



Government of Bombay—
Legal Department

The Bombay Code

Supplementary Volume

containing

The Unrepealed Acts of the Bombay Legislative Council
in force in Bombay from 1931 to 1934 inclusive,
Chronological Tables of Enactments reproduced
in this Volume and an Index

SECOND EDITION

Part II

[Price—Rs. 3 Anna 1 or 5s. 6d.]

BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1935

Obtainable from the Superintendent, Government Printing and Stationery,
Bombay, or through the High Commissioner for India, India House,
Aldwych, London, W.C.2, or through any recognized Bookseller

The Bombay Code
Supplementary Volume
Part II

**CHRONOLOGICAL TABLE OF ACTS OF THE BOMBAY
LEGISLATIVE COUNCIL.**

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Page
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*The title of the original Act has now been changed to "The Bombay Betting Tax Act, 1925."

Chronological Table

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BOMBAY ACT No. III OF 1931.[¹]

Note.—For amendments, see Bom. Act XIII of 1934.

[THE BOMBAY PREVENTION OF GAMBLING AMENDMENT ACT, 1931]

[16th May 1931]

An Act further to amend the Bombay Prevention of Gambling Act, 1887.

Bom. WHEREAS it is expedient further to amend the [²]Bombay
IV of Prevention of Gambling Act, 1887, in manner hereinafter appearing;
1887. And whereas the previous sanction of the Governor required by
5 & 6 section 80C 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 Prevention of Gambling Short title.
Amendment Act of 1931.

Bom. 2. For clause (c) of section 3 of the [²]Bombay Prevention of Amendment
IV of Gambling Act, 1887, substitute the following:— of section 3
1887. of Bombay
Act IV of
1887.

“(c) between any individual in person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand, [³]or between any number of individuals in person in such manner, and by such contrivance as may be permitted by such licence.”

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 40-41; and for proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vol. XXX.

[²] Vol. II of Bom. Code.

[³] The words “or between any number of individuals in person” were inserted by Bom. XIII of 1934, s. 2.

BOMBAY ACT No. IV OF 1931.^[1]

[THE BOMBAY TOTALISATOR BETTING TAX (AMENDMENT) ACT, 1931]

[23rd May 1931]

**An Act to amend the Bombay Totalisator Betting Tax Act, 1925, and
the Bombay Race-Courses Licensing Act, 1912.**

Bom. VI of 1925. Bom. III of 1912. 5 & 6 Geo.V. c. 61. WHEREAS it is expedient to amend the ^[2]Bombay Totalisator Betting Tax Act, 1925, and the ^[3]Bombay Race-Courses Licensing Act, 1912, in manner hereinafter appearing; 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:—

1. This Act may be called the Bombay Totalisator Betting Tax Short title. (Amendment) Act, 1931.

Bom. VI of 1925. 2. In the heading and preamble of the ^[2]Bombay Totalisator Betting Tax Act, 1925, hereinafter called the said Act, for the word "totalisator" the words "certain forms of" shall be substituted. Amendment of the heading and preamble of Bom. VI of 1925.

3. In section 1 of the said Act the word "totalisator" shall be deleted. Amendment of section 1 of Bom. VI of 1925.

4. In sub-section (I) of section 3 of the said Act, the words and figures "on the first day of December 1925" shall be repealed. Amendment of section 3 of Bom. VI of 1925.

5. In section 4 of the said Act,—
(a) for clause (i) the following shall be substituted, namely:—
[In Pt. I, page 201.] Amendment of section 4 of Bom. VI of 1925.

(b) after clause (iv) the following clause shall be inserted, namely:—
[In Pt. I, page 202.]

(c) Clause (v) shall be renumbered (vi).

6. After section 7 of the said Act the following sections shall be inserted, namely:—
[In Pt. I, pages 202-03.] Insertion of new sections 8 and 9 of Bom. VI of 1925.

7. Sections 8, 9 and 10 of the said Act shall be renumbered 10, 11 and 12, respectively. Renumbering of sections 8, 9 and 10 of Bom. VI of 1925.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 87-88; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXX.

[²] In Pt. I, p. 201.

[³] Vol. V of Bom. Code.

Amendment
of section 9
of Bom. VI
of 1925.

8. In section 9 of the said Act after the word " tax " the words " and the betting tax " shall be inserted.

Amendment
of Bom. III
of 1912.

9. In the [¹]Bombay Race-Courses Licensing Act, 1912,—

Bom.
III of
1912.

(a) in section 4—

(i) after sub-section (2) the following shall be inserted, namely :—

“ (3) The Governor in Council may by such licence authorize the licensee to grant, subject to such conditions as shall be specified by the Governor in Council in such licence, a licence or permit to any bookmaker for such period not exceeding the period of the licence granted to the licensee as the licensee may think fit ; ” and

(ii) sub-section (3) shall be renumbered (4).

(b) Section 7 shall be re-numbered 7 (1) and in the said section as so renumbered the following sub-section shall be inserted, namely :—

“ (2) If any person to whom a licence or permit has been granted by a licensee in pursuance of the provisions of sub-section (3) of section 4 contravenes any of the conditions subject to which such licence or permit was granted he shall be punishable with fine which may extend to one thousand rupees.”

BOMBAY ACT No. V OF 1931.^[1]

[THE CATTLE-TRESPASS (BOMBAY AMENDMENT) ACT, 1931]

[23rd May 1931]

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 ^[2]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 (Bombay Amendment) Short title. Act, 1931.

I of
1871. 2. In the proviso to section 14 of the ^[2]Cattle-trespass Act, 1871, Amendment of section 14 of Act I of 1871. for the words "Magistrate of the District" the words "officer authorised to sell them by public auction" shall be substituted.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, p. 43, and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXX.

[2] General Acts, Vol. I.

BOMBAY ACT No. VI OF 1931.[¹]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1931]

[23rd May 1931]

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, 1931.

Bom. 2. In section 39 of the [²]City of Bombay Municipal Act, 1888, Amendment
III of hereinafter called the said Act, after sub-section (S), the following of section 39
1888. sub-section shall be inserted, namely :— of Bom. III
of 1888.

“(8A) The Schools’ Committee shall, in accordance with the provisions of sub-section (3) of section 136, provide out of the funds placed at its disposal by the corporation a sum of two thousand rupees per annum for the remuneration of the auditors appointed by the corporation.”

3. For sub-section (3) of section 136 of the said Act, the following Amendment
shall be substituted, namely :— of section 136
of Bom. III
of 1888.

“(3) The auditors so appointed shall receive such reasonable remuneration not exceeding in the whole seventeen thousand rupees per annum, as the corporation shall, from time to time, determine, of which two thousand rupees shall be provided by the Schools’ Committee out of the funds placed at its disposal by the corporation.”

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, p. 17, and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXX.

[²] Vol. III of Bom. Code.

BOMBAY ACT No. VII OF 1931.[1]

[THE INDIAN MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1931]

[23rd May 1931]

An Act further to amend the Indian Motor Vehicles Act, 1914, in its application to the Presidency of Bombay.

VIII of 1914. WHEREAS it is expedient further to amend the [2]Indian Motor Vehicles Act, 1914, 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; 5 & 6 Geo.V, c. 61. It is hereby enacted as follows:—

1. This Act may be called the Indian Motor Vehicles (Bombay Amendment) Act, 1931. Short title.

VIII of 1914. 2. After section 18 of the [2]Indian Motor Vehicles Act, 1914, the following section shall be inserted, namely:— New section 18A of Act VIII of 1914.

“18A. (1) Notwithstanding anything contained in sub-section (2) of section 18, where the offence of which a person is convicted is one against rules regulating the use of motor vehicles let or plied for hire in public places, the Court by which the person is convicted of such offence shall, if such person holds a permit to drive any such vehicle issued under the said rules, cause particulars of the conviction to be endorsed on such permit instead of on the licence held by such person, under the Act, and may, in its discretion, cancel or suspend such permit or declare such person disqualified from obtaining a permit under the said rules for a period not exceeding one year from the date of such conviction. Cancellation and suspension of driver's permit and disqualification for obtaining it.

(2) In any such event as is referred to in sub-section (1) the provisions of sub-sections (3) to (7) of section 18 shall, so far as may be, apply to such permits and the holders thereof as if such permits were licences under this Act and the holders of such permits were holders of such licences, and as if

(a) in sub-section (3) for the words, figure and brackets ‘licence under this Act is accused of any offence mentioned in sub-section (2) may suspend such licence’ the words ‘permit issued under rules regulating the use of motor-vehicles let or plied for hire in public places is accused of any offence against the said rules may suspend such permit’ were substituted, and

(b) in sub-sections (4), (5), (6) and (7) for the word ‘licence’ wherever it occurs the word ‘permit’ were substituted.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, p. 38, and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXX.

[2] General Acts, Vol. VI.

BOMBAY ACT No. VIII OF 1931.^[1]

[THE BOMBAY CHILDREN (AMENDMENT) ACT, 1931]

[30th May 1931]

An Act further to amend the Bombay Children Act, 1924.

Bom. WHEREAS it is expedient further to amend the [2]Bombay Children
XIII Act, 1924, in manner hereinafter appearing; and whereas the previous
of 1924. sanction of the Governor General required by sub-section (3) of section
5 & 6 80A of the Government of India Act has been obtained for the passing
Geo.V. of this Act; It is hereby enacted as follows :—
c. 61.

1. This Act may be called the Bombay Children (Amendment) Act, Short title. 1931.

2. In section 3 of the [2]Bombay Children Act, 1924, hereinafter Amendment
called the said Act— of section 3
of Bom. XIII
of 1924.

(1) for clause (h) the following shall be substituted, namely :—

[In Pt. I, p. 151.]

(2) After clause (i) the following clauses shall be inserted, namely :—

[In Pt. I, p. 151.]

3. For clause (b) of section 4 of the said Act the following shall be Amendment
substituted, namely :— of section 4
of Bom. XIII
of 1924.

[In Pt. I, p. 151.]

4. In section 7 of the said Act—

(a) in sub-section (1)—

(i) in clause (a), the words “ is found wandering and ” where they of Amendment
of Bom. XIII
of 1924.
occur in two places, shall be deleted;

(ii) in clause (c), after the word “ criminal ” the words “ or
drunken ” shall be inserted;

(iii) in clause (e), after the word “ in ” the words “ or frequenting ”
shall be inserted;

(iv) after clause (e) the following shall be inserted, namely :—

[In Pt. I, p. 152.]

(b) after sub-section (6) the following sub-section shall be inserted,
namely :—

[In Pt. I, p. 153.]

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 32-36; for Report of the Select Committee see *ibid*, 1931, pp. 91-94; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXX.

[2] In Pt. I, p. 149.

(c) in sub-section (7) for the words " a person " the words " a child or young person " shall be substituted.

(d) in the proviso to sub-section (7)—

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

" with a direction that he be placed under the supervision of a person named by the court " ;

(ii) after the word " undertaking " where it occurs for the first time, the words " with or without sureties " shall be inserted ; and

(iii) after the word " child " where it occurs for the second time, the words " or young person " shall be inserted.

(e) for the marginal note to the said section, the following shall be substituted namely :—

[In Pt. I, p. 152.]

Amendment
of section 15
of Bom. XIII
of 1924.

5. (1) In sub-section (2) of Section 15 of the said Act between the words " may " and " in addition ", the words " 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 " shall be inserted ;

(2) For sub-section (3) of section 15 of the said Act, the following sub-section shall be substituted, namely :—

[In Pt. I, p. 158.]

Amendment
of section 22
of Bom. XIII
of 1924.

6. In the proviso to section 22 of the said Act, after the word " sent " the words " either to a certified school or " shall be inserted.

Amendment
of section 24
of Bom. XIII
of 1924.

7. For clause (b) of section 24 of the said Act, the following clause shall be substituted, namely :—

[In Pt. I, p. 162.]

Amendment
of section 27
of Bom. XIII
of 1924.

8. (1) Section 27 of the said Act shall be renumbered section 27 (1) and after clause (e) thereof the following clause shall be inserted, namely :—

[In Pt. I, p. 163.]

(2) After sub-section (1) of section 27 as so renumbered, the following sub-sections shall be inserted, namely :—

[In Pt. I, p. 163.]

New section
27A of Bom.
XIII of 1924.

9. After section 27 of the said Act, the following section shall be inserted namely :—

[In Pt. I, p. 163.]

10. In section 32 of the said Act—

(i) after the words “such period” the following words shall be inserted, namely :—

“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.”

(ii) for the word “sixteen” the word “eighteen” shall be substituted.

Amendment
of section 32
of Bom. XIII
of 1924.

11. In section 33 of the said Act—

(i) after clause (c) of sub-section (2) the following clause shall be inserted, namely :—

[In Pt. I, p. 166.]

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

[In Pt. I, p. 166.]

(iii) the present sub-section (3) shall be renumbered sub-section (4).

12. After section 33 of the said Act the following section shall be inserted, namely :—

[In Pt. I, p. 167.]

New section
33A of
Bom. XIII
of 1924.

13. To sub-section (1) of section 46 of the said Act, the following proviso shall be added, namely :—

[In Pt. I, p. 170.]

Amendment
of section 46
of Bom. XIII
of 1924.

14. After section 47 of the said Act the following section shall be inserted, namely :—

[In Pt. I, p. 171.]

New section
47A of Bom.
XIII of 1924.

15. For section 48 of the said Act the following section shall be substituted, namely :—

[In Pt. I, p. 171.]

Amendment
of section 48
of Bom. XIII
of 1924.

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

[In Pt. I, p. 172.]

New section
51A of Bom.
XIII of 1924.

BOMBAY ACT No. IX OF 1931.^[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1931]

[2nd September 1931]

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 ; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Police (Amendment) Act, 1931. Short title.

Bom. IV of 1890. 2. In section 42 of the ^[2]Bombay District Police Act, 1890.— Amendment of section 42 of Bom. IV of 1890.

(1) in sub-section (1)—

(a) the words, “or in his absence and subject to his order the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof,” shall be deleted ;

(b) for the word “such” where it occurs for the second time, the word “any” shall be substituted ; and

(2) after sub-section (1) the following sub-section shall be inserted, namely :—

“(1A) In the absence of the Magistrate of the district a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf having jurisdiction in any town or village and present therein or in the neighbourhood thereof may similarly issue a prohibitory order of the nature referred to in sub-section (1) which shall have operation in such town or village and the vicinity thereof.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 122-123 ; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXI.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. X OF 1931.^[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1931]

[17th September 1931]

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; It is hereby enacted
1923. as follows :—

1. This Act may be called the Bombay Local Boards (Amendment) Short title.
Act, 1931.

Bom. 2. In sub-section (2) of section 9 of the [²]Bombay Local Boards Amendment
VI of Act, 1923, hereinafter called the said Act,— of section 9
1923. shall be substituted, and the word “or” shall be added at the end; of Bom. VI
of 1923.

(a) in clause (d) for the full stop occurring at the end a semi-colon
shall be substituted, and the word “or” shall be added at the end;
and

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

[In Pt. I, p. 37.]

3. In clause (d) of section 75 of the said Act for the words “the Amendment
district local board” the words “a municipality” shall be substituted. of section 75
of Bom. VI
of 1923.

4. The first sentence in sub-section (3) of section 92 of the said Act Amendment
shall be repealed. of section
92 of Bom.
VI of 1923.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 117-118; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXI.

[²] In Pt. I, p. 33.

BOMBAY ACT No. XII OF 1931.^[1][THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS
(AMENDMENT) ACT, 1931]

[26th September 1931]

An Act further to amend the Bombay District Municipal Act, 1901,
and the Bombay Municipal Boroughs Act, 1925.

Bom. WHEREAS it is expedient further to amend the ^[2]Bombay District
III of Municipal Act, 1901, and the ^[3]Bombay Municipal Boroughs Act,
1901. Bom. 1925, in manner hereinafter appearing; It is hereby enacted as follows :—
XVIII
of
1925.

1. This Act may be called the Bombay District Municipal and Short title.
Municipal Boroughs (Amendment) Act, 1931.

Bom. 2. In the ^[4]Bombay District Municipal Act, 1901— Amendment
of Bom. III
of 1901.
III of
1901.

(i) in sub-section (2) of section 11 for the words "this section" the word, figure and brackets "sub-section (1)" shall be substituted;

(ii) in sub-section (1) of sections 12 and 13 and in sub-section (5) of section 22 after the word, letter and brackets "clause (c)" the words, figure and brackets "of sub-section (1)" shall be inserted;

(iii) after clause (e) of sub-section (2) of section 15, the following shall be inserted, namely :—

"(f) 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";

(iv) in section 23—

(a) in the proviso to sub-section (7A), for the words "in the case of a new municipality constituted under this Act" the words "on the constitution of a new municipality after the general election" shall be substituted;

(b) after sub-section (7A), the following sub-section shall be inserted, namely :—

"(7B) On the dissolution of a municipality otherwise than on the expiry of its term of office and after a general election or on the re-establishment of a municipality under section 179 after its supersession or when a municipality is constituted under this Act for the first time, the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) and shall appoint a person to preside at such meeting until the municipality elects 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 person presiding in such manner as he may determine. The meeting shall then proceed to elect the new president."

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 160-161; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXI.

[2] Vol. IV of Bom. Code.

[3] In Pt. I, p. 267.

(c) In sub-section (10), before the word "when" the following shall be inserted, namely :—

"Except in the cases provided for in sub-section (7B)."

(v) In section 46,—

(a) in item (i) before the word "execution" the words "issue and" shall be inserted ;

(b) in proviso (b) for the words "Governor General in Council" the words "Governor in Council" shall be substituted ;

(vi) in sub-section (4) of section 69, after the word "section" the following shall be inserted, namely :—

"(a) a dwelling-house within the limits of a municipality notified by Government as a hill-station municipality shall, if otherwise unoccupied, be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it ; and

(b) "

(vii) In section 85,—

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

"(b) every warrant issued under sub-section (1) of section 83 or distress made under sub-section (4) of the said section, and" ; and

(b) in clause (c) for the words "the said sub-section" the words and figures "sub-section (4) of section 83" shall be substituted.

(viii) After section 133, the following section shall be inserted, namely :—

"133A. (1) The municipality 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 municipality, except for such person himself or for the owner or occupier of such place.

(2) The municipality 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.

(3) The municipality shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion 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."

(ix) in Schedule C, after the words "For service of notice....." the words "For issue of warrant....." shall be inserted.

Regulation
of washing of
clothes by
washermen.

Washing
place to be
provided by
the muni-
cipality for
washermen.

Bom.
XVIII
of
1925.

3. In the [1]Bombay Municipal Boroughs Act, 1925,—

Amendment
of Bom.
XVIII of
1925.

(i) In item (j) of section 58 before the word “ execution ” the words “ issue and ” shall be inserted.

(ii) In sub-section (4) of section 86, after the word “ section ” the following shall be inserted, namely :—

“ (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) ”

(iii) In section 108 for the words, figures and brackets “ every distress or attachment made under sub-section (4) of section 105 ” the following words, figures and brackets shall be substituted, namely :—

“ every warrant issued under sub-section (1) of section 105 or distress or attachment made under sub-section (4) of the said section.”

(iv) After section 165, the following section shall be inserted, namely :—

[In Pt. I, p. 351.]

(v) In Schedule VI, after the words “ For service of notice ” the words “ For issue of warrant ” shall be inserted.

BOMBAY ACT No. XIII OF 1931^[1]

[THE BOMBAY ENTERTAINMENTS DUTY (AMENDMENT) ACT, 1931]

[1st October 1931]

An Act further to amend the Bombay Entertainments Duty Act, 1923.

Bom. I of 1923. 5 & 6 Geo. V. c. 61. WHEREAS it is expedient further to amend the ^[2]Bombay Entertainments Duty Act, 1923, in manner hereinafter appearing; and whereas the previous sanction of the Governor required by section 80C 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 Entertainments Duty Short title. (Amendment) Act, 1931.

Bom. I of 1923. 2. For clause (b) of section 2 of the ^[2]Bombay Entertainments Duty Act, 1923, the following shall be substituted, namely:— Amendment of section 2 of Bom. I of 1923.

[In this Vol. p. 1]

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, p. 147; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXI.

[2] In Pt. I, p. 1.

BOMBAY ACT No. XIV OF 1931.^[1]

[THE BOMBAY IRRIGATION (AMENDMENT) ACT, 1931]

[7th October 1931]

An Act further to amend the Bombay Irrigation Act, 1879.

Bom. VII of 1879. 5 & 6 Geo.V. c 61. WHEREAS, it is expedient further to amend the ^[2]Bombay Irrigation 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 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 Bombay Irrigation (Amendment) Act, 1931. Short title.

Bom. VII of 1879. 2. In section 24 of the ^[2]Bombay Irrigation Act, hereinafter called the said Act, after the word "water-course" the words "and no land occupied by a water-course constructed under section 92" shall be inserted. Amendment of section 24 of Bom. VII of 1879.

3. In section 28 of the said Act, at the end of clause (e) for the full stop a semi-colon shall be substituted and after the said clause the following clause shall be inserted, namely :— Amendment of section 28 of Bom. VII of 1879.

"(f) Whenever and so long as it is necessary to stop such supply pending a change in the source thereof by a Canal-officer under section 91."

4. After section 89 of the said Act, the following heading and sections shall be inserted, namely :— Insertion of a new Part XI.

"PART XI.—SPECIAL PROVISIONS FOR CERTAIN
LANDS IRRIGABLE BY THE LLOYD
BARRAGE CANALS.

90. This Part shall apply, in the first instance, to lands irrigable by the Lloyd Barrage Canals only. The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette* extend this Part to lands irrigable by such other canals in Sind as may, from time to time, be improved or re-modelled for the more efficient distribution of water therefrom: Application of this Part.

Provided, however, that no such notification may be published until the said notification together with the scheme in respect of such lands has been laid on the Council table and approved by the Council on a motion made by Government.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, pp. 21-25; for Report of the Select Committee, see *ibid* 1931, Pt. V, pp. 124-130; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vols. XXX and XXXI.

[2] Vol. II of Bom. Code.

Provided further that if and when this part is extended to such lands, the cost of reconstructing water-courses shall not be charged on lands watered within the 20 years immediately preceding the date of such notification by canals in lower Sind outside the zone commanded by the Lloyd Barrage Canals.

Power to
change
source of
water-supply.

91. (1) Whenever it appears to any Canal-officer not inferior in rank to an Executive Engineer that it is expedient to change the source of water-supply of any land for the more efficient distribution of water, he shall serve a notice on the holder or holders of the land and, if he proposes to transfer the source of water-supply of the land to any existing water-course, on the owner or owners of such water-course also, calling upon them to state in writing their objections, if any, as to the source or alignment or construction of the proposed water-course.

(2) (i) If no objection is raised within thirty days from the date of service of the notice, the Canal-officer may change the source of water-supply of the land in such manner as he thinks expedient.

(ii) If any objections are received within the said period of thirty days, the Canal-officer shall give the holder or holders of land concerned a reasonable opportunity of being heard and may, if the said objections are settled, proceed to change the source of water-supply accordingly.

(iii) If no settlement in respect of the said objections be arrived at between the Canal-officer and the holder or holders of land concerned, the Canal-officer shall forthwith refer the matter to the Collector whose decision, subject to any orders that may be passed in revision by the Commissioner, shall be final and conclusive as regards the alignment and construction of the proposed water-course and shall not be called in question in any Civil Court.

(3) If after the construction of any new water-course the Canal-officer finds that any further alterations in the alignment or construction of the said water-course are necessary, it shall be lawful for him with the previous sanction of the Collector to carry out the necessary alterations at the expense of Government.

Construction
of new water-
courses and
liability of
landholders
for payment
of cost
thereof.

92. (1) If in pursuance of the provisions of the last preceding section it shall appear to the Canal-officer that new water-courses should be constructed for the irrigation of any land in place of any existing water-courses, it shall be lawful for him to construct such water-courses as he thinks necessary :

Provided that if the holder or holders of such land agree to construct such new water-courses at his or their own cost to the satisfaction of the Canal-officer within a specified period, the said officer shall give the said holder or holders an option of so constructing the same.

(2) In the event of the holder or holders of any land failing to construct any water-course either to the satisfaction of the Canal-officer or within the period specified in this behalf, the Canal-officer may construct the same or reconstruct the whole or any part thereof as he thinks necessary.

(3) The Canal-officer shall, on completion of any such water-course as is referred to in sub-section (1) or (2), give to the holder or holders of land concerned notice thereof, and shall make over possession of the water-course to the said holder or holders.

(4) (a) The cost of constructing all water-courses which have been constructed in whole or in part by the Canal-officer and are fed by the same canal system shall be added to the estimated cost of the construction of all remaining water-courses proposed to be constructed for that system but not yet constructed, and shall be calculated on an acreage basis and charged on the lands irrigated by them in the following proportions, namely :—

Occupied cultivable land which has not been cultivated between the 1st day of August 1911 and the 1st day of August 1931 shall be assessed to three times and Government cultivable land shall be assessed to twice the rates chargeable to occupied land which has been cultivated since the date aforesaid.

Explanation.—For the purposes of this section, estimated cost shall be arrived at by reckoning the average cost of such water-courses as are constructed up to 31st March 1932.

Illustration.—The total cultivable area under a canal-system is 6 lacs of acres. Out of this (1) the area of occupied lands not cultivated between the 1st day of August 1911 and the 1st day of August 1931 is 1 lac of acres, (2) that of Government land is 2 lacs of acres, and (3) that of occupied lands cultivated between the 1st day of August 1911 and the 1st day of August 1931 is 3 lacs of acres. Assuming that all the water-courses, for irrigating these lands are or will be constructed by the Canal-officer at an actual or estimated cost of Rs. 10 lacs; the apportionment of the cost of construction will be as follows :—

As the assessment of the cost is to be recovered from these lands in the proportion of 3 : 2 : 1, the rate per acre will be found by distributing the cost of Rs. 10 lacs over the total area as if the area of the land in class (1) was 3 lacs of acres, that in class (2) was 4 lacs of acres and that in class (3) was 3 lacs of acres, i.e., a total of 10 lacs of acres which gives a general acreage rate of Re. 1. Thus occupied land not cultivated between the 1st day of August 1911 and the 1st day of August 1931 will pay at the rate of Rs. 3 per acre, Government land will pay at the rate of Rs. 2 per acre and occupied land cultivated between the 1st day of August 1911 and the 1st day of August 1931 will pay at the rate of Re. 1 per acre.

(b) Where the holder or holders of any land have, under the option given to them by the proviso to sub-section (1), constructed only a part of the water-course irrigating their land and the remaining part of the water-course is constructed by the Canal-officer as provided in sub-section (2), such holder or holders shall be charged the cost of constructing such remaining part only. Such cost shall be arrived at by first ascertaining the extent of the area which will be irrigated by the portion of the water-course constructed by the Canal-officer and then applying the acreage basis to the said area.

(c) The Canal-officer after determining the sum thus payable by each holder of land on account of the cost of constructing the water-course shall give notice thereof to the holder or holders of the land concerned, with an intimation that such sum has become due from the date on which possession of the water-course was made over to him or them and that, if so desired, he or they shall be permitted to pay the sum due in twenty equal annual instalments together with interest at such rate as may be fixed by Government but not exceeding the rate payable by Government on its own borrowings on the date on which the said sum became payable as aforesaid :

Provided that no such instalment shall be less than five rupees.

(d) In the event of any default in payment by the said holder or holders, the sum payable shall be recoverable under section 57.

(5) Every holder of land to whom possession of a water-course is given in accordance with the provisions of sub-section (3) shall be an owner of such water-course.

Explanation.—For the purposes of this section ‘the cost of constructing a water-course, shall include the cost of aligning the water-course and of such preliminary survey operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation.

(6) Any person aggrieved by an order of a Canal-officer under sub-section (4) as to the apportionment of the cost of construction of a water-course may present a petition to the Collector requesting him to revise that order, and the Collector after such inquiry as he thinks necessary and after giving the persons concerned a reasonable opportunity of being heard may pass such orders as he thinks fit. The orders passed by the Collector shall, subject to revision by the Commissioner, be final and conclusive unless modified by a Civil Court of competent jurisdiction.

93. The provisions of sections 91 and 92 [except the proviso to sub-section (1) of section 92] shall be deemed to have come into operation and to have had effect from the 1st June 1926 :

Provided that anything done by the Canal-officer under the said provisions between the 1st June 1926 and the date of the coming into operation of the Bombay Irrigation (Amendment) Act, 1931, shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed.

Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who was entitled to such supply if such stoppage was due to any action of the Canal-officer in changing or transferring the source of water-supply under the provisions of section 91 during the period aforesaid.”

Retrospective
operation
of sections
91 and 92.

BOMBAY ACT No. XV OF 1931^[1]

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1931]

[19^h October 1931]

An Act further to amend the Bombay Hereditary Offices Act.

Bom. III of 1874. WHEREAS it is expedient further to amend the ^[2]Bombay Hereditary Offices Act, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Hereditary Offices Short title. (Amendment) Act, 1931.

Bom. III of 1874. 2. In sub-section (I) of section 64 of the ^[2]Bombay Hereditary Offices Act, after clause (e) the following clause shall be inserted, ^{Amendment of section 64 of Bom. III of 1874.} namely :—

“(f) To permit the watandar whose duty it is to officiate, to appoint a deputy for performing the duties of his office.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, p. 145; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXI.

[2] Vol. II of Bom. Code.

BOMBAY ACT No. XVI OF 1931.[¹]

[THE BOMBAY DISTRICT POLICE (SECOND AMENDMENT) ACT, 1931]

[17th November 1931]

An Act further to amend the Bombay District Police Act No. IV of 1890.

Bom. IV of 1890. WHEREAS it is expedient further to amend the [²]Bombay District Police Act No. IV of 1890, in manner hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Police (Second Amendment) Act, 1931. Short title.

2. In section 61, after the words “ shall be punished with fine which may extend to fifty rupees ” at the end of clause (r), the words “ or may be released after due admonition ” shall be added. Amendment of section 61 of Bom. IV of 1890.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, pp. 104-105 ; and for proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vols. XXX and XXXII.

[²] Vol. III of Bom. Code.

BOMBAY ACT No. XVII OF 1931.[¹]

[THE CITY OF BOMBAY MUNICIPAL (SECOND AMENDMENT) ACT, 1931]

[19th November 1931]

An Act further to amend the Bombay Municipal Act No. III of 1888.

Bom. WHEREAS it is expedient further to amend the [²] Bombay
III of City Municipal Act, 1888, it is enacted as follows :—
1888.

1. This Act may be called the City of Bombay Municipal (Second Short title. Amendment) Act, 1931.

Bom. 2. In sub-section (I) of section 5 of the City of [²] Bombay Amendment
III of Municipal Act, 1888, hereinafter called the said Act— of section 5
1888. of Bom. III
of 1888.

(a) For the words "one hundred and eight" the words "one hundred and twelve" shall be substituted;

(b) for the word "seventy-six" the word "eighty-six" shall be substituted;

(c) for the word "fourteen" the word "eighteen" shall be substituted; and

(d) the words "and ten co-opted councillors elected by transferable vote by the councillors elected and appointed under the preceding clauses of this section" shall be repealed.

3. Sections 15A and 31A of the said Act shall be repealed.

Repeal of sections 15A and 31A of Bom. III of 1888.

4. In sub-section (I) of section 16 of the said Act the words "or co-opted" shall be repealed.

Amendment of section 16 of Bom. III of 1888.

5. In sub-section (I) of section 22 of the said Act the words "other than co-opted councillors" shall be repealed.

Amendment of section 22 of Bom. III of 1888.

6. In section 23 of the said Act the words, figures and letter "Except as provided in section 31A" shall be repealed.

Amendment of section 23 of Bom. III of 1888.

7. In section 52 of the said Act the words "or co-option" shall be repealed.

Amendment of section 52 of Bom. III of 1888.

8. In column 7 of Schedule B to the said Act for the words "ten", "ten", "six" and "six" against entries Nos. 4, 5, 6 and 7 the words "fourteen", "twelve", "eight" and "eight" respectively shall be substituted.

Amendment of Schedule B to Bom. III of 1888.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, p. 175; and for proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vols. XXXI and XXXII.

[²] Vol. III of Bom. Code.

BOMBAY ACT No. XVIII OF 1931.[¹]

[THE BOMBAY PLEADERS (AMENDMENT) ACT, 1931]

[19th November 1931]

An Act further to amend Bombay Act No. XVII of 1920.

Bom. WHEREAS it is expedient further to amend [²] Bombay Act
XVII No. XVII of 1920 known as the Bombay Pleaders Act in manner
of 1920, hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Pleaders (Amendment) Act Short title.
of 1931.

Bom. 2. In rule I of Schedule III to the [²] Bombay Pleaders Act, 1920, Amendment
XVII for paragraphs 1 and 2 of the scale of rates specified therein, the following of Schedule
of 1920, shall be substituted, namely:— III to Bom-
bay XVII
of 1920.

“If the amount or value of the subject matter in dispute does not
exceed Rs. 5,000, at 3 per cent.”

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, p. 106; and for proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vols. XXX and XXXII.

[²] Vol. V of Bom. Code.

BOMBAY ACT No. XX OF 1931.^[1]

[THE BOMBAY PREVENTION OF PROSTITUTION (AMENDMENT) ACT, 1931]

[21st November 1931.]

**An Act further to amend the Bombay Prevention of Prostitution
Act, 1923.**

Bom. WHEREAS it is expedient further to amend the [2] Bombay
XI of Prevention of Prostitution Act, 1923, in manner hereinafter appearing ;
1923. It is hereby enacted as follows :—

1. This Act may be called the Bombay Prevention of Prostitution Short title.
(Amendment) Act, 1931.

Bom. 2. In sub-section (2) of section 13 of the [2] Bombay Prevention Amendment
XI of of Prostitution Act, 1923— of section 13
1923. of Bom. XI

(1) after the words “ municipal district ” the words “ or municipal of 1923.
borough ” shall be inserted ; and

Bom. (2) after the figures “ 1901 ”, the words and figures “ or section 188
XVIII of the [3] Bombay Municipal Boroughs Act, 1925, as the case
of may be ”, shall be inserted.
1925.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 206-207 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXII.

[2] In Pt. I, p. 103.

[3] In Pt. I, p. 267.

BOMBAY ACT No. XXI OF 1931.[¹]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1931]

[25th November 1931]

Amended by

Number of Act.	Year.
Bom. Act No. XIII	1933

**An Act further to amend the City of Bombay Municipal Act, 1888
[⁴] and the City of Bombay Improvement Trust Transfer Act, 1925.[⁴]**

Bom. III of 1888. Bom. XVI of 1925. WHEREAS it is expedient further to amend the [²] City of Bombay Municipal Act, 1888, and the City of [³] Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Municipal [⁴] Short title. (Amendment) Act, 1931.

Bom. III of 1888. 2. In the [²] City of Bombay Municipal Act, 1888— Amendment of Bom. III of 1888.

(i) in clauses (c), (d) and (g) of section 36, in the heading and marginal note to section 37, in section 37, in clause (b) of sub-section (5) of section 39, in section 52, in sub-section (3) of section 66, and in sub-sections (2) and (3) of section 66A for the words “ president of the corporation ”, for the words “ said president ” and for the word “ president ”, wherever they occur, either with or without the first letter “ p ” being capital, the word “ Mayor ” shall be substituted; and

(ii) in section 36A for the word “ President ” wherever it occurs the words “ presiding authority ” shall be substituted.

3. [⁵]

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, Part V, p. 213; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXII.

[²] Vol. III of Bombay Code.

[³] Since repealed by Bom. XIII of 1933.

[⁴] The words “ and Improvement Trust Transfer ” were repealed by Bom. XIII of 1933, Appendix.

[⁵] Section 3 was repealed by Bom. XIII of 1933, Appendix.

BOMBAY ACT No. XXII OF 1931.^[1]

[THE BOMBAY LOCAL BOARDS (SECOND AMENDMENT) ACT, 1931]

[3rd December 1931]

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 ; It is hereby enacted
1923. as follows :—

1. This Act may be called the Bombay Local Boards (Second Short title.
Amendment) Act, 1931.

Bom. 2. After section 80 of the [2] Bombay Local Boards Act, 1923, the
VI of following section shall be inserted, namely :—
1923. New section
80A of Bom.
VI of 1923.

[In Pt. I, p. 68.]

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, pp. 210-211 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXII.

[2] In Pt. I, p. 33.

BOMBAY ACT No. XXIII OF 1931.[¹]

[THE BOMBAY DISTRICT MUNICIPAL, BOMBAY LOCAL BOARDS AND
BOMBAY MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1931.]

[3rd December 1931.]

**An Act further to amend the Bombay District Municipal Act, 1901,
the Bombay Local Boards Act, 1923, and the Bombay
Municipal Boroughs Act, 1925.**

Bom. WHEREAS it is expedient further to amend the [²] Bombay District
III of Municipal Act, 1901, the [³] Bombay Local Boards Act, 1923, and the
1901. [⁴] Bombay Municipal Boroughs Act, 1925, in manner hereinafter
Bom. [4] Bombay Municipal Boroughs Act, 1925, in manner hereinafter
VI of appearing ; And whereas the previous sanction of the Governor General
1923. required by sub-section (3) of section 80A of the Government of India
Bom. Act has been obtained for the passing of this Act ; It is hereby enacted
XVIII as follows :—
of
1925.
5 & 6
Geo.V,
c. 61.

1. This Act may be called the Bombay District Municipal, Bombay Short title.
Local Boards and Bombay Municipal Boroughs (Amendment) Act,
1931.

Bom. 2. In the [²] Bombay District Municipal Act, 1901 :—
III of
1901.

(i) In sub-section (1) of section 53—

(a) the words “ at interest ” shall be deleted ; and

(b) for the words “ Bank of Bombay ” the words “ Imperial Bank
of India ” shall be substituted ;

(ii) For sub-section (3) of section 178, the following shall be
substituted, namely :—

“ (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 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

Amendment
of Bom. III
of 1901.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Part V, p. 205 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXII.

[²] Vol. IV of Bom. Code.

[³] In Pt. I, p. 33.

[⁴] In Pt. I, p. 267.

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."

Amendment of section 127 of Bom. VI of 1923. 3. In the [2] Bombay Local Boards Act, 1923, for sub-section (3) of section 127, the following shall be substituted, namely :— Bom. VI of 1923.

[In Pt. I, p. 84.]

Amendment of Bom. XVIII of 1925. 4. In the [2] Bombay Municipal Boroughs Act, 1925— Bom. XVIII of 1925.
(i) in sub-section (1) of section 67, the words "at interest" shall be deleted; and
(ii) for sub-section (3) of section 218, the following shall be substituted, namely :—

[In Pt. I, p. 375.]

[1] In Pt. I, p. 33.

[2] In Pt. I, p. 267.

BOMBAY ACT No. XXV OF 1931.^[1]

[THE BOMBAY VILLAGE SANITATION (AMENDMENT) ACT, 1931]

[11th December 1931]

An Act further to amend the Bombay Village Sanitation Act, 1889.

