointed to be a member of the schools’ committee becomes subject to the disqualification mentioned in sub-section (I-B), he shall be disabled from continuing to be a member of the schools’ committee and his seat shall become vacant.

(I-D) In the event of non-acceptance of office by a person appointed to be a member of the schools’ committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt., V. pp. 196-197; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[2] Vol. III of Bom. Code.

may be, by the appointment by the corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(1-E) If any question or dispute arises whether a vacancy has occurred under this section the orders of the corporation shall be final for the purpose of deciding such question or dispute.

(1-F) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (1-A), notwithstanding that the members of the said committee or some of them may no longer be councillors."

(b) For sub-sections (3), (4) and (5) the following shall respectively be substituted, namely:—

"(3) (a) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor, to be their chairman until the first meeting of the said committee in the next following official year.

"(b) The term of office of the Chairman retiring first after the commencement of the City of Bombay Municipal (Amendment) Act, 1930, shall continue until such time as a new Chairman shall have been appointed under clause (a) of this sub-section and shall have taken over charge of his duties."

(c) The retiring chairman shall be eligible for reappointment.

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

(4) (a) One-half of the councillor members and one-half of the other members of each schools' committee shall retire from office at noon on the first day of April next following the date of their appointment. The members to retire shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the chairman shall determine:

For the purpose of this sub-section the first day of April 1930 shall be deemed to be the date of their appointment in the case of such members of the schools' committee as may be holding office on the date of commencement of the City of Bombay Municipal (Amendment) Act, 1930.

(b) the remaining members of the schools' committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

(c) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the schools' committee to fill

the offices of those previously appointed by them who retire from time to time as aforesaid.

(d) Any retiring member of the schools' committee shall be eligible for re-appointment.

(5) The schools' committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to meetings and to the management of schools under their control subject to the following conditions :—

(a) there shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary ;

(b) the first meeting of each schools' committee shall be held on a day and at a time to be fixed by the president, and if not held on that day shall be held on some subsequent day to be fixed by the president ; and every subsequent meeting of the schools' 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 schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting ;

(d) no business shall be transacted at a meeting of the schools' committee unless at least eight members are present ;

(e) every meeting of the schools' 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 councillor 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 schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(g) a minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting ;

(h) a member of the schools' 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 sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person."



**BOMBAY ACT No. XIX OF 1930.<sup>[1]</sup>**

[THE CITY OF BOMBAY MUNICIPAL (THIRD AMENDMENT)  
ACT, 1930]

[15th September 1930]

**An Act further to amend the City of Bombay Municipal Act, 1888.**

Bom. III of 1888. WHEREAS it is expedient further to amend the <sup>[2]</sup>City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal (Third Short title. Amendment) Act, 1930.

Bom. III of 1888. 2. In section 3 of the <sup>[2]</sup>City of Bombay Municipal Act, 1888, herein- Amendment of section 3 of Bom. III of 1888. after called the said Act, clauses (ee), (ff) and (gg) containing the definitions of "registered trade union," "delegate" and "electoral College" shall be relettered as (ii), (jj) and (kk) respectively.

3. After sub-clause (i) of clause (e) of sub-section (2) of section 26 Amendment of section 26 of Bom III of 1888. of the said Act, the following shall be inserted, namely:—  
“(ii) has not made or caused to be made the deposit referred to in sub-section (1) of section 26A, or”.

4. After section 26 of the said Act, the following shall be inserted, New section 26A of Bom. III of 1888. namely:—

“26A. (1) On or before the date appointed for the nomination of candidates for a ward election or for election by co-option each candidate for election or co-option, as the case may be, shall deposit or cause to be deposited with the Commissioner the sum of two hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made. Deposit by candidates.

(2) The deposit shall be returned if—

(a) the candidate is declared or is deemed to be duly elected, or

(b) the candidate signifies his intention in writing to the Commissioner one day before the day fixed for the poll not to contest the election, or

(c) the nomination of the candidate is declared invalid, or

(d) the candidate dies in the case of a ward election after the scrutiny of nomination papers and before the commencement of the poll, and, in the case of an election by co-option, before the day fixed for the election by co-option, or

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, pp. 204-207; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[2] Vol. III of Bom. Code.

(e) the candidate fails to be elected but secures a first vote in the case of an election by co-option, and, in the case of a ward election valid votes in excess of the number specified in sub-section (4).

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies in the case of a ward election, before the day fixed for the poll, or, in the case of an election by co-option, before the day fixed for the election, the deposit if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and if, in the case of an election by co-option, he fails to secure any first vote, or, in the case of a ward election, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32 :

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation."

Amendment  
of section 68  
of Bom. III  
of 1888.

5. In sub-section (2) of section 68 of the said Act,

(a) after the entry "Section 311" the entries

"Section 313  
Section 313A"

shall be inserted ;

(b) after the entry "Section 375A" the entry "Section 376" shall be inserted ;

(c) after the entry "Section 377" the entry "Section 377A" shall be inserted ; and

(d) after the entry "Section 384A" the entry "Section 390" shall be inserted.

Amendment  
of sections 74,  
75, 85, 328,  
74, sub-section (1)  
of section 75, clauses (a) and (b)  
of sub-section (2)  
of section 85, entry (a) in sub-section (1)  
of section 328, clause (aa) of  
section 347 and in section 436  
of the said Act,  
of Bom. III  
of 1888.

6. In the heading to Chapter IV, in the marginal notes to sections 74 and 75, and in sub-section (1) and clause (c) of sub-section (2) of section 75, 85, 328, 74, sub-section (1) of section 75, clauses (a) and (b) of sub-section (2) of section 85, entry (a) in sub-section (1) of section 328, clause (aa) of section 347 and in section 436 of the said Act, for the words "executive engineer" the words "city engineer" shall be substituted.

Amendment  
of section 74  
of Bom. III.  
of 1888.

7. (1) In the proviso to clause (c) of sub-section (2) of section 74 of the said Act, after the word "grant" the following words shall be inserted, namely :—

"to the municipal city engineer a personal allowance of rupees two hundred and fifty per mensem, rising by annual increments of rupees

fifty per mensem up to rupees five hundred per mensem, in addition to his maximum monthly salary, and ”

(2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from the 1st day of April 1929.

8. For the proviso to sub-section (1) of section 80A of the said Act, the following proviso shall be substituted, namely :—

Amendment  
of section  
80A of Bom.  
III of 1888.

“ Provided that temporary appointments for loan works carrying a monthly salary of rupees five hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee ; the Commissioner shall forthwith report every such appointment when made to the Corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.”

9. In clauses (a) and (c) of sub-section (2) of section 83 and in sections 114, 121, sub-section (3) of section 124 and section 501 of the said Act, before the word “ approval ” the word “ previous ” shall be inserted.

Amendment  
of sections 83,  
114, 121, 124  
and 501  
of Bom. III  
of 1888.

10. In the proviso to section 111 of the said Act, after the word “ servants ” where it occurs for the second time, the words “ and for payment of compassionate allowance to the widows or other relations of deceased municipal officers and servants ” shall be added.

Amendment  
of section 111  
of Bom. III  
of 1888.

11. In section 169 of the said Act—

Amendment  
of section 169  
of Bom. III  
of 1888.

(a) in clause (b) of sub-section (1), for the words “ with the approval of the Standing Committee ” the words “ in such cases as the Standing Committee shall either generally or specially approve ” shall be substituted ;

(b) in sub-section (2) for the words “ in each case ” the words “ for the cases ” shall be substituted.

12. In sub-section (1) of section 306 of the said Act, after the word “ satisfaction ” where it occurs for the second time, the following words shall be inserted, namely :—

Amendment  
of section 306  
of Bom. III  
of 1888.

“ and if all land-revenue payable to Government in respect of the land comprised in such street has been paid ”.

13. In clause (a) of sub-section (1) of section 313 of the said Act, after the word “ street ” where it occurs for the second time the words “ or in any public place ” shall be inserted.

Amendment  
of section 313  
of Bom. III  
of 1888.

14. After clause (b) of section 314 of the said Act, the following shall be inserted, namely :—

Amendment  
of section 314  
of Bom. III  
of 1888.

“ (c) any article whatsoever hawked or exposed for sale in any public place or in any public street in contravention of the provisions of section 313A ”.

Amendment  
of section  
328A of Bom.  
III of 1888.

15. In section 328A of the said Act,—

(a) to clause (b) of the first proviso to sub-section (I), the following shall be added, namely :—

“ or to the trade or business carried on by the owner of any tram-car, omnibus or other vehicle upon which such advertisement is exhibited,” and

(b) in sub-section (4) for the words “ any movable board on wheels ” the words “ a tram-car, omnibus and any other vehicle and any movable board ” shall be substituted.

Amendment  
of section  
394 of Bom.  
III of 1888.

16. In section 394 of the said Act,

(i) after clause (d) of sub-section (I) the following clause shall be inserted, namely :—

“ (e) carry on within the City or use any premises for the trade or operation of a farrier ”.

(ii) In sub-section (5) after the word “ premises ” the words “ if any ” shall be inserted.

Amendment  
of section  
471 of Bom.  
III of 1888.

17. In the table appended to section 471 of the said Act, in the entry relating to section 328A, sub-section (I), in column 2, for the word “ sites ” the words “ sites, vehicles, etc.,” shall be substituted.

Amendment  
of section  
472 of Bom.  
III of 1888.

18. In the table appended to section 472 of the said Act—

(a) after the entry relating to section 313, sub-section (I), the following entry shall be inserted namely :—

“ 313A. Prohibition of hawking or exposing	Five
for sale any article in a public	rupees.”
place or street without a license.	

(b) in the entry relating to section 328A, sub-section (I), in column 2, for the word “ sites ” the words “ sites, vehicles, etc.,” shall be substituted.

Amendment  
of section  
490 of Bom.  
III of 1888.

19. In sub-section (3) of section 490 of the said Act, after the word “ fit ” the words “ if perishable forthwith, and if other than perishable ” shall be inserted.

Amendment  
of section  
527 of Bom.  
III of 1888.