Bom. WHEREAS it is expedient further to amend the ^[2]Bombay Village
I of Sanitation Act, 1889, in manner hereinafter appearing; It is hereby
1889. enacted as follows :—

1. This Act may be called the Bombay Village Sanitation Short title.
(Amendment) Act, 1931.

Bom. 2. In sub-section (2) of section 12 of the ^[2]Bombay Village Amendment
I of Sanitation Act, 1889, hereinafter called the said Act, for the word of section 12
1889. "conference" the word "consultation" shall be substituted. of Bom. I
of 1889.

3. In section 16 of the said Act, for the words "with the approval Amendment
of the Collector, employ such servants, enter into such contracts, make of section 16
such deductions and allowances from any rate leviable under its authority, of Bom. I
and may authorize the expenditure by the Collector or under his control, of 1889.
of such sums of money as shall be necessary and reasonable, for the
purpose aforesaid" the words "employ such servants and authorize
such expenditure as may be necessary for the purpose aforesaid" shall
be substituted.

4. For section 17 of the said Act, the following section¹ shall Amendment
be substituted, namely :— of section 17
of Bom. I
of 1889.

"17. The Sanitary Committee may levy a rate on open air stalls Sanitary
in the village and the amount so recovered shall form part of the Committee
Sanitary Committee fund under section 30D." may levy a
rate on open
air stalls.

5. For section 18 of the said Act, the following shall be substituted, Amendment
namely :— of section 18
of Bom. I
of 1889.

"18. Any sum of money of which the expenditure is authorised Necessary
by the Sanitary Committee may be raised by voluntary subscription moneys for
or levied under section 17 or may be recovered by a rate fixed with the expenditure
approval of the Collector and assessed by the Sanitary Committee may be raised
on the inhabitants of the village if the same is not available from any by voluntary
subscription
or by a rate
on the
inhabitants.

Provided that—

(1) the aggregate amount to be recovered by such rate from the
inhabitants of any village in any year shall not except with the
permission of the Collector (for reasons to be recorded by him) exceed
one-half of the aggregate amount leviable in that year as local fund
cess from such village ;

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1931, Part V, pp. 198-199; for Report of the Select Committee see *ibid* 1931, Part V, pp. 217-221; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vol. XXXII.

[2] Vol. III of Bom. Code.

(2) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final."

Insertion of new section 18A in Bom. I of 1889.

Sanitary Committee to prepare annually a statement of income and expenditure.

5A. After section 18 of the said Act, the following new section shall be inserted, namely :—

"18A. The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee."

Amendment of section 19 of Bom. I of 1889.

Constitution of Sanitary Boards.

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

"19. (1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than two-thirds shall be elected : provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(2) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

(3) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and occupying as owner or part owner or tenant or sub-tenant a building or other immovable property therein and not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(4) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such time and place within the area concerned as he may fix in this behalf. A notice of such meeting together with a list of persons eligible to vote at it shall be posted at the chavdi at least fifteen days before the date of the election.

(5) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules^[1] made in this behalf and his order shall be subject to an appeal to the Collector, whose decision shall be final.

[1] For Rules, see Government Notification, General Department, No. 8847, dated 16th June 1933, published in the *Bombay Government Gazette*, Pt. I-A of 1933, pp. 141-143.

(6) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(7) The Board shall elect annually one of themselves to be the president :

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(8) Each meeting of the Board shall be presided over by the president.

In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(9) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf."

7. In section 21 of the said Act—

(1) for sub-section (1) the following shall be substituted, namely :—

Amendment
of section 21
of Bom. I
of 1889.

"(1) The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him."

Appointment
of Sanitary
Inspector and
other officers.

(2) after sub-section (2), the following shall be inserted as sub-section (3), namely :—

"(3) The Sanitary Board may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates."

8. Section 26 of the said Act shall be repealed.

Repeal of
section 26
of Bom. I
of 1889.

9. In section 27 of the said Act, the words "with the approval of the Collector" shall be repealed.

Amendment
of section 27
of Bom. I
of 1889.

10. For section 28 of the said Act, the following section shall be substituted, namely :—

Amendment
of section 28
of Bom. I
of 1889.

"28. The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act. Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area subject to its authority and for the purposes of this Act."

Sanitary
Board may
raise funds
by voluntary
subscription.

11. In clause (c) of section 29 of the said Act, for the figures "26" the figures and letter "30C" shall be substituted.

Amendment
of section 29
of Bom. I
of 1889.

Amendment
of section 30
of Bom. I
of 1889.

Sanitary
Board's ways
and means.

12. For section 30 of the said Act, the following section shall be substituted, namely :—

“ 30. (1) A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided.

(2) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(3) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not, except with the permission of the Collector (for reasons to be recorded by him), exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(2) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.”

Insertion of
new sections
30A to 30G
in Bom. I
of 1889.

Incorporation
of Sanitary
Committees
and Sanitary
Boards.

Power to
acquire, hold
and transfer
property.

Property
vested in
Sanitary
Committee
or Sanitary
Board.

13. In Part IV of the said Act before section 31 the following sections shall be inserted, namely :—

“ 30A. Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of ‘ The Sanitary Committee of ’ or ‘ The Sanitary 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.

30B. (1) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immoveable, whether within or without the limits of the village or villages subject to its authority.

(2) All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee or the Board exercising authority in the village in which such property is situate, either by the Government or by an officer appointed by the Government in this behalf or by the district or taluka local board to which it belongs or in which it vests ; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every

work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act; that is to say—

(a) public markets, slaughter houses, manure and night-soil depots, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description;

(b) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps and all other water works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works;

(c) public sewers, drains, cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto;

(d) public bathing ghats and recreation grounds;

(e) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets; and

(g) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.

30C. (1) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immoveable 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 and do all such other things as it may consider necessary for the purposes of this Act:

Mode of
executing
contracts.

Provided that no contract involving an expenditure exceeding one hundred rupees or purchase of immoveable property (involving similar expenditure) shall be made without the previous sanction of the Collector.

Provided further that in the case of every lease of immoveable property for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.

(2) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the Chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.

Sanitary
Committee
or Sanitary
Board fund.

30D. All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act ; all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act ; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its land or other property ; and all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act.

Property
and funds of
Sanitary
Committee
or Sanitary
Board how
to be applied.

30E. All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted :

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repair of works for the benefit of the persons residing within the said limits :

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50 of the [1]Bombay Local Boards Act, 1923.

Bom.
VI of
1923.

Power to
deposit and
invest surplus
funds.

30F. (1) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the [2]Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary.

Bom.
III of
1901.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.

Vesting of
property and
rights of a
Sanitary
Committee
or Sanitary
Board ceasing
to exist or
to have
jurisdiction.

30G. When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority, the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate :

[1] In Pt. I, p. 33.

[2] Vol. IV of Bom. Code.

Provided that such property as may have been transferred to or vested in such Committee or Board either by the Government or by the district local board shall, on such cessation, revert to the Government or the district local board, as the case may be."

14. In section 31 of the said Act for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" the words and figures "sub-section (1) of section 40 of the [1]Bombay Local Boards Act, 1923" shall be substituted. Amendment of section 31 of Bom. I of 1889.

14A. In section 32 of the said Act, for the words "may, after recording his reasons for the same" the words "after giving the person concerned an opportunity of being heard and after recording his reasons may" shall be substituted. Amendment of section 32 of Bom. I of 1889.

15. Section 39 of the said Act shall be repealed.

Repeal of section 39 of Bom. I of 1889.

16. In section 40 of the said Act:—

(1) Sub-section (2) shall be repealed;

(2) sub-section (3) shall be re-numbered as sub-section (2) and in the said sub-section for the words "by the Collector, in conference with" the words "with the approval of the Collector by" shall be substituted.

Amendment of section 40 of Bom. I of 1889.

17. In sub-section (2) of section 41 of the said Act for the words "by the Collector in conference with" the words "with the approval of the Collector by" shall be substituted. Amendment of section 41 of Bom. I of 1889.

[1] In Pt. I, p. 33.

BOMBAY ACT No. I OF 1932.^[1]

[THE TOBACCO DUTY (TOWN OF BOMBAY) AMENDMENT ACT, 1932]

[30th March 1932]

An Act to amend the Tobacco Duty (Town of Bombay) Act, 1857.

WHEREAS it is expedient to amend the ^[2]Tobacco Duty (Town of Bombay) Act, 1857, for the purpose hereinafter appearing; And whereas the previous sanction of the Governor required by section 80C 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 Tobacco Duty (Town of Bombay) Amendment Act, 1932. Short title.
2. This Act shall come into force on the 19th day of March 1932 and shall remain in force for 10 years in the first instance, but Government may extend it for a further period not exceeding 10 years by a notification in the *Bombay Government Gazette*. Commencement and duration.
3. In section 2 of the ^[2]Tobacco Duty (Town of Bombay) Act, 1857, hereinafter referred to as the said Act, for the words "seven rupees and eight annas" the words "thirty rupees" shall be substituted. Amendment of section 2 of IV of 1857.
4. In sections 8 and 9 of the said Act for the words "four seers" the words "half a seer" shall be substituted. Amendment of sections 8 and 9 of IV of 1857.

^[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Part V, p. 38; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1932, Vol. XXXIV.

^[2] Vol. I of Bom. Code.

THE BOMBAY FINANCE ACT, 1932.

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BOMBAY ACT No. II OF 1932.[]

[THE BOMBAY FINANCE ACT, 1932]

[30th March 1932]

No. of Act.	<i>Amended by</i>		Year.
Bom. Act No. VI	1932
*Bom. Act No. I	1933
Bom. Act No. I	1934

An Act to provide for the levy of a duty on consumption of electrical energy for the purpose of lights and fans in the Presidency of Bombay and to amend the Court-fees Act, 1870, and the Indian Stamp Act, 1899, in their application to the said Presidency.

VII of
1870.
II of
1899.
5 & 6
Geo.V,
c. 61.

WHEREAS it is expedient to provide for the levy of a duty on consumption of electrical energy for the purpose of lights and fans in the Presidency of Bombay and to amend the [2] Court-fees Act, 1870, and the [3] Indian Stamp Act, 1899, in their application to the said Presidency for the purposes 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:—

PART I.

Preliminary.

1. This Act may be called the Bombay Finance Act, 1932. Short title.
2. (1) Except where it is otherwise provided in this Act, this Act extends to the whole of the Presidency of Bombay. Extent and commencement and duration.
- (2) It shall come into force on the 1st day of April 1932.
- (3) This section and sections 3 to 15 containing Parts II, III and IV shall remain in operation for [4] three years from the date on which this Act comes into force.

PART II.

Electricity Duty.

3. This Part extends to the whole of the Presidency of Bombay except Aden. Extent of Part II.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, pp. 30-34; for Report of the Select Committee see *ibid*, 1932, Part V, pp. 40-47; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXIV.

[2] General Acts, Vol. I.

[3] General Acts, Vol. IV.

[4] The word "three" was substituted for the word "two" by Bom. Act. No. I of 1934, s. 2. The words "two years" were substituted for the words "one year" by Bom. Act No. I of 1933, s. 2.

*Spent.

Definitions. 4. In this Part, unless there is anything repugnant in the subject or context.

(a) "consumer" means any person who is supplied with energy by a license;

(b) "energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;

(c) "licensee" means any person licensed under Part II of the [1] Indian Electricity Act, 1910, to supply energy and includes any person who has obtained the sanction of the Local Government under section 28 of that Act; IX of 1910.

(d) "prescribed" means prescribed by rules made under this Part.

Duty on
units of
energy
consumed.

5. There shall be levied and paid to the Government of Bombay, on the units of energy consumed for the purpose of lights and fans excluding losses of energy in transmission and transformation, a duty (hereinafter referred to as "electricity duty") at the rates specified in the first schedule to this Part:

Provided that electricity duty shall not be leviable on the units of energy consumed by Government or by or in respect of any local authority, railway administration, tramway company, industrial undertaking, institution or class of persons specified in the second schedule to this Part, except to the extent specified therein.

Payment of
electricity
duty.

6. (1) Every licensee shall collect and pay to the Government, at the time and in the manner prescribed, the proper electricity duty payable under this Part on the units of energy supplied by him to consumers. The duty so payable shall be a first charge on the amount recoverable by the licensee for the energy supplied by him and shall be a debt due by him to the Government:

Provided that where the licensee has been unable to recover his dues or the energy supplied by him, he shall not be liable to pay the duty in respect of the energy so supplied.

(2) Where any person fails or neglects to pay, at the time and in the manner prescribed, the amount of electricity duty due from him, the licensee may, without prejudice to the right of Government to recover the amount under section 9, and after giving not less than seven clear days' notice in writing to such person, cut off the supply of energy to such person; and he may, for that purpose, exercise the power conferred on a licensee by sub-section (1) of section 24 of the [1] Indian Electricity Act, 1910, for recovery of any charge or sum due in respect of energy supplied by him. IX of 1910.

(3) The licensee shall be entitled, for his cost of collection of the duty, to a rebate of such percentage as may be determined by the Government on the amount of the duty collected and paid by him under sub-section (1).

7. Every licensee shall, unless he is exempt from payment of electricity duty under the proviso to section 5, keep books of account in the prescribed form and submit to the Government or to the prescribed officer returns in such form and at such times as may be prescribed, showing the units of energy supplied by him to each consumer or consumed by him as the case may be, and the amount of the duty payable thereon and recovered or paid by him under section 6. Licensee to keep books of account and submit returns.

8. The Government may, by notification in the *Bombay Government Gazette*, appoint inspecting officers to inspect the prescribed books of accounts of licensees. Such officers shall perform such duties and exercise such powers as may be prescribed for the purpose of carrying into effect the provisions of this Part and the rules made thereunder. Inspecting Officers.

9. Any sum due on account of electricity duty, if not paid at the time and in the manner prescribed, shall be recoverable, at the discretion of Government, either from the consumer, or, subject to the proviso to section 6 (1), from the licensee, and either through a civil court or as an arrear of land revenue. Recoveries.

10. If any person liable under section 7 to keep books of account or to submit returns fails to keep or submit the same in the manner prescribed or obstructs an inspector in the exercise of his powers and duties under this Part and the rules thereunder or contravenes any rule made under section 11, he shall, on conviction, be punishable with fine which may extend to fifty rupees. Penalties.

11. (1) The Government may make rules^[1] not inconsistent with the provisions of this Part, for the purpose of carrying into effect the provisions of this Part. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may

(a) prescribe the time and manner of payment of the electricity duty under section 6 ;

(b) prescribe the form of the books of account to be kept and the times at which, the form in which and the officers to whom the returns required by section 7 shall be submitted ;

(c) prescribe the powers and duties of inspecting officers ; and

(d) provide for any other matter for which there is no provision or insufficient provision in this Part and for which provision is, in the opinion of the Government, necessary for giving effect to the provisions of this Part.

(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 Government may accept the modification and re-issue the rule accordingly or may rescind the rule.

[1] For Rules made under this section see Government Notification in the R.D., No. 8836/28, dated 14th September 1932, published in the *Bombay Government Gazette*, 1932, Pt. I, pp. 2154-57.

FIRST SCHEDULE.

(See section 5.)

For lights and fans.

- (a) In respect of all premises not falling under clause (b) and not exempted under the proviso to section 5 and the Second Schedule. Six pies for each unit of energy consumed.
- (b) In respect of all premises not exempted under the proviso to section 5 and the Second Schedule, when flat rates are charged by the licensee, for

	Annas per mensem.
every lamp of less than 30 watts ..	2
every lamp of 30 watts or more but less than 40	3
every lamp of 40 watts or more but less than 60	4
every lamp of 60 watts or more but not exceeding 100	6
and for every additional 15 watts or fraction thereof in excess of 100 in any lamp.	1

Explanation.—In calculating the rate of duty under clause (b) every 10 watts shall be presumed to have consumed one and half units during a month.

SECOND SCHEDULE.

(See section 5, proviso.)

Exemptions.

- (1) Government, save in respect of premises used for residential purposes ;
- (2) a railway administration as defined in clause (6) of section 3 of the [1] Indian Railways Act, 1890, save in respect of premises used for residential purposes ;
- (3) a local authority, save in respect of premises used for residential purposes ;
- (4) a tramway company, save in respect of premises used for residential and office purposes ;
- (5) an industrial undertaking, save in respect of premises used for residential and office purposes ;
- (6) a hospital or dispensary which is not maintained for private gain ;
- (7) any consumer using not more than twelve units in any one month.

Explanation (1).—For the purpose of exemption (5);—

(a) “ industrial undertaking ” means all buildings or premises wherein or within the precincts of which any manufacturing process is carried on ; and

(b) “ manufacturing process ” has the meaning assigned to it by section 2 (4) of the [1] Indian Factories Act, 1911.

Explanation (2).—For the purpose of exemption (7)—

(a) “ Consumer ” shall be deemed to include a landlord or a person who shall supply electrical energy to one or two roomed tenements in any one building in respect of any one of which tenements not more than twelve units of energy shall have been consumed during any one month ; and

(b) whether more than twelve units shall have been used by or in respect of any one tenement during any one month shall be determined by dividing the number of units used by the number of tenements in that building.

PART III.

Court-fees.

VII of 1870. 12. In section 7 of the [2] Court-fees Act, 1870, in its application to the Presidency of Bombay, in this Part referred to as the said Act,— Amendment of section 7 of VII of 1870.

(a) to clause (d) of paragraph (iv) the words “ or other consequential relief ” shall be added ;

(b) after the word “ appeal ” in paragraph (iv) the words “ with a minimum fee of rupees five in the case of suits falling under clause (c) ” shall be inserted ; and

(c) in clauses (1), (2) and (3) of the proviso to paragraph (v) for the words “ five ”, “ ten ” and “ ten ” the words “ seven and half ”, “ fifteen ” and “ fifteen ” shall, respectively, be substituted.

13. For articles 1, 8, 11, 12 and 12-A of, and the Table of rates of *ad valorem* fees in Schedule I to the said Act the following shall be substituted, namely :— Amendment of Schedule I to VII of 1870.

SCHEDULE I.

Ad Valorem Fees.

Number.	—	Proper fee.
1. Plaint, written statement pleading a set off or counterclaim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Six annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Six annas.

[1] General Acts, Vol. V.

[2] General Acts, Vol. I.

Number.	—	Proper fee.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Twelve annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Five rupees.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty rupees.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Thirty rupees.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees :	Thirty rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees.	

Number.	—	Proper fee.	
II of 1899.	8. Copy of any document liable to stamp-duty under the [1] Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp-duty chargeable on the original does not exceed one rupee. (b) In any other case ..	The amount of the duty chargeable on the original. One rupee.
11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to ten thousand rupees.	Two per centum.	
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.	Three per centum.	
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Four per centum.	
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to two lakhs of rupees.	Four and a half per centum.	
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.	Five per centum.	

Number.	—	Proper fee.
	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.</p>	<p>Five and a half per centum.</p>
	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.</p>	<p>Six per centum.</p>
	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees.</p>	<p>Six and a half per centum.</p>
	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees :</p>	<p>Seven per centum.</p>
	<p>Provided that when, after the grant of a certificate under Part X of the [1]Indian Succession Act, 1925, or under [2]Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.</p>	<p>XXXXIX of 1925.</p>

[1] General Acts, Vol. VIII.

[2] Vol. I of Bom. Code.

Number.	—	Proper fee.
<p>XXIX 1925.</p> <p>12. Certificate under Part X of the [1]Indian Succession Act, 1925.</p>	<p>....</p>	<p>The fee leviable in the case of a probate (article 11) on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act.</p> <p>Note.—(1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.</p>
<p>12-A. Certificate under [2]Bombay Regulation VIII of 1927.</p>	<p>....</p>	<p>The fee leviable in the case of a probate (article 11) on the amount or value of the property in respect of which the certificate is granted.</p>

[1] General Acts, Vol. VIII.

[2] Vol. I of Bom. Code.

XXXIX
of 1925.

Number.	—	Proper fee.
<p>12. Certificate under Part X of the ^[1]Indian Succession Act, 1925.</p>	<p>....</p>	<p>The fee leviable in the case of a probate (article 11) on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act.</p> <p><i>Note.</i>—(1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.</p>
<p>12-A. Certificate under ^[2]Bombay Regulation VIII of 1927.</p>	<p>....</p>	<p>The fee leviable in the case of a probate (article 11) on the amount or value of the property in respect of which the certificate is granted.</p>

[1] General Acts, Vol. VIII.

[2] Vol. I of Bom. Code.

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds—			When the amount or value of the subject-matter exceeds—		
Rs.	But does not exceed—	Proper fee.	Rs.	But does not exceed—	Proper fee.
	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
..	5	0 6	420	430	32 4
5	10	0 12	430	440	33 0
10	15	1 2	440	450	33 12
15	20	1 8	450	460	34 8
20	25	1 14	460	470	35 4
25	30	2 4	470	480	36 0
30	35	2 10	480	490	36 12
35	40	3 0	490	500	37 8
40	45	3 6	500	510	38 4
45	50	3 12	510	520	39 0
50	55	4 2	520	530	39 12
55	60	4 8	530	540	40 8
60	65	4 14	540	550	41 4
65	70	5 4	550	560	42 0
70	75	5 10	560	570	42 12
75	80	6 0	570	580	43 8
80	85	6 6	580	590	44 4
85	90	6 12	590	600	45 0
90	95	7 2	600	610	45 12
95	100	7 8	610	620	46 8
100	110	8 4	620	630	47 4
110	120	9 0	630	640	48 0
120	130	9 12	640	650	48 12
130	140	10 8	650	660	49 8
140	150	11 4	660	670	50 4
150	160	12 0	670	680	51 0
160	170	12 12	680	690	51 12
170	180	13 8	690	700	52 8
180	190	14 4	700	710	53 4
190	200	15 0	710	720	54 0
200	210	15 12	720	730	54 12
210	220	16 8	730	740	55 8
220	230	17 4	740	750	56 4
230	240	18 0	750	760	57 0
240	250	18 12	760	770	57 12
250	260	19 8	770	780	58 8
260	270	20 4	780	790	59 4
270	280	21 0	790	800	60 0
280	290	21 12	800	810	60 12
290	300	22 8	810	820	61 8
300	310	23 4	820	830	62 4
310	320	24 0	830	640	63 0
320	330	24 12	840	850	63 12
330	340	25 8	850	860	64 8
340	350	26 4	860	870	65 4
350	360	27 0	870	880	66 0
360	370	27 12	880	890	66 12
370	380	28 8	890	900	67 8
380	390	29 4	900	910	68 4
390	400	30 0	910	920	69 0
400	410	30 12	920	930	69 12
410	420	31 8	930	940	70 8

When the amount or value of the subject-matter exceeds—			When the amount or value of the subject-matter exceeds—		
Rs.	But does not exceed— Rs.	Proper fee. Rs. a.	Rs.	But does not exceed— Rs.	Proper fee. Rs. a.
940	950	71 4	6,500	6,750	380 0
950	960	72 0	6,750	7,000	395 0
960	970	72 12	7,000	7,250	410 0
970	980	73 8	7,250	7,500	425 0
980	990	74 4	7,500	7,750	440 0
990	1,000	75 0	7,750	8,000	455 0
1,000	1,100	80 0	8,000	8,250	470 0
1,100	1,200	85 0	8,250	8,500	485 0
1,200	1,300	90 0	8,500	8,750	500 0
1,300	1,400	95 0	8,750	9,000	515 0
1,400	1,500	100 0	9,000	9,250	530 0
1,500	1,600	105 0	9,250	9,500	545 0
1,600	1,700	110 0	9,500	9,750	560 0
1,700	1,800	115 0	9,750	10,000	575 0
1,800	1,900	120 0	10,000	10,500	597 8
1,900	2,000	125 0	10,500	11,000	620 0
2,000	2,100	130 0	11,000	11,500	642 8
2,100	2,200	135 0	11,500	12,000	665 0
2,200	2,300	140 0	12,000	12,500	687 8
2,300	2,400	145 0	12,500	13,000	710 0
2,400	2,500	150 0	13,000	13,500	732 8
2,500	2,600	155 0	13,500	14,000	755 0
2,600	2,700	160 0	14,000	14,500	777 8
2,700	2,800	165 0	14,500	15,000	800 0
2,800	2,900	170 0	15,000	15,500	822 8
2,900	3,000	175 0	15,500	16,000	845 0
3,000	3,100	180 0	16,000	16,500	867 8
3,100	3,200	185 0	16,500	17,000	890 0
3,200	3,300	190 0	17,000	17,500	912 8
3,300	3,400	195 0	17,500	18,000	935 0
3,400	3,500	200 0	18,000	18,500	957 8
3,500	3,600	205 0	18,500	19,000	980 0
3,600	3,700	210 0	19,000	19,500	1,002 8
3,700	3,800	215 0	19,500	20,000	1,025 0
3,800	3,900	220 0	20,000	21,000	1,055 0
3,900	4,000	225 0	21,000	22,000	1,085 0
4,000	4,100	230 0	22,000	23,000	1,115 0
4,100	4,200	235 0	23,000	24,000	1,145 0
4,200	4,300	240 0	24,000	25,000	1,175 0
4,300	4,400	245 0	25,000	26,000	1,205 0
4,400	4,500	250 0	26,000	27,000	1,235 0
4,500	4,600	255 0	27,000	28,000	1,265 0
4,600	4,700	260 0	28,000	29,000	1,295 0
4,700	4,800	265 0	29,000	30,000	1,325 0
4,800	4,900	270 0	30,000	32,000	1,355 0
4,900	5,000	275 0	32,000	34,000	1,385 0
5,000	5,250	290 0	34,000	36,000	1,415 0
5,250	5,500	305 0	36,000	38,000	1,445 0
5,500	5,750	320 0	38,000	40,000	1,475 0
5,750	6,000	335 0	40,000	42,000	1,505 0
6,000	6,250	350 0	42,000	44,000	1,535 0
6,250	6,500	365 0	44,000	46,000	1,565 0
			46,000	48,000	1,595 0
			48,000	50,000	1,625 0

and the fee increases at the rate of thirty rupees for every five thousand rupees, or part thereof, up to a maximum of ten thousand rupees, for example—

Rs.	Rs. a.	Rs.	Rs. a.
1,00,000	1,925 0	9,00,000	6,725 0
2,00,000	2,525 0	10,00,000	7,325 0
3,00,000	3,125 0	11,00,000	7,925 0
4,00,000	3,725 0	12,00,000	8,525 0
5,00,000	4,325 0	13,00,000	9,125 0
6,00,000	4,925 0	14,00,000	9,725 0
7,00,000	5,525 0	15,00,000	10,000 0
8,00,000	6,125 0		

Amendment of Schedule II to VII of 1870. 14. For Articles 1, 6, 7, 12, 14, 17, 18, 19, 20 and 21 of schedule II to the said Act the following shall be substituted, namely:—

“ SCHEDULE II.

Fixed Fees.

Number.	—	Proper fee.
1. Application or petition.	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application* relates exclusively to those dealings : or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement : or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement : or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the [] Provincial Small Causes Courts Act, 1887, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the	Two annas.

IX of
1887.

Number.	—	Proper fee.
om. of £79.	<p>subject-matter is less than fifty rupees, not being an application for assistance under section 86 of the [1]Bombay Land Revenue Code, 1879 :</p> <p>or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.</p>	
om. of 879.	<p>(ai) When presented to a Collector or other officer of revenue for assistance under section 86 of the [1]Bombay Land Revenue Code, 1879.</p>	Four annas.
of 898.	<p>(b) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, 1898, arrest without warrant, and presented to any Criminal Court :</p> <p>or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue-officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act :</p> <p>or to deposit in Court revenue or rent :</p> <p>or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.</p>	Eight annas.
	<p>(c) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act.</p>	Two rupees.
	<p>(J) When presented to a High Court.</p>	Four rupees.

[1] Vol. II of Bom. Code.

Number.	—	Proper fee.
6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act.	....	One rupee. V of 1898. V of 1908.
7. Undertaking under section 49 of the [?]Indian Divorce Act, 1869.	....	One rupee. IV of 1869.
12. Caveat	When the amount or value of the property involved does not exceed two thousand rupees. When the amount or value of the property involved exceeds two thousand rupees.	Five rupees. Ten rupees.
14. Petition in a suit under the [?]Native Converts' Marriage Dissolution Act, 1866.	....	Ten rupees. XXI of 1866.
17. Plaint or memorandum of appeal in each of the following suits :—		
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court ;	When the amount or value of the property involved does not exceed five hundred rupees.	Ten rupees.
(ii) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates ; and	When the amount or value of the property involved exceeds five hundred rupees.	Fifteen rupees.
(iii) to obtain a declaratory decree or order, where no consequential relief is prayed ;	....	Fifteen rupees.
(iv) to set aside alienation ;	....	Fifteen rupees.
(v) to set aside a decree or award ;	When the amount or value of the property involved does not exceed five hundred rupees.	Ten rupees.

Number.	—	Proper fee.
	When the amount or value of the property involved exceeds five hundred rupees.	Fifteen rupees.
(vi) to set aside an adoption; and	....	Fifteen rupees.
(vii) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	....	Fifteen rupees.
18. Application—		
(a) under paragraph 17 of the Second Schedule to the Code of Civil Procedure, 1908;	....	Ten rupees.
(b) for probate or letters of administration or for revocation thereof under the [1]Indian Succession Act, 1925;	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.
(c) for a certificate under Part X of the [1]Indian Succession Act, 1925, or [2]Bombay Regulation VIII of 1827;	When it exceeds five thousand rupees.	Ten rupees.
(d) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees, under section 34, 72, 73 or 74 of the [3]Indian Trusts Act, 1882;	....	Ten rupees.
(e) for the winding up of a Company, under section 166 of the [4]Indian Companies Act, 1913;	....	Ten rupees.
(f) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property.	When the amount or value of the property exceeds five hundred rupees.	Ten rupees.

[1] General Acts, Vol. VIII.
[2] Vol. I of Bom. Code.

[3] General Acts, Vol. II.
[4] General Acts, Vol. V.

Number.	—	Proper fee.	
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	....	Twenty rupees.	V of 1908.
20. Every petition under the [1]Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.	....	Thirty rupees.	IV of 1869.
21. Plaint or memorandum of appeal under the [2]Parsee Marriage and Divorce Act, 1865.	....	Thirty rupees.	XV of 1865.

PART IV.

Stamp Duties.

Amendment of II of 1899. 15. In the [2]Indian Stamp Act, 1899, in its application to the Presidency of Bombay, the following amendments shall be made, namely:—

Amendment of sections 4 and 6 of II of 1899.

(1) In sub-section (1) of section 4, and in the proviso to section 6, for the words "one rupee" the words "two rupees" shall be substituted.

Amendment of sections 11, 32, 35, 40, 41, 69 and 74 of II of 1899.

(2) In clause (a) of section 11, proviso (c) to section 32, proviso (a) to section 35, sub-section (1) of section 40, section 41, clause (b) of section 69 and the proviso to section 74 before the words "one anna" the words "two annas" shall be inserted.

New section 19A of II of 1899.

(3) After section 19, the following section shall be inserted, namely:—

Payment of duty on certain instruments liable to increased duty in Bombay Presidency.

"19A. Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in the Presidency of Bombay is executed out of the said Presidency and subsequently received in the said Presidency—

(a) the amount of duty chargeable on such instrument shall be the amount of duty chargeable under Schedule I on a document of the like description executed in the Presidency of Bombay less the amount of duty, if any, already paid on such instrument in British India,

[1] General Acts, Vol. I.

[2] General Acts, Vol. IV.

(b) and in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (a) of this section, in the same manner and at the same time and by the same persons as though such instrument were an instrument received in British India for the first time at the time when it became chargeable with the higher duty, and

(c) the provisions contained in clause (b) of the proviso to sub-section (3) of section 32 shall apply to such instrument as if such were an instrument executed or first executed out of British India and first received in British India when it became chargeable to the higher duty aforesaid, but the provisions contained in clause (a) of the said proviso shall not apply thereto.'

(4) For the proviso to sub-section (4) of section 28 the following shall be substituted, namely:—

Amendment
of section 28
of II of 1899.

“ Provided that notwithstanding anything contained in article 23 of Schedule I the duty on such last mentioned conveyance shall in no case be less than two rupees.”

(5) In Schedule I—

(a) in column 1 of article 12 clauses (a) and (b) shall be repealed;

Amendment
of Schedule I
of II of 1899.

(b) for the entries in column 2 of the said Schedule relating to Articles 2 (b), 3, 4, 8 (b), 9, 12, 14, 15, 18, 20, 22, 23, 24, 25 (b), 26 (b), 29, 30 (b), 39, 40 (c), 41, 42, 44, 46, 48, 50, 51, 54 (a), 55 (b), 57 (b), 62 (c) (ii) and 65 and shown in column 2 of the Schedule to this Part the entries shown in column 3 of the latter Schedule shall be substituted;

(c) for articles 5 and 43, the following shall, respectively, be substituted, namely:—

“ 5. Agreement or Memorandum of an Agreement—

- | | |
|--|---|
| (a) if relating to the sale of a bill of exchange; | Four annas. |
| (aa) if relating to the sale of a Government security; | Subject to a maximum of twenty rupees, two annas for every Rs. 10,000 or part thereof of the value of the security. |
| (b) if relating to the sale of a share in an incorporated company or other body corporate; | Two annas for every Rs. 5,000 or part thereof of the value of the share. |
| (c) if not otherwise provided for | One rupee. |

Exemptions.

Agreement or Memorandum of agreement,—

- (a) for or relating to the sale of goods or merchandise exclusively, not being a Note or Memorandum chargeable under No. 43;
- (b) made in the form of tenders to the Government of India for or relating to any loan;
- (c) made under the [1]European Vagrancy Act, 1874, section 17.

“ 43. Note or Memorandum sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal,—

- (a) of any goods exceeding in value twenty rupees; Four annas.
- (b) of any stock or marketable security exceeding in value twenty rupees, not being a Government security; Two annas for every Rs. 5,000 or part thereof of the value of the stock or security.
- (bb) of a Government security; .. Subject to a maximum of twenty rupees, two annas for every 10,000 rupees or part thereof of the value of the security.

and

(d) for Articles 7 and 10 the following shall, respectively, be substituted, namely :—

“ 7. Appointment in execution of a power, where made by any writing not being a will—

- (a) of trustees Fifteen rupees.
- (b) of property, moveable or immovable. Thirty rupees.

“ 10. Articles of Association of a Company—

- (a) where the company has no share capital or the nominal share capital does not exceed Rs. 2,500; Twenty-five rupees.
- (b) where the nominal share capital exceeds Rs. 2,500 but does not exceed Rs. 1,00,000. Fifty rupees.
- (c) where the nominal share capital exceeds Rs. 1,00,000. One hundred rupees.

Exemption.

Articles of any Association not formed for profit and registered under section 26 of the [1]Indian Companies Act, 1913.

See also Memorandum of Association of a Company (No. 39).

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(e) in clause (a) in column (1) of Article 25 for the words “ one rupee ” the words “ two rupees ” shall be substituted ; and

(f) in provisoes (a) and (c) in column 2 of Article 45, for the words “ eight annas ” the words “ one rupee ” shall be substituted.

SCHEDULE.

[See section 15 (5).]

1	2	3
2. Administration Bond—		
(b) in any other case ..	.. Five rupees	.. Ten rupees.
3. Adoption Deed ..	.. Ten rupees	.. Twenty rupees.
4. Affidavit ..	.. One rupee	.. Two rupees.
8. Appraisalment, etc.—		
(b) in any other case ..	.. Five rupees	.. Ten rupees.

1	2	3
9. Apprenticeship-Deed	.. Five rupees	.. Ten rupees.
12. Award	.. The same duty as a Bond (No. 15) for such amount.	} The same duty as a Bond (No. 15) for the amount or value of the property to which the award relates as set forth in such award subject to a maximum of twenty rupees.
	Five rupees	
14. Bill of Lading	.. Four annas	.. Eight annas.
	<i>N.B.</i> —If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.	<i>N.B.</i> —If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
15. Bond—		
where it exceeds Rs. 200 and does not exceed Rs. 300.	One rupee eight annas.	Two rupees four annas.
where it exceeds Rs. 300 and does not exceed Rs. 400.	Two rupees	.. Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500.	Two rupees eight annas.	Three rupees twelve annas.
where it exceeds Rs. 500 and does not exceed Rs. 600.	Three rupees	.. Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700.	Three rupees eight annas.	Five rupees four annas.
where it exceeds Rs. 700 and does not exceed Rs. 800.	Four rupees	.. Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900.	Four rupees eight annas.	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000.	Five rupees	.. Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Two rupees eight annas.	Three rupees twelve annas.
13. Certificate of Sale—		
(a) where the purchase-money does not exceed Rs. 10.	Two annas	.. Four annas.
(b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25.	Four annas	.. Eight annas.
(c) in any other case	.. The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
20. Charter-Party	.. One rupee	.. Two rupees.
22. Composition-Deed	.. Ten rupees	.. Twenty rupees.
23. Conveyance—		
where the amount or value of the consideration for such conveyance as set forth therein.		
exceeds Rs. 200 but does not exceed Rs. 300.	Three rupees	.. Four rupees eight annas.
where it exceeds Rs. 300 but does not exceed Rs. 400.	Four rupees	.. Six rupees.

where it exceeds Rs. 400 but does not exceed Rs. 500.	Five rupees	..	Seven rupees eight annas.
where it exceeds Rs. 500 but does not exceed Rs. 600.	Six rupees	..	Nine rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700.	Seven rupees	..	Ten rupees eight annas.
where it exceeds Rs. 700 but does not exceed Rs. 800.	Eight rupees	..	Twelve rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900.	Nine rupees	..	Thirteen rupees eight annas.
where it exceeds Rs. 900 but does not exceed Rs. 1,000.	Ten rupees	..	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Five rupees	..	Seven rupees eight annas.
24. Copy or Extract—			
(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee.	Eight annas	..	One rupee.
(ii) in any other case	.. One rupee	..	Two rupees.
25. Counterpart or Duplicate—			
(b) in any other case	.. One rupee	..	Two rupees.
26. Customs Bond—			
(b) in any other case	.. Five rupees	..	Ten rupees.
29. Divorce			
	.. One rupee	..	Five rupees.
30. Entry as an Advocate, Vakil or Attorney on the roll of any High Court—			
(b) in the case of an Attorney	.. Two hundred and fifty rupees.	..	Five hundred rupees.
39. Memorandum of Association of a Company—			
(a) if accompanied by articles of association under section 17 of the [1] Indian Companies Act, 1913.	Fifteen rupees	..	Thirty rupees.
(b) if not so accompanied	.. Forty rupees	..	Eighty rupees.
40. Mortgage-Deed—			
(c) when a collateral or auxiliary or additional or substituted security or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—			
for every sum secured not exceeding Rs. 1,000;	Eight annas	..	One rupee.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Eight annas	..	One rupee.
41. Mortgage of a crop—			
(a) when the loan is repayable not more than three months from the date of the instrument for every sum secured not exceeding Rs. 200,	One anna	..	Two annas.
and for every Rs. 200 or part thereof secured in excess of Rs. 200;	One anna	..	Two annas.