20. In sub-section (3) of section 527 of the said Act, before the word “ sanction ” the word “ previous ” shall be inserted.

Amendment  
of Schedule  
H of Bom.  
III of 1888.

21. In Schedule H to the said Act, after the entry relating to “ ghi ”, the following entry shall be inserted :—

“ Vegetable product ” or “ Vanaspati ”, that	10 annas
is to say, ghi substitutes which are not	per
pure ghi but which resemble ghi.	Bombay maund.

BOMBAY ACT No. XX OF 1930.[<sup>1</sup>][THE BOMBAY UNIVERSITY (TERRITORIAL LIMITS AMENDMENT)  
ACT, 1930]

[15th September 1930]

## An Act further to amend the Bombay University Act, 1928.

Bom. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay University  
IV of Act, 1928, in manner hereinafter appearing; And whereas the previous  
1928. sanction of the Governor General required by sub-section (3) of  
5 & 6 section 80A of the Government of India Act has been obtained for the  
Geo. V passing of this Act; It is hereby enacted as follows:—  
c. 61.

1. This Act may be called the Bombay University (Territorial Limits Short title.  
Amendment) Act, 1930.

Bom. 2. After section 4 of the [<sup>2</sup>] Bombay University Act, 1928, herein- Insertion of  
IV of after called the said Act, the following section shall be inserted, namely:— a new section  
1928. “ [In this Vol., p. 467] .” after section  
4 of Bom. IV  
of 1928.

3. In explanation (1) in part (A) under the heading “ II Ordinary ” Amendment  
in sub-section (1) of section 13 of the said Act after the words “ Indian of section 13  
States ” the words “ and other territories within the territorial limits of Bom. IV  
of the University ” shall be inserted. of 1928.

VIII 4. In the fourth column of the Schedule to the said Act, for the Amendment  
of entries relating to the [<sup>3</sup>]Indian Universities Act, 1904, the following of the  
1904. shall be substituted, namely:— Schedule to  
“ The whole Act.” Bom. IV of  
1928.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, pp. 161-162; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[<sup>2</sup>] In this Vol., p. 465.

[<sup>3</sup>] General Acts, Vol. IV.

**BOMBAY ACT No. XXI OF 1930.<sup>[1]</sup>**

[THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1930]

[15th September 1930]

**An Act further to amend the City of Bombay Police Act, 1902.**

Bom. WHEREAS it is expedient further to amend the <sup>[2]</sup>City of Bombay  
IV of Police Act, 1902, in manner hereinafter appearing; And whereas the  
1902. previous sanction of the Governor General required by sub-section (3)  
5 & 6 of section 80A of the Government of India Act has been obtained for the  
Geo.V. passing of this Act; It is hereby enacted as follows:—  
c. 61.

1. This Act may be called the City of Bombay Police (Amendment) Short title.  
Act, 1930.

Bom. 2. In sub-section (1) of section 7 of the <sup>[2]</sup> City of Bombay Police Act, Amendment  
IV of 1902, hereinafter called the said Act, for the word "Sub-Inspectors" of section 7  
1902. the words "Deputy Inspectors, Sub-Inspectors, Sergeants" shall be of Bom. IV  
substituted. of 1902.

3. In sub-section (1) of section 22 of the said Act, for the word, letter Amendment  
and brackets "clause (b)" the words, letters and brackets "clauses of section 22  
(b) and (c)" shall be substituted. of Bom. IV  
of 1902.

4. In section 33 of the said Act—

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

"or of having committed an offence punishable under clause (c) of section 18."

(b) in clause (i), for the words and figures

"under sub-clause (iv) or (v) of clause (f) of sub-section (1) of section 22" the following words and figures shall be substituted, namely:—

"under clause (b) of sub-section (1) of section 22 prohibiting the occupation of a street so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under sub-clause (iv) or (v) of clause (f) of the said sub-section."

5. In section 51 of the said Act—

(a) in sub-section (1) for the words "such persons and on such emoluments as he deems fit" the following words shall be substituted, Amendment  
namely:— of section 51  
of Bom. IV  
of 1902.

"police officers of such rank as may be approved by the Governor in Council."

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, pp. 172-4; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[2] Vol. IV of Bom. Code.

(b) in sub-section (2), the words " and shall be liable to punishment, suspension and dismissal, as if he were a Police Officer under this Act " shall be omitted and for the comma after " Police " a full stop shall be substituted.

Amendment  
of section 113  
of Bom. IV  
of 1902.

6. In section 113 of the said Act after the word " redeemed " the words " within two months " shall be inserted.

Amendment  
of section 120  
of Bom. IV  
of 1902.

7. In section 120 of the said Act, the words " or heard " shall be repealed.

**BOMBAY ACT No. XXII OF 1930.[1]**

[THE ADEN CIVIL AND CRIMINAL JUSTICE (AMENDMENT) ACT, 1930]

[15th September 1930]

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

II of 1864. WHEREAS it is expedient further to amend the [2]Aden Civil and Criminal Justice Act, 1864, 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:—

5 & 6  
Geo. V,  
c. 61.

1. This Act may be called the Aden Civil and Criminal Justice (Amendment) Act, 1930. Short title.

II of 1864. 2. After section 16 of the [2]Aden Civil and Criminal Justice Act, 1864, the following shall be inserted:— New section 16A in Act II of 1864.

“16A. The Governor of Bombay in Council may, by notification in the *Bombay Government Gazette*, declare that the decrees of any Civil Courts situate in the territories comprised in the Somaliland Protectorate, or any class of such decrees, may be executed by the Court of the Resident as if they had been decrees passed by that Court.” Execution of decrees passed by Courts of the Somaliland Protectorate.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, p. 159; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[2] Vol. I of Bom. Code.



**BOMBAY ACT No. XXIII OF 1930.<sup>[1]</sup>**

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1930]

[17th September 1930]

**An Act further to amend the City of Bombay Municipal Act, 1888.**

Bom. WHEREAS it is expedient further to amend the [2]City of Bombay  
III of Municipal Act, 1888, in manner hereinafter appearing; It is hereby  
1888. enacted as follows:—

1. This Act may be called the City of Bombay Municipal (Amend- Short title.  
ment) Act, 1930.

Bom. 2. In section 36 of the [2]City of Bombay Municipal Act, 1888, Amendment  
III of hereinafter called the said Act— of section 36  
1888. of Bom. III  
of 1888.

(i) after the words “business of the Corporation” the words, figures and letter “including the submission, asking and answering of questions under section 66A” shall be inserted;

(ii) in clause (j) after the word “thereat” the words, figures and letter “other than questions under section 66A” shall be inserted;

(iii) in clause (k) after the word “business” where it occurs for the first time the words, figures and letter “other than any questions under section 66A” shall be inserted;

(iv) in clause (l) after the word, brackets and letter “clause (j)” the words, figures and letter “and any questions asked under section 66A” shall be inserted;

(v) in clause (p) after the word “meeting” the words, figures and letter “or ask any question under section 66A concerning any matter” shall be inserted.

3. After section 66 of the said Act, the following new section shall New  
be inserted, namely:— section  
66A of  
Bom. III of  
1888.  
Right to  
ask  
questions.

“66A (1) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the City:

Provided that—

(a) not less than seven clear days’ notice in writing specifying the questions has been given to the Municipal Secretary;

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Pt. V, p. 216; for Report of Select Committee, see *ibid*, 1930, Pt. V, pp. 100-102; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929 and 1930, Vols. XXVII, XXVIII and XXIX.

[2] Vol. III of Bom. Code.

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any tribunal in any part of His Majesty's possessions ; or

(iii) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity ; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community ; or

(v) which contravenes any regulation made by the Corporation in this behalf under section 36."

(2) The President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the President shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question if in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

**BOMBAY ACT No. XXIV OF 1930.[1]**

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1930]

[17th September 1930]

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

Bom. IV of 1890. WHEREAS it is expedient further to amend the [2]Bombay District Police Act, 1890, 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:—  
5 & 6 Geo. V. c. 61.

1. This Act may be called the Bombay District Police (Amendment) Act, 1930. Short title.

Bom. IV of 1890. 2. Section 6 of the [2]Bombay District Police Act, 1890, hereinafter referred to as the said Act, shall be renumbered as sub-section (1) of the said section and the following shall be inserted thereafter as sub-section (2), namely:— Amendment of section 6 of Bom. IV of 1890.

“(2) Government may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. He may be transferred, suspended or removed from office by Government.”

3. In sub-section (4) of section 25 of the said Act, the words “or where the Commissioner so directs, the tax shall be imposed or the rate shall be assessed by the Collector at his discretion” shall be added to the second sentence. Amendment of section 25 of Bom. IV of 1890.

4. In section 26 of the said Act,—

(a) in sub-section (1), for the existing proviso, the following shall be substituted, namely:— Amendment of section 26 of Bom. IV of 1890.

“Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, the Government may direct the Collector to impose such tax or assess such rate or to make such recovery”; and

(b) in sub-section (2) for the words “as aforesaid” the words “under any provision of this Act” shall be substituted.

5. In sub-section (3) of section 29 of the said Act,—

(a) for the words “A District Superintendent shall have” the words “The Deputy Inspector General of Police, Criminal Investigation Department, and a District Superintendent shall each have” shall be substituted; and Amendment of section 29 of Bom. IV of 1890.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, pp. 188-191; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[2] Vol. III of Bom. Code.

(b) after the word "obtained" the following words shall be inserted, namely:—

"The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any police officer below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector General can be obtained."

Repeal of section 33 of Bom. IV of 1890.

6. Section 33 of the said Act shall be repealed.

Amendment of section 34 of Bom. IV of 1890.

7. In section 34 of the said Act,—

(i) in sub-section (1)—

(a) after the word "permission" where it occurs for the first time the words "of the Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or" shall be inserted;

(b) in clause (a) for the words "District Superintendent" the words "Deputy Inspector General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be" shall be substituted.

(ii) in sub-section (3) for the words "District Superintendent" the words "Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be" shall be substituted.

Amendment of section 35 of Bom. IV of 1890.

8. In section 35 of the said Act—

(a) in sub-section (1) for the words "District Superintendent" the words "Deputy Inspector General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police officer is subordinate," shall be substituted.