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	(b) when the loan is repayable more than three months, but not more than eighteen months, from the date of the instrument—			
	for every sum secured not exceeding Rs. 100,	Two annas	..	Four annas.
	and for every Rs. 100 or part thereof secured in excess of Rs. 100 ;	Two annas	..	Four annas.
	42. Notarial Act ..	One rupee	..	Two rupees.
	44. Note of protest by the Master of a Ship.	Eight annas	..	One rupee.
	6. Partnership—			
	(A) Instrument of—			
	(a) where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.		Five rupees.
	(b) in other cases ..	Ten rupees	..	Twenty rupees.
	(B) Dissolution of ..	Five rupees	..	Ten rupees.
	48. Power of Attorney—			
	(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents.	Eight annas	..	One rupee.
XV of 1882.	(b) when required in suits or proceedings under the [1]Presidency Small Cause Courts Act, 1882.	Eight annas	..	One rupee.
	(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a).	One rupee	..	Two rupees.
	(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally.	Five rupees	..	Ten rupees.
	(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally.	Ten rupees	..	Twenty rupees.
	(f) when given for consideration and authorising the attorney to sell any immovable property.	The same duty as a Conveyance (No. 23) for the amount of the consideration.		The same duty as a Conveyance (No. 23) for the amount of the consideration.
	(g) in any other case ..	One rupee for each person authorised.		Two rupees for each person authorised.
				N.B.—The term "registration" includes every operation incidental to registration under the [2]Indian Registration Act, 1908.
XVI of 1908.	50. Protest of Bill or Note ..	One rupee	..	Two rupees.
	51. Protest by the Master of a Ship ..	One rupee	..	Two rupees.
	54. Reconveyance of Mortgaged Property—			
	(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;	The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.		The same duty as a Bond (No. 15) for the amount of such consideration as set forth in the Reconveyance.

[1] General Acts, Vol. II.

[2] General Acts, Vol. IV.

55. Release—			
(b) in any other case	..	Five rupees	.. Ten rupees.
57. Security Bond or Mortgage Deed—			
(b) in any other case	..	Five rupees	.. Ten rupees.
62. Transfer—			
(c) of any interest secured by a bond, mortgage-deed or policy of insurance—			
(ii) in any other case	..	Five rupees	.. Ten rupees.
65. Warrant for Goods	..	Four annas	.. Eight annas.

PART V.

Stamp-duties on certain instruments in certain cities.

Extent of Part V.

16. This Part extends to the cities of Bombay, Ahmedabad, Poona and Karachi only.

Definitions.

17. In this Part, unless there is anything repugnant in the subject or context,

(a) "City of Ahmedabad" means the municipal district of Ahmedabad, the cantonment of Ahmedabad, and the notified areas of Kankaria Asarva, Ellis Bridge and Sabarmati,

(b) "City of Poona" means the municipal district of Poona, the suburban municipal district of Poona, and the cantonment of Poona, and

(c) "City of Karachi" means the municipal district of Karachi, the cantonments of Karachi and Manora and the limits of the Karachi Port Trust.

Amendments of Schedules I to II of 1899.

[¹]18. Notwithstanding anything contained in Part IV, in Schedule I to the [²]Indian Stamp Act, 1899, in its application to the Cities of II of 1899. Bombay, Ahmedabad, Poona and Karachi, in respect of any instrument relating to immoveable property situate within the said cities and of the nature described in the articles hereinafter specified; for the entries against the said articles in columns 1 and 2 the following entries shall respectively be substituted, namely :—

18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer—

(c) in any other case .. The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount of the purchase-money only.

[¹] This section was substituted by Bom. Act VI of 1932, s. 2, *infra*.

[²] General Acts, Vol. IV.

The City of Bombay.		Rs. a. p.	The Cities of Ahmedabad, Poona and Karachi.		Rs. a. p.	
23. CONVEY- ANCE [as defined by section 2 (10)] so far as it relates to im- moveable property	where the amount or value of the consideration for such conveyance as set forth therein exceeds Rs. 200 but does not exceed Rs. 300 ..	8 8 0	where the amount or value of the consideration for such conveyance as set forth there- in exceeds Rs. 200 but does not exceed Rs. 300 ..		6 8 0	
	where it exceeds Rs. 300 but does not exceed Rs. 400	12 0 0	exceeds Rs. 300 but does not exceed Rs. 400 ..		9 0 0	
	where it exceeds Rs. 400 but does not exceed Rs. 500	15 8 0	exceeds Rs. 400 but does not exceed Rs. 500 ..		11 8 0	
	where it exceeds Rs. 500 but does not exceed Rs. 600	19 0 0	exceeds Rs. 500 but does not exceed Rs. 600 ..		14 0 0	
	where it exceeds Rs. 600 but does not exceed Rs. 700	22 8 0	exceeds Rs. 600 but does not exceed Rs. 700 ..		16 8 0	
	where it exceeds Rs. 700 but does not exceed Rs. 800	26 0 0	exceeds Rs. 700 but does not exceed Rs. 800 ..		19 0 0	
	where it exceeds Rs. 800 but does not exceed Rs. 900 ..	29 8 0	exceeds Rs. 800 but does not exceed Rs. 900 ..		21 8 0	
	where it exceeds Rs. 900 but does not exceed Rs. 1,000 ..	33 0 0	exceeds Rs. 900 but does not exceed Rs. 1,000 .		24 0 0	
	and for every Rs. 500 or part thereof in excess of Rs. 1,000	17 8 0	and for every Rs. 500 or part thereof in excess of Rs. 1,000 ..		12 8 0	
	31. EXCHANGE OF PROPERTY— Instrument of.			The same duty as is leviable on a Convey- ance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the value of the property of greatest value as set forth in such instrument.		
	32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mort- gaged property—					
	(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession);			The same duty as is leviable on a Convey- ance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount of the further charge secured by such instrument.		

- (b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession)—
- (i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;
33. GIFT—Instrument of, not being a Settlement (No. 58) or Will or Transfer (No. 62).
40. MORTGAGE-DEED, not being an Agreement relating to Deposit of Title-Deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56), or Security Bond (No. 57)—
- (a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given.
58. SETTLEMENT—
- A.—Instrument of (including a deed of dower).
- (i) where the settlement is made for a religious or charitable purpose—The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement;
- (ii) in any other case—The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount or value of the property settled as set forth in such settlement.
- Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee.

Exemptions.

- (a) Deed of dower executed on the occasion of a marriage between Muhammadans.
- (b) Hindassa, that is to say, any settlement of immovable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.

B.—Revocation of—

The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount or value of the property concerned as set forth in the instrument of revocation but not exceeding ten rupees.

63. TRANSFER OF LEASE by way of assignment and not by way of under-lease.

The same duty as is leviable on a Conveyance (No. 23) under the Bombay Finance (Amendment) Act, 1932, for a consideration equal to the amount of the consideration for the transfer.

Exemption.

Transfer of any lease exempt from duty.

Bom.
II of
1926.

19. The [1] Indian Stamp (Bombay Amendment) Act, 1926, is hereby repealed.

is Repeal of
Bom, II of
1926.

[1] Not printed as having been repealed.

BOMBAY ACT No. III OF 1932.[¹]

[THE BOMBAY LAND REVENUE CODE (AMENDMENT) ACT, 1932]

[11th May 1932]

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, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Land Revenue Code (Amend- Short title.
ment) Act, 1932.

Bom.
V of
1879. 2. In section 209 of the [²]Bombay Land Revenue Code, 1879,— Amendment
of section
209 of Bom.
V of 1879.

(1) after the word “ may ” where it occurs for the first time, the words “ for reasons to be recorded in writing ” shall be inserted ; and

(2) the following proviso shall be added at the end, namely :—

“ Provided that it shall not be necessary for the appellate authority to record reasons in writing—

(a) when an appeal is dismissed summarily, or

(b) when the decision or order appealed from is itself a decision or order recorded in appeal, or

(c) when an appeal is made to the Governor in Council under section 204.”

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1931, Pt. V, p. 245; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1931, Vol. XXXII, 1932, Vol. XXXIV.

[²] Vol. II of Bom. Code.

THE BOMBAY COTTON CONTRACTS ACT, 1932.**CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title.
2. Extent and operation.
3. Definitions.
4. Recognition.
5. Recognised association to have Board of Directors : power to make by-laws.
6. Power of Board of Directors to make by-laws.
7. Publication of by-laws.
8. Void contracts.
9. Supersession of Board of Directors and appointment of Board of Control, its powers and duties.
10. Prohibition of certain contracts after the appointment of the Board of Control.
11. Bar of suits and proceedings against officers, etc.
12. Savings.

BOMBAY ACT No. IV OF 1932.[¹]

[THE BOMBAY COTTON CONTRACTS ACT, 1932]

[28th October 1932]

An Act to provide for the better regulation and control of transactions in Cotton in Bombay.

WHEREAS it is expedient to provide for the better regulation and control of transactions in cotton 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 ;
 and 6 Geo. V. It is hereby enacted as follows :—
 c. 61.

1. This Act may be called the Bombay Cotton Contracts Act, 1932. Short title.
2. (1) This Act shall apply to the City of Bombay and the Island of Salsette. Extent and operation.
 (2) It shall come into operation on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.
- (3) Sections 9 and 10 of this Act shall remain in force for a period of five years from the date on which this Act shall have come into operation under sub-section (2).
3. In this Act, unless there is anything repugnant in the subject or context, Definitions.
 - (a) "Bombay" means the City of Bombay and the Island of Salsette ;
 - (b) "Board of Control" means a board appointed for the time being by the Governor in Council as provided in section 9 ;
 - (c) "Board of Directors" means a board of directors of a recognised cotton association constituted under section 5 and acting through at least a quorum of their members at a meeting of that board duly called and constituted ;
 - (d) "Certified godown" means a godown maintained by a cotton association for storing cotton certified under the by-laws of the association ;
 - (e) "Contract" means a contract made or to be performed in whole or in part in Bombay relating to the sale or purchase of cotton and includes options in cotton, but does not include such contracts as the Governor in Council may, by notification in the *Bombay Government Gazette*, declare to be excluded from the provisions of this Act ;

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1932, Pt. V, pp. 139-140 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

(f) "Cotton Association" means any association, organisation or a body of individuals, whether incorporated or not, established or formed for the purpose of regulating and controlling business in the sale, purchase or other transactions in cotton ;

(g) "Forward contract" means a contract for the delivery of cotton at some future date ;

(h) "Option in cotton" means a contract made or to be performed in whole or in part in Bombay for the purchase or sale of a right to buy, or a right to sell, or a right to buy or sell cotton in future, and includes a *teji*, a *mandi* or a *teji-mandi* in cotton ;

(i) "Ready contract" means a contract in which immediate delivery of cotton is contemplated ;

(j) "Recognised cotton association" means a cotton association which is for the time being recognised by the Governor in Council, as provided in section 4.

Recognition.

4. (1) A cotton association, desirous of being recognised for the purposes of this Act, shall make an application in writing to the Governor in Council for such recognition and shall submit by-laws for the regulation and control of transactions in cotton and furnish such information in regard to such recognition as the Governor in Council may from time to time require.

(2) The Governor in Council may give or refuse such recognition.

(3) The Governor in Council shall refuse recognition unless—

(a) it is provided in the by-laws submitted by the cotton association under sub-section (1) that not less than one-fourth of the total number of the Board of Directors of the cotton association applying for recognition shall be growers of cotton to be appointed in the manner prescribed in the said by-laws and approved by the Governor in Council ; and

(b) the Governor in Council is satisfied that the sole possession and effective management, control and regulation of the markets of the cotton association applying for recognition and of the market places of the said cotton association are vested in the said cotton association.

(4) The Governor in Council shall also refuse recognition unless the by-laws submitted by the cotton association under sub-section (1) shall have been published in the *Bombay Government Gazette* at least one month before the date of such recognition :

Provided that when, in the opinion of the Governor in Council, the conditions precedent to recognition specified in sub-clauses (a) and (b) of sub-section (3) are satisfied in the case of a cotton association applying for recognition under sub-section (1) and the by-laws of the said cotton association are similar in all other material respects to the articles and by-laws of the East India Cotton Association, Limited, deemed or which have been deemed under the provisions of sub section (7) to be by-laws of a recognised cotton association, the Governor in Council may dispense

with the publication, required under this sub-section of the by-laws of the cotton association applying for recognition and may give recognition to such association and the by-laws of such association shall then be deemed to be by-laws published under the provisions of this sub-section.

(5) When the Governor in Council has dispensed with the publication of the by-laws of a cotton association and has given recognition to such association under the provisions of the proviso to sub-section (4), such by-laws shall be published in the *Bombay Government Gazette* next following the giving of recognition to such association.

(6) The Governor in Council may, at any time after having given to a cotton association an opportunity to explain why recognition should not be withdrawn, withdraw, the recognition given to the said cotton association and such cotton association shall thereupon cease to be a recognised cotton association.

(7) It is hereby declared that the East India Cotton Association, Limited, is a recognised cotton association for the purposes and subject to the provisions of this Act and the articles and by-laws of the said Association shall, so far as they relate to matters for which by-laws may be made under the provisions of sections 5 and 6, be deemed to be by-laws of a recognised cotton association :

Provided that, if, within such time after the coming into operation of this Act as the Governor in Council shall by order in writing specify, the said Association shall not have complied with the conditions precedent to recognition specified in clauses (a) and (b) of sub-section (3), the said association shall cease to be a recognised cotton association and the said articles and by-laws of the said association shall cease to be by-laws of a recognised cotton association.

Explanation.—A grower of cotton shall not include a person who deals in forward contracts.

5. (1) Subject to the provisions of section 9, in every recognised cotton association there shall be a Board of Directors. Subject to the sanction of the Governor in Council, a recognised cotton association may make and may from time to time add to, vary or rescind by-laws providing for—

- (a) the constitution of the Board of Directors,
- (b) the powers and duties of the Board of Directors and the manner in which its business shall be conducted,
- (c) the number and constitution of electoral panels and the representation upon such panels, and
- (d) the method of appointment of members to the Board of Directors.

(2) By-laws made, added to, varied or rescinded under sub-section (1) shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council. If any by-law is so modified or rescinded, the Governor in Council may sanction such modified by-law and re-publish the same accordingly or may sanction such rescission.

Recognised
association
to have
Board of
Directors :
power to
make
by-laws.

Power of
Board of
Directors
to make
by-laws.

6. (1) The Board of Directors may, subject to the sanction of the Governor in Council, make and, from time to time, add to, vary or rescind by-laws for the regulation and control of transactions in cotton.

(2) In particular and without prejudice to the generality of the foregoing provision such by-laws may provide for—

(a) the admission of various classes of members of a recognised cotton association and the exclusion, suspension, expulsion and re-admission of such members ;

(b) the opening and closing of markets in cotton and the times during which such markets shall be opened or closed and regulating the hours of trade ;

(c) a clearing house for the periodical settlement of contracts or differences thereunder and for the passing on of delivery orders and for any purpose in connection with options in cotton, and the regulation and maintenance of such clearing house ;

(d) the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house ;

(e) fixing, altering or postponing settling days ;

(f) determining and declaring the market rates for cotton of any and every description ;

(g) the terms, conditions and incidents of contracts and the forms of such contracts as are in writing ;

(h) regulating the making, performance and cancellation of contracts, including contracts between a commission agent and his constituent, or between a broker and his constituent, or between a jethawala or muccadam and his constituent, or between a member and a non-member of a recognised cotton association, and the consequences of insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer and the responsibility of commission agents, muccadams and brokers not parties to such contracts ;

(i) the prohibition of specified classes or types of dealings in cotton by a member of a recognised cotton association ;

(j) the settlement of claims and disputes by arbitration and appeals against awards ;

(k) the levy and recovery of subscriptions, fees, fines and penalties ;

(l) disciplinary measures against members of a recognised cotton association, including suspension, expulsion, fines and non-monetary penalties, for breach of any by-law made by the Board of Directors ;

(m) regulating the course of business between parties to contracts in any capacity ;

(n) the institution, maintenance and control of certified godowns ; and

(o) regulating the making, performance and cancellation of option in cotton.

(3) If any person committing a breach of any by-law of a recognised cotton association is a company, every director and officer of such company shall also be deemed to have committed such breach, unless he proves that the breach was committed without his knowledge and control.

7. By-laws made under section 5 or 6 shall be subject to the condition of previous publication and, when sanctioned by the Governor in Council, shall be published in the *Bombay Government Gazette*. Publication of by-laws.

8. (1) Save as hereinafter provided in this Act, any contract (whether either party thereto is a member of a recognised cotton association or not) which is entered into after the date on which this Act comes into operation and which is not in accordance with the by-laws of any recognised cotton association shall be void. Void contracts.

(2) No claim shall be allowed in any court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

9. (1) When the Governor in Council is of the opinion that it is necessary, in order to secure free trading in the market and to prevent obstruction thereto and interference therewith, to supersede any Board of Directors, the Governor in Council may, after having given to the Board of Directors a reasonable opportunity to explain why the said Board should not be superseded, by notification in the *Bombay Government Gazette*, declare such Board to be superseded and may appoint in the place of such Board such persons as he thinks fit to constitute a Board of Control and may appoint one of their number to be Chairman. Supersession of Board of Directors and appointment of Board of Control, its powers and duties.

(2) When the Governor in Council has appointed a Board of Control under the provisions of sub-section (1), the members of the Board of Directors which has been superseded shall, from the date of the notification, vacate their office as such members.

(3) The Board of Control appointed under sub-section (1) shall hold office for such period as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint.

(4) When a Board of Control has been appointed under sub-section (1), the Governor in Council may make by-laws to be published in the *Bombay Government Gazette* prescribing the powers and duties of a Board of Control and the manner in which its business shall be conducted.

(5) The Board of Control appointed under sub-section (1) may, subject to the provisions of sub-section (4), exercise all or any of the powers vested in or exercisable by the Board of Directors which it superseded.

(6) Notwithstanding anything contained in the by-laws of the recognised cotton association, a Board of Control may, subject to the previous sanction of the Governor in Council, rescind, add to or vary the by-laws of the said Association and may, subject to a like sanction, make all or any such by-laws as may be made by the Board of Directors under the provisions of section 6 and which, in the opinion of the Board of Control, may be necessary for carrying out the purposes of this Act; and all or any such by-laws shall be deemed by-laws of the recognised cotton association.

(7) When a Board of control has been appointed under sub-section (1), all such property of the recognised cotton association as such Board may by order in writing declare to be necessary for carrying out the purposes of this Act shall vest in such Board. The property so vested in such Board or which such Board may have acquired shall, on the determination of the period of office of such Board, re-vest or vest, as the case may be, in the recognised cotton association.

(8) On the determination of the period of office of the Board of Control appointed under sub-section (1) the recognised cotton association shall forthwith constitute a Board of Directors in accordance with the by-laws of the association.

Prohibition
of certain
contracts
after the
appointment
of the Board
of Control.

10. (1) When a Board of Control has been appointed under section 9, the Governor in Council may, by notification published in the *Bombay Government Gazette*, declare that after the date appointed in the said notification any forward or ready contract entered into except by or through the agency of a member of a recognised cotton association shall be void.

(2) No court shall entertain any suit or proceeding relating to any contract declared to be void under the provisions of sub-section (1) and no claim shall be allowed in any court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

(3) Any person entering into such contract shall, on conviction, be liable to a fine not exceeding Rs. 1,000 for such offence.

Bar of suits
and proceed-
ings against
officers, etc.

11. No suit, prosecution or other legal proceedings whatsoever shall be entertained in any court against any officer or servant of a recognised cotton association or Board of Control for anything in good faith done or intended to be done in pursuance or execution of this Act or by-laws made thereunder.

Savings.

12. (1) Contracts entered into under the provisions of the [1]Bombay Cotton Contracts Act, 1922, shall be deemed to be valid, except in so far as they may be inconsistent with any of the provisions of this Act and by-laws made thereunder. Bom.
XIV of
1922.

(2) Forward contracts entered into before the date when this Act comes into operation and which would not have been void under the provisions of the [1]Bombay Cotton Contracts Act, 1922, shall not be deemed to be void merely because they contravene the provisions of this Act and by-laws made thereunder. Bom.
XIV of
1922.

BOMBAY ACT No. V OF 1932.^[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1932]

[28th October 1932]

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, for the purposes hereinafter appearing; It is hereby
1923. enacted as follows :—

1. This Act may be called the Bombay Local Boards (Amendment) Short title.
Act, 1932.

Bom. 2. After section 28 of the ^[2]Bombay Local Boards Act, 1923, herein- Insertion of
VI of after referred to as the said Act, the following new section shall be section 28A
1923. inserted, namely :— in Bom. VI
of 1923.

[In Pt. I, p. 45]

3. In sub-section (1) of section 127 of the said Act, after the word Amendment
“ Act ”, the words “ or by or under any enactment for the time being of section 127
in force ” shall be inserted. of Bom. VI
of 1923.

4. After section 131 of the said Act, the following sections shall be Insertion of
inserted, namely :— sections 131A
and 131B in
Bom. VI of
1923.

[In Pt. I, p. 85]

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1932, Pt. V, pp. 151-152; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

[2] In Pt. I, p. 33.

BOMBAY ACT No. VI OF 1932.^[1]

[THE BOMBAY FINANCE (AMENDMENT) ACT, 1932]

[5th November 1932]

An Act to amend the Bombay Finance Act, 1932.

Bom. II of 1932. 5 & 6 Geo. V, c. 61. WHEREAS it is expedient to amend the ^[2]Bombay Finance Act, 1932, for the purpose 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 Bombay Finance (Amendment) Act, Short title. 1932.

Bom. II of 1932. 2. For section 18 of the ^[2]Bombay Finance Act, 1932, the following shall be substituted, namely :—

[In this Pt., p. 78]

Substitution of a new section for section 18 of Bom. II of 1932.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1932, Pt. V., pp. 144-145; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

[2] In this Pt., p. 57.

BOMBAY ACT No. VII OF 1932,^[1]**[THE BOMBAY MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1932]***[10th November 1932]***An Act further to amend the Bombay Municipal Boroughs Act, 1925.**

Bom. **WHEREAS** it is expedient further to amend the ^[2]Bombay Municipal
 XVIII
 of
 1925. Boroughs Act, 1925, in manner hereinafter appearing; It is hereby
 enacted as follows :—

1. This Act may be called the Bombay Municipal Boroughs Short title.
 (Amendment) Act, 1932.

2. After the proviso to sub-section (1) of section 33, the following Amendment
 new proviso shall be added, namely :— of section 33
 of Bom.
 XVIII of
 1925.

[In Pt. I, p. 282]

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1931, Pt. V, p. 103; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1931 and 1932, Vols. XXX and XXXV.

[2] In Pt. I, p. 267.

BOMBAY ACT No. VIII OF 1932.[¹]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1932]

[10th November 1932]

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; It is enacted as follows :—
1888.

1. This Act may be called the City of Bombay Municipal (Amend- Short title.
ment) Act, 1932.

Bom. 2. For sub-section (J) of section 39 of the [²]City of Bombay Amendment
III of Municipal Act, 1888, the following sub-section shall be substituted, of section 39
1888. namely :— of Bom. III
of 1888.

“(I) (a) It shall be the duty of the Corporation to appoint on or about 1st April 1933 in place of the existing Schools Committee and thereafter as provided in sub-section (I-A), a Schools Committee of sixteen members for the purpose of giving effect to the provisions as to primary education hereinafter enacted. Of the members so appointed twelve shall be councillors, of whom not less than four shall be Muhammadans, not less than three, shall be members of the backward classes and at least one shall be a member of the depressed classes, if a member of the depressed classes shall be a councillor, and the remaining four, of whom two shall be women, shall be persons not being councillors resident in the City of Bombay.

(b) If there be no member of the depressed classes a councillor eligible to be appointed under the provisions of clause (a), a member of the depressed classes shall be appointed as one of the four persons, not being councillors, appointed under the said clause.

Explanation.—For the purposes of this sub-section ‘backward classes’ and ‘depressed classes’ mean the backward classes and depressed classes, respectively, as defined for the time being by Government in Rules made under the [³]Bombay Primary Education Act, 1923.”

Bom.
IV of
1923.

Bom. 3. In sub-section (I-D) of section 39 of the [²]City of Bombay Amendment
III of Municipal Act, 1888, after the word “appointment” the words, figure of section 39
1888. and brackets “subject to the provisions of sub-section (J) relating to of Bom. III
of 1888. the representation of communities” shall be inserted.

Bom. 4. In clause (c) of sub-section (4) of section 39 of the [²]City of Amendment
III of Bombay Municipal Act, 1888, after the word “appoint” the words, of section 39
1888. figure and brackets “subject to the provisions of sub-section (J) relating to of Bom. III
of 1888. the representation of communities” shall be inserted.

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, p. 177; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vol. XXXI, 1932, Vol. XXXV.

[²] Vol. III of Bom. Code.

[³] In Pt. I, p. 9.

BOMBAY ACT No. IX OF 1932.^[1]

[THE PROVINCIAL SMALL CAUSE COURTS (BOMBAY AMENDMENT)
ACT, 1932]

[10th November 1932]

**An Act further to amend the Provincial Small Cause Courts Act, 1887,
in its application to the Presidency of Bombay.**

IX of WHEREAS it is expedient further to amend the ^[2]Provincial Small
Cause Courts Act 1887, in its application to the Presidency of Bombay ;
It is hereby enacted as follows :—

1. This Act may be called the Provincial Small Cause Courts (Bombay Short title.
Amendment) Act, 1932.

2. In sub-clause (a) of clause 4 in the Second Schedule to the said Amendment
Act, between the words “ a written instrument ” and “ and ” the of the second
following words shall be inserted, namely :— schedule to
Act IX of
1887.

“ or orally ”.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1931, Pt. V, pp. 243-244 ; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1931, Vol. XXXII, 1932, Vol. XXXV.

[2] *General Acts*, Vol. III.

BOMBAY ACT No. X OF 1932.[¹]

[THE BOMBAY BORSTAL SCHOOLS (AMENDMENT) ACT, 1932]

[10th November 1932]

An Act to amend the Bombay Borstal Schools Act, 1929.

Bom. WHEREAS it is expedient to amend the [²]Bombay Borstal Schools
 of XVIII Act, 1929, for the purposes hereinafter appearing; and whereas the
 of 1929. 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
 of Sec. V, passing of this Act; It is hereby enacted as follows :—
 of 61.

1. This Act may be called the Bombay Borstal Schools (Amendment) Short title.
 Act, 1932.

Bom. 2. In sub-section (1) of section 12 of the [²]Bombay Borstal Schools Amendment
 of XVIII Act, 1929, after the word " school " where it occurs for the second time, of section 12
 of Bom. the words " or to be more than twenty years of age ", shall be inserted. XVIII of
 of 1929. 1929.

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, p. 147; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

[²] In Pt. I, p. 565.

BOMBAY ACT No. XI OF 1932.^[1]

[THE CITY OF BOMBAY MUNICIPAL (SECOND AMENDMENT) ACT, 1932]

[10th November 1932]

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 (Second Short title. Amendment) Act, 1932.

Bom. 2. After clause (e) of sub-section (1) of section 16 of the [2]City Amendment
III of of Bombay Municipal Act, 1888, the following clause shall be inserted of section 16
1888. namely:— of Bom.
III of
1888.

“(e) fails to pay any arrears of any kind due by him (otherwise than as a trustee) to the corporation within three months after a special notice in this behalf has been served upon him, or”.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, p. 80; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vols. XXXIV and XXXV.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. XII OF 1932.[1]

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1932]

[16th November 1932]

An Act further to amend the Bombay Hereditary Offices Act.

WHEREAS it is expedient further to amend the [2]Bombay Hereditary Offices Act for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1932. Short title.

2. In section 64 of the Bombay Hereditary Offices Act, hereinafter referred to as the said Act, Amendment of section 64 of Bom. III of 1874.

(i) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(2) The Collector, when he is satisfied that a person who produces a decree or order of a competent court is entitled to have his name entered in the register as nearest heir of a deceased watandar in preference to the name of a person already entered in the said register as such heir, provided that the said order or decree is produced within six years of the date of the entry in the said register sought to be amended, shall amend the said entry in the said register accordingly.” The Collector to amend entry on register.

“(3) The Collector is empowered to delegate to the Mamlatdar or Mahalkari the powers exercisable by him under clause (a) of sub-section (1).” The Collector may delegate certain powers to Mamlatdars and Mahalkaris.

(ii) Sub-section (2) shall be re-numbered as sub-section (4).

3. In section 75 of the said Act, after the word “may” the following shall be inserted, namely :— Amendment of section 75 of Bom. III of 1874.

“Save in respect of any matter in which he has delegated his powers to a Mamlatdar or Mahalkari under sub-section (2) of section 64,”

4. In section 77 of the said Act,—

(i) after the words “Deputy Collector” where they first occur, the words “or from every decision passed by a Mamlatdar or Mahalkari exercising the powers delegated to him under sub-section (2) of section 64.” shall be inserted ; and Amendment of section 77 of Bom. III of 1874.

(ii) after the words “Deputy Collector” where they occur for the second time, the words “, or Mamlatdar, or Mahalkari” shall be inserted.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Part V, p. 197 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

[2] Vol. II of Bom. Code.

BOMBAY ACT No. XIII OF 1932.^[1]

[THE CITY OF BOMBAY MUNICIPAL (THIRD AMENDMENT)
ACT, 1932]

[18th November 1932]

An Act further to amend the City of Bombay Municipal Act, 1888.

om. III
1888. WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Municipal (Third Short title. Amendment) Act, 1932.

om. III
1888. 2. In schedule H to the [2]City of Bombay Municipal Act, 1888, Amendment of schedule H to Bom. III of 1888.
for the entry :—

“ ‘Vegetable product’ or ‘Vanas-pati’, that is to say, ghi substitutes which are not pure ghi but which resemble ghi. 10 annas per Bombay Maund.”

the following entry shall be substituted, namely :—

“ Ghi substitutes (of whatever composition) which are not pure ghi but which resemble pure ghi and are capable of being used as substitutes for pure ghi. 10 annas per Bombay Maund.”

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Part V, p. 156 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

[2] Vol. III of Bom. Code,

BOMBAY ACT No. XIV OF 1932.[1]

**[THE DEKKHAN AGRICULTURISTS' RELIEF (AMENDMENT)
ACT, 1932]**

[1st December 1932]

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

XVII
of
1879.
5 & 6
Geo.V,
c. 61.

WHEREAS it is expedient further to amend the [2]Dekkhan Agriculturists' Relief 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 Dekkhan Agriculturists' Relief Short title.
(Amendment) Act, 1932.

XVII
of
1879.

2. For clause (c) of section 13 of the [2]Dekkhan Agriculturists' Amendment
Relief Act, 1879, the following shall be substituted, namely :— of section 13
of XVII
of 1879.

“(c) in the account of principal there shall not be debited to the debtor any sum in excess of a sum due or to accrue due under a decree which the debtor may have agreed directly or indirectly to pay in pursuance of any agreement relating to the satisfaction of the said decree.”

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1932, Part V, p. 103 ; for Report of the Select Committee, see *ibid* 1932, Part V, pp. 244-45 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vols. XXXIV and XXXV.

[2] Vol. I of Bom. Code.

THE BOMBAY WEIGHTS AND MEASURES ACT, 1932.

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BOMBAY ACT No. XV OF 1932.[¹]

[THE BOMBAY WEIGHTS AND MEASURES ACT, 1932]

[1st December 1932]

An Act to fix a scale of standard weights and measures for the
presidency of Bombay.

WHEREAS it is expedient to fix a scale of standard weights and measures for the presidency of Bombay and to provide for the adoption of the same in specified areas in the said presidency; 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:—

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Weights and Measures Act, Short title. 1932.

2. (1) This Act shall apply to the whole of the presidency of Bombay. Extent and commencement.

(2) Part I shall come into force at once. Government may, by notification in the *Bombay Government Gazette*, direct that Parts II, III, V and VI shall come into force in any district or municipal area on a date to be specified in such notification.

(3) When Government has directed that Parts II, III, V and VI shall come into force in any district or municipal area under sub-section (2), Part IV shall come into force in such district or municipal area three months after the dates specified in the notification.

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

(1) "Inspector" means an inspector of weights and measures and weighing or measuring instruments appointed under section 19;

(2) "Measuring instrument" includes any instrument for the measurement of length, area, capacity or volume;

(3) "Mint" means His Majesty's Mint, Bombay;

(4) "Mint Master" means the officer appointed for the time being to be the Master of the Mint, Bombay;

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, pp. 126-130; for Report of the Select Committee see *ibid.*, 1932, Pt. V, pp. 126-130 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXV.

(5) "Prescribed" with its grammatical variations means prescribed by rules or regulations made under this Act;

(6) "Primary standards" mean the weights and measures prepared and stamped under section 5;

(7) "Rules" and "regulations" mean the rules and regulations made under section 41 and section 42, respectively;

(8) "Secondary standards" mean the weights and measures prepared and stamped under section 7;

(9) The expression "verification" or "reverification" with its grammatical variations, used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument;

(10) "Weighing instrument" includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines, and other instruments for weighing; and

(11) "Working standards" mean the weights and measures provided under section 9.

PART II.

STANDARDS OF WEIGHTS AND MEASURES.

Standard weights and measures.

4. The weights and measures including the multiples and sub-multiples thereof described in the first schedule shall be the weights and measures authorised to be used in every place in which this Part has come into force. These weights and measures are called standard weights and measures for the purposes of this Act.

Primary standards.

5. For the purpose of verifying the secondary standards, such standard weights and measures as Government may direct shall be prepared at the Mint by the Mint Master. They shall be made of such material, weight, length, form and specifications and in such manner as may be determined by Government by notification in the *Bombay Government Gazette*. They shall be stamped with the stamp of the Mint. The standard weights and measures so prepared and stamped shall be called Primary Standards.

Custody of primary standards.

6. The primary standards shall be kept in the custody of such officer in the City of Bombay as Government may direct. They shall, once at least in every period of five years, be verified, and if necessary, adjusted or renewed, at the Mint in such manner and by such officer as Government may direct.

Secondary standards.

7. For the purpose of verifying the working standards and weights and measures in use in any area, such standard weights and measures as Government may direct, shall be prepared at the Mint by the Mint Master. They shall be made of such material, weight, length, form and specifications and in such manner as may be prescribed and shall be stamped with

the stamp of the Mint. The standard weights and measures so prepared and stamped shall be called Secondary Standards.

8. (1) The secondary standards shall be kept—

(i) in the City of Bombay by such officer and at such place as Government may direct ;

Custody and
verification
of secondary
standards.

(ii) elsewhere by the Collectors in the Government treasuries at the headquarter towns of their respective districts and at such other town or place within their respective districts as Government may direct.

(2) Government may direct any municipality or district local board to keep the secondary standards at such places, in such custody and in such manner as may be prescribed.

(3) Once at least in every period of five years such secondary standards shall be verified with the primary standards and shall be adjusted or renewed, if necessary, and shall be marked with the date of verification, in the prescribed manner by such officer as Government may direct.

(4) A secondary standard which is not so verified, adjusted or renewed and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

9. (1) For the purpose of verifying weights and measures in use in any area, Government may provide such standard weights and measures as it thinks fit, to be working standards. They shall be made of such material, weight, length, form and according to such specifications and shall be prepared by such agency and shall be stamped by such person and in such manner as may be prescribed. When they are not prepared at the Mint, they shall be verified with the secondary standards before being stamped.

(2) The working standards shall be kept by such officers and such municipalities and local boards as Government may direct, at such places, in such custody and in such manner, as may be prescribed.

(3) A working standard shall be verified or re-verified and marked by such person, at such place and in such manner, as may be prescribed.

(4) A working standard shall not be deemed legal, or be used for the purposes of this Act, unless it has been verified or re-verified and marked in the prescribed manner within such period as may be prescribed before the time at which it is used.

A working standard which has become defective shall not be legal, or be used for the purposes of this Act, until it has been re-verified and marked in the prescribed manner.

10. Weighing and measuring instruments stamped in the manner prescribed by such officer as Government may direct shall be kept at all places where secondary standards or working standards are kept. Such instruments shall be of such kind, kept in such number and shall be verified, adjusted or renewed in such manner as may be prescribed.

Weighing and
measuring
instruments.

Duty of certain municipalities and local boards to provide and maintain secondary standards, etc.

11. Where Government has directed a municipality or local board to keep the secondary standards under sub-section (2) of section 8, the working standards under sub-section (2) of section 9 and weighing or measuring instruments under section 10, the municipality or local board so directed, as the case may be, shall provide and maintain the said secondary standards, working standards or weighing or measuring instruments.

Prohibition of weights and measures other than standard weights and measures.

12. (1) Subject to the provisions of section 46, and notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made in any area after this Part shall have come into force in the said area for any work to be done or goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to one of the standard weights or measures or to multiples thereof and it shall not be lawful to use any other weight or measure in relation to any such dealing or contract.

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1) so far as it contravenes the said provisions shall be void unless it is proved that such dealing or contract was had or made without intention to contravene the said provisions.

Explanation.—Unless there is anything repugnant in the subject or context, a dealing or contract is hereinafter called “trade”.

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1111
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PART III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

Stamping.

13. Every weight which conforms to the provisions of this Act and the rules and regulations except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length, area, capacity or volume, which conforms to the provisions of this Act and the rules and regulations shall have the denomination thereof stamped on the outside of such measure in legible figures and letters. A weight or measure which does not conform to the provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules and regulations.

Stamping and verification of weights and measures.

14. (1) No weight or measure shall be used for trade unless it has been verified or re-verified in the prescribed manner and stamped by an inspector with a stamp of verification under this Act.

(2) Government may prescribe the amount of error to be tolerated in weights or measures or weighing or measuring instruments used for trade.

Use of weighing or measuring instrument not verified and stamped prohibited.

15. No weighing or measuring instrument shall be used for trade unless it has been verified or re-verified within the period fixed and stamped in the prescribed manner by an inspector with a stamp of verification.

16. No weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or re-verified and stamped in the prescribed manner by an inspector with a stamp of verification.

Sale or delivery of weight, measure, weighing or measuring instrument not verified and stamped prohibited.

17. Government may empower any municipality or district local board authorised under this Act to keep secondary and working standards to stamp weights and measures and weighing or measuring instruments.

Empowering municipalities and district local boards to stamp weights, etc.

18. Government shall provide proper and sufficient means for verifying, adjusting and stamping weights and measures and weighing or measuring instruments in the City of Bombay, in all headquarter towns in the districts and at such other places as Government may determine :

Provision of means of verification and stamping.