(b) in sub-section (2)—

(i) after the word "time" the words "the Deputy Inspector General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or" shall be inserted;

(ii) after the word "Magistrate" where it occurs for the second time, the words "the Deputy Inspector General of Police, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik," shall be inserted.

Amendment of section 36 of Bom. IV of 1890.

9. Clause (a) of sub-section (2) of section 36 of the said Act shall be repealed; and clauses (b) to (e) of the said sub-section shall be re-lettered of Bom. IV as clauses (a) to (d) respectively.

10. In section 39 of the said Act,—

(a) to sub-section (1) the following clause shall be added, namely:— Amendment  
of section 39  
of Bom. IV  
of 1890.

“(n) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used”; and

(b) in sub-section (2) for the word, letters and brackets “(h) or (i)” the word, letters and brackets “(h), (i) or (n)” shall be substituted.

11. After section 51A of the said Act the following shall be inserted namely:— Insertion of  
new section  
51B in Bom.  
IV of 1890.

XI of  
1890.

“51B. (1) When in respect of an animal an offence under section 3 or section 5 of the [1] Prevention of Cruelty to Animals Act, 1890, hereinafter in this section referred to as the said Act, has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any police officer may— Powers with  
regard to  
offences  
under Act  
XI of 1890.

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the Governor in Council in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal.

(2) When an animal is brought before a Magistrate under clause (a) of sub-section (1), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(3) The veterinary officer before whom an animal is brought under clause (b) of sub-section (1) shall with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered to the accused person if he applies for it on payment of such fee as Government prescribe.

(4) When under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7), and (8) of section 6 of the said Act shall, so far as may be, apply.

(5) When a police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded."

Amendment  
of section 61  
of Bom. IV  
of 1890.

12. In section 61 of the said Act,—

(a) for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto" the following words, figure and brackets shall be substituted, namely :—

"In any local area to which the Commissioner by notification from time to time extends this section or any part thereof,—

(1) whoever contrary thereto—"

(b) in sub-clause (a),—

(i) the words "without lawful excuse" shall be omitted ;  
and

(ii) for the words "except when there is sufficient moonlight to render such light unnecessary" the words "contrary to any rule or order made and published by the Magistrate of the district" shall be substituted ;

(c) for sub-clause (g) the following shall be substituted, namely :—

"(g) drives rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across or upon such footway";

(d) sub-clause (s) shall be deleted ; and

(e) the following shall be inserted as clause (2) of the said section, namely :—

"(2) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both."

New section  
61B, 61C,  
61D and 61E  
of Bom. IV  
of 1890.

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

Wilful,  
trespass.

"61B. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall whether he causes any actual damage or not, be punished with fine which may extend to twenty-rupees.

61C. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

False alarm of fire or damage to fire-alarm.

61D. Whoever is found between sunset and sunrise—

Being found under suspicious circumstances between sunset and sunrise.

(a) armed with any dangerous instrument with intent to commit an offence, or

(b) having his face covered, or otherwise disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking, shall be punished with imprisonment for a term which may extend to three months.

61E. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees.”

Possession of property of which no satisfactory account can be given.

## THE BOMBAY LOCAL FUND AUDIT ACT, 1930.

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## BOMBAY ACT No. XXV OF 1930.[1]

[THE BOMBAY LOCAL FUND AUDIT ACT, 1930]

[17th September 1930]

**An Act to provide for and regulate the audit of the local funds  
under the management or control of certain local authorities  
in the Bombay Presidency except the City of Bombay.**

WHEREAS it is expedient to provide for and regulate the audit of the local funds under the management or control of certain local authorities in the Bombay Presidency except the City of Bombay 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 & 6  
Geo.  
V,  
c. 61.

1. This Act may be called the Bombay Local Fund Audit Act, 1930. Short title.
2. This Act extends to the whole of the Bombay Presidency except the City of Bombay. Extent.
3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Auditor" means the Examiner or any other person empowered by Government to perform the functions of an auditor under this Act.

(b) "Examiner" means the Examiner of Local Fund Accounts and includes the Assistant Examiner of Local Fund Accounts.

(c) "Local authority" means a local authority as defined in clause (26) of section 3 of the [2]Bombay General Clauses Act, 1904, and includes a school board constituted under the [3]Bombay Primary Education Act, 1923.

(d) "Local Fund" means any fund to the control or management of which a local authority is legally entitled and includes the proceeds of any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority.

- \*4. The accounts of any local authority whose accounts are declared by the Government, by a notification in the *Bombay Government Gazette*, to be subject to audit under this Act shall, notwithstanding anything contained in any enactment by which such local authority is constituted or in any rules made thereunder, be subject to audit in all respects in the manner provided by or under this Act. Liability of local authorities to submit their accounts for audit.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, pp. 45-49; for Report of Select Committee, see *ibid* 1930, Pt. V, pp. 116-121; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1930, Vols. XXVIII and XXIX.

[2] Vol. IV of Bom. Code.

[3] In this Vol., pp. 9-17.

\*For Notifications under this section, see G. N. No. 7679 dated the 23rd March 1931, published in the *Bombay Government Gazette*, 1931, Pt. I, p. 606; G. N. No. 9270 dated the 4th November 1932, published in the *Bombay Government Gazette*, 1932, Pt. IA, p. 174; and G. N. No. 7679 dated the 25th October 1933, published in the *Bombay Government Gazette*, 1933, Pt. I, p. 2456.

Accounts to be submitted for audit at such period or periods as may be required.

5. The president or chairman, as the case may be, of every local authority, whose accounts are declared under section 4 to be subject to audit under this Act, shall present or cause to be presented for audit all accounts of its local fund in the manner and form prescribed by rules under section 15 to the auditor yearly or at such period or periods as may be required by the Commissioner.

Power of auditor to require production of documents and attendance of persons concerned, etc.

6. (1) For the purpose of any audit under this Act, an auditor may—

(a) require in writing the production, at the head office of the local authority, of any document, the perusal or examination of which he believes to be necessary for the elucidation of the accounts ;

(b) require in writing any salaried servant of the local authority accountable for, or having the custody or control of such document, or any person having directly or indirectly, by himself or his partner, any share or interest in any contract with or under the local authority, to appear in person before him at the head office of the local authority and answer any question ;

(c) in the event of an explanation being required from the president, chairman or other honorary officer or member of a local authority, in writing invite such person to meet him at the head office of the local authority and shall in writing specify the point on which his explanation is required.

(2) The auditor may, in any requisition or invitation made under sub-section (1), fix a reasonable period, not being less than three days, within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the local authority not less than two weeks' notice in writing of the date on which he proposes to commence the audit.

Penalty for disobeying requisition under section 6.

7. (1) Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under clause (a) or clause (b) of sub-section (1) of section 6 shall be liable, on conviction before a Magistrate, to a fine which may extend to one hundred rupees.

Provided that no proceedings under this section shall be instituted except on the written sanction of the Commissioner.

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

(2) No court inferior to that of a Magistrate of the first class shall try any offence against this Act.

Audit report to be sent to certain officers and bodies as Government may direct.

8. Within two months after the completion of the audit, the Examiner shall prepare a report on the accounts audited and examined and shall send such report to the local authority concerned and copies thereof to such officers and bodies as the Government may direct.

Audit report what to contain.

9. The Examiner shall include in his report a statement of—

(a) every payment which appears to him to be contrary to law,

(b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person,

(c) the amount of any sum received which ought to have been but is not brought into account by any person, and

(d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c) above.

10. (1) On receipt of a report under section 8 the president or chair- Local authority to remedy defects: Procedure to be followed after report of the Examiner under section 8.  
man, as the case may be, shall either remedy any defects or irregularities which may have been pointed out in the report and send to the Examiner, within three months of the receipt of the report, intimation of his having done so, or, shall, within the said period, supply to the Examiner any further explanation in regard to such defects or irregularities as the president or chairman may wish to give.

(2) On receipt of such intimation or explanation the Examiner may, in respect of all or any of the matters discussed in his report,

(a) accept the intimation or explanation given by the president or chairman and withdraw the objection, or

(b) direct that the matter be re-investigated at the next audit or at any earlier date, or

(c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.

(3) The Examiner shall send a report of his decision to the Commissioner within one month of the date of the receipt by him of the intimation or explanation of the president or chairman referred to in sub-section (1) or in the event of the president or chairman failing to give such intimation or explanation, on the expiry of the period of three months mentioned in the said sub-section and shall forward a copy of such report to the president or chairman, as the case may be, of the local authority. If the Examiner holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised and if so, by what method; and if they do not admit of being regularised, whether they can be condoned and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged:

Provided that in the case of reports on the accounts of school boards and of such local authorities as are specially notified by Government in this behalf the report referred to in this sub-section shall be submitted by the Examiner to such officer, being the head of a department, as Government may direct. Such officer shall take such action as may be necessary regarding any defects or irregularities falling under clause (c) of sub-section (2) which may have been brought to notice in the report. If he is of the opinion that the amounts to which any such defects or irregularities relate should be surcharged or charged, he shall forward the report of the Commissioner together with his recommendation in that behalf.

(4) The local authority concerned shall publish in its next administration report, such portions of the report under section 8 as deal with

defects and irregularities falling under clause (c) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Examiner thereon under sub-section (3). Such report of defects and irregularities, explanation and final report shall be open to the inspection of the public at the office of the local authority for a period of one month from the date of their receipt and shall also be published in the vernacular of the district in any newspaper circulating in the district selected by the local authority within one month of the receipt by it of the copy of the report sent to the Commissioner under sub-section (3).

(5) If the president or chairman of a local authority fails to give the intimation or explanation referred to in sub-section (1) within the period therein mentioned the Commissioner may, at the instance of the Examiner, publish in the vernacular of the district the whole of the Examiner's report under section 8, together with any observations which the Commissioner may make thereon, in any newspaper circulating in the district which the Commissioner may select and the cost of such publication shall be paid by Government.