Provided that municipalities and district local boards authorised to keep secondary and working standards under this Act shall also provide proper and sufficient means for verifying, adjusting, marking and, if empowered under section 17, for stamping weights and measures and weighing or measuring instruments at such places within their respective limits, as Government may determine.

19. (1) Government shall appoint a sufficient number of persons with prescribed qualifications as inspectors for keeping the secondary and working standards in safe and proper custody and for the discharge of the other duties of inspectors under this Act and the rules and regulations.

Appointment of inspectors of weights and measures.

(2) A Municipality or a district local board authorised under this Act to keep secondary and working standards shall also appoint a sufficient number of persons with prescribed qualifications as inspectors for the purpose of performing the duties of inspectors specified in sub-section (1).

(3) The number and scale of pay of inspectors appointed under sub-section (2) shall, except in the case of inspectors appointed by the Municipal Corporation of the City of Bombay, be subject to the approval of Government.

20. Every inspector shall forthwith on his appointment enter into a recognizance with Government or the municipality or district local board, as the case may be, in such sum as may be prescribed for the due performance of the duties of his office, for the due payment, at the time and in the manner required by the authority appointing him, of all moneys received by him under this Act and for the safety of the secondary and working standards and the stamps and appliances for verification committed to his charge and for their due surrender immediately on ceasing to hold office.

Inspectors to enter into recognizance.

Verification
and
stamping by
inspectors.

21. (1) Every inspector shall, for the purposes of the verification of weights and measures and weighing or measuring instruments, attend at such time and place within his jurisdiction as may be appointed in this behalf by the authority appointing him.

(2) He shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification or re-verification. If he finds such weight or measure or weighing or measuring instrument correct, he shall, if he is an inspector appointed by Government or by a municipality or district local board, empowered under section 17, stamp the same with a stamp of verification in the prescribed manner. If such inspector is one appointed by a municipality or district local board, not empowered to stamp under section 17, he shall, after such verification, refer the matter to the nearest inspector appointed by Government for such action as he deems fit.

(3) It shall be competent to Government to empower an officer to inspect the work of stamping done by an inspector appointed by a municipality or district local board within the area under his charge.

Power
to inspect
weights, etc.,
and to enter
shops, etc.,
for that
purpose.

22. (1) Every inspector authorised in writing in this behalf by the authority appointing him may, at all reasonable times, inspect all weights and measures and weighing or measuring instruments, within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or a weighing or measuring instrument prescribed for this purpose.

(2) Such inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which may be used for the commission of such offence.

(3) For the purpose of such inspection, the inspector may at all reasonable times enter into any place where weights and measures and weighing or measuring instruments are used or kept for purpose of trade and inspect such weights and measures and weighing or measuring instruments.

Inspector
not to be
maker, seller
or adjuster
of weights
and measures
or weighing
or measuring
instruments.

23. An inspector shall not, during the time he holds office, derive any profit from or be employed in the making, adjusting, or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to Government desirable that an inspector should be allowed to adjust weights or measures or weighing or measuring instruments, Government may, if it thinks fit, authorise such inspector to adjust weights, measures or such instruments accordingly.

24. Every inspector appointed by a municipality or district local board under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Inspectors to be public servants.

XLV
of
1860.

25. (1) If any difference arises between an inspector and any person interested as to the meaning or construction of any rule or regulation or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, such difference may, at the request of the party interested or by the inspector of his own accord be referred to such officer as Government may direct or to the municipality or district local board, as the case may be, and the decision of such officer or the municipality or district local board shall subject to the provisions of sub-section (2) be final.

Government or municipality or district local board may determine difference.

(2) An appeal shall lie within the time prescribed from the decision under sub-section (1) to Government or such officer as Government may appoint in this behalf. The decision of Government or such officer under this sub-section shall be final.

26. Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or district local board under and for the purposes of this Act and the rules and regulations may be paid out of the municipal or local fund.

Expenses of municipality and district local board.

27. (1) Government and with the previous sanction of Government a municipality or district local board authorised under section 17 or 18, shall charge such fees for the verification, re-verification, marking, adjustment and stamping of weights or measures or weighing or measuring instruments as may be prescribed.

Levy of fees.

(2) There shall be credited annually to Government—

(i) in the case of the Municipal Corporation of the City of Bombay, the Municipality of Karachi and municipalities governed by the [1]Bombay Municipal Boroughs Act, 1925, half of the fees levied under this section ; and

Bom.
XVIII
of
1925.

(ii) in the case of municipalities governed by the [2]Bombay District Municipal Act, 1901, other than the Municipality of Karachi and district local boards, the balance of the fees levied under this section, after deducting—

Bom.
III
of
1901.

(a) in such number of equal annual instalments as may be directed by Government, the expenses incurred by the said municipalities or local boards as the case may be in providing and maintaining secondary standards, working standards or weighing or measuring instruments under section 11 and

(b) all necessary recurring expenditure of the said municipalities or local boards as the case may be under this Act.

[1] In Pt. I, p. 267.

[2] Vol. IV of Bom. Code.

(3) The municipalities and local boards mentioned in clause (ii) of sub-section (2) shall forward to Government a quarterly statement of expenditure incurred by them under this Act.

Power of municipalities and district local boards to combine for the purposes of the Act.

28. (1) With the sanction of Government any two or more municipalities or district local boards may combine, as regards either the whole or any part of the area within their jurisdiction for all or any of the purposes of this Act upon such terms and in such manner as may be mutually agreed upon.

(2) An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction and duties, as if he had been appointed by each of the municipalities and district local boards which is a party to such agreement.

Validity of weights and measures, etc. duly stamped.

29. A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure in all places in which this part has come into force, unless false or defective, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

Stamped weights, etc. to be *prima facie* deemed correct in any court.

30. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act or the rules or regulations shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of Government or the municipality or district local board, as the case may be, or by any person acting under the general or special authority of such public servant.

PART IV.

PENALTIES.

Penalty for fraudulent use of weight, measure, etc.

31. Whoever fraudulently uses any weight or measure or weighing or measuring instrument, shall, on conviction, be punished with imprisonment of either description which may extend to three months or with fine extending up to rupees five hundred or with both.

Penalty for making, selling, disposing of false or defective weight, measure, etc.

32. Whoever wilfully or knowingly makes, sells or disposes of or causes to be made, sold or disposed of any weight or measure or weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine which may extend to rupees five hundred or with both.

Penalty for sale by weight or measure other than standard weight or measure.

33. Whoever sells any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punishable with fine which may extend to rupees five hundred.

34. Whoever uses or has in his possession for use for trade any weight or measure or weighing or measuring instrument which is not authorised, verified or stamped under or in accordance with the provisions of this Act and the rules and regulations shall, on conviction, be punishable with fine which may extend to rupees five hundred and any trade had or made by such weight or measure or weighing or measuring instrument shall be void.

Penalty for use and possession of weight, measure, etc. not authorised.

35. Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser a less weight or measure than is purported to be sold shall, on conviction, be punishable with fine which may extend to rupees three hundred.

Penalty for giving short weight or measure.

36. Whoever uses or has in his possession for use for trade any weighing or measuring instrument not verified or re-verified and stamped under this Act, shall, on conviction, be punishable with fine which may extend to rupees two hundred.

Penalty for possessing for use weight, etc. not verified or stamped.

37. Whoever sells or delivers any weight or measure or weighing or measuring instrument not verified or re-verified and stamped under this Act shall, on conviction, be punishable with fine which may extend to rupees one thousand.

Penalty for sale or delivery of weight or measure, etc. not verified or stamped.

38. (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any weight or measure or weighing or measuring instrument or removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

Penalty for forging, etc. of weights, measures, etc.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

39. Whoever neglects or refuses to produce for inspection all weights or measures or weighing or measuring instruments in his possession or on his premises or refuses to permit an inspector authorised to examine the same or any of them or obstructs the entry of the inspector under section 22 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction, be punishable with fine which may extend to rupees five hundred.

Penalty for neglect or refusal to produce weight for inspection.

40. If an inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules or regulations or is guilty of a breach of any duty imposed on him by this Act or by the rules or regulations, he shall, on conviction, be punished with imprisonment of either description for a period which may extend to one year or with fine or with both.

Penalty for breach of duty by inspector.

PART V.

RULES AND REGULATIONS.

Power of
Government
to make
rules.

41. (1) Government may make rules^[1] for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, such rules may prescribe—

(a) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made ;

(b) the places at which, the custody and manner in which secondary standards shall be kept by municipalities and district local boards ;

(c) the procedure for the verification, re-verification, adjustment or renewal of primary and secondary standards and marking of secondary standards ;

(d) the composition, weight, length, form and specifications and use of working standards, the authority by whom and the manner in which such standards shall be provided, the agency by whom such standards shall be made, the person by whom and the manner in which such standards shall be stamped, and the places at which and the custody and manner in which such standards shall be kept ;

(e) the procedure for the verification or re-verification and marking of working standards and the person by whom and the place where they shall be verified or re-verified ;

(f) the number of weighing and measuring instruments to be kept and necessary particulars regarding the same ;

(g) the authority by whom certified scales shall be provided for the purposes of this Act and the rules and regulations and the manner in which they shall be verified or re-verified ;

(h) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area ;

(i) the inspection, verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring instruments in use in any area, including the prohibition of stamping in cases where the nature, denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such weights and measures and weighing or measuring instruments shall be verified or re-verified ;

(j) the circumstances and conditions under which and the manner in which stamps may be obliterated or defaced ;

(k) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing or measuring instruments ;

(l) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as regards any trade ;

[¹] For Rules under this section, see G. N. No. 9492 dated 5th June 1934 published in the *B. G. G.*, Pt. I of 1934, pp. 1323-56.

(m) the amount of error to be tolerated in weights and measures and weighing or measuring instruments used or intended to be used for trade;

(n) the fees to be charged for the verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring instruments and the collection and levy of the same;

(o) the seizure, detention and destruction of weights and measures and weighing or measuring instruments which are not authorised by this Act and in regard to which no regulations have been made under section 42;

(p) the matters other than those specified in section 42 in respect of which regulations may be made by municipalities or district local boards;

(q) the qualifications, functions and duties generally of inspectors under this Act and the rules and regulations;

(r) any other matters for which no provision or insufficient provision is made in this Act and for which provision is, in the opinion of Government, necessary.

(3) The power to make rules under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

The rules made under this section shall be laid on the table of the Bombay Legislative Council for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council. If any rule is modified, the Governor in Council may accept the modification and republish the rule accordingly, or may rescind the rule.

42. (1) Every municipality and district local board, authorised to keep secondary or working standards under this Act, shall, with the previous sanction of Government, make regulations not inconsistent with this Act and the rules for the area subject to its jurisdiction, providing for—

Power of
municipality
and district
local board
to make
regulations.

(a) the verification, adjusting and stamping of weights and measures and weighing or measuring instruments in use within the area subject to its jurisdiction and for the stamping thereof, when such municipality or district local board is empowered under section 17;

(b) the seizure, detention and destruction of weights and measures and weighing or measuring instruments which are not authorised by this Act;

(c) the inspection of weights and measures and weighing or measuring instruments;

(d) the duties generally under this Act of the inspectors appointed by such municipality or district local board; and

(e) any other matters in respect of which it is authorised by rules to make regulations.

(2) The regulations for the time being in force shall be kept open for public inspection at the municipal and district local board offices at all reasonable times and printed copies thereof in the vernacular language of the area subject to the jurisdiction of the municipality or district local board, and in the case of city and borough municipalities in English as well as in the vernacular shall be kept on sale at cost price.

PART VI.

MISCELLANEOUS.

- 43.** No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules or regulations.
- 44.** No prosecution under this Act shall be instituted except by or with the previous sanction of the Collector or any officer specially empowered by him or by Government in this behalf.
- 45.** Any of the powers and duties conferred and imposed upon Government by this Act may be exercised and performed, subject to such conditions as Government may think fit, by any person whom Government may, by general or special order, empower in this behalf.
- 46.** Government may, after previous publication by notification in the *Bombay Government Gazette*, and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade or any class of trades specified in the notification from all or any of the provisions of this Act.
- 47.** On the coming into force of this Part in any area—
- (a) the enactments specified in Part I of the second schedule shall be deemed to have been amended to the extent and in the manner specified in the third column thereof ;
- (b) the enactments specified in Part II of the said schedule shall be deemed to have been repealed, so far as they apply to the presidency of Bombay, to the extent specified in the third column thereof :
- Provided that—
- (i) the said repeal shall not affect the validity or invalidity of anything already done under the enactments repealed by this Act ;
- (ii) all appointments made, notifications and notices issued, rules, by-laws and orders made, contracts entered into and suits and other proceedings instituted under any Act or enactment repealed by this Act shall, so far as they are not inconsistent with the provisions of this Act and the rules and regulations, continue

in force and be deemed to have been made, issued, entered into and instituted under this Act.

THE FIRST SCHEDULE.

(See section 4.)

Standard Weights and Measures.

Weights—

The Bombay Tola of 180 grains.

The Bombay Seer of 80 tolas.

The Bombay Maund of 40 seers.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, 16 and $\frac{1}{32}$ and the multiples 2, 4 and 8 of the tola, seer and maund.

The pound avoirdupois equal to 7,000 grains and the sub-multiples $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{2}$, 1, 2, 4 and 8 ounces, the multiples 1, 2, 4, 7, 14, 28 lbs. (a quarter), 56 lbs., 112 lbs. (1 cwt.) and 2,240 lbs. (1 ton).

The grain is that unit of weight in vacuo which when multiplied by 1799·84585 is the weight of the iridio-platinum cylinder in the custody of the Mint Master, Bombay, the value of which is certified by the Standard Department of the British Board of Trade as 1799·84585 grains in vacuo.

Explanation 1.—The equivalent value of the abovementioned iridio-platinum cylinder when weighed in Standard Indian Air against Brass Weights having a specific gravity of 8·143 is 1800·00394 grains, i.e., a brass weight whose value in vacuo is 1800·00394 grains will exactly equilibrate the abovementioned iridio-platinum cylinder in Standard Indian Air.

Explanation 2.—Since the Bombay tola equals 180 grains in vacuo, its absolute value is equivalent to 10000856 of the absolute value of the abovementioned iridio-platinum cylinder. But in practice, all verifications against the abovementioned iridio-platinum cylinder are carried out by weighments in air, and therefore the value 1800·00394 grains is always used for verifying weights.

Explanation 3.—Standard Indian Air is defined as follows:—

Temperature: 85 deg. Fahr.—29·44 deg. Cent. Pressure: A column of mercury at 0 deg. C. 29·8 inches or 756·919 mm. in height. Carbon diox. gas: 0·0006 of the volume of air. Vapour tension: 0·75 inches = 19·05 mm. Latitude at Calcutta 22° 35' 6". Height above M. S. L. = 22·6 feet. 1 litre of Standard Indian Air at Calcutta weighs 1·14917 grm.

Dry measures—

The Bombay seer.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$ and $\frac{1}{8}$ seer.

The Bombay Chatak = $\frac{1}{1}$ seer.

The Adpao = $\frac{1}{8}$ seer.

The Adholi = 2 seers.

The Bombay payali of 4 seers.

The Bombay Maund of 16 payalis.

The Bombay Map of 2 maunds.

Liquid measure—

The Bombay seer.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and $\frac{1}{6}$ seer.

The multiples 2, 4 and 8 seers.

The Imperial gallon.

The Pint = $\frac{1}{8}$ gallon.

Dry and Liquid measures—Explanations—

Explanation 1.—The unit of capacity called the Bombay seer is equivalent to the volume occupied by 80 tolas of air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8·143.

Explanation 2.—The unit of capacity called the Imperial gallon contains ten British Standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer at 30 in.

Length—

The Yard—

The Inch = $\frac{1}{36}$ th yard, and

The Foot = $\frac{1}{3}$ rd yard.

The Furlong of 220 yards.

The Mile of 1,760 yards.

The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.

Area and volume—

The Square Yard, Square Foot and Square Inch.

The Cubic Yard, Cubic Foot and Cubic Inch and sub-multiples of a Cubic Inch.

The anna of $\frac{1}{6}$ of the guntha.

The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.

The Square of 100 square feet.

The Brass of 100 cubic feet.

THE SECOND SCHEDULE.

(See section 47.)

PART I.

Enactments amended.

No. and year of Act.	Title.	Amendments.
III of 1901	The ^[1] Bombay District Municipal Act, 1901.	<p><i>Acts of the Governor of Bombay in Council.</i></p> <p>For section 143 the following section shall be substituted, namely :—</p> <p>“ 143. The president, vice-president, or any councillor or officer 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.”</p>
VI of 1923	The ^[2] Bombay Local Boards Act, 1923.	<p>After section 61A the following section shall be inserted, namely :—</p> <p>[In Pt. I, p. 60.]</p>
XVIII of 1925	The ^[3] Bombay Municipal Boroughs Act, 1925.	<p>For section 177 the following section shall be substituted, namely :—</p> <p>[In Pt. I, p. 356.]</p>

[1] Vol. IV of Bom. Code.

[2] In Pt. I, p. 33.

[3] In Pt. I, p. 267.

PART II.

Enactments repealed.

No. and year of Act.	Title.	Extent of repeal.
		<i>Acts of the Governor General in Council.</i>
XXXI of 1871 ..	The [1]Indian Weights and Measures of Capacity Act, 1871.	The whole.
II of 1889 ..	The [2]Measures of Length Act, 1889.	The whole.
		<i>Acts of the Governor of Bombay in Council.</i>
[3]Regulation XII of 1827.	A regulation for the establishment of a system of police throughout the zilas subordinate to Bombay for providing rules for its administration, and for defining the duties and powers of all police authorities and servants.	Section 20.
III of 1886 ..	The Bombay General Clauses Act, 1886.	In Schedule B the entry relating to section 20 of Bombay Regulation XII of 1827.
III of 1888 ..	The [4]City of Bombay Municipal Act, 1888.	Sections 418, 419 and 420. Section 461, clause (o), sub-clause (i). In section 471, the entries relating to section 420, sub-section (2), clauses (a), (b), (c) and (d) and sub-section (3), clauses (a) and (b).
III of 1901 ..	The [5]Bombay District Municipal Act, 1901.	Clauses (e) and (ee) of sub-section (1) of section 48.
IV of 1904 ..	The [6]Bombay District Municipal (Amendment) Act, 1904.	Section 3.
IV of 1921 ..	The [8]City of Bombay Municipal (Amendment) Act, 1921.	Sections 2, 3 so far as it relates to sub-clause (i) of clause (o) of section 461 and section 4.
XVIII of 1925 ..	The [7]Bombay Municipal Boroughs Act, 1925.	Clauses (h) and (i) of section 61.

[1] General Acts, Vol. I.

[2] General Acts, Vol. III.

[3] Vol. I of Bom. Code.

[4] Vol. III of Bom. Code.

[5] Vol. IV of Bom. Code.

[6] Vol. V of Bom. Code.

[7] In Pt. I, p. 267.

THE BOMBAY SPECIAL (EMERGENCY) POWERS ACT, 1932.

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BOMBAY ACT No. XVI OF 1932.[1]

[THE BOMBAY SPECIAL (EMERGENCY) POWERS ACT, 1932].

[16th December 1932]

An Act to confer special powers on Government and its officers for the maintenance of the public security in case of emergency.

WHEREAS it is expedient to confer special powers upon Government and its officers for the maintenance of the public security in case of emergency; 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 :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Special (Emergency) Powers Act, 1932.

Short title,
commence-
ment, extent
and
operation.

* (2) It shall remain in force for a period of one year, and thereafter for such further period, not exceeding two years, as the Governor in Council may, by notification in the *Bombay Government Gazette*, direct.

† (3) This Chapter extends to the whole of the Presidency of Bombay and the Governor in Council may by notification in the *Bombay Government Gazette* extend all or any of the remaining provisions of this Act to such district or area as may be specified in the notification.

‡ (4) This Chapter shall come into operation at once and the Governor in Council may by notification in the *Bombay Government Gazette* direct that all or any of the remaining provisions of this Act shall come into operation in any district or area to which they have been extended on such date as may be appointed in the notification.

[1] For statement of objects and reasons, see *Bombay Government Gazette*, 1932, Pt. V, pp. 282-285 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1932, Vol. XXXVI.

* For Notification extending the period of the Act up to the 16th December 1934, vide H. D. (Poll.) Notification No. S. D. 5381, dated 29th November 1933 published in the *Bombay Government Gazette*, Part I, of 30th November 1933, p. 2804.

† For Notification extending the provisions of Chapters II and IV of the Act to Bombay Presidency and of Chapter III to Kanara District, vide H. D. (Poll.) Notification No. S. D. 7665, dated 20th December 1932 published in the *Bombay Government Gazette* Extraordinary, Part I, of 21st December 1932, p. 2864.

‡ For Notification bringing into operation the provisions of Chapters II, III and IV of the Act, vide H. D. (Poll.) Notification No. S. D. 7666, dated 20th December 1932, published in the *Bombay Government Gazette* Extraordinary, Part I, of 21st December 1932, p. 2864.

Definitions.

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

- (1) "The Code" means the Code of Criminal Procedure, 1898 and V of 1898
 (2) "District Magistrate" means, in the case of the City of Bombay, the Commissioner of Police.

CHAPTER II.

SPECIAL POWERS.

Power to arrest and detain suspected persons.

3. *(1) Any officer of Government authorised in this behalf by general or special order of the Governor in Council may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest any powers and means which may be exercised or used in making an arrest, with or without warrant, under the Code, may be exercised and used.

* (2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Governor in Council by the officer so making or so directing the arrest, as the case may be, who shall forward with his report a written record of the statement, if any, made by the person so arrested, and such officer may, by order in writing, commit any person so arrested to such custody as the Governor in Council may, by general or special order, specify in this behalf;

Provided that no person shall, unless the Governor in Council by special order otherwise directs, be so detained in custody for a period exceeding fifteen days;

Provided further that no person shall be so detained in custody for a period exceeding two months.

Power to control suspected persons.

4. (1) The Governor in Council, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, and after having taken into consideration the record in writing made or caused to be made by the District Magistrate of the statement, if any, made by such person, may, by order in writing, give any one or more of the following directions, namely, that such person—

- (a) shall not enter, reside or remain in any area specified in the order;
- (b) shall reside or remain in any area specified in the order;

* For Notification investing the District Magistrates (including the Commissioner of Police, Bombay) with powers under section 3 (1) of the Act and specifying the custody to which persons arrested under the section may be committed, *vide* H. D. (Poll.) Notification No. S. D. 7809, dated 30th December 1932, published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2931.

(c) shall remove himself from, and shall not return to, any area specified in the order ;

(d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Governor in Council by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

33em. I
of 1904.

(4) The Governor in Council shall, subject to the provisions of section 21 of the [1]Bombay General Clauses Act, 1904, so far as conveniently may be, at intervals of six months take into consideration and review any orders in force made or deemed to have been made under sub-section (1) and when in the opinion of the Governor in Council it is compatible with the public safety or peace to cancel or modify any of such orders, the Governor in Council shall cancel or modify any such orders accordingly. Any decision of the Governor in Council that any such order can or cannot be cancelled or modified or as to the manner in or the extent to which any such order can be modified shall be final and conclusive.

5. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think necessary in the interests of the public safety or peace, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval, Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

Power to prohibit or limit access to certain places.

6. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway or ferry.

Power to prohibit or regulate traffic.

7. (1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles or means of transport owned by him or in his possession or under his control.

Power to regulate means of transport.

(2) The District Magistrate, if in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, require any person owning or having in his possession or under his control any vehicle or means of transport to take such order therewith for such period as may be specified in the order.

Power to control posts and telegraphs.

8. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, in consultation with the chief postal authority in the district, control the operation of any post, telegraph, telephone or wireless office or station, and, in particular, may intercept any postal article or telegraphic, telephonic or wireless message in the course of transmission, may ascertain its contents and may prohibit its further transmission.

Power to regulate the use of railways and vessels.

9. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may—

- (a) require accommodation to be provided on any railway train or any vessel for any passengers or goods, and, for this purpose, exclude from such train or vessel any passengers or goods which it is already carrying or about to carry ;
- (b) require that any specified persons or classes of persons or persons proposing to travel to specified destinations, or any specified goods or classes of goods or goods consigned to specified destinations, shall not be carried on any railway or vessel ;
- (c) exclude or eject any passenger from any train or vessel ;
- (d) stop, or prohibit the stopping of, trains or vessels at any station ;
or
- (e) in consultation with the local railway authorities, require special trains to be provided for the conveyance of troops, police or other persons.

Power to secure reports of public meetings.

10. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of head constable, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Explanation.—For the purposes of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

Power to issue search-warrants.

11. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

- (a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made ;

- (b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause ;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

12. Any authority on which any power is conferred by or under this Chapter may, by general or special order, authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of— General power of search.

- (a) ascertaining whether it is necessary or expedient to exercise such power ; or
- (b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with ; or
- (c) generally, giving effect to such power or securing compliance with, or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

13. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto. Power to give effect to orders if disobeyed.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

14. Whoever intentionally disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both. Penalty for disobeying order under section 4.

15. Subject to the provisions of section 14, whoever intentionally disobeys or neglects to comply with any order made, direction given, or condition prescribed in accordance with the provisions of this Chapter or impedes the lawful exercise of any power referred to in this Chapter shall be punishable with imprisonment which may extend to six months, or with fine, or with both. Penalty for disobeying other orders under this Chapter.

16. *(1) The Governor in Council may invest the District Magistrate with the powers of the Governor in Council under sub-section (1) of section 4. Delegation of powers.

* For Notification investing the District Magistrates (including the Commissioner of Police, Bombay) with powers of the Governor in Council under section 4 (1) of the Act, vide H. D. (Poll.) Notification No. S. D. 7810, dated 30th December 1932 published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2932.

*(2) The Governor in Council may invest any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent, with any of the powers of a District Magistrate under this Chapter.

CHAPTER III.

SPECIAL PROVISIONS AGAINST ILLEGAL REFUSAL OF THE PAYMENT OF CERTAIN LIABILITIES.

Power to
declare
notified areas
and notified
liabilities.

† 17. (1) The Governor in Council may, by notification in the *Bombay Government Gazette*, declare that any district or area shall be a notified area for the purposes of this Chapter.

(2) The Governor in Council may further, by the same or by subsequent notification, declare that in such notified area land-revenue or any sum recoverable as arrears of land-revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment
for unlawful
instigation
to the non-
payment
of notified
liability.

18. Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability,

and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

* For Notification investing the District, Assistant and Deputy Superintendents of Police and Superintendents of Railway Police and Sub-divisional Magistrates with powers under sections 5, 6 and 10 of the Act, *vide* H. D. (Poll.) Notification No. S. D. 7811, dated 30th December 1932 published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2932.

For Notification investing every District Superintendent of Police with powers of a District Magistrate under section 7 of the Act, *vide* H. D. (Poll.) Notification No. S. D. 7812, dated 30th December 1932 published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2932.

For Notification investing the District Superintendent of Police, Ahmedabad, with powers of a District Magistrate under section 8 of the Act, *vide* H. D. (Poll.) Notification No. S. D. 7813, dated 30th December 1932 published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2932.

For Notification investing the District Superintendents of Police and Superintendents of Railway Police with powers of a District Magistrate under section 9 of the Act, *vide* H. D. (Poll.) Notification No. S. D. 7814, dated 30th December 1932 published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2932.

† For Notification declaring the District of Kanara to be a notified area for the purpose of Chapter III of the Act and declaring certain dues in the said area as notified liabilities, *vide* R. D. Notification No. 5243/28 dated 30th December 1932, published in the *Bombay Government Gazette* Extraordinary, Part I, of 30th December 1932, p. 2933.

19. No Court shall take cognizance of any offence punishable under section 18 except upon a complaint in writing made either by the Collector or by an Assistant or Deputy Collector authorised by general or special order in writing by the Collector in this behalf. Special rule of procedure.

20. (1) Any local authority to which an arrear of a notified liability is due may apply in writing to the Collector to realise it, and the Collector may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land-revenue, in accordance with the law applicable to the recovery of arrears of land-revenue in the area concerned. Power to collect an arrear of a notified liability as an arrear of land-revenue.

(2) Nothing in this section shall prevent any local authority to which an arrear of a notified liability is due from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him may recover such excess in accordance with law from the local authority on whose behalf the Collector has realised it.

CHAPTER IV.

SUPPLEMENTAL.

21. No Court other than a court of a Presidency Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence under this Act. Jurisdiction.

22. Notwithstanding anything contained in the Code, any offence punishable under this Act shall be cognizable and any offence punishable under section 14 or 18 shall be non-bailable. Offences under the Act to be cognizable and non-bailable.

23. Notwithstanding anything contained in the Code, a Presidency Magistrate or a Magistrate of the First Class, in the trial of an offence under this Act, may, in his discretion, follow the procedure for the summary trial of cases in which an appeal lies, laid down in Chapter XXII of the Code. Procedure for trial of offences.

24. In the trial of an offence under this Act, a court shall not be bound to adjourn the trial for any purpose unless such adjournment is, in the opinion of the Court, necessary in the interests of justice. Power of court to disallow adjournments.

25. Notwithstanding anything contained in section 32 of the Code, a Presidency Magistrate or a Magistrate of the First Class may pass a sentence of fine which may extend to five thousand rupees for an offence punishable under section 14, and the provisions of the Code shall be deemed to have been amended accordingly. Power of magistrate to pass a sentence of fine.

Powers of courts to deal with refractory accused.

26. (1) Where any accused, in a trial of an offence under this Act, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit, and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears in court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial of an offence under this Act shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

Special rule of evidence.

27. Notwithstanding anything contained in the [1] Indian Evidence Act, 1872, when the statement of any person has been recorded by any I of 18 Magistrate, such statement may be admitted in evidence in any trial of an offence under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

Application of ordinary law.

28. The provisions of the Code or of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with, arising from or consequent upon a trial of any offence under this Act.

Jurisdiction barred.

29. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

Operation of other penal laws not barred.

30. Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Act.

31. Anything done or deemed to have been done in pursuance of any provision of the [1]Special Powers Ordinance, 1932, shall, where the corresponding provisions of this Act have come into operation before the expiry of the said Ordinance, be deemed to have been done in pursuance of the corresponding provision of this Act and shall have effect, and the provisions of this Act shall have effect accordingly.

32. This Act shall operate to confer a right of appeal against a conviction under the provisions of the [1]Special Powers Ordinance, 1932, in all cases where an appeal would have lain under any provision of the said Ordinance, and every appeal pending at the time of the expiry of the said Ordinance and every appeal made in pursuance of the provisions of this section shall be heard and decided by the appellate authority by which it would have been heard and decided under the said Ordinance.

33. Any person accused of the commission of an offence punishable under the provisions of the [1]Special Powers Ordinance, 1932, notwithstanding the expiry of the said Ordinance, may, where the corresponding provisions of this Act shall have come into operation be tried and punished as if such offence were an offence punishable under or by reason of the corresponding provisions of this Act, and as if this Act had been in force at the time of such commission; and any trial of any such offence begun but not completed at the expiry of the [1]Special Powers Ordinance, 1932, may be continued and completed as if it had begun after the passing of this Act.

[1] For the Special Powers Ordinance, 1932, see Government Notification in the Home Department (Political), No. S.D. 4573, dated the 30th June 1932, published in the *Bombay Government Gazette*, 1932, Part I, pp. 1554-1566.

THE BOMBAY (DISTRICT) TOBACCO ACT, 1933.

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SCHEDULE.

BOMBAY ACT No. II OF 1933.[1]

[THE BOMBAY (DISTRICT) TOBACCO ACT, 1933]

[27th March 1933]

An Act for the imposition and levy of fees on the sale of Tobacco in the Presidency of Bombay excluding the City of Bombay.

WHEREAS it is expedient to impose and levy licence fees on the sale of tobacco in the Presidency of Bombay excluding the City of Bombay ; 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 :—

1. (1) This Act may be called the **Bombay (District) Tobacco Act, 1933.** Short title and extent.

(2) It extends to the whole of the Presidency of Bombay except the City of Bombay and such area as Government may, by notification published in the *Bombay Government Gazette*, exclude.

(3) It shall come into force from the 1st day of April 1933 and shall remain in force for a period of two years.

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

(1) "Collector" includes any officer appointed under section 5 to exercise the powers and perform the duties of a Collector under this Act ;

(2) "Commissioner" means an officer appointed under section 3 to be a Commissioner for the purposes of this Act ;

(3) "Grower" means a person who by himself or by members of his household or by his servants, agents or tenants grows tobacco ;

(4) "Hawker" means a person who goes from place to place or from house to house carrying or exposing for sale tobacco or exposing samples of tobacco to be afterwards delivered ;

(5) "Holder" means a holder of a licence ;

(6) "Licence" means a licence for the sale of tobacco granted under section 7 ;

(7) "Magistrate" means a magistrate of the first or second class or a magistrate of the third class specially authorised in this behalf by the District Magistrate ;

(8) "Prescribed" means prescribed by rules ;

(9) "Retail sale" means a sale other than a wholesale sale ;

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Part V, pp. 474-477 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1933, Vol. XXXVII.

(10) "Rule" means a rule made under section 27;

(11) "Tobacco" includes bidis, cigarettes and cigars, the leaf, stalks and stem of the tobacco plant and any preparation or mixture of tobacco;

(12) "Tobacco Officer" means the Commissioner, a Collector or any other officer or person lawfully appointed or invested with powers under section 5;

(13) "Tobacco revenue" means revenue derived or derivable from any fee, fine (other than a fine imposed by a court of law) or confiscation imposed or ordered and all sums accruing to Government, under the provisions of this Act; and

(14) "Wholesale sale" means a sale of tobacco to traders in that commodity for the purpose of trade.

Appointment
and duties of
Commis-
sioner.

*3. (1) Government may, by notification in the *Bombay Government Gazette*, appoint for the whole or for any part of the Presidency of Bombay in which this Act shall be in force, an officer to be the Commissioner;

(2) The Commissioner shall, subject to the control of Government, superintend the administration of the Tobacco Department and the collection of tobacco revenue.

Collectors
charged with
carrying out
the Act.

4. Subject to the control and direction of the Commissioner and the orders of Government, the Collectors are charged with the collection of tobacco revenue and with the carrying out of the provisions of this Act.

Appointment
of special
Collectors
and other
tobacco
officers.

§5. (1) Government may, by notification in the *Bombay Government Gazette*, appoint any person other than the Collector of Land-revenue to exercise, in any district or place, all the powers and perform all the duties conferred and imposed by this Act on a Collector, subject to such control, if any, in addition to that of the Commissioner and of Government, as Government may from time to time direct.

(2) The Commissioner may, subject to the general or special orders of Government, appoint any person to be a Tobacco Officer and assign to him such powers and duties under this Act, as he may deem fit.

(3) Government, or subject to such orders as aforesaid, the Commissioner may invest any officer or person with such powers and impose upon him such duties under this Act, as Government or the Commissioner, as the case may be, may deem fit and any such officer shall thereupon exercise the said powers and discharge the said duties in addition to the powers and duties incident to his principal office.

Prohibition
of sale of
tobacco with-
out licence.

6. No person shall sell or expose for sale any tobacco except under and in accordance with the terms and conditions of a licence granted under section 7:

Provided that a grower of tobacco may, without licence, sell tobacco (other than bidis, cigarettes, cigars and any preparation or mixture of tobacco) grown by him.

* For appointment of the Commissioner of Excise, Bombay, as the Commissioner under this Act for the Presidency of Bombay, excepting Sind, see G. N. No. 460/33 dated 8th April 1933 published in the B. G. G., Pt. I, of 1933, p. 816.

For appointment of the Commissioner in Sind as the Commissioner under this Act for Sind, see Govt. Notifn. No. 460/33 (a) dated 8th April 1933, published in the B. G. G., Pt. I, of 1933, p. 816.

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

Explanation.—The supply of tobacco by clubs to their members on payment of any price, fee or subscription is a sale within the meaning of this section.

7. (1) Every licence for the sale of tobacco whether wholesale, retail or by a hawker shall be granted annually or for any less period by the Collector in the manner prescribed by Government on payment of fees subject to the maxima specified, in the schedule hereto annexed. Grant of licences.

(2) Such licences shall be in such form and subject to such conditions and restrictions as Government may prescribe.

8. (1) Subject to such conditions as may be prescribed by Government, the authority granting any licence may suspend or cancel the licence, Suspension or revocation of licences.

(a) if any fee payable under the licence is not duly paid ; or

(b) if there be any breach of any of the conditions of the licence or of any other licence previously granted to the holder either by the holder or his servant or any one acting on behalf of the holder with his express or implied permission.

(2) The holder shall not be entitled to any compensation for the cancellation or suspension of a licence under sub-section (1) nor to refund of any fees paid or deposit made in respect thereof.

(3) Where a licence is cancelled or suspended under sub-section (1) the balance of the fee payable under the licence may be recovered from the holder or his surety in the same manner as tobacco revenue.

9. (1) The Commissioner or Collector or any other Tobacco Officer duly empowered in this behalf or a Magistrate may issue a warrant, — Issue of warrants.

(a) for the arrest of any person whom he has reason to believe to have committed an offence punishable under this Act, or

(b) for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that any tobacco is sold or is exposed for sale contrary to the provisions of this Act.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police Officer or by a Tobacco Officer duly empowered in this behalf or if the officer issuing the warrant deems fit by any other person. of 1898.

10. The Collector or any other Tobacco Officer duly empowered in this behalf may— Power of entry, search, seizure and detention.

(a) enter and search, at any time, by day or by night, any building, vessel, vehicle or any place in which he has reason to believe that any tobacco liable to confiscation under this Act is kept or concealed ;

(b) seize any tobacco or any other article which he has reason to believe is liable to confiscation under this Act ; and

(c) detain and arrest any person whom he has reason to believe to be guilty of any offence punishable under this Act.

- Searches how made.** 11. All searches made under section 10 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898. V of 18
- Procedure for arrest without warrant.** 12. The provisions of section 61 of the Code of Criminal Procedure, 1898, shall apply to all arrests without warrant made under section 10. V of 18
- Officers bound to assist.** 13. All village officers, all village servants useful to Government, and all officers of the departments of Excise, Police and Revenue shall be bound—
- (a) to give immediate information to a Tobacco Officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge ;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about to be committed ; and
- (c) to assist any Tobacco Officer in carrying out the provisions of this Act.
- Tobacco Officer to have powers of investigation.** 14. (1) Every Tobacco Officer not below such rank as Government may determine, shall within the area for which he is appointed, have power to investigate all offences punishable under this Act.
- (2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a police station for the investigation of a cognizable offence : V of 18
- Provided that—
- (a) If such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear if and when so required before a Magistrate and shall make a full report of the case to his official superior and be guided by the order which he shall receive on such report ;
- (b) the powers of a Tobacco Officer empowered under this section shall be subject to such further modifications or restrictions as Government may determine.
- Offences under the Act to be bailable.** 15. (1) All offences punishable under this Act shall be bailable.
- (2) Any Tobacco Officer empowered under section 14 to investigate an offence punishable under this Act shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1898, to any person arrested without warrant for an offence punishable under this Act. V of 1

16. When anything has been seized by a Tobacco Officer exercising powers under section 14 such officer, after such inquiry as may be necessary—

Articles seized.