(6) Nothing in this section or in section 9 shall preclude the Examiner at any time from bringing to the notice of the Commissioner, for such action as the Commissioner may consider necessary, any information which appears to the Examiner to support a presumption of criminal misappropriation or fraud.

Commissioner to surcharge or charge illegal payment or loss caused by gross negligence or misconduct.

11. (1) The Commissioner may, after considering the recommendation of the Examiner or of any head of a department under the proviso to sub-section (3) of section 10, as the case may be, and after taking the explanation of the person concerned, or making such further inquiry, as he may consider necessary, disallow any item which appears to him to be contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment; and may charge against any person responsible therefor the amount of any deficiency or loss caused by the gross negligence or misconduct of that person, or, any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person:

Provided that no order of surcharge or charge shall be made under this Act in respect of any item included, or, which ought to have been included in, but was omitted from, any accounts for any period prior to the 1st April 1930.

(2) The Commissioner shall state in writing the reasons for his decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made.

(3) If a person to whom a copy of the Commissioner's decision is sent under sub-section (2) refuses to take delivery thereof he shall be deemed to have duly received it on the day on which it was refused by him.

Recovery of surcharges and charges how made.

12. (1) Every sum certified by the Commissioner to be due from any person under sub-section (1) of section 11 shall be paid by such person into the treasury or bank in which the funds of the local authority

concerned are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has applied to the Court or to the Government as provided in section 13.

(2) The said sum, if not duly paid, or, if an application has been made to the Court or to the Government against the decision of the Commissioner as provided in sub-section (1) of section 13, such sum as the Court or the Government shall declare to be due, shall be recoverable, on an application made by the Collector to the Court, in the same way as an amount decreed by the Court in favour of the Collector.

13. (1) Any person aggrieved by any order of surcharge or charge made by the Commissioner under sub-section (1) of section 11 may, within one month from the receipt by him of the decision of the Commissioner, either—

Application against order of surcharge or charge.

(a) apply to the District Court to set aside such order ; and the Court, after taking such evidence as it thinks necessary, may confirm, modify or remit such surcharge or charge and make such orders as to costs as it thinks proper in the circumstances ; or

(b) in lieu of such application apply to the Government which shall pass such orders thereon as it thinks fit.

(2) Pending disposal of the application all proceedings on the certificate shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

14. All expenses incurred by a local authority in complying with any requisition of an auditor under sub-section (1) of section 6 shall be payable out of its local fund.

Expenses in respect of requisitions of auditors to be payable out of local fund.

\*15. (1) The Government may make rules, not inconsistent with this Act, for the purpose of carrying into effect the provisions of this Act.

Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner and form in which the accounts of a local authority, whose accounts are subject to audit under this Act, shall be kept and presented ;

(b) the powers and duties of auditors and the procedure to be followed by them for conducting an audit and the times at which such audit may be conducted ; and

(c) the manner in which all matters required to be published under this Act shall be published.

(3) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table

\*For Rules under this section, see G. D. Notifications No. 7679 dated 11th December 1931, published in the *Bombay Government Gazette*, 1931, Pt. I-A, pp. 355-360 ; No. 7679 dated 1st September 1932, published in the *Bombay Government Gazette*, 1932, Pt. I-A, p. 143 ; and No. 7679 dated 6th March, 1934, published in the *Bombay Government Gazette*, 1934, Pt. I-A, pp. 166-170.

of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified, Government may accept the modification and re-issue the rule accordingly, or, may rescind the rule.

Amendments  
in Bom. III  
of 1901.  
Bom. VI of  
1923 and  
Bom. XVIII  
of 1925.

16. (1) In the [1]Bombay District Municipal Act, 1901—

Bom.  
III of 1901.

(a) for sub-section (1) of section 170 the following shall be substituted, namely :—

“(1) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality.”

(b) in sub-section (3) of section 170—

(i) for the comma after the word “upon” a full stop shall be substituted; and

(ii) the words “or if the auditor is a Government auditor, then such charges as may be prescribed by the Governor in Council” shall be repealed.

(2) For sub-section (1) of section 92 of the [2]Bombay Local Boards Act, 1923, the following shall be substituted, namely :—

Bom.  
VI of  
1923.

[In this Vol., p. 71.]

(3) In the [3]Bombay Municipal Boroughs Act, 1925, for sub-section (1) of section 210 the following shall be substituted, namely :—

Bom.  
XVIII  
of  
1925.

[In this Vol., p. 373.]

[1] Vol. IV of Bom. Code.

[2] In this Vol., p. 33.

[3] In this Vol., p. 267.

**BOMBAY ACT No. XXVI OF 1930.[<sup>1</sup>]**

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1930]

[23rd September 1930]

**An Act further to amend the Bombay District Municipal Act, 1901.**

Bom. III of 1901. 5 & 6 Geo. V, c. 61. WHEREAS it is expedient further to amend the [<sup>2</sup>]Bombay District Municipal Act, 1901, 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 District Municipal (Amendment) Act, 1930. Short title.

Bom. III of 1901. 2. (1) Section 17 of the [<sup>2</sup>]Bombay District Municipal Act, 1901, hereinafter called the said Act shall be renumbered section 17 (1) and to the said section so renumbered, the following proviso shall be added, namely:— Amendment of section 17 of Bom. III of 1901.

“Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned.”

(2) After sub-section (1) of the said section so renumbered, the following sub-section shall be inserted, namely:—

“(2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and

(b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.”

3. In section 23 of the said Act—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7A) On the expiry of the term of office of a municipality the president and vice-president shall continue to carry on the current administrative duties of their offices until such time as a new president and vice-president shall have been appointed or elected and shall have taken over charge of their duties:—

Amendment of section 23 of Bom. III of 1901.

President and vice-president to continue to carry on certain duties until their successors take over charge.

[<sup>1</sup>] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Part V, pp. 169-170; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

[<sup>2</sup>] Vol. IV of Bom. Code.

Provided that in the case of a new municipality constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring municipality. The president of the retiring municipality shall preside at such meeting and the new municipality shall then elect its own chairman for that meeting. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the president of the retiring municipality in such manner as he may determine. The meeting shall then proceed to elect the new president."

(b) sub-section (9) shall be repealed; and

(c) for sub-section (10), the following shall be substituted, namely:—

"(10) When the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under clause (c) of sub-section (2), or under sub-section (8), within fifteen days from the commencement of the term or the occurrence of the vacancy the Collector may exercise the powers of the president for the purpose of calling such meeting."

Amendment of section 40 of Bom. III of 1901. 4. In sub-section (2) of section 40 of the said Act, after the word "case" the words, figures and brackets "of every lease or sale of land under sub-section (1) of section 90 and" shall be inserted.

Amendment of section 45 of Bom. III of 1901. 5. For section 45 of the said Act the following shall be substituted, namely:—

"45. (1) Every municipal commissioner, councillor, officer or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee for the levy of any municipal tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word 'Government' in the definition of 'legal remuneration' in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipality." XLV  
of  
1860.

Amendment of section 90 of Bom. III of 1901. 6. In sub-section (1) of section 90 of the said Act for the words "to sell" the words "to lease or sell" shall be substituted.

Amendment of section 91A of Bom. III of 1901. 7. For sub-section (3) of section 91A of the said Act, the following shall be substituted, namely:—

"(3) (a) Except under the provisions of section 113, no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the municipality under section 96.

(b) Where the municipality refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.

(c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 16.



shall be paid by the municipality to the owner of any land added to a street under clause (b) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under the said clause :

Provided that no such compensation shall be payable in cases to which section 119 applies."

8. In section 96 of the said Act—

(a) in sub-section (1)—

- (i) before the word "reconstruct" where it occurs in two places the words "construct or" shall be inserted ;
- (ii) for the words "or add" where they occur for the second time the words "add or reconstruct" shall be substituted ; and
- (iii) to clause (b) the following shall be added, namely :—  
"and the purpose for which the building will be used."

Amendment  
of section 96  
of Bom. III  
of 1901.

(b) In sub-section (2)—

- (i) for the words "The municipality may issue such orders not inconsistent with this Act as they think proper with reference to the work proposed in such notice and" the following words shall be substituted, namely :—  
"Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipality";
- (ii) for the words "or alter or add to" the words "alter, add to or reconstruct" shall be substituted ;
- (iii) after the word "ventilation" the words "or to the number of storeys to be erected" shall be inserted ; and
- (iv) after the word "projected" the words "or the purpose for which the building is to be used" shall be inserted.

(c) After sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) The municipality may, before any work has been commenced in pursuance of any permission granted by the municipality under sub-section (2), revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and the rules and bye-laws made thereunder, with reference to the matters mentioned in the said sub-section, as they think proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction."

Permission  
may be  
revoked and  
fresh permis-  
sion given  
subject to  
conditions.

(d) In sub-section (4), the proviso shall be repealed.

(e) After sub-section (4), the following sub-section shall be inserted, namely :—

"(4A) No person who becomes entitled under sub-section (2) or (4), to proceed with any intended work of which notice is required

Commence-  
ment of work.

by sub-section (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections."

(f) In sub-section (5)—

(i) for the words "or makes any building or alteration or addition" the words "any construction alteration, addition or reconstruction" shall be substituted;

(ii) after the word "section" the words "or contrary to the provisions of sub-section (4) or (4A)," shall be inserted;

(iii) after the word "rupees" the following words, shall be inserted, namely:—

"and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention;"

(iv) in clause (a) for the words "or addition" the words "addition or reconstruction" shall be substituted;

(v) for clause (b) the following clause shall be substituted, namely:—

"upon a conviction being obtained under this sub-section by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice."

(g) In the *Explanation* the following shall be added to clause (a), namely:—

"or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not."

Amendment of section 113 of Bom. III of 1901. 9. Sub-section (2) of section 113 of the said Act shall be renumbered (2) (a) and the following shall be inserted as clause (b) of the said sub-section so renumbered, namely:—

"(b) Notwithstanding any proceedings which may be taken under clause (a) of this sub-section, the municipality may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission of the municipality."

10. To sub-section (1) of section 122 of the said Act, the following words shall be added, namely:—

Amendment of section 122 of Bom. III of 1901. "and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence."



D—*contd.*

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