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

(b) if it appears that such thing is liable to confiscation but is not required as evidence as aforesaid, shall send the thing with a report of the particulars of the seizure to his superior officer, if any ;

(c) if no offence appears to have been committed shall return the thing to the person from whose possession it was taken and shall report to his superior officer, if any, accordingly.

17. Whoever in contravention of this Act or of any rule or order made under this Act or of any terms or conditions of a licence sells or exposes for sale tobacco, shall be punishable on conviction with a fine not exceeding two hundred rupees.

Penalty for contravention of this Act.

18. Any Tobacco Officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched, any building, vessel or place, or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act,

Penalty for vexatious search or arrest.

or vexatiously and unnecessarily detains, searches or arrests any person, shall, on conviction, be punishable for every such offence, with fine which may extend to two hundred rupees.

19. Any Tobacco Officer or other person who vexatiously and unnecessarily delays forwarding to a Magistrate any person arrested under this Act and not released by him on bail shall on conviction be punishable with fine which may extend to fifty rupees.

Penalty for vexatious delay in forwarding an arrested person to Magistrate.

20. Whenever an offence under this Act has been committed, all tobacco in respect of which the offence has been committed and every box, receptacle, package or covering in which such tobacco is contained shall be liable to confiscation.

Confiscation.

21. (1) When in any case tried by a Magistrate the Magistrate decides that anything is liable to confiscation under the foregoing section, he may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation or may give the owner option to pay such fine as the Magistrate deems fit in lieu of confiscation.

Procedure in confiscation.

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector, who may order confiscation :

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing intended to be confiscated,

or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Compound-
ing offences.

22. (1) The Commissioner or any Collector or any other Tobacco Officer specially empowered by Government in this behalf may accept from any person whose licence is liable to be cancelled or suspended under section 8 or who is reasonably suspected of having committed an offence under section 17 a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be, and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such money or value or both, as the case may be, to such officer, such person if in custody shall be set at liberty and the property seized shall be released and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

Cognizance of
offences.

23. (1) No Magistrate shall take cognizance of any offence punishable under this Act,—

(i) except upon the complaint or report of the Commissioner, or a Collector or any other Tobacco Officer empowered in this behalf or of an Excise or Police Officer, or

(ii) except upon his own knowledge or suspicion.

(2) Except with the sanction of Government, no Magistrate shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

Protection of
persons
acting in good
faith and
limitation of
suits and
prosecutions.

24. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any Tobacco Officer in respect of anything done, or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

Recovery of
tobacco
revenue, etc.

25. The following moneys, namely:—

(a) all tobacco revenue,

(b) any loss that may accrue in consequence of the suspension or cancellation of a licence,

may be recovered from the person primarily liable to pay the same or from his surety (if any) as arrears of land revenue.

Appeals and
revision.

26. (1) Any person aggrieved by any order under this Act may appeal—

(a) to the Collector, if such order was passed by a Tobacco Officer other than the Collector or Commissioner,

(b) to the Commissioner, if such order was passed by the Collector, and

(c) to Government, if such order was passed by the Commissioner except on an appeal under clause (b).

(2) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (3), be final.

(3) Government may call for and examine the record of any order or the proceedings of any Tobacco Officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

[1]27. (1) Government may make rules for the purpose of carrying into effect the provisions of this Act. Power of the Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(a) under section 5, regulating the powers and duties to be exercised and performed by Tobacco Officers and the assignment of such powers and duties ;

(b) under section 7, prescribing the manner in which the fees are to be charged, the form of and the conditions and restrictions on which, licences shall be granted ;

(c) under section 8, prescribing the conditions on which licences may be suspended or cancelled ;

(d) prescribing the limits of any town or village in which the fees specified in the schedule hereto annexed shall be leviable.

(3) Rules made under this section shall be subject to previous publication.

(4) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council and such rule shall, after notification in the *Bombay Government Gazette*, be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of Government, such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, Government may, by notification in the *Bombay Government Gazette*, declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

28. The powers conferred on the Commissioner under this Act may, subject to the general or special orders of Government, be delegated by the Commissioner in whole or in part, to the Collectors or to any subordinate officer. Delegation of powers.

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

SCHEDULE.

(SECTION 7.)

Licence Fees.

		Rs.	
<i>Wholesale—</i>			
Maximum rate	.. .. .	..	150
<i>Retail—</i>			
	For towns and villages (Population).	Scale A. Maximum rates.	Scale B. Maximum rates.
		Rs. a.	Rs. a.
I.	100,000 or more	75 0	40 0
II.	Less than 100,000, but not less than 25,000.	50 0	25 0
III.	Less than 25,000, but not less than 10,000.	40 0	20 0
IV.	Less than 10,000, but not less than 5,000 ..	20 0	10 0
V.	Less than 5,000, but not less than 2,000 ..	10 0	5 0
VI.	Less than 2,000, but not less than 1,001 ..	5 0	5 0
VII.	1,000 or less	2 8	2 8
<i>Hawker—</i>			
Maximum rate	.. .. .	2 0	2 0

(See footnotes to sections 5 and 27.)

For notifications issued under section 5,

See—

G. N. No. 460/33 (b), dated 8th April 1933, published in the B. G. G., Pt. I, of 1933, pp. 816-817.

G. N. No. 460/33 (d), dated 8th April 1933, published in the B. G. G., Pt. I, of 1933, p. 817.

G. N. No. 460/33, dated 8th June 1933, published in the B. G. G., Pt. I, of 1933, p. 1381.

G. N. No. 460/33 (a), dated 8th June 1933, published in the B. G. G., Pt. I, of 1933, p. 1381.

G. N. No. 460/33, dated 15th February 1934, published in the B. G. G., Pt. I, of 1934, p. 435.

For notifications issued under section 27,

See—

G. N. No. 460/33 (b), dated 8th June 1933, published in the B. G. G., Pt. I, of 1933, pp. 1381-82.

G. N. No. 460/33 (c), dated 8th June 1933, published in the B. G. G., Pt. I, of 1933, p. 1382.

G. N. No. 460/33 (d), dated 8th June 1933, published in the B. G. G., Pt. I, of 1933, p. 1382.

G. N. No. 460/33 (e), dated 8th June 1933, published in the B. G. G., Pt. I, of 1933, pp. 1382-88.

G. N. No. 460/33, dated 21st April 1934, published in the B. G. G., Pt. I, of 1934, p. 872.

G. N. No. 460/33, dated 1st May 1934, published in the B. G. G., Pt. I, of 1934, p. 927.

G. N. No. 460/33, dated 9th July 1934, published in the B. G. G., Pt. I, of 1934, pp. 1577-78.

G. N. No. 460/33, dated 21st August 1934, published in the B. G. G., Pt. I, of 1934, p. 1898.

BOMBAY ACT No. III OF 1933.[¹]

[THE PREVENTION OF CRUELTY TO ANIMALS (BOMBAY AMENDMENT)
ACT, 1933]

[6th April 1933]

**An Act further to amend the Prevention of Cruelty to Animals
Act, 1890, in its application to the Presidency of Bombay.**

WHEREAS it is expedient further to amend the [²]Prevention of
Cruelty to Animals Act, 1890, in its application to the Presidency of
Bombay for the purpose hereinafter appearing; It is hereby enacted
as follows :—

1. This Act may be called the Prevention of Cruelty to Animals Short title.
(Bombay Amendment) Act, 1933.

2. For sub-section (6) of section 6 of the [²]Prevention of Cruelty Amendment
to Animals Act, 1890, in its application to the Presidency of Bombay, of section 6 of
the following sub-section shall be substituted, namely :—
XI of 1890.

“(6) (a) If, in the case of an animal directed to be destroyed or
sent to a pinjrapole under sub-section (4), the owner refuses or neglects
to pay the costs incurred in respect of the animal under sub-section
(5), such cost shall be recoverable from the owner as a fine on the order
of a magistrate, provided that no such order shall be made without
the owner being given a reasonable opportunity of showing cause,
before the Magistrate, why such cost should not be recovered;

(b) if, in the case of an animal certified under sub-section (4) to
be fit for work or labour, the owner refuses or neglects to remove the
animal within such time as a magistrate may prescribe and to pay
the cost incurred in respect of the animal under sub-section (5), the
Magistrate may direct the animal to be sold and the proceeds of the
sale to be applied to the payment of such cost.”

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933,
Pt. V, p. 463; and for Proceedings in Council, see *Bombay Legislative Council Debates*,
1933, Vol. XXXVII.

[²] General Acts, Vol. III.

BOMBAY ACT No. IV OF 1933.[1]

[THE BOMBAY FERRIES (AMENDMENT) ACT, 1933]

[8th April 1933]

An Act further to amend the Bombay Ferries Act, 1868.

Bom.
II of
1868.

WHEREAS it is expedient further to amend the [2]Bombay Ferries Act, 1868, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Ferries (Amendment) Act, Short title. 1933.

Bom.
II of
1868.

2. In section 12 of the [2]Bombay Ferries Act, 1868, hereinafter called the said Act, for the words “The Senior Magistrate of Police in the City of Bombay, and the Collector of the district elsewhere”, the following words, figures, brackets and letters shall be substituted, namely :—

Amendment
of section 12
of Bom. II
of 1868.

“Except in the case provided in sub-section (2) of section 14-B, and elsewhere—

(a) in the case of public ferries on roads under the control of the Executive Engineer of a Division of the Public Works Department, such Executive Engineer, and

(b) in all other cases, the Collector of the district,”

3. For section 14 of the said Act, the following shall be substituted, namely :—

Amendment
of section 14
of Bom. II
of 1868.

“14. (1) Any person who, except as in the section last preceding, shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within the Presidency of Bombay to any point on the opposite shore or bank without the licence of the Collector of the district shall be liable to a penalty not exceeding five hundred rupees.

Penalty for
carrying
passengers
etc. without
licence.

(2) Nothing in this section shall apply to vessels plying with passengers under licences issued under rules made by the local Government in exercise of the powers conferred by section 6 of the [3]Indian Ports Act, 1908.”

XV of
1908.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, p. 461 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVII.

[2] Vol. II of Bom. Code.

[3] General Acts, Vol. IV.

Insertion of
new section
14-B in Bom.
II of 1868.
Penalty for
conveying
passengers
etc. in a ferry
boat with
a submerged
load-line or
without
prescribed
free-board.

4. After section 14-A of the said Act, the following section shall be inserted, namely :—

“ 14-B. (1) Any person who shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within the Presidency of Bombay to any point on the opposite shore or bank in any ferry boat, of which the prescribed load-line is submerged or of which the free-board is less than the prescribed free-board, shall be liable to a penalty not exceeding five hundred rupees.

*(2) Government may make rules prescribing the manner in which the load-line or free-board shall be marked upon any boat to which the provisions of sub-section (1) apply. The rules so made shall be published in the *Bombay Government Gazette*.”

* For Rules under this sub-section, see Public Works Department Notification No. 266, dated the 27th June 1933, published in the *Bombay Government Gazette*, 1933, Pt. I, pp. 1526 to 1534.

BOMBAY ACT No. V OF 1933.[¹]

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT)
ACT, 1933]

[17th May 1933]

**An Act further to amend the Presidency Small Cause Courts Act, 1882,
in its application to the Presidency-town of Bombay.**

XV of WHEREAS it is expedient further to amend the [²]Presidency Small
1882. Cause Courts Act, 1882, in its application to the Presidency-town of
Bombay ; It is hereby enacted as follows :—

1. This Act may be called the Presidency Small Cause Courts (Bombay Short title.
Amendment) Act, 1933.

XV of 2. In the footnote to part E of the third schedule to the [²]Presidency Amendment
1882. Small Cause Courts Act, 1882, for the words "four annas per day" of the third
the words "such fee not exceeding twelve annas per day as may be Act XV of
fixed by the Registrar of the Small Cause Court" shall be substituted. 1882.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, p. 484 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVII.

[²] General Acts, Vol. II.

THE BOMBAY VILLAGE PANCHAYATS ACT, 1933.

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BOMBAY ACT No. VI OF 1933.^[1]

[THE BOMBAY VILLAGE PANCHAYATS ACT, 1933]

[12th June 1933]

An Act to amend and consolidate the law relating to the constitution of Village Panchayats.

WHEREAS it is expedient to amend and consolidate the law relating to the constitution of village panchayats, with a view to fostering their growth and of increasing their utility in the further development of local self-government in rural areas and in the administration of civil and criminal justice ; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act and of the Governor required under section 80C of the said Act have been obtained for the passing of this Act ; It is hereby enacted as follows :—

Art 6,
No. V,
61.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Bombay Village Panchayats Act, Short title. 1933.
2. It extends to the whole of the Presidency of Bombay, except the Extent. City of Bombay.
3. In this Act, unless there is anything repugnant in the subject or Definitions. context—

(1) "by-laws" means by-laws made by the district local board under section 109 ;

(2) "case" means, with reference to any judicial proceeding, a criminal proceeding in respect of any offence triable by a village bench ;

(3) "Chairman" means the chairman of a village bench, appointed under sub-section (4) of section 37 ;

(4) "district local board", used with reference to any local area, means a district local board established under the [2]Bombay Local Boards Act, 1923, for the district in which such local area is situated ;

(5) "holder" means a holder of an alienated revenue village and includes a Khot, a talukdar, a sharakatdar and in Sindh a jagirdar or a zamindar ;

Bom. VI
of 1923.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, pp. 200-211 ; for Report of the Select Committee see *ibid*, 1933, Pt. V, pp. 1-14 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXV, 1933, Vol. XXXVII.

[2] In Pt. I, p. 33.

- (6) "offence" means any act or omission made punishable by any law for the time being in force ;
- (7) "panchayat" means a panchayat established under this Act ;
- (8) "prescribed" means prescribed by rules ;
- (9) "revenue village" means any local area which is recognised as a village in the revenue accounts ;
- (10) "rules" means rules made by Government under section 108 ;
- (11) "sarpanch" means a sarpanch elected under section 14 ;
- (12) "school-board" means a school-board constituted under section 3 of the [1]Bombay Primary Education Act, 1923 ; Bom. I
of 1923.
- (13) "suit" means a civil suit triable by a village bench under this Act ;
- (14) "tax" means a tax, cess, rate, or other impost leviable under this Act ;
- (15) the expression "the term of a panchayat" means the period for which the elected members thereof shall hold office under section 11 ;
- (16) "village" means any local area declared to be a village under section 4 ;
- (17) "village bench" means a bench constituted under sub-section (1) of section 37 for the purpose of the trial of suits and cases.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF PANCHAYATS.

Declaration
of village.

4. On a written application made—

- (i) by the district local board with previous notice to the Collector,
- (ii) by the Collector with previous notice to the district local board, or
- (iii) by not less than twenty adult residents of any local area, the Commissioner may, after making such inquiry as may be prescribed, by notification in the *Bombay Government Gazette*, declare the local area in respect of which the application has been made to be a village, or to cease to be a village or declare that any area is included in, or excluded from a village :

Provided that if there be a holder of any revenue village in any such area and if any such holder objects to a declaration being made including any such revenue village in any such area, the Commissioner shall not make a declaration with respect to such revenue village, but shall refer the objection of such holder to Government and thereupon Government after taking the objection into consideration shall, by notification in the *Bombay Government Gazette*, declare that such revenue village shall or shall not be included in the village.

[1] In Pt. I, p. 9.

5. In every village declared to be such under section 4, there shall be a panchayat. Establishment of panchayats.

6. (1) A panchayat shall consist of the following members, namely :— Constitution of panchayats.

(a) such elected members, not being less than five or more than eleven in number, as the Collector after consultation with the district local board may determine :

Provided that when among such elected members there is not a member of any class of persons residing in the village, which in the opinion of the Collector, by reason of its numbers or for any other reason, should in the public interest be represented on the panchayat, the Collector shall nominate a member of such class qualified and willing to be so nominated a member of the panchayat :

Provided further that the number of members nominated by the Collector under the first proviso shall not exceed two.

(b) an officiating patel in the following order of preference :—

(i) the senior officiating revenue patel if there be more than one officiating revenue patel in the village, or

(ii) the officiating revenue patel, if there be not more than one officiating revenue patel in the village, or

(iii) the officiating patel, if there be no separate officiating revenue patel in the village.

For the purposes of clause (b), an officiating patel includes a village officer appointed under section 3 of the [1]Sindh Village Officers Act, 1881.

Bom. IV
of 1881.

(c) The holder of any revenue village and when there are more than one revenue villages in the village as defined under the Act the holder of any such revenue village and when there are more than one holder of any such revenue village, the principal among such holders, nominated by the Collector. If any such holder is unable or unwilling to serve, the Collector shall nominate a representative of such holder whom the Collector may approve.

(2) The decision of the Collector as to who is the senior officiating revenue patel or the principal holder or the representative of the holder shall be final.

(3) Where the Collector in consultation with the district local board determines that the number of elected members of a panchayat shall exceed five, failure to elect more than five such members shall not affect the constitution of a panchayat.

7. (1) The election of elected members to a panchayat shall be held on such date as the Collector may appoint in this behalf. Election.

(2) All adult persons who ordinarily reside in the village and all adult persons who own in the village a house assessed to house tax or land assessed to cess under section 93 of the [2]Bombay Local Boards Act, 1923, shall be entitled to vote at the election.

Bom. VI
of 1923.

[1] Vol. II of Bom. Code.

[2] In Pt. I, p. 33.

Such election shall be conducted in the prescribed manner.

(3) The Collector shall, after such enquiry as he considers necessary, decide in any case of dispute or doubt, who is qualified to vote at such election.

Disqualifica-
tions.

8. No person may be elected or nominated a member of a panchayat, or continue as such, who—

(a) is under 21 years of age, or

(b) does not ordinarily reside in the village, or

(c) 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 furnish security for good behaviour under the Code of Criminal Procedure, 1898, such sentence or order not having been subsequently reversed or remitted, so long as such sentence has not expired or so long as such order is in force, unless he shall have by an order which Government is hereby empowered to make, been relieved from the disqualification arising on account of such sentence or order, or

(d) has been adjudged by a competent court to be of unsound mind, or

(e) has been adjudicated an insolvent and has not obtained his discharge, or

(f) has been removed from office under section 21 and five years have not elapsed from the date of such removal, unless he shall have, by an order which the district local board after the expiry of one year from the date of such removal is hereby empowered to make, been relieved from the disqualification arising on account of such removal from office, or

(g) holds any salaried office or place of profit in the gift or disposal of the panchayat, while holding such office or place, or

(h) has directly or indirectly any share or interest in any contract with, by or on behalf of the panchayat while owning such share or interest :

Provided that in cases (g) and (h) the disqualification may be removed by an order of the Commissioner in this behalf.

Explanation.—A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company or a co-operative society registered under the [1]Co-operative Societies Act, 1912, or the [2]Bombay Co-operative Societies Act, 1925, be held to be interested in any contract entered into between the company or co-operative society and the panchayat.

Collector to
declare elec-
tion invalid.

9. (1) If the Collector, after such enquiry as he considers necessary, is satisfied that any member has been elected in contravention of the provisions of section 8, or that any corrupt practice or irregularity has been committed in connection with such election, and that such illegality-

[1] General Acts, Vol. V.

[2] In Pt. I, p. 209.

corrupt practice or irregularity has materially affected the result of the election, the Collector may declare the election of such member to be invalid, and such declaration shall be final :

Provided that when the Collector is satisfied that a corrupt practice has been committed by a member, the Collector shall, whether such corrupt practice has or has not materially affected the result of the election, declare the election of such member to be invalid and such declaration shall be final.

(2) 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.

Explanation 1.—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 2.—“A promise of individual profit”—

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

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

10. If the Collector declares the election of any member invalid under section 9, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Act.

Fresh election, if election invalid.

11. (1) The elected members of a panchayat shall, save as otherwise provided in this Act, hold office for a term of three years.

Term of office of elected members.

(2) The Collector may, by order in writing, for reasons recorded therein, extend the said term for a period not exceeding one year. Any such order shall be notified in such manner as the Collector may approve.

12. (1) The term of office of the elected or nominated members shall be deemed to commence on the date of the first meeting after the election or nomination of such members, as the case may be.

Commencement of term of office.

(2) The term of office of the outgoing members shall be deemed to extend to and expire with the day before such meeting.

(3) The term of office of an *ex-officio* member of a panchayat shall continue so long as he holds office in virtue of which he is such a member.

(4) The term of office of a member nominated under clause (c) of sub-section (1) of section 6 shall be coextensive with the term of office of an elected member.

Resignation
of members.

13. Any elected or nominated member may resign his office by giving notice in writing to that effect to the sarpanch and such resignation shall take effect from the date of its receipt by the sarpanch.

Election of
sarpanch and
deputy
sarpanch.

14. (1) Every panchayat shall be presided over by a sarpanch who shall be elected by the members from among their own number. The panchayat shall also elect one of its members to be deputy sarpanch.

(2) A sarpanch and members holding office in a panchayat established under the [1]Bombay Village Panchayat Act, 1920, and continued under section 115 shall be deemed to have been elected under this section and shall continue to hold their respective offices until a new panchayat is constituted under the provisions of this Act.

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Term of office
of sarpanch
and deputy
sarpanch.

15. Save as otherwise provided in this Act, a sarpanch or deputy sarpanch shall hold office for a period of one year, but shall be eligible for re-election :

Provided that the term of office of such sarpanch and deputy sarpanch shall be deemed to extend to and expire with the day previous to that on which their successors respectively are elected or on the date on which the term of the panchayat expires, whichever is earlier :

Provided further that if the term of the panchayat is due to expire within six months after the expiry of the term of office of sarpanch or deputy sarpanch, the sarpanch or deputy sarpanch, as the case may be, shall continue to hold office until the date on which the term of the panchayat expires.

Sarpanch to
carry on
current duties
until his
successor is
appointed.

16. After the expiry of his term of office, the sarpanch shall continue to carry on the current duties of his office until such time as a new sarpanch shall have been elected and shall have taken over charge.

Election of
sarpanch on
establishment
of panchayat,
etc.

17. (1) On the establishment of a panchayat for the first time under this Act, or on its reconstitution or establishment under section 102 or 103, a meeting shall be called by the president of the district local board who shall himself preside or appoint a person who is not a member of the panchayat to preside over the meeting. The president of the district local board or the person so appointed shall preside at such meeting but shall have no right to vote and the meeting shall then proceed to elect the sarpanch. In the case of an equality of votes the result of the election of the sarpanch shall be decided by lot to be drawn by the person presiding at the meeting in such manner as he may determine.

(2) On the expiry of the term of a panchayat, or on the expiry of the period of one year for which a sarpanch ordinarily holds office as provided in section 15, the sarpanch shall convene a meeting of the panchayat for the election of a new sarpanch. He shall preside at such meeting, but shall not vote thereat unless he is a member of the panchayat at that time. In the case of an equality of votes, the result of the election shall be decided by lot to be drawn by the presiding sarpanch in such manner as he may determine :

Provided that when no meeting for the election of a sarpanch has been called by the retiring sarpanch within thirty days from the date of expiry of either of the aforesaid periods, the president of the district local board shall proceed to convene a meeting of the panchayat in the manners described in sub-section (1) and a new sarpanch shall be elected accordingly.

18. The deputy sarpanch may resign his office by giving notice in writing to the sarpanch.

Resignation by sarpanch or deputy sarpanch.

The sarpanch may resign his office by giving notice in writing to the president of the district local board.

Such resignations shall take effect from the date of their acceptance.

19. The time and place of sitting and the procedure at a meeting of the panchayat shall be in accordance with by-laws.

Time and place of sitting of panchayat and procedure at meetings.

20. The executive power for the purpose of carrying out the provisions of this Act and the resolutions passed by a panchayat vests in the sarpanch who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act. In the absence of the sarpanch, the powers and duties of the sarpanch shall, save as may be otherwise prescribed by by-laws, be exercised and performed by the deputy sarpanch.

Executive of Panchayat.

21. The district local board may, after giving due notice to the panchayat and after such enquiry as it thinks fit, remove from office with the previous sanction of the Collector any member, or any sarpanch or deputy sarpanch who, in its opinion, is unfit to be a member or sarpanch or deputy sarpanch, as the case may be, or is persistently remiss in the discharge of his duties. A sarpanch or deputy sarpanch so removed may, at the discretion of the district local board, and subject to the like sanction also be removed from the panchayat unless he is an *ex-officio* member of the panchayat. The panchayat may, with the previous sanction of the president of the district local board, and after due notice and inquiry remove the secretary of a panchayat from office for similar reasons.

Removal from office.

22. (1) Any elected or nominated member of a panchayat who, during his term of office,—

Leave of absence.

(a) is absent for more than four consecutive months from the village unless leave not exceeding six months, so to absent himself, has been granted by the panchayat; or

(b) absents himself for six consecutive months from the meetings of the panchayat without the leave of the said panchayat, shall cease to be a member and his office shall become vacant.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the Collector whose decision shall be final.

Filling up of vacancies.

23. (1) Any vacancy of which notice shall have been given to the Collector in the prescribed manner due to the disablement, death, resignation, disqualification, absence without leave or removal of a sarpanch or a deputy sarpanch, or an elected or nominated member, shall be filled, by the election of a sarpanch or deputy sarpanch or the election or nomination of a member, who shall hold office so long only as the sarpanch, deputy sarpanch or member, in whose place he has been elected or nominated would have held office if the vacancy had not occurred.

(2) The meeting for the election of a sarpanch under sub-section (1) shall be convened by the president of the district local board in the manner described in sub-section (1) of section 17 ;

Vacancy not to affect proceedings of panchayat.

24. During any vacancy in the panchayat, the continuing members may act as if no vacancy had occurred.

Temporary provision pending establishment of panchayats under this Act.

25. Notwithstanding anything contained in this Act, the village fund shall, until such date as Government may notify in the *Bombay Government Gazette*, be administered, so far as may be, under the provisions of this Act by the panchayats constituted under the [1]Bombay Village Panchayats Act, 1920, which panchayats shall be deemed to have been established under this Act. Bom. IX of 1920.

CHAPTER III.

ADMINISTRATIVE POWERS AND DUTIES.

Administrative powers and duties of panchayats.

26. (1) It shall be the duty of a panchayat, so far as the village funds at its disposal will allow subject to the general control of the district local board, to make reasonable provision within the village in regard to the following matters, namely :—

(a) the supply of water for domestic use ;

(b) the cleansing of the public roads, drains, bunds, tanks and wells (other than tanks and wells used for irrigation) and other public places or works ;

(c) the construction, maintenance and repair of public roads, drains, bunds and bridges :

Provided that, if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of such authority ;

(d) sanitation, conservancy, and the prevention and abatement of nuisances ;

(e) the preservation and improvement of the public health ;

(f) the maintenance and regulation of the use of public buildings, grazing lands, forest lands (including lands assigned under section 28 of the [2]Indian Forest Act, 1927), tanks and wells (other than tanks and wells used for irrigation), vesting in or under the control of the panchayat ;

(g) the lighting of the village ;

(h) control of fairs, bazars, slaughter-houses and cart-stands ; and

(i) provision and maintenance of burning and burial grounds.

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1927.

[1] Vol. V of Bombay Code.

[2] General Acts, Vol. VIII.

(2) A panchayat may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the inhabitants of the village.

(3) A panchayat may, with the previous sanction of the district local board, also make provision for carrying out outside the village any work of the nature specified in sub-sections (1) and (2).

27. The district local board may, at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in section 26, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work :

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

28. (1) The panchayat shall,—

(i) subject to the regulations made by the local authority under the []Bombay Primary Education Act, 1923, supervise the village school and carry out such repairs as may be necessary for the maintenance and upkeep of the same ; and

(ii) subject to by-laws to be made by the district local board in this behalf,—

(a) supervise the labour employed by local boards on works within the village ;

(b) supervise repairs to dharamshalas ;

(c) manage and maintain cattle-pounds ; and

(d) execute such works as are entrusted to it by the district local board ; and

(iii) subject to such conditions as Government may impose and with the consent of the panchayat concerned, perform such other administrative duties including the distribution of irrigation water as may be assigned to it by Government by notification in the *Bombay Government Gazette*, after consultation with the district local board.

(2) The regulations to be made by the local authority shall be made within six months from the passing of this Act. If no such regulations are made within the said period, Government may make rules for the purpose.

(3) A panchayat shall not be bound to carry out repairs to a village school under clause (i) of sub-section (1) unless sufficient funds have been placed at the disposal of the panchayat by the local authority or the School Board, as the case may be, or to perform the duties specified in clause (ii) of sub-section (1) unless sufficient funds have been placed at the disposal of the panchayat by the district local board.

CHAPTER IV.

INCORPORATION OF VILLAGE PANCHAYAT ; ITS PROPERTY AND FUND.

29. Every panchayat shall be a body corporate by the name of " the village panchayat of _____," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name,

[] In Pt. I, p. 9.

and shall be competent to acquire and hold property, both moveable and immoveable, whether within or without the limits of the village over which it has authority, to lease, sell or otherwise transfer moveable or immoveable property which may become vested in or be acquired by it, and to contract and do all other things necessary for the purposes of this Act :

Provided that no lease of immoveable property (other than property referred to in sub-section (1) of section 30) 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 Collector.

Property of
panchayat.

30. (1) It shall be competent to a local board from time to time to direct that any property vesting in such local board shall vest in panchayat :

Provided that no lease, sale or other transfer of any such property shall be valid without the previous sanction of such local board.

(2) Every work constructed by a panchayat out of the village fund shall vest in such panchayat.

Village fund.

31. (1) There shall be in each village a fund, which shall be called the village fund.

(2) The following shall form part of, or be paid into, the village fund, namely :—

(a) the amount which may be allotted to the village fund by Government under the provisions of section 191 of the [1] Bombay District Municipal Act, 1901 ;

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of 1901

(b) the proceeds of any tax or fee imposed under section 89 ;

(c) all fines and sums ordered to be paid as compensation realised under sections 45 and 46 ;

(d) all other sums ordered by a court to be placed to the credit of the village fund ;

(e) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the village servants ;

(f) sums contributed to the village fund by Government or a district local board ;

(g) all sums received by way of loans from Government or the district local board or by way of gift ;

(h) such other sums as may be assigned to the village fund by any general or special order of Government ;

(i) the income or proceeds of any property vesting in the panchayat ; and

(j) fees levied for the institution of suits and cases under section 59.

Application
of village
fund.

32. All property vested in the panchayat under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force shall be applied subject to the provisions and for the purposes of this Act and all such funds and sums shall be kept in such custody as may be prescribed.

CHAPTER V.

ESTABLISHMENT AND ACCOUNTS.

33. Every panchayat shall appoint a secretary. Such appointment shall be subject to the approval of the Standing Committee of the district local board. Appointment of Secretary.

34. Subject to the provisions of section 98, a panchayat shall determine and submit for information to the district local board a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the panchayat by or under this Act. Schedule of servants.

35. (1) The sarpanch shall appoint the servants of the panchayat and pay their salaries from the village fund at his disposal. He may also, in cases of emergency, engage such temporary servants as he may deem necessary. The sarpanch may, from time to time, by a written order, fine, suspend or dismiss any servant appointed by him. Appointment of servants.

(2) An appeal shall lie against an order passed under sub-section (1) to the panchayat.

36. (1) A panchayat shall determine annually and shall submit to the district local board, on or before such date and in such form as may be prescribed by Government, a statement of— Budget and accounts. Panchayat to convene a meeting of residents of village.

(a) the opening balance and estimated income of the panchayat for the following year ;

(b) the expenditure proposed on establishment and the discharge of the duties specified in sub-section (1) of section 26 ;

(c) the expenditure proposed under sub-section (2) of section 26 and sub-section (1) of section 28.

(2) The district local board shall, within three months from the date of the receipt of such statement, either approve the same or direct that the proposed expenditure on any of the duties specified in sections 26 and 28 shall be increased or decreased :

Provided that the district local board shall not have power to direct that the total proposed expenditure shall exceed the estimated income of the village fund for the following year and the opening balance.

(3) A panchayat shall maintain its accounts in such form as may be prescribed by Government and submit to the district local board annual returns thereof on or before such date and in such form as may be prescribed by Government.

(4) A panchayat shall convene in a manner and at a time prescribed a meeting of all adult residents of the village and shall place before the meeting the last statement of accounts together with a report on the administration of the preceding year and the programme of work proposed for the year following.

CHAPTER VI.

CONSTITUTION AND POWERS OF VILLAGE BENCHES.

Power of Government to constitute village benches to try suits and cases.

37. (1) Government may, by notification in the *Bombay Government Gazette* from such date as may be appointed in this behalf declare that in any village where a panchayat has been established, a village bench shall be constituted to exercise in accordance with rules all or any of the judicial powers which may be conferred on a village bench under this Act.

(2) Such village bench shall consist of five or seven members as may be appointed by the Collector. When the village bench consists of five members, three members, and when the village bench consists of seven members, five members, shall be appointed by the Collector in the manner prescribed from among the members of the panchayat. The remaining members shall be appointed by the Collector in the manner prescribed from among persons not being persons in the service of Government or of any local authority who may or may not be members of the panchayat :

Provided that if there be a holder of any revenue village within the limits of the village in which a village bench is to be constituted, the Collector shall appoint the holder of such revenue village a member of such village bench. When there are more than one such holder in any such village, the Collector shall appoint the principal among such holders the member of the bench. If any such holder is unable or unwilling to serve on the bench, the Collector shall appoint a representative of such holder whom the Collector may approve.

The decision of the Collector as to who is the principal holder or a representative of the holder is final.

(3) In appointing the members of a village bench the Collector shall have due regard to a just and proper representation upon the village bench of all classes of persons residing in a village who are in a minority.

(4) The chairman of the village bench shall be appointed by the Collector from among the members of the bench.

Saving of pending proceedings.

38. Every suit or case of the nature specified in section 39 or 41, pending in any court and cognizable by a village bench empowered under section 37 and all proceedings arising from and incidental to any such suit or case shall be tried, heard and determined by such court or any other court having jurisdiction to try, hear and determine the same, as if this Act had not been passed.

Suits triable by village bench.

39. (1) Save as otherwise provided in section 40, the village bench shall have power to try the following suits, namely :—

(a) suits for money due on contracts, not affecting any interest in immoveable property ;

(b) suits for the recovery of moveable property or for the value of such property ;

(c) suits for compensation for wrongfully taking and injuring moveable property ;

where the amount or value of the claim does not exceed twenty-five rupees.

(2) With the written consent of both the parties, recorded in the presence of the village bench, suits of the nature described in sub-section (1), but the value of which does not exceed one hundred rupees, shall be triable by such village bench.

(3) Government may, by notification in the *Bombay Government Gazette*, direct that any village bench may try any suit of the nature described in sub-section (1), up to such value as may be specified in the notification not exceeding one hundred rupees.

40. No suit shall be brought before any village bench—

(i) on a balance of partnership account ;

(ii) for a share or part of a share under any intestacy, or for a legacy or part of a legacy under a will ;

(iii) by or against the Secretary of State for India in Council or any local authority or an officer or servant of Government or a member, officer or servant of a local authority in his official capacity ;

(iv) by or against a minor or a person of unsound mind ; and

(v) on account of any dispute or matter in respect of which any suit or application would be cognizable by a revenue court.

Suits not triable by village bench.

41. (1) The following offences as well as abetments of or attempts to commit such offences shall be cognizable by village benches, namely :—

Offences cognizable by village benches.

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(a) Under the Indian Penal Code—

	Section
Voluntarily causing hurt	323
Assault or use of criminal force otherwise than on grave and sudden provocation	352
Assault or use of criminal force on grave and sudden provocation	358
Theft, where the value of the property stolen does not exceed Rs. 10	379
Mischief when the loss or damage caused does not exceed Rs. 10 in value	426
Intentional insult, with intent to provoke a breach of the peace	504

Provided that no offence of theft shall be cognizable by any village bench, unless an accused person has been either apprehended or recognised and named.

(b) Under the [1] Cattle Trespass Act, 1871—

I of
1871.

Forcibly opposing the seizure of cattle or rescuing the
same

Section

24

(c) Breaches of by-laws made punishable under this Act.

(2) Government may, by notification in the *Bombay Government Gazette*, empower any village bench to take cognizance of any or all of the following offences under the Indian Penal Code, as well as abetments of, or attempts to, commit (any) such offences, namely :—

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of
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	Section
Negligently doing any act known to be likely to spread the infection of any disease dangerous to life	269
Fouling the water of a public spring or reservoir	277
Causing danger, obstruction or injury to any public way	283
Theft, where the value of the property stolen does not exceed Rs. 20	379
Mischief, when the loss or damage caused does not exceed Rs. 20 in value	426
Criminal trespass	447
House trespass	448
Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property..	461
Adultery	497
Enticing, or taking away, or detaining with criminal intent a married woman	498

Certain
persons
accused of
theft not to
be tried by
village bench.

42. No village bench shall take cognizance of any offence of theft punishable under section 379 of the Indian Penal Code, in which the accused—

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of
1860.

(a) has been previously convicted of an offence punishable, under Chapter XII or Chapter XVII of the Indian Penal Code, with imprisonment of either description for a term of three years or upwards ;

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of
1860.

(b) has been previously fined for theft by any panchayat ;

(c) is a registered member of a criminal tribe under section 4 of the [2] Criminal Tribes Act, 1924 ; or

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1924.

(d) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898.

V of
1898.

[1] General Acts, Vol. I.

[2] General Acts, Vol. VIII.

43. No village bench shall take cognizance of any offence specified in section 41 in which either the complainant or the accused is a public servant serving in the district in which the village for which the panchayat is established is situated :

Offences by or against public servant not cognizable by

Provided, however, that a village bench shall not be debarred from taking cognizance of an offence for a breach of a by-law, notwithstanding that the complainant in the case is a public servant.

village bench.

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of
1860.

44. A conviction by a village bench under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code.

Conviction by a village bench not a previous conviction.

45. (1) The following are the maximum penalties which may be inflicted by a village bench for the offences mentioned in section 41 :—

Maximum penalties.

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of
1860.

(a) Under the Indian Penal Code—

Fine not exceeding Rs. 10 or double the amount of the loss or damage caused up to a limit of Rs. 20 ;

I of
1871.

(b) Under section 24 of the [1]Cattle Trespass Act, 1871—

Fine not exceeding Rs. 5 ; and

(c) for a breach of a by-law made punishable under this Act—

Fine not exceeding Rs. 10 or Re. 1 a day for a continuing breach as provided in sub-section (3) of section 109.

(2) No sentence of imprisonment, whether substantive or in default of fine or of whipping, shall be inflicted by a village bench.

46. Government may empower, by a notification in the *Bombay Government Gazette*, a village bench to inflict the following maximum penalties :—

Power of Government to empower particular village bench to inflict enhanced penalties.

XLV
of
1860.

(a) Under the sections of the Indian Penal Code mentioned in section 41—

Fine not exceeding Rs. 20 or double the amount of the damage or loss caused, whichever is greater.

I of
1871.

(b) Under section 24 of the [1]Cattle Trespass Act, 1871—

Fine not exceeding Rs. 10.

47. In inflicting any fine under section 45 or section 46, the village bench may direct that the whole or any portion of the fine recovered shall be applied—

Compensation to complainants.

(a) towards defraying the expenses properly incurred in the case by the complainant, or

(b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

48. If a village bench is satisfied, after enquiry, that a case brought before it is false, frivolous or vexatious, such village bench may order the complainant to pay the accused such compensation, not exceeding Rs. 5, as it thinks fit.

Compensation to accused for false or frivolous case.

Youthful offenders.

49. Instead of passing any sentence, a village bench may discharge, after due admonition, a youthful offender who, in the opinion of such village bench, is, at the time of conviction of the offence, under the age of sixteen years.

Members interested not to sit on village bench.

50. No member of a village bench who is a party to, or has any interest in, any suit or case shall sit on the village bench while it is trying such suit or case.

Any dispute as to whether a member of a village bench is a party to or interested in a suit or case shall, on a written application of a party to such suit or case, be referred to the Collector or such officer as he may authorise in this behalf for decision. The decision of the Collector or such officer shall be final.

Res judicata and pending suits and cases.

51. (1) No village bench shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard and decided by, a court of competent jurisdiction in a previously instituted suit between the same parties or those under whom they claim.

(2) Where an accused person has been tried for any offence, no village bench shall take cognizance of such offence or, on the same facts, of any other offence of which the accused might have been charged or convicted.

Suits to include whole claim.

52. Every suit instituted before a village bench shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the village bench.

If a plaintiff omits to sue in respect of or intentionally relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Limitation for suits and cases.

53. (1) No suit shall be entertained by a village bench after the expiration of one year from the time when the right to sue first accrued.

(2) No case shall be cognizable by a village bench after the expiration of one month from the date on which the offence was committed.

Village bench before which suits to be instituted.

54. Every suit under this Act shall be instituted before the village bench of the village in which the defendant or each of the defendants, where there are more than one, resides at the time of the institution of the suit, irrespective of the place where the cause of action arose.

Village bench before which cases to be instituted.

55. Every case under this Act shall be instituted before the village bench of the village in which the offence was committed.

Return of complaints.

56. Any magistrate upon receiving a complaint of facts constituting an offence cognizable by a village bench shall, unless reason to the contrary be shown to the satisfaction of the magistrate, return the complaint for presentation to the village bench having jurisdiction to try the same.

57. Notwithstanding anything contained in any law for the time being in force, no court, subject to the provisions of section 56, shall entertain any suit specified in section 39 or take cognizance of any offence specified in section 41, unless and until the District Judge or the Collector has passed an order in writing under section 77 or 87.

Bar of jurisdiction of courts in suits and cases.

Bom.
VIII
of
1867.

58. Notwithstanding anything contained in the [1]Bombay Village Police Act, 1867, the provisions of section 14 of the said Act shall not apply to any village in which a village bench shall have been constituted under sub-section (1) of section 37.

Bom. Act VIII of 1867, sec. 14 not to apply to village which has village bench.

CHAPTER VII.

PROCEDURE OF PANCHAYATS IN SUITS AND CASES.

59. Any person who wishes to institute a suit or case under this Act before a village bench shall make an application orally or in writing to the Chairman or during his absence from the village to such other member of the village bench as the Chairman may appoint in this behalf and shall at the same time pay the prescribed fees.

Suits and cases : how instituted.

60. The substance of the application shall be recorded without delay in the prescribed register and the signature or thumb-impression of the applicant shall be taken on the register and the register shall be signed by the Chairman or, in his absence, by any member authorised under section 59.

Substance of application to be recorded.

61. Every suit or case instituted in accordance with the provisions of section 59 shall be brought before the village bench at its next sitting and the plaintiff or complainant, as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

Plaintiff or complainant to attend next sitting of village bench.

62. The village bench after hearing the application, shall cause a written summons in the prescribed form to be served on the defendant or accused, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the plaintiff or complainant to attend and produce his evidence at such time and place :

Summons to be issued to defendant or accused.

Provided that the village bench may, for reasons to be recorded, after hearing the application and examining the plaintiff or complainant, refuse to issue a summons and dismiss the suit or complaint.

63. Such summons shall ordinarily be caused to be served by the patel or village head man. Where there are two patels in a village, one of whom is a revenue patel and the other a police patel, the summons shall ordinarily be served by the revenue patel if it relates to a suit and by the police patel if it relates to a case :

Summons by whom served.

Provided, however, that a village bench may cause the summons to be served through any other person.

[1] Vol. II of Pom. Code.

Mode of
service of
summons.

64. The summons shall be in duplicate, signed by the presiding member of the village bench and shall, as far as possible, be served personally on the defendant or accused, as the case may be, whose signature or thumb-impression shall be taken in token of service. If the defendant or accused cannot be found and the village bench is satisfied that he is evading service or if he refuses to take the summons, the village bench may order service to be made on an adult male member of his family residing with him, or by affixing a copy thereof upon some conspicuous part of the house in which he ordinarily resides.

Mode of
service
outside
village.

65. If a defendant or accused is, at the time of the issue of the summons, outside the village of the panchayat, the summons may be forwarded by the village bench to the Collector or to any officer not below the rank of a mamlatdar, who may be authorised by the Collector in this behalf, and the Collector or such officer shall cause the summons to be served as if it were a summons from his own court.

Exemption of
certain
persons from
appearance
in suits.

66. (1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance before a village bench in any suit.

(2) Persons exempted from personal appearance in any court under v of section 133 of the Code of Civil Procedure, 1908, shall also be exempt^{1908.} from personal appearance before a village bench in any suit.

Issue of
summons to
witnesses.

67. (1) A village bench may, if it considers the evidence of, or the production of a document by, any person necessary in a suit or case, issue a summons to such person to compel him to attend or to produce or cause the production of such document, and such person shall be bound to comply with the directions contained in the summons. Such summons shall be in the form and served in the manner as hereinbefore provided.

(2) A village bench may refuse to summon a witness or to enforce a summons already issued against a witness where, in its opinion, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances, would be unreasonable.

(3) No village bench shall enforce the attendance of any person living outside the village to give evidence, or to produce a document, unless such sum of money is deposited with the village bench as appears to the village bench to be sufficient to defray his reasonable expenses and if in the opinion of the Collector or officer empowered under section 65, as the case may be, the attendance of any such person is not necessary for the proper adjudication of the suit or case, such Collector or Officer shall return the summons to the village bench with his endorsement accordingly.

(4) No village bench shall compel any person to give evidence or to disclose any communication which such person cannot be permitted to give or compelled to disclose under the provisions of the [1]Indian I of Evidence Act, 1872, or under any other law for the time being in force.^{1872.}

68. No pleader, vakil, or mukhtyar, and no advocate or attorney of a High Court, shall be permitted to appear on behalf of any party to any suit or case before a village bench or in any inquiry under section 87 : Pleaders, etc., excluded from appearance.

Provided that any party to any such suit or case may be permitted on reasonable cause being shown to the satisfaction of the village bench or the District Judge or Collector to employ any relation, servant, dependant, or friend who is not and who has not previously been a pleader, vakil, or mukhtyar or an advocate or attorney of a High Court, to appear either conjointly with or in lieu of such party.

When a relation, servant, dependant, or friend appears in lieu of a party, he shall be furnished by such party with a written authority defining the extent to which he is empowered to act.

69. (1) It shall be the duty of a village bench to ascertain the facts of a suit or case before it after holding an inquiry in accordance with the provisions of this Act and the rules. Decision of suit or case on facts ascertained.

(2) Nothing in any enactment relating to evidence or procedure shall in any way affect the powers of a village bench to hold such inquiry.

(3) After holding such inquiry, a village bench may pass such decree or order, with or without prescribed fees subject to the provisions of this Act, as may in its opinion seem just and equitable.

70. The decision of the village bench shall be in accordance with the opinion of the members of the village bench who are present at the sitting or of the majority of such members. If the members are equally divided, the person presiding shall have a second or casting vote. Decision of the village bench.

71. The village bench may, from time to time, adjourn the hearing of any suit or case : Adjournment.

Provided that such adjournment is, in its opinion, unavoidable or necessary to a just and equitable decision of the suit or case.

72. (1) If the plaintiff or complainant fails to appear, after having been informed of the time and place fixed for the hearing, the village bench may hear and decide the suit or case in his absence. Disposal of suits and cases in absence of party concerned.

(2) The village bench may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been served upon him in the manner hereinbefore prescribed, or if he has been informed of the time and place fixed for hearing :

Provided that no sentence shall be passed by a village bench on any accused, unless he has appeared, either in person or by a representative, before the village bench and the substance of his statement has been recorded in the prescribed register.

(3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the village bench may apply to the District Magistrate or to any officer not below the rank of a second class magistrate authorised by the District Magistrate in

this behalf, and such District Magistrate or officer shall compel the accused to appear in person or by his representative before the village bench as if he were a court trying the case.

(4) Where an accused person has, under sub-section (3), been compelled to appear before the village bench, the village bench shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise. 73. Notwithstanding anything contained in this Act or in any other law for the time being in force, a village bench may decide any suit or case within its jurisdiction in accordance with any settlement, compromise or oath agreed to by the parties.

Death of parties. 74. When any party to a suit dies before a decree has been passed, the suit shall abate, but a fresh suit may be brought on the same cause of action, and the period during which the suit was pending shall be excluded in computing the period of limitation prescribed under section 53 for the fresh suit.

Village bench not to revise or alter its decision. 75. (1) Except as provided in sub-section (2), a village bench shall not have power to cancel, revise or alter any decree or order passed by it.

(2) On application made within one month from the date of the decree or order of a village bench, the village bench may, for reasons to be recorded in writing, restore any suit which has been dismissed for default, or in which an *ex-parte* decree has been passed against the defendant.

Interest and instalments. 76. In suits for money, a village bench may, in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six per cent. per annum, from the date of the decree until the date of payment and of any fees which may be prescribed.

When a village bench decrees the payment of a sum of money in a suit, it may direct that it be paid by instalments, without interest, or with interest not exceeding the above rate.

Reference by village bench to Collector. 77. (1) When any village bench is of opinion that any suit or case before it is of such a nature, or of such intricacy or importance that it ought to be tried by a court, it shall stay proceedings and refer the suit to the District Judge or any officer not below the rank of Subordinate Judge who may be authorised by the District Judge in that behalf or the case to the Collector or any officer not below the rank of mamlatdar who may be authorised by the Collector in this behalf, for his orders.

(2) If the District Judge or Collector or such authorised officer is of the opinion that the suit or case is of such nature, intricacy or importance that it ought not to be tried by the village bench, he shall pass orders directing the plaintiff or complainant to the civil or criminal court, as the case may be, competent to take cognizance of such suit or case.

(3) If the District Judge or Collector or the authorised officer is of opinion that the suit or case is not of such nature, intricacy or importance that it ought to be tried by a Court, he shall return the suit or case to the village bench, which made the reference, for disposal.

78. Except as provided in section 87, no decree or order of a village bench shall be called in question in any court on the ground that it was passed without jurisdiction.

Village bench's decrees and orders not to be questioned.

79. Every decree or order passed by a village bench in any suit or case under this Act shall be final, and, save as provided in section 87, shall not be subject to any appeal, revision or review.

Finality of decrees and orders.

CHAPTER VIII.

EXECUTION.

80. If, on the application of a decree-holder or judgment-debtor, the village bench, after enquiry, finds that the decree has been satisfied or adjusted, wholly or in part, the village bench shall record the fact in the prescribed register.

Satisfaction or adjustment of decree to be recorded.

81. (1) If, after a period of one month from the date of a decree, the decree remains unsatisfied or unadjusted, in whole or in part, the decree-holder may, within one year of the date of the decree, apply to the village bench for execution.

Execution through Collector.

(2) On such application for execution, the village bench shall certify to the Collector that the decree remains unsatisfied or unadjusted, in whole or in part and on receipt of such certification the Collector shall, provided that the village bench shall have certified to the Collector within one year from the date of the application for execution,—

(a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue; or

(b) if the decree is for any specific moveable property, cause the decree to be executed as if it were a decree of a civil court, and in so acting may exercise all the powers of a civil court.

82. (1) If, after a period of one month from the date fixed for the payment of any instalment of a sum of money decreed by a village bench under section 76, an instalment or any portion thereof remains unpaid, the decree-holder may, within one year of the date when it fell due, apply for execution to the village bench.

Execution of instalment decree through Collector.

(2) On such application for execution, the village bench shall certify to the Collector that the instalment or a portion thereof still remains unpaid, and on receipt of such certification the Collector shall, provided the village bench shall have certified to the Collector within one year from the date of the application for execution, proceed to recover the amount of the instalment so remaining unpaid as if it were an arrear of land revenue.

83. If, after the issue of the certificate to the Collector under section 81 or 82, but before the decree has been executed through the Collector, the decree or the instalment is fully satisfied and satisfaction is recorded under section 80, the village bench shall forthwith certify such

Satisfaction of decree or instalment after certificate.

satisfaction to the Collector who shall thereupon stay the execution proceedings. All sums of money realised by execution through the Collector shall, after satisfaction of the decree, be refunded to the judgment debtor.

Fine and compensation when payable.

84. (1) Every sum ordered to be paid as compensation and every fine imposed under sections 45, 46, 47 and 48 by a village bench shall be payable at once :

Provided that the village bench may allow any person ordered by it to pay compensation or fine to pay the same within such time, not exceeding fifteen days, as it may think proper and on such terms as to security as it shall seem to the village bench necessary to impose.

Mode of recovery.

(2) If the amount of fine or compensation remains unpaid for fifteen days from the date of the order, the village bench shall recover the same by distraint and sale of the defaulter's moveable property.

(3) If the amount of fine or compensation is not fully recovered, the village bench shall certify accordingly to the Collector, and on receipt of such certification the Collector shall, provided the panchayat shall have certified to the Collector within a period of one year from the date when the amount became recoverable by the village bench under sub-section (2), proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the village bench.

Fine or compensation, when realised, to be recorded.

85. As soon as the amount of fine or compensation referred to in section 84 is realised by the village bench whether directly or through the Collector, the amount so realised shall be entered in the prescribed register, and shall be credited by the village bench to the village fund.

Payment of compensation out of village fund.

86. Any money which has been ordered by the village bench, under section 47 or section 48, to be paid as expenses or compensation, shall be paid by it out of the amount realised under sections 45 and 46 and the payment so made shall be debited to the village fund.

District Judge or Collector may cancel jurisdiction or quash proceedings.

87. (1) The District Judge in any suit and the Collector in any case may, at any time, either of his own motion or on the application of an aggrieved party or on a reference made by a village bench under section 77 by order in writing, cancel the jurisdiction of a village bench or quash any proceedings of a village bench at any stage, or cancel any decree or order passed by a village bench.

(2) When an order has been passed by the District Judge under sub-section (1) in respect of any suit, the plaintiff may institute a fresh suit for the same relief in a civil court, and the period from the date of the institution of the suit before the village bench to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(3) Where an order has been passed by the Collector under sub-section (1) in respect of any case, proceedings in respect of the same offence may be instituted in the court of a magistrate having jurisdiction.

Bar to arrest and imprisonment in execution of decree.

88. No person shall be arrested or imprisoned in execution of a decree under the provisions of this Act.

CHAPTER IX.

TAXATION AND RECOVERY OF CLAIMS.

89. (1) Every panchayat shall levy in such manner and at such rates as may be prescribed, such of the taxes or fees specified in sub-section (2) as may be necessary for the proper discharge by the panchayat of its duties under this Act. Levy of taxes and fees by panchayat.

(2) Taxes or fees which are leviable by a panchayat under sub-section (1) are :—

- (i) a tax upon the owners or occupiers of houses and lands within the limits of the village ;
- (ii) a pilgrim tax ;
- (iii) a tax on fairs and festivals ;
- (iv) a tax on sales of goods ;
- (v) octroi ;
- (vi) a tax on marriages, adoptions and feasts ;
- (vii) any other tax which may have been approved by the district local board and sanctioned by Government.

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Geo.V,
c. 61.

Provided that when such tax is other than a tax specified in Schedule II to the Scheduled Taxes Rules made under clause (a) of sub-section (3) of section 80A of the Government of India Act, such tax shall not be levied without the previous sanction of the Governor General in Council.

(3) Any person aggrieved by the assessment, levy or imposition of any such tax or fee may appeal to the district local board. The decision of the district local board in the matter shall be final.

(4) Government may suspend the levy or imposition of any tax or fee referred to in sub-section (1) and may at any time rescind such suspension.

90. (1) If in the opinion of the district local board the regular income of a panchayat falls below what is necessary for the proper discharge of the duties specified in sections 26 and 28, the district local board may require the panchayat to take steps, within six months, to increase its income to such extent as the district local board considers necessary. If the panchayat fails to take adequate steps to increase its income to the required extent, the district local board may require it to levy or increase any of the taxes or fees specified in section 89 : Power of district local board to increase taxation of panchayat.

Provided that the district local board shall not compel the panchayat to levy or increase any tax or fee beyond the maximum rate to be prescribed in this behalf.

(2) Any panchayat may appeal to the Commissioner against an order made under sub-section (1) and the Commissioner may stay the execution of such order until he has decided the appeal.

Recovery of
taxes and
other dues.

91. (1) When any tax or fee has become due, a panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid.

(2) If any person fails to pay any tax or any other sum due from him to a panchayat under this Act or the rules or by-laws on or before the specified date of payment, the panchayat shall cause a writ of demand to be served on the defaulter.

(3) If the sum for which a writ of demand has been served is not paid within thirty days from the date of such service, the panchayat may levy such sum by distraint and sale of the moveable property of the defaulter.

(4) For every writ of demand issued under sub-section (2) a fee shall be chargeable at such rate as may be prescribed by by-laws.

(5) If a panchayat is unable to recover a tax or other sum due to it as aforesaid, it may furnish to the mamlatdar or mahalkari a statement of the arrears due, with a request for the recovery of the same through the village officers, and on receipt of such statement of arrears, the mamlatdar or mahalkari may, provided such statement of arrears shall have been furnished by the panchayat to the mamlatdar or mahalkari within one year from the date specified in the bill presented under sub-section (1), proceed to recover the same as an arrear of land revenue through the village officers. For the recovery of such sums, the village officers shall be remunerated by the panchayat in such manner as may be prescribed by by-laws.

(6) If a panchayat fails to recover any tax, fine or other sum due to it, or neglects to take action under sub-sections (2) and (3) of section 84 or (2) and (3) of this section, the district local board may apply to the Collector to recover the same as an arrear of land revenue :

Provided that no such application shall be made to the Collector after the expiry of one year from the date when the amount became certifiable under sub-section (3) of section 84 or from the date specified in the bill presented under sub-section (1) of this section, as the case may be.

On receipt of such application from the district local board, the Collector may, after holding such enquiry as he thinks fit, proceed to recover the sum as an arrear of land revenue.

Collector's
power to
direct irre-
coverable
sums to be
written off.

92. The Collector may direct—

(a) any sum certified by a panchayat and recoverable by him under sections 81, 82 and 84 and sub-section (6) of section 91 ;

(b) any arrear of a tax or any other sum due to a panchayat and recoverable, through a mamlatdar or mahalkari under sub-section (5) of section 91 ;

to be written off if, in the opinion of the Collector, such sum or arrears are irrecoverable.

CHAPTER X.

FINANCIAL ASSISTANCE TO PANCHAYATS.

- Bom. VI of 1923.** 93. (1) Notwithstanding anything contained in the [1]Bombay Local Boards Act, 1923, the district local board—
- Contributions and loans by district local boards.
- (i) shall assign to every panchayat within the district not less than one-fifth of the local fund cess realised within the limits of the village, and
- (ii) may, subject to rules, grant a loan to such panchayats, for the purposes of this Act.
- (2) When estimating the balance of the local fund available for expenditure by a taluka local board under the provisions of section 76 (1) of the [1]Bombay Local Boards Act, 1923, there may be deducted from any such balance any sum assigned under clause (i) of sub-section (1) by a district local board to a panchayat within the area of such taluka local board.

CHAPTER XI.

CONTROL.

94. (1) The Collector or the district local board shall have power—
- Power to call for proceedings, etc.
- (a) to call for any extract from the proceedings of a panchayat, any book or document in the possession or under the control of a panchayat, and any return, statement, account or report which the Collector or the district local board may think fit to require such panchayat to furnish; and
- (b) to require a panchayat to take into consideration—
- (i) any objection which appears to the Collector or the district local board to exist to the doing of anything which is about to be done or is being done by such panchayat, or
- (ii) any information which the Collector or the district local board is able to furnish, and which appears to the Collector or the district local board to necessitate the doing of a certain thing by the panchayat,
- and to make a written reply to the Collector or the district local board, as the case may be, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.
- (2) All or any of the powers given to the district local board under sub-section (1) may be delegated by it to its president, vice-president, chief officer, public health officer or executive engineer.

[1] In Pt. I. p. 33.

Delegation of duties, appointment of officers, utilisation of honorary agencies for encouraging the establishment and fostering the growth of panchayats.

95. (1) The district local board may delegate to the President, Vice-President, the Chief Officer, Public Health Officer or any other officer specially appointed by the district local board in this behalf the duties of encouraging the establishment and fostering the growth of panchayats and of assisting panchayats in the proper exercise of their powers and performance of their duties under this Act.

(2) It shall be competent to the district local board to accept and utilise in an honorary capacity in the performance of any of the duties which may be delegated under sub-section (1) the services of any person who in the opinion of such Board is specially fitted to assist in this behalf.

(3) It shall be competent to Government to appoint an officer to exercise such of the powers and perform such of the duties of a Collector under this Act as Government may prescribe. Such officer shall also perform such other duties and exercise such other powers as Government may prescribe for the purpose of encouraging the establishment and fostering the growth of panchayats and village benches and of assisting and advising panchayats and village benches in the proper exercise of their powers and performance of their duties under this Act.

Power of entry.

96. The district local board may authorise its president, vice-president, or any of its officers to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any panchayat or any work in progress under its direction.

Audit of accounts.

97. The audit of the accounts of a panchayat shall, unless provision is otherwise made by Government in that behalf, be carried out each year by the district local board, and such board shall, within one month of the completion of the audit, forward a copy of the audit note to the Collector.

Reduction of establishment.

98. (1) If, in the opinion of the Collector or the district local board, the number of persons maintained or proposed to be maintained by a panchayat as officers or servants, or the remuneration given or proposed to be given by the panchayat to such persons is excessive, the panchayat shall, on the requirement of the Collector or the district local board, as the case may be, reduce such number or remuneration.

(2) If there is a difference between the requirement of the Collector or of the district local board under sub-section (1), the panchayat shall refer the matter in difference to the Commissioner whose decision shall be final.

(3) The panchayat may appeal to the Commissioner against any requirement made under sub-section (1), and the decision of the Commissioner in the matter shall be final.

Suspension of execution of order.

99. (1) If in the opinion of the Collector, the execution of any order or resolution of a panchayat, or the doing of anything which is about to be done or is being done by or on behalf of a panchayat, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When the Collector makes an order under sub-section (1), he shall forthwith send to the panchayat affected thereby a copy of the order, with a statement of the reasons for making it.

(3) The Collector shall forthwith submit to the Commissioner a report of every case occurring under this section, and the Commissioner may revise or modify any order made therein and make in respect thereof any other order which the Collector could have made.

100. (1) In cases of emergency the Collector may provide for the execution of any work or the doing of any act which a panchayat 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 shall be forthwith paid by the panchayat. Execution of work in case of emergency.

(2) If the expense is not so paid, the Collector may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or so much thereof as is possible, from the balance of such fund in his hands.

(3) The Collector shall forthwith report to the Commissioner every case in which he exercises the powers under sub-section (1).

101. (1) If at any time it appears to the district local board that a panchayat has made default in the performance of any duty specified in section 26, it may order the duty to be performed within a specified period, and, if the duty is not performed within the period specified, the district local board may appoint some person to perform it, and direct that the expense of performance shall be paid by the defaulting panchayat, within such period as the district local board may fix. Default in performance of duty.

(2) If the expense is not so paid, the district local board may direct the person in custody of the village fund to pay such expense, or so much thereof as is possible, from the balance of such fund in his hands.

(3) The district local board shall forthwith report to the Commissioner every case occurring under this section and the Commissioner may revise or modify any order made therein and make in respect thereof any other order which the district local board could have made.

102. (1) If, in the opinion of Government, a panchayat exceeds or abuses its powers, or makes persistent default in the performance of the duties imposed on it under section 26 or any other law for the time being in force, Government may, after consultation with the district local board, by an order in the *Bombay Government Gazette*, Dissolution or supersession of panchayat for default.

(i) dissolve such panchayat, or

(ii) supersede such panchayat for the period specified in the order.

(2) When a panchayat is dissolved or superseded, all members of the panchayat shall, from the date specified in the order, vacate their offices as such members.

(3) When a panchayat is dissolved, it shall be reconstituted in the manner provided in this Act.

(4) If a panchayat is superseded—

(a) all the powers and duties of the panchayat shall, during the period of supersession, be exercised and performed by such person or persons as Government may, from time to time, appoint in that behalf ; and

(b) all property vested in the panchayat shall during the period of supersession, vest in Government ; and

(c) on the expiry of the period of supersession, the panchayat shall be reconstituted in the manner provided in this Act, and the persons vacating office shall be eligible for re-election or re-nomination.

Dissolution and reconstitution of panchayat on alteration of limits of village.

103. (1) When, during the term of the panchayat the limits of a village are altered, the Commissioner may, by order in writing dissolve such panchayat and direct a panchayat—

(i) to be reconstituted for the village of which the panchayat has been dissolved, or

(ii) to be established for a village which has been newly declared.

The members of the panchayat which has been dissolved shall vacate their office from the date specified in the order.

(2) The panchayat reconstituted or established under the provisions of sub-section (1) shall consist of such members, either elected, nominated or appointed in such manner as the Commissioner shall, by order in writing, direct.

The sarpanch and deputy sarpanch of the panchayat so reconstituted or established shall be elected in the manner provided in this Act.

(3) The term of the panchayat so reconstituted or established shall be for such period, not exceeding one year, as the Commissioner shall, by order in writing, specify.

(4) On the expiry of the term of the panchayat in accordance with the provisions of sub-section (3), the panchayat shall be constituted in the manner provided by this Act.

Vesting of property, etc., of panchayat which has been dissolved in reconstituted or established panchayat.

104. (1) When a panchayat has been dissolved and reconstituted or established under section 103, so much of the village fund and other property vesting in the panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established panchayat, as the Commissioner may, by order in writing, direct.

(2) The rights and liabilities of the panchayat which has been dissolved in respect of contracts, agreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established panchayat, shall vest in such panchayat.

(3) Any notice, tax, order, licence, permission, rule or by-law made, issued or imposed in respect of any part of the area subject to the authority of the reconstituted or established panchayat shall be deemed to have been made, issued or imposed by or in respect of such panchayat, unless and until it is superseded by any notice, tax, order, licence,

permission, rule or by-law made, issued or imposed by or in respect of such panchayat.

105. On any area ceasing to be a village, by virtue of any notification under section 4,—

Effect of area ceasing to be a village.

(a) the panchayat shall be dissolved and all members of the panchayat shall vacate office as from the date of the notification ;

(b) the unexpended balance of the village fund and the property vesting in the panchayat shall vest in the district local board, to be utilised for the benefit of the inhabitants of the area as the district local board may think fit.

106. (1) When a panchayat is dissolved or superseded under section 102, 103 or 105, the village bench constituted in the village for which the panchayat was established shall be deemed to have been dissolved and all members of the village bench shall vacate office as from the date of dissolution or supersession as the case may be.

Effect of dissolution or supersession of panchayats on village benches and proceedings pending before them.

(2) On the dissolution of the village bench under sub-section (1)

(i) the provisions of sub-sections (2) and (3) of section 87 shall be deemed to apply in respect of any suits or cases pending before the village bench as if the District Judge or the Collector, as the case may be, had passed an order under sub-section (1) of section 87 quashing such suits or cases ; and

(ii) all pending proceedings and applications for the execution of decrees or orders in suits, and for the recovery of fines and compensation in cases shall be transferred to the Court of the Subordinate Judge or the Magistrate, as the case may be, who would have had jurisdiction to try the suit or case if the village bench had not been constituted and such Subordinate Judge or Magistrate, as the case may be, shall deal with the proceedings or applications as if the suit or case out of which the proceedings or applications arose, had been heard and decided by such Subordinate Judge or Magistrate.

107. In all matters connected with this Act, Government shall have and exercise the same authority and control over the district local boards as it has and exercises over them under the [1]Bombay Local Boards

Authority of Government.

Dom. VI of Act, 1923.

CHAPTER XII.

RULES AND BY-LAWS.

108. (1) Government may, by notification in the *Bombay Government Gazette*, make rules—[2]

(a) under section 4, regulating the manner in which the Commissioner may hold an inquiry ;

Rules.

(b) under section 6, regulating the manner in which the Collector shall nominate the holder or his representative ;

[1] In Pt. I, p. 33.

[2] For Rules under clause (c) of sub-section (1) of this section, see Government Notification No. S. 174 (3) dated 6th June 1934 published in the *Bombay Government Gazette*, Pt. I-A of 1934, pp. 304-307.

(c) under section 7, prescribing the manner in which the election of members shall be held ;

(d) under section 23, regulating the manner in which notice of a vacancy in the office of a sarpanch, deputy sarpanch or members of a panchayat shall be given ;

(e) under section 32, prescribing the custody in which all funds received by and all sums accruing to a panchayat shall be kept ;

(f) under section 36, prescribing the date of submission and form of annual budgets, returns and accounts and the manner in and the time at which the meeting of the residents of the village shall be convened ;

(g) under section 37, prescribing the time and place of sitting of village benches, their constitution for the conduct of trials of suits or cases, the mode of settling differences of opinion which may arise amongst their members regulating the manner in which the Collector shall nominate the holder or his representative on the village bench and any other matter which Government may consider necessary for the proper conduct of proceedings before such benches ;

(h) under section 59, prescribing the fees payable on the institution of suits and cases ;

(i) under sections 60, 72, 80 and 85 prescribing the particulars to be entered in registers for suits and cases ;

(j) under section 62, prescribing the form of summons ;

(k) under section 69, regulating the manner in which an inquiry shall be held by a village bench ;

(l) under section 76, prescribing the scale of fees which a village bench may direct to be paid in a suit or case ;

(m) under section 89, prescribing the rate and the manner in which taxes and fees specified in the section shall be leviable ;

(n) under section 90 prescribing the maximum rate for the levy of taxes or fees specified in section 89 ;

(o) under sub-section (5) of section 91, prescribing the remuneration of village officers for the recovery of taxes and other sums due to a panchayat and the manner in which such remuneration shall be paid ;

(p) under section 93, prescribing the terms on which loans may be granted to a panchayat by the district local board ;

(q) under section 95, prescribing the powers and duties which may be delegated to or exercised or performed by an officer or person appointed ; and

(r) under sub-sections (3) and (4) of section 112, regulating the delegation by the District Judge or the Collector of the powers therein referred to.

(2) The rules to be made under sub-section (1) shall be subject to the condition of previous publication.

(3) Rules made under sub-section (1) shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council and such rule shall, after notification in the *Bombay Government Gazette*, be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of Government, such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, Government may, by notification in the *Bombay Government Gazette*, declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

109. (1) The district local board may, with the previous sanction By-laws. of the Commissioner, make by-laws generally for the carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, the district local board may make by-laws—

(a) under section 19, prescribing the time and place of the sittings and regulating the procedure at meetings of a panchayat, and fixing a quorum ;

(b) under section 20, prescribing the powers and duties of a sarpanch which may be exercised and performed by a deputy sarpanch ;

(c) under section 26—

(i) for the purification and protection from pollution of all sources of water used for drinking purposes ;

(ii) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause, disease or injury to health, and the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable ;

(iii) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience ;

(iv) for the regulation of offensive callings or trades ;

(v) for the disposal of corpses by burning or burial ;

(vi) for the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood ;

(vii) for the removal of noxious vegetation ;

(viii) for the repair and removal of dangerous or ruinous buildings ;

(ix) for the prevention of the erection of buildings without adequate provisions for ventilation, or the laying out and location of streets ;

(x) for the control of fairs and bazars, and the regulation of markets, slaughter-houses and cart-stands ;

(xi) for the inspection and destruction of unfit food and drink exposed for sale ; and

(xii) for the general regulation of sanitation and conservancy ;

(d) under section 28, for the supervision of labourers employed by local boards, and of repairs to dharamsalas, the management and maintenance of cattle-pounds, execution of works entrusted by the district local board, distribution of irrigation water and performance of other duties assigned by Government.

(3) Any by-law made under the foregoing sub-sections may provide that a contravention thereof shall be punishable—

(a) with a fine, which may extend to Rs. 10, or

(b) in the case of a continuing contravention, with a fine, which may extend to Re. 1 per day after conviction for the first contravention during the period within which such contravention continues.

CHAPTER XIII.

MISCELLANEOUS.

Liability of members for loss, waste or misapplication.

110. (1) Every member of a panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the panchayat, 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.

(2) If, after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property of the panchayat is a direct consequence of misconduct or gross neglect on his part, the Collector may, by order in writing, direct such member to pay to the panchayat, before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, the Collector shall recover it as an arrear of land revenue and credit it to the village fund.

(4) The decision of the Collector shall be final as to the liability of a member under sub-section (2) and as to the amount to be recovered from him.

Bar of action against panchayats, Village Benches, etc. and previous notice before institution.

111. (1) No action shall lie against any member, officer, servant or agent of a panchayat or a village bench acting under its direction, in respect of anything done in good faith under this Act or any rule or by-law.

(2) No action shall be brought against any panchayat or village bench, or any member, officer, servant or agent of such panchayat or village bench acting under its direction for anything done or purporting to have been done under this Act, until the expiration of three months

next after notice in writing has been left or delivered at the office of the panchayat or village bench, and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.

(3) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

(4) If any panchayat or village bench or person, to whom a notice under sub-section (2) is given shall, before an action is brought, tender sufficient amends to the plaintiff and pay into court the amount so tendered, the plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

112. (1) Government may, by notification in the *Bombay Government Gazette*, authorise the Commissioner or any officer specially empowered under sub-section (3) of section 95 to exercise in respect of panchayats and village benches any of the powers which may be exercised by Government under this Act. Delegation of powers.

(2) Government may also, by notification in the *Bombay Government Gazette*, authorise any person to exercise in respect of panchayats any of the powers conferred on a district local board under the provisions of this Act, when such district local board shall have been dissolved or superseded.

(3) Subject to rules made in this behalf, the District Judge may delegate to a Subordinate Judge the powers exercisable by the District Judge in regard to suits under sub-section (1) of section 87 in respect of a village bench in a village within the jurisdiction of the said Subordinate Judge.

(4) Subject to rules made in this behalf, the Collector may delegate to—

(a) a Magistrate of the First Class exercising appellate jurisdiction under section 497 of the Criminal Procedure Code the powers exercisable by the Collector in regard to cases under sub-section (1) of section 87 in respect of a village bench in a village within the said jurisdiction of the said Magistrate ;

(b) an officer not below the rank of a Deputy Collector, powers other than the powers under sub-section (1) of section 87 exercisable by the Collector in regard to cases under the provisions of this Act.

113. It shall be the duty of every panchayat to inquire and report in any of the following cases :— Local inquiry and reports by panchayat.

(a) any case where a magistrate has directed that a previous local investigation be made by a panchayat under section 202 of the Code of Criminal Procedure, 1898, and the words "such other person" in sub-section (1) of the said section shall be deemed to include a panchayat ;

(b) any case in which a magistrate making an inquiry under section 488 of the Code of Criminal Procedure, 1898, may require from

V of
1898.

V of
1898.

V of
1898.

the panchayat in whose village either the wife or child for whose maintenance the application is made or the husband or parent respectively of such wife or child resides, a report as to the amount of maintenance which, having regard to the circumstances of the parties, should be payable, and such report shall be evidence in such inquiry :

Provided that no member of the panchayat shall be required to attend as a witness touching any matter on which the report is itself evidence, but the magistrate may, in his discretion, call for a further report.

Members,
etc. of
panchayats
or village
benches
to be public
servants.
Repeal and
Savings.

114. Every member of a panchayat or village bench and every officer and servant maintained by or employed under a panchayat or village bench shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV
of
1860.
Bom.
IX of
1920.

115. (1) The [1]Bombay Village Panchayats Act, 1920, is hereby repealed :

Provided that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under the said Act or the validity or invalidity of anything already done thereunder ;

(b) all panchayats established under the [1]Bombay Village Panchayats Act, 1920, and existing immediately before the coming into force of this Act shall be deemed to have been established under this Act ;

Bom.
IX of
1920.

and the rights and liabilities of any such panchayats shall be vesting in and attached to the panchayat so deemed to have been established ;

and any appointment, notification, notice, tax, order, permission, rule or by-law made, issued or imposed in respect of any such panchayat under the Act so repealed shall, so far as is not inconsistent with the provisions of this Act, be deemed to have been made, issued or imposed under the provisions of this Act in respect of the panchayats so deemed to have been established under this Act, unless and until superseded by any appointment, notification, notice, tax, order, permission, rule or by-law made, issued or imposed under this Act.

(2) During such time as this Act and the rules and by-laws shall be in operation in any village, the enactments mentioned in the Schedule shall, to the extent specified in the third column of the Schedule, cease to have any operation in the said village.

SCHEDULE.

(See section 115.)

No. and year of enactment.	Subject of Title.	Extent of repeal.
Bombay Act VII of 1867	The [2]Bombay District Police Act, 1867.	Sections 33 and 34.

[1] Vol. V of Bom. Code.

[2] Vol. II of Bom. Code.

BOMBAY ACT No. VII OF 1933^[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1933]

[18th September 1933]

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, for the purposes hereinafter appearing; It is hereby
1890. enacted as follows:—

1. This Act may be called the Bombay District Police (Amendment) Short title.
Act, 1933.

Bom. 2. In section 61 of the [2]Bombay District Police Act, 1890,— Amendment
IV of of section 61
1890. district " shall be substituted, of Bom. IV
of 1890.

(1) for the word "Commissioner" the words "Magistrate of the
district" shall be substituted,
(2) after the word "time", where it occurs for the second time,
the words "and subject to the orders of the Commissioner" shall be
inserted, and

(3) sub-clause (a) of clause (1) shall be omitted.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, p. 540 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. VIII OF 1933.^[1]

[THE BOMBAY CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1933]

[19th September 1933]

An Act to amend the Bombay Co-operative Societies Act, 1925.

Bom. WHEREAS it is expedient to amend the ^[2] Bombay Co-operative
VII of Societies Act, 1925, for the purpose hereinafter appearing ; And whereas
1925. the previous sanction of the Governor-General required under 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 :—
c. 61.

1. This Act may be called the Bombay Co-operative Societies Short title,
(Amendment) Act, 1933.

Bom. 2. After section 72 of the ^[2] Bombay Co-operative Societies Act, Insertion
VII of 1925, the following section shall be inserted, namely :— of new
1925. section 72A

[In Pt. I, p. 228.

in Bom. VII
of 1925.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933 Pt. V, pp. 531-532 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[2] In Pt. I, p. 209.

BOMBAY ACT No. IX OF 1933.^[1]

[THE KARACHI PORT TRUST [(AMENDMENT) ACT, 1933]

[25th September 1933]

An Act further to amend the Karachi Port Trust Act, 1886.

Bom. WHEREAS it is expedient further to amend the [²]Karachi Port
VI of Trust Act, 1886, in the manner hereinafter appearing; And whereas
1886. the previous sanction of the Governor General under section 80A 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 Karachi Port Trust (Amendment) Short title.
Act, 1933.

Bom. 2. In section 5 of the [²]Karachi Port Trust Act, 1886, hereinafter Amendment
VI of called the said Act, for the word "fourteen" the word "fifteen" shall of section 5
1886. be substituted. of Bom. VI
of 1886.

3. In sub-section (1) of section 7 of the said Act—

(a) for the word "four" where it occurs for the second time, the Amendment
word "five" shall be substituted; of section 7
of Bom. VI
of 1886.

(b) after the words "the North Western Railway" the words "and
one shall be a representative of labour" shall be added.

[¹] For Statement of Object and Reasons see *Bombay Government Gazette*, 1933, Pt. V, pp. 504-505 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vols. XXXVII and XXXVIII.

[²] Vol. II of Bom. Code.

**THE BOMBAY (EMERGENCY POWERS) WHIPPING
ACT, 1933.**

CONTENTS.

PREAMBLE

SECTIONS.

1. Short title, extent and commencement.
2. Punishment of whipping for offences of rioting, etc.

BOMBAY ACT No. X OF 1933.[¹]

[THE BOMBAY (EMERGENCY POWERS) WHIPPING ACT, 1933]

[26th September 1933]

An Act to amend the law relating to the punishment of whipping in the City of Bombay.

WHEREAS it is expedient to amend the law relating to the Preamble.
punishment of whipping in the City 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. (1) This Act may be called the Bombay (Emergency Powers) Short title,
Whipping Act, 1933. extent and
commence-
ment.

(2) This Act extends to the City of Bombay.

(3) This section shall come into force at once, and the Governor in
Council may, when in his opinion human life or property is manifestly in
danger, direct that the remaining provisions of this Act shall come into
force from such date as the Governor in Council may, by notification in
the *Bombay Government Gazette*, appoint.

IV of
1909.

XLV
of
1860.

2. In addition to the persons who may be punished with whipping Punishment
under section 4 of the [²]Whipping Act, 1909, whoever, by instigating of whipping
or by intentionally aiding by any act or illegal omission, abets the offence for offences of
of rioting or rioting armed with deadly weapons as defined respectively rioting, etc.
in sections 146 and 148 of the Indian Penal Code, or whoever commits
the offence of rioting as defined in the said sections of the said Code, may
be punished with whipping in addition to or in lieu of any other
punishment to which he may for such offence or such abetment be liable
under the said Code.

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V, p. 482; for Report of the Select Committee see *ibid* 1933, Pt. V, pp. 516-520 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1933, Vols. XXXVII and XXXVIII.

[²] General Acts, Vol. IV.

BOMBAY ACT No. XI OF 1933.[¹]

[THE BOMBAY CHILDREN (AMENDMENT) ACT, 1933]

[27th September 1933]

An Act further to amend the Bombay Children Act, 1924.

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

WHEREAS it is expedient further to amend the [²]Bombay Children Act, 1924, for the purposes 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 Children (Amendment) Act, Short title. 1933.

Bom.
XIII
of
1924.

2. In clause (b) of section 3 of the [²]Bombay Children Act, 1924, hereinafter referred to as "the said Act", after the word "years", where it occurs for the second time, the words "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" shall be inserted.

Amendment
of section 3 of
Bom. XIII of
1924.

3. In section 7 of the said Act,—

(a) in sub-section (3) after the word "child" where it occurs for the second time, the words "or young person" shall be inserted;

Amendment
of section 7
of Bom. XIII
of 1924.

(b) for sub-sections (4), (5) and (6) the following sub-section shall be substituted, namely:—

[In Pt. I, p. 153.]

and

(c) sub-sections (6A) and (7) shall be renumbered as sub-sections (5) and (6), respectively.

4. In section 8 of the said Act, after the word "child" wherever it occurs, the words "or young person" shall be inserted.

Amendment
of section 8
of Bom. XIII
of 1924.

5. In section 15 of the said Act,—

(1) In clause (c) of sub-section (1) for the word "sixteen" the word "eighteen" shall be substituted; and

Amendment
of section 15,
of Bom. XIII
of 1924.

(2) In sub-section (6)—

(a) the words "In the case of a child" shall be omitted; and

(b) after the word "child" where it occurs for the second and third time, the words "or young person" shall be inserted.

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V, pp. 527-528; and for proceedings in Council see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[²] In Pt. I, p. 149.

Amendment of section 21 of Bom. XIII of 1924. 6. In sub-section (1) of section 21 of the said Act, the words "where a child" where they occur for the second time and the words "and the person so charged or brought before the court is a child" shall be omitted.

Amendment of section 23 of Bom. XIII of 1924. 7. In sub-sections (1) and (2) of section 23 of the said Act, after the word "child", wherever it occurs, the words "or young person" shall be inserted.

Amendment of section 28 of Bom. XIII of 1924. 8. In sub-section (1) of section 28 of the said Act, after the word "child" where it occurs for the first time, the words "or young person" shall be inserted.

Amendment of section 30 of Bom. XIII of 1924. 9. In sub-sections (1), (3), (4) and (6) of section 30 of the said Act, after the word "child" wherever it occurs, the words "or young person" shall be inserted.

Amendment of section 31 of Bom. XIII of 1924. 10. In clause (a) of section 31 of the said Act, after the words "child or" where they first occur, the words "young person or" shall be inserted.

Amendment of section 32 of Bom. XIII of 1924. 11. In section 32 of the said Act, after the word "child" the words "or young person" shall be inserted.

Amendment of section 33 of Bom. XIII of 1924. 12. In sub-section (1) and in clause (c) of sub-section (2) of section 33 of the said Act and in the proviso to the said sub-section (2), after the word "child" the words "or young person" shall be inserted.

Amendment of section 33A of Bom. XIII of 1924. 13. In section 33A of the said Act,—
 (i) in sub-section (1), for the word "sixteen" the word "eighteen" shall be substituted, and
 (ii) in sub-section (2), after the word "child" the words "or young person" shall be inserted.

Amendment of section 34 of Bom. XIII of 1924. 14. In sub-sections (1) and (2) of section 34 of the said Act, after the word "children" the words "young persons" shall be inserted.

Amendment of section 39 of Bom. XIII of 1924. 15. In the first proviso to section 39 of the said Act, after the word "children" the words "or young persons" shall be inserted.

Amendment of section 41 of Bom. XIII of 1924. 16. In section 41 of the said Act, after the word "child" the words "or young person" and after the word "children" the words "or young persons" shall be inserted.

Amendment of section 42 of Bom. XIII of 1924. 17. In section 42 of the said Act, after the word "children" the words "or young persons" shall be inserted.

Amendment of section 44 of Bom. XIII of 1924. 18. In section 44 of the said Act, after the word "child", wherever it occurs, the words "or young person" shall be inserted.

19. In section 47 of the said Act,—

(1) in sub-section (1) after the word “child”, wherever it occurs, the words “or young person” shall be inserted; and

Amendment
of section 47
of Bom. XIII
of 1924.

(2) for sub-section (5) the following shall be substituted, namely :—

[In Pt. I, p. 171.]

20. In section 51A of the said Act—

(1) after the word “order” where it occurs for the first time the words “or supervision order” shall be inserted; and

Amendment
of section 51A
of Bom. XIII
of 1924.

(2) for the words “and in respect of” the words “or supervisor, the period of duration and” shall be substituted.

21. In sub-section (2) of section 52 of the said Act—

(1) in clause (f), after the word “offenders” the words “young persons” shall be inserted, and

Amendment
of section 52
of Bom. XIII
of 1924.

(2) for clause (p) the following clause shall be substituted, namely :—

[In Pt. I, p. 173.]

BOMBAY ACT No. XII OF 1933.^[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1933]

[27th September 1933]

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

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

1. This Act may be called the Bombay Port Trust (Amendment) Short title. Act, 1933.

Bom. 2. In section 14B of the ^[2]Bombay Port Trust Act, 1879, VI of 1879.

(a) after the word " authority " a comma shall be inserted and the word " or " shall be deleted; and Amendment of section 14B of Bom. VI of 1879.

(b) after the word " Company " the words " or a trade union registered under the ^[3]Indian Trade Unions Act, 1926, or other than as agent, officer or member of an association formed for the purpose of promoting the interests or welfare of any class of officers or servants of the Board or of any class of persons employed by or on behalf of the Board " shall be added.

XVI of 1926.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Pt. V, pp. 252-53; for Report of the Select Committee see *ibid* 1933, Pt. V, pp. 511-512 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1932, Vol. XXXV, 1933, Vol. XXXVIII.

[2] Vol. II of Bom. Code.

[3] General Acts, Vol. VIII.

BOMBAY ACT No. XIII OF 1933.[¹]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1933]

[28th September 1933]

An Act further to amend the City of Bombay Municipal Act, 1888, with a view to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in, the Municipal Corporation of the City of Bombay, on the dissolution of the Board of the said trustees.

Bom. XVI of 1925. WHEREAS the [²] City of Bombay Improvement Trust Transfer Act, 1925, was enacted with a view to transfer to the Municipal Corporation of the City of Bombay the powers of the Board of Trustees for the Improvement of the City of Bombay constituted under the [³] Bom. IV of 1898. City of Bombay Improvement Act, 1898, and to entrust to the said Corporation, subject to the conditions and limitations specified, the duties of the said Board and to vest in the said Corporation, for the purpose of the improvement of the City of Bombay, the property and rights of the said Board ;

Bom. XVI of 1925. And whereas in pursuance of the aforesaid object the duty of carrying out the provisions of the [²] City of Bombay Improvement Trust Transfer Act, 1925, was, subject to the conditions and limitations therein contained, entrusted to the said Corporation as the Board of Trustees for the Improvement of the City of Bombay as a body corporate with perpetual succession and a common seal and certain property and rights were vested in the said Board ;

And whereas by section 83 of that Act it was further provided that when the Corporation are satisfied that there is no longer any necessity for the continuance of the Board of Trustees they shall make a representation to Government in that behalf and the Government may, in the manner prescribed in the said section, dissolve the Board ;

Bom. III of 1888. And whereas a representation has been made to the Government of Bombay by the said Corporation that the said Board be now dissolved and that legislation may be undertaken to make such amendments as may be necessary in the City of Bombay Municipal Act, 1888, for that purpose ;

And whereas it appears to the Government of Bombay that the said Board should now be dissolved and that the powers and duties of the said Board should be transferred to and the property and rights vested

[¹] For statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V pp. 155-165 ; for Report of the Select Committee see *ibid*, 1933, Pt. V, pp. 541-552 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1933, Vols. XXXVII and XXXVIII.

[²] Since repealed by Bom. XIII of 1933, Appendix.

[³] Repealed by Bom. Act No. XVI of 1925, s. 4.

in the said Board should be vested in the said Corporation subject to the limitations hereinafter mentioned and that a committee of the said Corporation to be called the Improvements Committee should be constituted in accordance with the provisions of this Act, and subject to the restrictions and conditions hereinafter specified, for the purpose of the improvement of the City of Bombay in the manner hereinafter mentioned;

And whereas it is proposed that certain lands shall be vested in the said Corporation in the manner hereinafter appearing;

And whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans;

And whereas for the purposes aforesaid it is expedient to amend the Bom. City of Bombay Municipal Act, 1888, in manner hereinafter appearing; III of 1888.

And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A of the Government of India Act, and 5 & 6 the previous sanction of the Governor required by section 80C of the Geo.V. said Act have been obtained for the passing of this Act; It is hereby c. 61. enacted as follows :—

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1933.

Commencement.

2. This Act shall come into operation from such date as the Government may, by notification in the *Bombay Government Gazette*, appoint.

Amendment of section 3 of Bom. III of 1888.

3. In section 3 of the City of Bombay Municipal Act, 1888, hereinafter referred to as the said Act, Bom. III of 1888.

(a) in clause (e), after the figures "55" the words, figures and letter "and the Deputy Municipal Commissioner (Improvements) appointed under section 56A" shall be inserted;

(b) in clause (o), after the word "issued," where it occurs for the second time, the words "and any debentures or other securities issued under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925" shall be inserted; Bom. IV of 1898. and XVI

(c) in clause (r), after the word "water" the words "benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street" shall be inserted. of 1925.

Amendment of section 38B of Bom. III of 1888.

4. (1) Section 38B (1) of the said Act shall be renumbered "38B".

(2) To the marginal note to the said section 38B the following shall be added, namely :—

"or the improvements committee."

(3) In the said section 38B—

(i) after the words "standing committee" where they occur for the first time the words "or the improvements committee" shall be inserted; and

(ii) after the words "standing committee" where they occur for the second and third times, the words "or the improvements committee, as the case may be" shall be inserted.

5. After section 38B of the said Act, the following shall be inserted namely :—

New section 38C of Bom. Act III of 1888.

"38C. The Improvements Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the Improvements Committee may think fit and may refer to such sub-committees for inquiry and report or for opinion any matter with which the Improvements Committee is competent to deal under the provisions of this Act."

Appointment of Sub-committees by the Improvements Committee.

6. After section 49 of the said Act the following sections shall be inserted, namely :—

New sections 49A to 49J of Bom. III of 1888.

"49A. The Corporation shall appoint a Committee to be called the Improvements Committee for the purpose of the improvement of the City, in accordance with the provisions of this Act, and subject to such conditions and limitations as are in this Act contained.

Improvements Committee to be constituted for the purpose of carrying out the improvement of the City.

49B. The Improvements Committee shall consist of sixteen councillors, twelve appointed by the Corporation and four by Government.

Constitution of the Improvements Committee.

49C. (1) The Corporation shall, at their first ordinary meeting after the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, and thereafter at their first meeting in the month of April after each general election, appoint twelve persons out of their own body to be members of the Improvements Committee.

Members of the Improvements Committee when to be appointed.

(2) Four other councillors shall be appointed by Government to be members of the Improvements Committee within one week after such appointment by the Corporation :

Provided that if none of the persons appointed by the Corporation under sub-section (1) be a councillor elected by delegates under sub-section (1) of section 5, Government shall appoint a councillor so elected to be one of the four members of the Improvements Committee appointed under this sub-section.

49D. (1) The Improvements Committee shall at their first meeting appoint one of their number to be their Chairman until the first meeting of the said Committee in the next following official year, and thereafter the said Committee shall at their first meeting in each official year appoint a member of their body to be their Chairman until the first meeting of the said Committee in the next following official year.

Appointment of Chairman of Improvements Committee.

(2) A member of the Improvements Committee who ceases to be the Chairman shall be re-eligible.

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

Members of the Improvements Committee to retire by rotation.

49E. (1) One-half of the members of the Improvements Committee appointed by the Corporation and one-half of those appointed by Government, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the Chairman shall determine, shall retire from office at noon on the first day of April next following the date of their appointment.

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

Appointment of members of Improvements Committee to replace those who retire.

49F. (1) The Corporation shall at their ordinary meeting in the month of March appoint fresh members of the Improvements Committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, and, within one week after any such appointment by the Corporation, Government shall appoint fresh members to fill the offices of those previously appointed by them who retire as aforesaid.

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

Casual vacancies in the Improvements Committee how to be filled up.

49G. In the event of non-acceptance of office by a councillor appointed to be a member of the Improvements 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 conveniently may be, by the appointment by the Corporation or by Government, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Improvements Committee to continue in office till a new committee is appointed.

49H. The Improvements Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Improvements Committee is appointed under section 49C, notwithstanding that the members of the said committee or some of them may no longer be councillors.

Provisions to regulate the proceedings of the Improvements Committee.

49I. The Improvements Committee shall meet for the despatch of business in the Chief Municipal Office and the said committee may, from time to time, make such regulations with respect to such meetings as they think fit, subject to the following conditions:—

(a) there shall be a meeting of the Improvements Committee once a month, and at such other times as shall be found necessary ;

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

(c) the chairman of the Improvements Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or by not less than four members of the Committee, call a special meeting of the said committee within forty-eight hours for the transaction of any business;

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

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

(f) every question shall be decided by a majority of votes of the members of the Improvements 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 municipal secretary of the names of the members present and of the proceedings at each meeting of the Improvements 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;

(h) a member of the Improvements Committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (g) to (l), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person;

(i) the Commissioner, or the Deputy Municipal Commissioner (Improvements), or, in the absence of the latter, a Deputy Municipal Commissioner when authorized by the Commissioner in this behalf, shall have the same right of being present at a meeting of the Improvements Committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting;

(j) any member of the Improvements Committee who absents himself during three successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee, shall cease to be a member and his office shall thereupon be vacant.

Existing Committee to continue pending formation of new Improvements Committee.

49J. The Improvements Committee in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation shall, so far as is not inconsistent with the provisions of the City of Bombay Municipal (Amendment) Act, 1933, continue to exercise all the powers and to perform all the duties vested in or imposed on the Improvements Committee under the City of Bombay Improvement Trust Transfer Act, 1925, until the Improvements Committee to be formed in accordance with the provisions of the City of Bombay Municipal (Amendment) Act, 1933, shall have been so formed." Bom. XVI of 1925.

New sections 56A and 56B of Bom. III of 1888.

7. After section 56 of the said Act the following sections shall be inserted, namely :—

Appointment of Deputy Municipal Commissioner (Improvements).

"56A. (1) Subject to the previous approval of Government the Corporation shall, as soon as conveniently may be after the commencement of the City of Bombay Municipal (Amendment) Act, 1933, appoint a Deputy Municipal Commissioner to be styled the Deputy Municipal Commissioner (Improvements). Such appointment shall be in addition to any appointment of a Deputy Municipal Commissioner made under sub-section (1) of section 55.

(2) Every person so appointed shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is subject under this Act.

(3) A person appointed Deputy Municipal Commissioner (Improvements) shall be appointed, in the first instance for a period of five years, which may be renewed thereafter from time to time for a like or lesser period.

(4) The person appointed to be the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, and holding that office at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall be the Deputy Municipal Commissioner (Improvements) under this Act until the Corporation shall have appointed a Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (1) and until such Deputy Municipal Commissioner shall have entered on the discharge of the duties of his office. Bom. XVI of 1925.

Functions of the Deputy Municipal Commissioner (Improvements).

56B. (1) The Deputy Municipal Commissioner (Improvements) shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner in connection with the improvement of the City and such other duties of a Deputy Municipal Commissioner as the Commissioner may from time to time direct :

Provided that the Commissioner shall inform the Corporation of the powers and duties which he from time to time deposes to the Deputy Municipal Commissioner (Improvements).

(2) All acts and things performed and done by the Deputy Municipal Commissioner (Improvements), during his tenure of the said office

and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner."

8. After section 58 of the said Act the following section shall be inserted, namely :—

"58A. The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as the Corporation shall, from time to time, determine :

New section 58A of Bom. III of 1888.
Remuneration of the Deputy Municipal Commissioner (Improvements).

Provided that the person holding office of the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (4) of section 56A, receive a monthly salary of rupees two thousand and five hundred.

Bom. XVI of 1925.

Provided further that if the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he shall receive from the commencement of the City of Bombay Municipal (Amendment) Act, 1933, such monthly salary not exceeding rupees two thousand as the Corporation shall, from time to time, determine."

9. In sub-section (3) of section 59 of the said Act for the word and figures "and 58" the word, figures and letter "58 and 58A" shall be substituted.

Amendment of section 59 of Bom. III of 1888.

10. After clause (r) of section 61 of the said Act, the following shall be inserted, namely :—

"(s) the obligations imposed by the City of Bombay Municipal (Amendment) Act, 1933, upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

Amendment of section 61 of Bom. III of 1888.

(t) the improvement of the City."

Bom. XVI of 1925.

11. In section 64 of the said Act—

(a) in sub-section (1) for the word and figures "or 41", the word, figures and letter "41 or 49A" shall be substituted ;

Amendment of section 64 of Bom. III of 1888.

(b) in sub-section (3), after the words "or the standing committee" the words "or the Improvements Committee" shall be inserted.

12. In section 69 of the said Act—

(a) in clause (c) for the words "an agreement for the acquisition of immoveable property" the words "a contract relating to the acquisition of immoveable property, or any interest therein, or any right thereto" shall be substituted ;

Amendment of section 69 of Bom. III of 1888.

(b) in clause (d) after the word "contract" the words "other than a contract for the acquisition of immoveable property or any interest therein or any right thereto" shall be inserted;

(c) in clause (e) for the words "shall apply, respectively," the words "shall, as far as may be, apply" shall be substituted.

Amendment
of section 70
of Bom. III
of 1888.

13. For sub-section (2) of section 70 of the said Act the following shall be substituted, namely :—

"(2) The common seal of the Corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the Standing Committee, to every contract or other instrument other than a contract relating to the acquisition of immoveable property or interest therein or a right thereto and such contract or instrument shall be signed by the said two members of the Standing Committee 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".

Amendment
of section 71
of Bom. III
of 1888.

14. In section 71 of the said Act,—

(i) after the word "contract" the words "of the nature specified in sub-section (2) of the last preceding section" shall be inserted; and

(ii) for the words "last preceding" the word "said" shall be substituted.

Amendment
of section 77
of Bom. III
of 1888.

15. In sub-section (2) of section 77 of the said Act,

(i) after the words "standing committee" where they occur for the first and second time, the words "and the improvements committee" shall be inserted; and

(ii) after sub-clause (ii) of clause (b) the following shall be inserted, namely :—

"(iii) the improvements committee and any sub-committee thereof."

Amendment
of section 83
of Bom. III
of 1888.

16. In clauses (b) and (c) of sub-section (2) of section 83 of the said Act, after the figures "55" the figures and letter "56A" shall be inserted.

Amendment
of section 90
of Bom. III
of 1888.

17. In section 90 of the said Act—

(a) in sub-section (1) for the words "Standing Committee", the words "Improvements Committee" shall be substituted;

(b) in sub-section (2) for the words "Standing Committee", the words "Improvements Committee" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of the Corporation to agree with

the owner of any land or of any interest in land needed by the Corporation for the purposes of any scheme under chapter XII-A or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith ;” and

(d) for sub-section (3) the following shall be substituted, namely :—

“(3) No contract for the acquisition of any immoveable property or of any interest therein or any right thereto or the payment of any compensation under sub-section (1) or (2) or (2A) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds five thousand rupees unless and until such contract has been approved by the Improvements Committee and by the Corporation if the price or compensation exceeds ten thousand rupees.”

(e) after sub-section (3), the following sub-sections shall be inserted namely :—

“(4) Every contract or other instrument relating to the acquisition of immoveable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the Corporation affixed thereto in the presence of two members of the Improvements Committee and shall also have the signatures of the said two members, in the manner prescribed in section 70.

(5) No contract for the acquisition of immoveable property or any interest therein or any right thereto not executed as in sub-section (4) provided shall be binding on the Corporation.

(6) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immoveable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.”

18. In sub-section (1) of section 91 of the said Act—

(a) for the words “Standing Committee” the words “Improvements Committee” shall be substituted ;

(b) after the word “Committee” the words “and subject to the other provisions of this Act” shall be inserted.

Amendment
of section 91
of Bom. III
of 1888.

19. After section 91 of the said Act, the following sections shall be inserted, namely :—

“91A. (1) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation there shall vest or re-vest in the Corporation, as the case may be, subject to all the charges and liabilities affecting the same, to be held by the Corporation for the purposes of this Act, subject to any restrictions and conditions contained in the City of Bombay Municipal (Amendment) Act, 1933, all the immoveable and other property and all other interests and rights

New sections
91A, 91B and
91C of Bom.
III of 1888.

Transfer of
property
to the
Corporation.

of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including all the estate, right, title and interest of the said Board in and to the lands specified in Schedule W and Schedule X and in the reclaimed lands specified in Schedule Y and shown on the deposited plans.

(2) (a) In respect of the lands referred to as the Flats, specified in Schedule W as plots 1 (b), 1 (c) and 1 (d), the Corporation may, subject to the power of resumption reserved by sub-section (3) at any time lay out the whole or any part or parts of these plots as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.

(b) The lands specified in Schedule W as plot 1 (j) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the Corporation from letting the said lands from time to time on lease for a term not exceeding one year, or with the previous sanction of Government and on such conditions as may be approved by Government for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(c) All the lands specified in Schedule W as plots 1 (a), 1 (e) to 1 (i) both inclusive and 1 (k) and the lands specified in Schedule Y shall, subject to the provisions of sub-section (1), vest in the Corporation.

(3) The lands respectively referred to in Schedule ZZ as plot 1 (d-1) part, 1 (b) part, Cadastral Survey No. 3/333 the Body Guard Lines Plot, Plot No. 3 the Cooperage Plot and Plot No. 4 (b) the Marine Lines Maidan shall vest absolutely in His Majesty, provided that Plot No. 3 the Cooperage Plot and Plot No. 4 (b) the Marine Lines Maidan shall be maintained in perpetuity as open spaces, provided further that the aforesaid Plot Nos. 3 and 4 (b) or any part thereof may at any time be occupied by or with the previous permission of Government for any temporary purpose.

(4) All the estate, right, title and interest of the said Board to and in any land specified in Schedule W vested or re-vested in the Corporation under this section, with the exception of the lands specified in clause (c) of sub-section (2) and in sub-section (3) shall, subject to the provisions of this section, remain so vested or re-vested until such time as the whole of the lands so specified except those appropriated as open spaces, shall have been let on a building lease either by the said Board or by the Corporation or as to any part thereof until such time as such part shall have been so let, and thereafter, as to the whole, except as aforesaid, or any such part, for a further period, which shall not as regards the whole or any such part exceed ninety-nine years from the date on which the whole or any such part shall have been first let.

(5) All lands specified in Schedule X shall, subject to the provisions of sub-section (1), vest in the Corporation.

(6) It shall be lawful for the Corporation from time to time, in the case of land specified in Schedule W, with the sanction of Government, to take out of said Schedule W any land or to take any land out of Schedule X in exchange for any freehold land, the property of the Corporation, which they wish to bring on to the said Schedules. An exchange made under this sub-section shall operate to transfer the land taken out of the Schedules to the Corporation free from all conditions of resumption and re-vesting created by this Act and free from all encumbrances and to vest the land brought on to the schedules in the Corporation as if it were part of the property originally entered in Schedule W or X as the case may be.

(7) Without prejudice, and in addition to the powers conferred on the Corporation by section 87, it shall be lawful for the Corporation to take over and hold any other lands within the City of which they may be put in possession by the Secretary of State for India in Council, to the intent that such lands shall vest in the Corporation in the same manner and subject to the same conditions as if such lands, if taken over from the Secretary of State for India in Council, were included in Schedule W, and such vesting shall in every such case take effect, upon delivery to the Corporation of possession of the land.

(8) Any land, other than land specified in clause (c) of sub-section (2) and other than land leased or agreed to be leased by the said Board or by the Corporation specified in Schedule W, which shall be required by Government for a public purpose, may at any time, after giving six months' notice to the Corporation, be resumed by Government.

(9) Government may, by notification in the *Bombay Government Gazette*, from time to time add to or amend the entries in Schedule W and, with the concurrence of the Corporation, the entries in Schedule X so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and, with the like concurrence in the case of lands specified in Schedule X, correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule W or Schedule X include a notification of the whole schedule or schedules as so altered.

91B. Upon the determination of the further period mentioned in sub-section (4) of section 91A the property vested or re-vested in the Corporation, under the said section in any part of the lands specified in Schedule W except those appropriated as open spaces, and the plots 1 (a) and 1 (e) to 1 (i) both inclusive and 1 (k) of the Flats shall be forthwith divested and such part of such lands shall vest or re-vest absolutely in His Majesty.

91C. The Corporation shall have power, subject to the provisions of section 91A, to apply any of the lands specified in Schedules W, X and Y for the purposes of any scheme under this Act including any of the schemes referred to in sub-section (2) of section 354B."

Vesting of property in His Majesty on the termination of leases granted by the Corporation.

Power to apply certain lands vested in the Corporation to the purpose of any scheme under this Act.

Amendment
of section 92
of Bom. III
of 1888.

20. In section 92 of the said Act—

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

“ provided that every lease of immoveable property granted by the Commissioner (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Improvements Committee ” ;

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

“(b) with the sanction of the Standing Committee, the Commissioner may dispose of, by sale or otherwise, any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees. He may, with the sanction of the Improvements Committee, grant a lease of any immoveable property belonging to the Corporation, including any such right as aforesaid for any period exceeding one year or sell or grant a lease in perpetuity of any immoveable property belonging to the Corporation, the value or premium whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees.”

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

“(cc) The consideration for which any immoveable property or any right belonging to the Corporation may be sold, leased or otherwise transferred shall not be less than the market value of such premium, rent or other consideration.”

(d) in clause (d) after the words “ committee or ”, the words “ of the Improvements Committee or ” shall be inserted.

Amendment
of section 105
of Bom. III
of 1888.

21. In sub-section (I) of section 105 of the said Act after the words “ municipal security holders ” the following shall be inserted, namely :—

“ and holders of securities issued by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925.”

Bom.
IV of
1898.

Bom.
XVI
of
1925.

Amendment
of section 106
of Bom. III
of 1888.

22. For section 106 of the said Act, the following shall be substituted, namely :—

Power to
borrow from
Government
or other
persons.

“ 106. The Corporation may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or with the sanction of the Governor in Council, from any other person, any sum necessary for the purpose of—

(a) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act,

(b) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

(c) making good any deficit in budget-estimate ' B ' framed under section 126,

(d) generally, carrying out the purposes of this Act including the advance of loans under section 354W.

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be contracted (save in the case of a loan granted by the Local Government) by the Corporation unless the terms, including the date of flotation, of such loan have been approved by the Governor-General of India in Council."

23. In section 109 of the said Act—

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

Amendment
of section 109
of Bom. III
of 1888.

"(b) The sum borrowed for any purpose other than for discharging any of the obligations arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including the balances of all the outstanding loans and debts borrowed for any of the said purposes shall not exceed in the whole double the rateable value of the premises in the City assessable, as hereinafter provided, to property taxes; and

(c) The sum borrowed for the purpose of discharging any of the obligations arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including the balances of all outstanding loans and debts borrowed by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, and by the Corporation for the purpose of discharging the aforesaid obligations, shall not at any time exceed in the whole double the rateable value of the premises in the City assessable, as hereinafter provided, to property taxes; and

(d) The sum borrowed under clause (c) for the purpose of making good any deficit in budget estimate B framed under section 126 shall not in any year exceed twenty lakhs of rupees."

(b) Clauses (c) to (g) shall be relettered as clauses (e) to (i) respectively.

(c) for clause (f) so relettered the following shall be substituted, namely :—

"(f) the Corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal, or of principal and interest, or in such other manner as may be approved by Government, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such

Bom.
XVI
of
1925.

Bom.
XVI
of
1925.
Bom.
IV of
1898.
Bom.
XVI
of
1925.

sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the period sanctioned or within such other period as may be approved by Government ; ”

(d) after clause (h) so relettered the following proviso shall be inserted, namely :—

“ provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Corporation in such form as they think fit.”

New sections
109A, 109B
and 109C of
Bom. III of
1888.

Investment of
sinking fund
and surplus
moneys in
debentures
issued by the
Corporation.

24. After section 109 of the said Act, the following sections shall be inserted, namely :—

“ 109A. (1) In respect of any sinking funds which by this Act the Corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Commissioner on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the Local Government or of the Governor-General in Council shall have been duly obtained under section 106, or issued by the Board of Trustees for the Improvement of the City of Bombay under section 52 of the City of Bombay Improvement Act, 1898, or section 68 of the City of Bombay Improvement Trust Transfer Act, 1925, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan ;

Bom.
IV of
1898.
Bom.
XVI of
1925.

(2) the issue of any such debentures direct to and in the name of ‘ The Municipal Commissioner for the City of Bombay ’ on behalf of the Corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person ;

(3) the purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Municipal Commissioner on behalf of the Corporation of any debenture issued by the Corporation or by the Board of Trustees for the Improvement of the City of Bombay shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

109B. (1) Notwithstanding anything contained in sections 106, 108 and 109, the Corporation may, with the previous sanction of Government and for the purpose of discharging any liability arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City

Corporation
may take
advances
from bank
and grant
mortgages.

Bom.
XVI of
1925.

of Bombay Improvement Trust Transfer Act, 1925, take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the Corporation, for a sum not exceeding in the aggregate fifteen lakhs of rupees on the security of all or any of the taxes which the Corporation are authorised to levy for the purposes of this Act.

(2) The Corporation may also with the previous sanction of Government and subject to the provisions of this Act, mortgage any lands or property vesting or reverting or belonging to the Corporation in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

109C. Notwithstanding anything contained in sections 106 and 109, the Corporation may also borrow, for the purpose of this Act, from any bank or banks in which under section 122 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for the time being the cash balance of the Corporation may be invested.”

Corporation to have power to borrow from banks against Government promissory notes or securities.

25. In section 110 of the said Act—

Amendment of section 110 of Bom. III of 1888.

(a) in sub-section (1) after the word “chapter” the words and figures “other than a mortgage made under section 109B” shall be inserted; and

(b) in sub-section (2) after the word “Act” the words “other than a debenture issued under section 110D” shall be inserted.

Bom.
IV of
1898.
Bom.
XVI of
1925.

26. In sub-section (1) of section 110A, sub-section (1) of section 110 B and in section 110C of the said Act, after the word “City” the words and figures “or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925” shall be inserted.

Amendment of sections 110A, 110B and 110C of Bom. III of 1888.

27. After section 110C of the said Act, the following sections shall be inserted, namely:—

New sections 110D, 110DD, 110E, 110F, 110G and 110H of Bom. III of 1888.

Bom.
IV of
1898.
Bom.
XVI of
1925.

“110D. (1) The holder of any debenture issued by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form which the Corporation may, with the previous consent of Government, prescribe.

Debentures issued under Bombay Acts IV of 1898 and XVI of 1925.

Bom.
IV of
1898.
Bom.
XVI of
1925.

(2) Every debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or by the Corporation under sub-section (1) shall be transferable—

(a) if it is in the form of Schedule AA by endorsement, and

(b) if it is in any other form, in such manner as is therein expressed.

(3) The rights to sue in respect of the moneys secured by debentures issued under this section or the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Bom.
IV of
1898.
Bom.
XVI of
1925.

Issue of
stock
certificates.

110DD. (1) The Standing Committee at its discretion may, at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act or any previous Act relating to the municipal government of the City or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, upon the application of the subscriber for, or holder of any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him a certificate in the nature of a stock certificate in respect of the loan to which such debentures or securities relate, which shall be in such form as the Corporation with the previous consent of Government, shall from time to time determine, and all the provisions as to interest or dividend on such debentures or securities shall, so far as may be, apply to the interest on the stock certificate.

Bom.
IV of
1898.
Bom.
XVI of
1925.

(2) The Standing Committee shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

Provisions for
loans, etc.
raised by the
Board of
Trustees
under
Bombay Act
IV of 1898
and Bombay
Act XVI of
1925.

110E. In the case of all loans raised, sinking funds established, debentures or other securities issued and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, before the City of Bombay Municipal (Amendment) Act, 1933, comes into operation the following provisions shall apply:—

Bom.
IV of
1898.
Bom.
XVI of
1925.

(i) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums, on such dates as may have been fixed when the loans were raised;

(ii) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal the Corporation shall make such payments on such dates and in such manner as may have been fixed when the loans were raised;

(iii) the provisions of clause (f) of section 109 shall, so far as may be, apply to such loans and the said clause shall be construed as if (a) for the word 'annual' the words 'yearly or half-yearly' were substituted and (b) the words 'or in such other manner as may be approved by Government' were omitted;

(iv) the provisions of clause (g) of section 109 shall, so far as may be, apply to such sinking funds and the said clause shall be

Bom.
IV of
1898.
Bom.
XVI of
1925.

construed as if for the words 'under this section' the words 'under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925,' were substituted;

(v) the provisions of clause (h) of section 109 (except the proviso) shall, so far as may be, apply and the said clause shall be construed as if after the word 'year' the words 'or every half year' were inserted and as if the words 'second half-yearly' were omitted;

(vi) the provisions of section 109A shall, so far as may be, apply to such sinking funds;

(vii) the provisions of section 110F shall apply to such loans;

(viii) the provisions of section 106 shall, so far as may be, apply, and the said section shall be construed as if for the words 'contracted under this Act' the words 'or debt contracted or incurred under this Act or by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925,' were substituted;

Bom.
IV of
1898.
Bom.
XVI of
1925.

(ix) all securities and cash held by the Board of Trustees for the Improvement of the City of Bombay in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation in sinking funds established for the repayment of such loans shall be transferred to the Corporation and shall be held by them as part of the sinking funds established under clause (i);

(x) when money is borrowed for the purpose of discharging any loan contracted by the said Board of Trustees for the Improvement of the City of Bombay the time for repayment of the loan so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned; and

(xi) for the removal of doubts, it is hereby declared that—

(a) All loans contracted, sinking funds established and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to be subject as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects to the same terms and conditions as were fixed by the said Board when such loans, funds and debts were contracted, established or incurred or as were provided by or under the aforesaid Acts;

Bom.
IV of
1898.
Bom.
XVI of
1925.

(b) All loans contracted, sinking funds established and debts incurred by the Corporation under the provisions of this Act or any Act relating to the municipal government of the City of Bombay prior to the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into force, shall continue to be subject, as regards repayment, rate of interest,

period, guarantee for fulfilment of liabilities and in all other respects, to the same terms and conditions as were fixed when such loans, funds and debts were contracted, established or incurred or as were provided by or under the provisions of the aforesaid Acts prior to the date mentioned above :

Provided that nothing contained in clauses (a) and (b) above shall affect any express provision of the City of Bombay Municipal (Amendment) Act, 1933, relating to such loans, funds and debts.

Procedure
in event of
default by
Corporation
in payment
of interest
or investment
of sinking
fund charges.

110F. (1) If the Corporation fail—

(a) to pay any interest due in respect of any loan taken by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, for the repayment of which the Corporation have become liable under section 110E ;

Bom.
IV of
1898.
Bom.
XVI
of
1925.

(b) to pay or to set aside and invest any sum required by section 110E or which the said Board were required to pay or set aside and invest under the provisions of the said Acts ;

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under the said provision or Acts ; and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General a sum equivalent to the sum so paid or invested by him ; and if the amount is not so paid Government may attach the rents and other income of the Corporation sufficient to pay the said sum and thereupon the provisions of sub-sections (2) and (3) of section 99 shall with all necessary modifications be deemed to apply.

(2) The Corporation may, with the previous sanction of Government, levy any such special tax as may be sufficient to repay to the Municipal Fund the amount paid by the Commissioner as aforesaid. Such special tax shall be in addition to any of the taxes from time to time leviable under this Act :

Provided that when such special tax is other than a tax specified in Schedule II to the Scheduled Taxes Rules made under clause (a) of sub-section (3) of section 80A of the Government of India Act, such tax shall not be levied without the previous sanction of the Governor-General in Council.

Procedure
in case of
default by
Commis-
sioner.

110G. If the Commissioner fails to make the payment as required by section 110F Government may attach the Municipal Fund or any tax leviable by the Corporation or any special tax leviable under sub-section (2) of section 110F sufficient so far as can be estimated to cover such payment and thereupon the provisions of sub-sections (2) and (3) of section 99 shall with all modifications be deemed to apply :

Provided that before Government attaches a special tax leviable under sub-section (2) of section 110F, Government may require the Corporation to levy the said tax.

110H. All moneys payable under sub-section (1) of section 110F and levied under section 110G shall constitute a charge upon the property of the Corporation.”

28. In section 111 of the said Act after the words “belonging to the Corporation” the words “including loans advanced under section 354W” shall be inserted.

29. In section 118 of the said Act—

(i) after clause (e) the following shall be inserted, namely :

“(ee) the loans advanced in accordance with the provisions of section 354W ;

(ii) in sub-clause (1) of clause (f) after the word “under” the words, figures and brackets “sub-section (1) of section 110F” shall be inserted.

30. After section 123 of the said Act the following section shall be inserted, namely :—

“123A. (1) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all the property vested or vesting in the Corporation and of all receipts and expenditure of the Corporation on account of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925.

(2) Such accounts shall be maintained, so far as may be, in such manner and in such forms as the Standing Committee shall from time to time prescribe in accordance with the rules contained in Schedule BB.

(3) The Commissioner shall publish such accounts in the *Bombay Government Gazette* every half year.”

31. For section 125 of the said Act the following shall be substituted, namely :—

“125. The Commissioner shall, on or before each tenth day of November, have prepared and lay before the Standing Committee, in such form as the said Committee shall from time to time approve :—

(1) (a) an estimate of the expenditure which must or, should in his opinion, be incurred by the Corporation in the next ensuing official year, other than expenditure to be incurred by reason of the obligations imposed upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

Certain sums to be a charge upon the property of the Corporation. Amendment of Section 111 of Bom. III of 1888.

Amendment of section 118 of Bom. III of 1888.

New section 123A of Bom. III of 1888.

Separate pro-forma accounts to be kept by the Commissioner.

Amendment of section 125 of Bom. III of 1888.

Estimates of expenditure and income to be prepared annually by the Commissioner.

(b) an estimate of all balances, if any, (other than balances shown in the account maintained under section 123A) which will be available for reappropriation or expenditure at the commencement of the next ensuing official year ;

(c) an estimate of the Corporation's receipts and income for the next ensuing official year other than from taxation and other than that referred to in clause (c) of sub-section (2) ;

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing official year ;

(2) (a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year by reason of the obligations imposed upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

(b) an estimate of all balances, if any, in the account maintained under section 123A, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year ;

(c) an estimate of the Corporation's receipts and income for the next ensuing official year—

(i) arising from sales, leases and other dispositions of immoveable property vesting in the Corporation by reason of the enactment of the City of Bombay Municipal (Amendment) Act 1933, and

(ii) being payments of interest on and repayments in whole or part of the capital of loans granted by the Corporation and secured on the aforesaid immoveable property ;

(d) an estimate of three times the amount of the net estimated realisations of the Corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the then current financial year ;

(e) an estimate of all sums received from taxation other than taxation under this Act and appropriated by the Corporation to meet expenditure to be incurred by reason of the obligations imposed upon the Corporation arising out of the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees."

Amendment
of section 126
of Bom. III
of 1888.

32. For section 126 of the said Act the following shall be substituted, namely :

Budget
estimates to
be prepared
by the
Standing
Committee.

" 126. (1) The Standing Committee shall on or as soon as may be after each tenth day of November, consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this

Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they shall think fit, two budget estimates as follows :—

(a) Budget estimate 'A'—of the income and expenditure other than income and expenditure to be received or incurred by reason of the transfer to the Corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, and

Bom.
XVI
of
1925.

(b) Budget estimate 'B'—of the income and expenditure of the Corporation for the next official year to be received and incurred by reason of the transfer to the Corporation of the said powers, duties, assets and liabilities.

(2) In budget estimate 'A' the Standing Committee shall—

(a) propose with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of town duties, on such articles, as they shall think fit ;

(b) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act other than sums and instalments as aforesaid (i) for which the Corporation but for the enactment of the City of Bombay Municipal (Amendment) Act, 1933, would not have been liable and (ii) for which the Corporation may be liable in carrying out the duties imposed upon them by clause (r) of section 61 ;

(c) allow for an appropriation to budget estimate 'B' of the sum estimated, revised as they shall think proper, under clause (d) of sub-section (2) of section 125 ;

(d) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(3) In budget estimate 'B' the Standing Committee shall, if necessary, make proposals to meet any deficit in such budget estimate by borrowing :

Provided that the Standing Committee shall not make any proposal to borrow for that purpose a sum of more than twenty lakhs of rupees.

(4) The Commissioner shall cause the budget estimates, as finally approved by the Standing Committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor."

33. For the word "budget-estimate" occurring in sections 127, 129, 130, sub-section (2) of section 131, section 132, clauses (b) and (d) of sub-section (1) of section 133 and sub-section (1) of section 134 of the said Act, the word "budget-estimates" shall be substituted.

Amendment
of sections
127, 129, 130,
131, 132, 133,
and 134 of
Bom. III of
1888.

Amendment of section 291 of Bom. III of 1888.

34. In section 291 of the said Act after clause (b) the following shall be inserted, namely :—

“(c) declare any street made under an improvement scheme duly executed in pursuance of the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, to be a public street.”

Bom. IV of 1898. Bom. XVI of 1925.

New Chapter XII-A of Bom. III of 1888.

35. After Chapter XII of the said Act the following shall be inserted as Chapter XII-A, namely :

“ CHAPTER XII-A.

CITY IMPROVEMENT.

Transfer of rights, etc., of the Board to the Corporation.

354B. (1) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, all the property, interests, rights and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, in respect of any Improvement scheme, Street scheme, Deferred street scheme, Poorer classes accommodation scheme, Reclamation scheme, or Police accommodation scheme, duly sanctioned or executed before the said date in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall, save in so far as they are restricted or modified by the provisions of this chapter and of sections 91A, 91B, and 91C, vest in the Corporation.

Bom. XVI of 1925. Bom. IV of 1898. Bom. XVI of 1925.

(2) It shall be the duty of the Corporation to execute, with due diligence, any Improvement scheme, Street scheme, Deferred street scheme, Poorer Classes Accommodation scheme, Reclamation scheme, or Police Accommodation scheme, duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, which remains unexecuted on that date, until the completion of the scheme.

Bom. IV of 1898. Bom. XVI of 1925.

Improvement Schemes.

Commissioner to make a draft improvement scheme.

354C. (1) If it shall appear to the Commissioner that within certain limits in any part of the City—

(a) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings; and

that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(c) it is necessary to provide for the construction of buildings for the accommodation of the poorer and working classes,

the Commissioner may

(i) with the previous approval of the Corporation, which shall not be given unless the Corporation are satisfied of the sufficiency of their resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, the area to which the resolution relates and naming a place where a map of the area may be seen at all reasonable hours ;

(ii) during three consecutive weeks publish simultaneously in the *Bombay Government Gazette* and in some one or more English and in some two or more vernacular newspapers circulating within the City a copy of the said notification ;

(iii) proceed to make a draft improvement scheme and submit the scheme to the Improvements Committee for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3) With the previous approval of the Corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

354D. On the submission by the Commissioner of a draft improvement scheme the Improvements Committee shall take such scheme into their consideration and may approve the same with or without such alteration as it thinks fit.

Improve-
ments
Committee to
consider and
approve draft
scheme sub-
mitted by
Commis-
sioner.

354E. (1) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354C, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is expedient,—

Particulars
to be provid-
ed for in an
improvement
scheme.

(i) shall, within the limits of the area comprised in the scheme, provide for—

(a) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or affected by the execution of the scheme ;

(b) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets ;

(c) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewerage of streets so formed or altered ;

(d) the lighting of streets so formed or altered ;

(ii) may, within the limits aforesaid, provide for—

(a) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality ;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;

(c) the whole or any part of the sanitary arrangements required ; and

(iii) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

(2) The improvement scheme may exclude any part of the area included in the notification referred to in section 354C or include any neighbouring land, provided that the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme and provided further that previous notice of such inclusion shall have been given in the manner prescribed in section 354C (1) (ii).

Considerations which shall prevail in making the scheme.

354F. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole—and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

Procedure on completion of the scheme.

354G. (1) Upon the approval of an improvement scheme by the Improvements Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land proposed to be acquired, may be seen at all reasonable hours, and shall—

(a) communicate a copy of such notification, particulars, map and statement to the Corporation ;

(b) publish the notification in the manner prescribed for the publication of a notification under section 354C.

(2) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under this Act on any land or building proposed to be acquired by the Commissioner in executing the scheme. The notice shall state

that such land or building is proposed to be acquired by the Commissioner on behalf of the Corporation for the purpose of an improvement scheme and shall require an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents requiring the reasons of such dissent to be given, within thirty days from the date of service of the notice.

354H. (1) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 354G, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

Right of owner to demand acquisition on issue of notification when building operations are in progress.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall then resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the Corporation who shall within one month after receipt thereof communicate to the Commissioner the decision of the Corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(3) If the Corporation decide to acquire the land the Commissioner shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of
1894.

(4) If the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired, made in accordance with any notification drawn up under section 354G, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

354I. (1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 354G may at any time before the publication of a declaration under section 354M and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the Corporation.

Right of owner to demand acquisition or withdrawal by the Corporation after the lapse of two years from the date of notification.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall resolve whether in their opinion it is desirable to

acquire the land set out in the notice and shall communicate their resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(3) If the Corporation decide to acquire the land they shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the [1] I of Land Acquisition Act, 1894. 1894.

(4) If the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

The Improvements Committee after publication and service of notices to forward the scheme to the Corporation for approval.

354J. (1) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Improvements Committee any representation or answer received under section 354G together with any suggestion he may wish to make in respect of the modification of the scheme.

(2) The Improvements Committee shall, after consideration of any such representation, answer or suggestion and after inserting in the scheme such modifications as they think fit, submit the scheme together with any representation, answer or suggestion to the Corporation for their approval.

Corporation to consider the improvement scheme and to approve or disapprove.

354K. The Corporation shall on receipt of a scheme from the Improvements Committee proceed to take such scheme into consideration together with any representation, answer or suggestion received or made under section 354G or 354J and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to Government for sanction to the scheme.

354L. (1) As soon as the Corporation have approved the scheme the Commissioner shall apply to Government on behalf of the Corporation for sanction to the scheme.

(2) If the Corporation do not approve the scheme they shall pass a resolution to that effect. The Commissioner shall thereupon forthwith draw up a notification stating the fact that the Corporation have resolved not to proceed with the making of the said improvement scheme and shall publish the said notification in the manner prescribed in section 354C. Thereupon the notifications relating to the

scheme published under sections 354C and 354G shall be deemed cancelled.

(3) The application to Government for sanction under sub-section (1) shall be accompanied by—

(a) a copy of the resolution passed by the Improvements Committee under section 354D ;

(b) a copy of a resolution passed by the Corporation under section 354C ;

(c) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(d) complete plans and estimates of the cost of executing the scheme ;

(e) a statement specifying the land proposed to be acquired ;

(f) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (2) of section 354G dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land ;

(g) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 354G, of all land specified in the statement under clause (e) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme.

354M. (1) (a) On receipt of the sanction of Government, the Commissioner shall forward to Government a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the scheme is required for a public purpose.

(b) The declaration shall be published in the *Bombay Government Gazette* and shall state the limits within which the land proposed to be acquired, is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is required for a public purpose and, the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.

(2) (a) If at any time it appears to the Commissioner, the Improvements Committee or the Corporation, as the case may be, that an improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of making such improvement, and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme

as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of Government, proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under sub-section (3) of section 354L the provisions of sections 354G and 354I and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

If the Corporation fail to acquire the land, owner may call upon committee to acquire it or to withdraw from the proposal.

354N. If, within three years from the declaration aforesaid, the Corporation fail to acquire the land or any part of the land proposed to be acquired for the purposes of any scheme notified after the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, the owner of any land included in the declaration may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it. Thereafter the procedure prescribed in sub-sections (2) to (4) of section 354I shall be followed.

Police Accommodation Schemes.

The Corporation to have power to make a police accommodation scheme.

354O. (1) When a representation is made by Government to the Corporation that within any part of the City accommodation is required for housing any part of the Police of the City, the Corporation shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall direct the Commissioner to forthwith proceed to make a police accommodation scheme.

(2) The police accommodation scheme may provide for constructing dwellings, police stations and accessory buildings for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on completion of a scheme.

354P. Upon completion of a police accommodation scheme, the provisions of sections 354G to 354M shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Vesting of land in Corporation.

354Q. (1) When such scheme is sanctioned by Government, in the case of land specified in Schedule W Government shall resume the land and the said land shall thereupon vest in the Corporation.

(2) The Commissioner shall then proceed to execute the police accommodation scheme.

(3) Any building constructed under this section shall with the site be held by Government for police purposes for a term of sixty years from the date of the completion of the building, and Government

shall during the said period, pay yearly to the Corporation by way of rent a sum equal to the total of—

(a) the annual interest payable by the Corporation on all moneys which they have spent on the scheme, and

(b) sinking fund charges so calculated that at the end of the said period the aggregate in the sinking fund shall amount to the total sum spent on the scheme.

Such total sum shall include—

(i) all moneys spent on interest and sinking fund charges up to the date of the commencement of the said period ;

(ii) if and so far as the land included in the scheme is not part of the land specified in Schedule W the cost of such land ;

(iii) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the said period.

(4) The cost of such land for the purposes of this section shall be deemed to be—

(a) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition, and

(b) in all other cases the market value of the land at the date of the declaration of the scheme.

(5) Government shall maintain the building held by them under sub-section (3) in a state of proper repairs.

(6) On the expiration of the period of sixty years the building and the land forming the site thereof shall vest absolutely in His Majesty.

(7) This section shall apply to all police accommodation schemes sanctioned heretofore by Government in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, as if such schemes had been sanctioned under the provisions of this Act.

Bom. IV
of 1898.
Bom. XVI
of 1925.

354R. (1) No new public street made under any scheme executed in pursuance of the provisions of this chapter shall, if made for carriage traffic, be less than 40 feet in width, nor, if made for foot traffic only, be less than 20 feet in width : Minimum width of streets.

Provided that where in an improvement scheme or otherwise provision is made for a garden or open space on one or both sides of a public street throughout its length on such terms as to preclude such garden or space being built over, when the total width between the buildings on opposite sides of the street, including such garden or space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

(2) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and, in the case of such passages, the Commissioner may enter into an agreement with any person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this chapter.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

354S. Notwithstanding anything contained in the Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as ^{I of 1894.} "the Land Acquisition Act"), the Land Acquisition Act shall not, except to the extent set forth in Schedule CC, apply to the acquisition of land under this chapter, but the Land Acquisition Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof subject to the provisions of this chapter and to the provisions following namely :—

(1) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this chapter, and the expression "land", as used in the Land Acquisition Act, shall be deemed to have the meaning assigned to it by clause (r) of section 3 of this Act, and clause (b) of section 3 of the Land Acquisition Act shall, for the purposes of this chapter, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

(2) in the construction of sub-section (2) of section 4 of the Land Acquisition Act and the provisions of this chapter the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (1) of section 354C or 354O, as the case may be, and the expression "Local Government" shall be deemed to include the Commissioner, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution ;

(3) in the construction of the sections of the Land Acquisition Act deemed to form part of this chapter and of the provisions of this chapter, the publication of a notification under sub-section (1) of section 354G or 354P shall be deemed to be the publication of a notification under sub-section (1) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 354M or 354P shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act :

Provided that where land is acquired under section 354H or sub-section (3) of section 354I the date of publication of the notification

under sub-section (1) of section 354G shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act :

Provided further that the provisions of sub-section (2) of section 23 or the Land Acquisition Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of section 354D, is acquired specifically under this Act for the purpose of a police accommodation scheme ; and that in all other cases in which the land is notified for acquisition after the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation additional compensation in consideration of the compulsory nature of the acquisition shall be awarded on the scale set out in Schedule DD.

(4) In the construction of sub-section (2) of section 50 of the Land Acquisition Act and the provisions of this Chapter the Commissioner shall be deemed to be the local authority or company concerned.

354T. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply :—

Special provisions as to compensation.

(1) the Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building ;

(2) when any addition to, or improvement of, the land or building has been made after the date of the publication under sub-section (1) of section 354G or section 354P of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building ;

(3) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (1) of section 354G or section 354P the Court shall have due regard to the nature and the condition of the property and the probable duration of the building if any in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section ;

(4) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than

the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding ;

Explanation.—For the purposes of this sub-section overcrowding shall be interpreted as in sub-sections (4) and (5) of section 379A ;

(5) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair ;

(6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition.

Collector to take possession after making an award and transfer land to Corporation.

354U. When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the Corporation subject to the liability of the Commissioner to pay on behalf of the Corporation any further costs which may be incurred on account of the acquisition of the land.

Compensation to Corporation on resumption of certain land.

354V. Whenever any land specified in Schedule W is resumed by Government, or any land specified in Schedule Y and vested in the Corporation is taken possession of by Government under the provisions of this Act, the market value of the land as at the date of resumption as determined by the Collector, or in appeal by the High Court, shall be paid to the Corporation by Government.

Power to grant loans for building purposes.

354W. (1) Subject to the provisions of this Act and of the bye-laws made thereunder the Commissioner may, with the previous sanction of the Improvements Committee, advance loans to persons desiring to erect buildings on land vested in the Corporation in consequence of the transfer to them of the property of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925. Bom. XVI
of 1925.

(2) Any person desiring to erect a building on any such land may make an application to the Commissioner in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected ; and the Commissioner may, after making such enquiry as he thinks necessary, and subject to the conditions mentioned in sub-sections (1) and (3) and the bye-laws made under section 461, advance such loans.

(3) Every such loan shall be subject to the following among other conditions :—

(1) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes ;

(2) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case ;

(3) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building ;

(4) that the amount of the loan shall not exceed 60 per cent. of the cost of the building (including outhouses and other works, if any connected therewith) irrespective of the period of repayment ;

(5) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed in the bye-laws.

354X. Government shall pay to the Corporation, from the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation and until the ninth day of November 1997, all rents and profits derived by Government from the lands specified or referred to in Schedule Z. Payment to be made by Government.

36. In section 461 of the said Act—

(a) in clause (t) after the word “ Committee ” the words “ and of the Improvements Committee ” shall be inserted ; and Amendment of section 461 of Bom. III of 1888.

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

“(w) the management and use of the lands vested in the Corporation under sub-section (2) of section 91A ;

(r) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925 ;

(y) the conditions on which loans shall be advanced and the form of application for the advance of a loan under section 354W and ;”

(c) clause (w) shall be renumbered “ (z) ”.

37. In the schedules to the said Act, after Schedule V the following schedules shall be inserted, namely :— Insertion of new Schedules, W, X, Y, Z, AA, BB, CC and DD of Bom. III of 1888.

SCHEDULE W.

(See section 91-A.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS. (Deposited Plan " A ".)				
1(a)	66 (part), 69 (part), Lower Parel Division.	Bounded on the North partly by Plot No. 1 (k) of the Flats partly by the land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43 and on the South by Haines Road; on the East by private properties bearing Cadastral Survey Nos. 65, 67 and on the West partly by land belonging to the Corporation, partly by Plot No. 1 (k) of the Flats and partly by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43.	75,194	..	..	..
			(Deposited Plan " B ".)				
1(b) Part 1(d1) Part 1(d2) 1(d3)	383 Part. 2/383 .. of Tardeo Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 410 (part) and partly by Clerk Road; on the South by private properties bearing Cadastral Survey Nos. 1/407, 372, 373, 374, 375, 369, 7,366, 6,366, 384, 383 (part), and 4/388; on the East by the land bearing Cadastral Survey No. 1/388 and on the West, by private properties bearing Cadastral Survey Nos. 409, 403, 1,408, 407 land belonging to the Corporation and by Cadastral Survey Nos. 403, 401, 400, 399, 398, 375, 372, 382, 369, 368, 383 (part) excluding the 100 ft. and 40 ft. roads, and the Body Guard Lines.	347,950	..	..	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.		Value.	
				Sq. yds.	Total area.	Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS—contd.				
			(Deposited Plan " C ".)				
1(c)	412(part), Tardeo Division.	Bounded on the North by Clerk Road; on the South by the properties bearing Cadastral Survey Nos. 413 and 58; on the East by properties bearing Cadastral Survey Nos. 414 and 58, and on the West by the Municipal private road bearing Cadastral Survey No. 390, beyond which is the land belonging to the Corporation bearing Cadastral Survey No. 411 excluding the Municipal road for rubbish carts.	19,815	..	..	..
			(Deposited Plan " D ".)				
1(e)	1/1030, 2/1030, Lower Parel Division.	Bounded on the North by the newly constructed 100 feet World Road; on the South and West by land belonging to the Corporation bearing Cadastral Survey No. 286 and on the East by the private property bearing Cadastral Survey No. 1031.	6,133	..	7,668	
			(Deposited Plan " E ".)				
1(f)	1/268 and 268, Lower Parel Division.	Bounded on the North by passage bearing Cadastral Survey No. 2/472 and by private properties bearing Cadastral Survey Nos. 437, 438; on the South by the land belonging to the Corporation bearing Cadastral Survey Nos. 1/269, 2/269 and 269, and by private property bearing Cadastral Survey No. 1/265; on the East by private properties bearing Cadastral Survey Nos. 270, 267, 1/265, 439, 438, 437, 436, 433, 1/472 and 2/472; and on the West by the World Low Level Drainage Channel bearing Cadastral Survey No. 286.	25,265	..	18,949	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS—contd. (Deposited Plan "F".)				
1 (g)	71 (part), 144 (part), Lower Farel Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 284; on the South by Plot 1 (i) (East) and private property bearing Cadastral Survey No. 143; on the East partly by the land belonging to the Corporation bearing Cadastral Survey No. 2/71 and partly by private properties bearing Cadastral Survey Nos. 144 (part) and 1/146 and on the West by Plot No. 1 (i) (East) of the Flats.	4,287	..	2,679	..
1 (A)	3/71, 71 (part), Lower Farel Division.	Bounded on the North by private properties bearing Cadastral Survey Nos. 106 and 107; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part); on the East by the Tulsi Pipe Line Road bearing Cadastral Survey No. 70 and on the West by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part). (Eastern portion.)	4,104	..	13,338	..
1 (i) East.	71 (part), Lower Farel Division.	Bounded on the North partly by the land belonging to the Corporation bearing Cadastral Survey No. 284 (part), partly by Plot 1 (g) of the Flats and partly by private properties bearing Cadastral Survey Nos. 143, 142 and 140; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part); on the East partly by private properties bearing Cadastral Survey Nos. 107, 140, 142, 143, and partly by Plot 1 (g) of the Flats and on the West by the Low Level Drainage Channel.	42,062	..	42,062	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<p>THE FLATS—contd.</p> <p>(Deposited Plan " F ")</p> <p>—contd.</p> <p>(Western portion).</p>				
1 (i) West	110 (part), Lower Parcel Division.	<p>Bounded on the North by private property bearing Cadastral Survey No. 134 and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and partly by the Low Level Drainage Channel; on the South partly by the land belonging to the Corporation bearing Cadastral Survey No. 1/110, partly by the Low Level Drainage Channel and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and 134; on the East by the Low Level Drainage Channel and on the West partly by land belonging to the Corporation bearing Cadastral Survey No. 1/110 and partly by private properties bearing Cadastral Survey Nos. 137, 139, 136 and 134.</p>	..	..	..	..
1 (i)	46 (part), Lower Parcel Division.	<p>(Deposited Plan " G ").</p> <p>Bounded on the North by the Municipal Storm Water Reservoir; on the South partly by Clerk Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 45; on the East partly by land belonging to the Corporation bearing Cadastral Survey No. 45, partly by land acquired by Government for the B. B. & C. I. Railway Company bearing Cadastral Survey No. 46, partly by the Junction Road and partly by the Low Level Drainage Channel beyond which is Haines Road and on the West by the Municipal old drain.</p>	718,948	..	..	..

The City of Bombay
SCHEDULE W—*contd.*

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
1 (k)	69 (part). Lower Parcel Division.	THE FLATS— <i>concl'd.</i> (<i>Deposited Plan "A"</i> .) Bounded on the North by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43; on the South and East by Plot No. 1 (a) of the Flats and on the West by land belonging to the Corporation.	9,076	..	29,497	..
			Total ..	..	1,252,834	..	1,14,191
2	7, Fort Division.	THE KENNEDY SEA FACE. (<i>Deposited Plan "H"</i> .) Bounded on the North, South and West by the Fore-shore of Backbay and on the East by a public footpath.	4,447	..	..	..
			Total ..	..	4,447	..	..
4 (a)	718 to 725, 1416 to 1421, 1429 to 1433 and 1435, Fort Division.	THE MARINE LINES ESTATE. (<i>Deposited Plan "J"</i> .) Bounded on the North by the South side of the compound of Government Bungalow bearing Cadastral Survey No. 1436; on the East partly by the West Boundary of Government Plot reserved for Military purposes by Government Resolution No. 2-C.W. 4, dated 3rd January 1891, and partly by the West Boundary of Plot 4 (b) (Marine Lines Maidan); on the South by a portion of the North Boundary of Plot No. 4 (b) Marine Lines Maidan and on the West by the Marine Lines Road (Marine Street) but excluding the two Roads giving access to the Maidan from the Marine Lines Road.	32,325	..	2,28,250	..

SCHEDULE W-- contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
			<p>THE WELLINGTON LINES PLOT.</p> <p>(Deposited Plan " K.")</p>	Sq. yds.	Sq. yds.	Rs.	Rs.
5	14, 1/14, 15 and 16, 18, to 29, Fort Division.	Bounded on the North by Mavo Road; on the South-East by Wodehouse Road; on the East by Esplanade Road and on the West by the Cooperage Road, but excluding the site occupied by the Admiral's Bungalow.	44,038	..	4,40,380	..
			<p>THE WODEHOUSE ROAD PLOT.</p> <p>(Deposited Plan " L.")</p>				
6 (a)	440 to 444, Colaba Division.	Bounded on the North-West by Wodehouse Road; on the South-East by Colaba Causeway and on the South and South-West by Convent Street.	9,494	..	..	..
6 (b)	433 (part), 436 to 439, 1/439, 446 and 1/446, Colaba Division.	<p>Bounded on the North-West by Wodehouse Road; on the North and North-East by Convent Street; on the South-East by Colaba Causeway and on the South-West by Ormiston Street but excluding the sites occupied by—</p> <p>(1) The Elphinstone College Students' Quarters bearing Cadastral Survey No. 445 (Part).</p> <p>(2) The Telang Memorial Quarters bearing Cadastral Survey No. 445 (Part).</p> <p>(3) The Wesleyan Church and School under a lease dated 4th March 1925 bearing Cadastral Survey No. 433 (Part).</p> <p>(4) The Wodehouse Road Police Accommodation Buildings bearing Cadastral Survey No. 435, and</p> <p>(5) The Temple bearing Cadastral Survey No. 434.</p>	13,355	..	..	..

The City of Bombay
SCHEDULE W—*contd.*

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
6(c)	425 to 429, Colaba Division.	<p style="text-align: center;">THE WODEHOUSE ROAD PLOT—<i>contd.</i></p> <p style="text-align: center;">(Deposited Plan "I.") —<i>contd.</i></p> <p>Bounded on the North-West by Wodehouse Road; on the North-East by Orraiston Street; on the South-East partly by the property of the Corporation bearing Cadastral Survey No. 431 and partly by the property of the Bombay Electrical Supply and Tramways Company, Limited, bearing Cadastral Survey No. 430 and on the South by the B. B. & C. I. Railway land bearing Cadastral Survey No. 2 and the G. I. P. and B. B. & C. I. Railway sidings bearing Cadastral Survey No. 322.</p>	18,731	..	..	..
			Total, Wodehouse Road Plot ..	..	41,580	..	4,15,800
7(a)	699, Fort Division.	<p style="text-align: center;">THE HORNBY ROAD PLOT.</p> <p style="text-align: center;">(Deposited Plan "J")</p> <p>Bounded on the North-East, South-East and South-West by property in the occupation of the Standard Life Assurance Company bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.</p>	116	..	..	..
7(b)	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J. N. Petit's Institute bearing Cadastral Survey No. 1192; on the South-East by Hornby Road; on the South-West by property in the occupation of the Standard Life Assurance Company, bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	1,339	..	..	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
7(c)	740, 741, Fort Division.	THE HORNEY ROAD PLOT—contd. (Deposited Plan "M") —contd. Bounded on the North-East by the Parsi Lying in Hospital, bearing Cadastral Survey No. 742; on the South-East by Bastion Road; on the South-West by Cathedral Girls' School, bearing Cadastral Survey No. 739 and on the North-West by Prescott Road.	1,878	..	..	..
7(i)	744, 745, Fort Division.	Bounded on the North-East by Outram Road; on the South-East by Hornby Road; on the South-West by property in occupation of Messrs. Whiteaway Laidlaw and Company, Limited, bearing Cadastral Survey No. 743 and on the North-West by Bastion Road.	2,648	..	..	..
7(-)	746 to 749, 752, 753, 757 to 760, 1397 to 1399, 1407 to 1410, Fort Division.	Bounded on the North-East by Ravelin Street; on the South-East by Hornby Road; on the South-West by Outram Road and on the North-West by Murzban Road, but excluding the sites of the Cathedral High School for Boys (Cadastral Survey No. 750), the Government Stores (Cadastral Survey No. 756) and Bastion Road (part of) and Home Street (part of), and Wallace Street.	26,124	..	..	..
7(j)	1406, Fort Division.	Bounded on the North-East by the site of the Scottish Free Church (Cadastral Survey No. 1405); on the South-East by Murzban Road; on the South-West by Ravelin Street and on the North-West by Waudby Road.	2,971	..	..	..

The City of Bombay
SCHEDULE W—*contd.*

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
7(g)	1402 and 1404, Fort Division.	THE HORNEY ROAD PLOT— <i>concl.</i> (Deposited Plan "M")— <i>concl.</i> Bounded on the North-West by Murzban Road; on the South-East by the sites of the Elphinstone Cricket Club Quarters; (Cadastral Survey No. 1401) and the Masonic Hall; (Cadastral Survey No. 1403); and on the South by Ravelin Street.	Sq. yds. 762	Sq. yds. ..	Ra. ..	Rs. ..
7(h)	1389 and 1390, Fort Division.	Bounded on the North-West by Murzban Road; on the South-East by Hornby Road; on the South-West by private property bearing Cadastral Survey No. 1391 and on the West by Bastion Road and property bearing Cadastral Survey No. 1523.	3,257	..	..	..
7(i)	1385, Fort Division.	Bounded on the North-East by Cruickshank Road; on the East by Hornby Road on the South-East by Murzban Road; on the South-West by private property bearing Cadastral Survey No. 1386 and on the North-West by Waudby Road.	2,521	..	..	..
			Total, The Hornby Road Plot.	..	41,616	..	8,32,320
			TRIANGULAR PLOT SOUTH OF CRAWFORD MARKET. (Deposited Plan "N").				
8	..	1492, Fort Division.	Bounded on the North by Market Road; on the West by Hornby Road; and on the South-East by Phalton Road.	7,707	..	1,54,140	..
			Total ..	..	7,707	..	1,54,140

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
9	1451, Fort Division.	<p>PLOT NORTH OF MUNICIPAL OFFICES.</p> <p>(Deposited Plan "O".)</p> <p>Bounded on the North by Gymnasium Road; on the South by Council Road; on the East by Hornby Road; and on the West by the Headquarters of the Bombay Volunteer Rifles (Cadastral Survey No. 1450).</p>	6,811	..	2,04,330	..
			Total ..	..	6,811	..	2,04,330
10(a) and 10(b)	380,1/380,2/380, 2A/380, 3/380, 3A/380, 4/380, 4A/380, 5/380, 6/380, 6A/380, 7/380, 8/380, 8A/380, 9/380, 10/380, 11/380, 12/380, 13/380, 393, 394, 395, 1/395, 1A, 395, 1B, 395, 2/395, 3/395, 4/395, and 430, Malabar Hill Division.	<p>(a) and (b) Bounded on the North partly by a public passage leading to Gibb's Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 437; on the South partly by the Sirri Road, partly by the Old Body Guard Lines (Cadastral Survey No. 392) and partly by private properties bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babulnath Road and partly by the Old Body Guard Lines (Cadastral Survey No. 392); and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 437, 381, 374 and 375 but excluding the newly constructed 30 feet and 40 feet roads, Dadyseth Road and the Municipal market which all are indicated on the plan by red dotted lines—</p> <p>(a) Land forming the Hill Slope.</p> <p>(b) Building land ..</p>	47,544	..	..	..
				35,653	..	..	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CHAUPATI WEST ESTATE—contd. (Deposited Plan "P")—contd.				
10(c)	398 to 404, 426 to 429, Malabar Hill Division.	Bounded on the North by Babulnath 1st Cross Road; on the South by Queen's Road, Chaupati; on the West by Babulnath Road; and on the East by Harvey Road, but excluding Babulnath 2nd and 3rd Cross Roads.	21,615	..	2,16,150	..
10(d)	424 (part), Malabar Hill Division.	Bounded on the North and West by Babulnath Road; on the South by Babulnath 1st Cross Road; and on the East by private property bearing Cadastral Survey No. 424 (part).	232	..	2,320	..
10(e)	407 (part), 417 to 420, Malabar Hill Division.	Bounded on the North partly by a 15 feet service passage bearing Cadastral Survey No. 413 and partly by Babulnath Road; on the South partly by Chaupati Road and partly by private property bearing Cadastral Survey No. 407; on the East by private properties bearing Cadastral Survey Nos. 407 and 409; and on the West by Babulnath Road.	6,232	..	62,320	..
			Total, The Chaupati West Estate.	..	111,276	..	6,37,320
			CHAUPATI EAST ESTATE. (Near Charni Road) Level Crossings.) (Deposited Plan "Q".)				
11	1510, 1,1510, 1512, 1513, 1571, Girgaum Division.	Bounded on the North by a low level road and beyond by French Bridge; on the North-West by	4,789	..	47,890	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Tota! amount.
11— contd.			CHAUPATI EAST ESTATE—contd. (Near Charni Road Level Crossings) —contd. (Deposited Plan " Q ") —contd. a passage and beyond by private property bearing Cadastral Survey No. 1514; on the East and South-East by the B. B. & C. I. Railway Company's land; on the West by private properties bearing Cadastral Survey Nos. 1570, 4/1517, 1517, 1516, 1515 and 1514; and on the South-West by Queen's Road, Chaupati.	Sq. yds.	Sq. yds.	Rs.	Rs.
			Total ..	..	4,789	..	47,890
12(a)	74 (part of) Parel-Sewri Division.	Bounded on the North partly by Bhoiwada Cross Road and partly by land bearing Cadastral Survey No. 74 (part) belonging to the Corporation; on the East by the Haffkine Institute compound bearing Cadastral Survey No. 330 and partly by the Nowroji Wadia Maternity Hospital bearing Cadastral Survey No. 212,74; on the South partly by the Nowroji Wadia Maternity Hospital, partly by King Edward Road and partly by the site of the Wadia Hospital for children and on the West partly by the land of the Corporation reserved for the widening of Bhoiwada Cross Road and partly by the site of the Wadia Hospital for children.	31,504	..	..	..
12(b)	74 (part), Parel-Sewri Division.	Bounded on the North-East by King Edward Road; on the West and South-West by land belonging to the Corporation bearing Cadastral No. 74 (part of).	300	..	..	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE PAREL ESTATE —contd. (Deposited Plan "R") —contd.				
12(c1)	74 (part) Parel-Sewri Division.	Bounded on the North-East by the Haffkine Institute compound bearing Cadastral Survey No. 380; on the East by the Municipal property bearing Cadastral Survey No. 74 (part); on the South partly by a passage bearing Cadastral Survey No. 324 and partly by the site of the Professors' quarters for the King Edward Memorial Hospital, partly by the playground for the King Edward Memorial Hospital, partly by the Government House Gate Road and partly by the King Edward Memorial Hospital compound; and on the West partly by the site of the Professors' quarters for the King Edward Memorial Hospital and partly by a portion of King Edward Road.	5,560	..	..	..
12(c2)	323, Parel- Sewri Divi- sion.	Bounded on the North by the site of the Professors' quarters for the King Edward Memorial Hospital; on the East by a passage bearing Cadastral Survey No. 324; on the South by a private property bearing Cadastral Survey No. 322; and on the North-West by the playground for the King Edward Memorial Hospital.	378	..	..	..
12(d)	334, Parel- Sewri Divi- sion.	Bounded on the North by private property bearing Cadastral Survey No. 332; on the South by private properties bearing Cadastral Survey Nos. 333, 336 and 337; on the East by a public passage and on the West by private properties bearing Cadastral Survey Nos. 329, 336 and 335.	408	..	..	..

SCHEDULE W—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE PAREL ESTATE —contd.				
			(Deposited Plan "R") —conclid.				
12(E)	394. Parel-Sewri Division.	Bounded on the North by a passage bearing Cadastral Survey No. 324; on the South by private property bearing Cadastral Survey No. 395; on the East by private property bearing Cadastral Survey No. 400; and on the West partly by a passage bearing Cadastral Survey No. 324; and partly by private property bearing Cadastral Survey No. 395.	151	..	..	..
			(Deposited Plan "S")				
12(F)	408 (part) of Parel-Sewri Division.	Bounded on the North-East by the Bacteriological Laboratory land bearing Cadastral Survey No. 408 (part of); on the South by private property bearing Cadastral Survey No. 414; on the East by Parel Tank Road; and on the West by private properties bearing Cadastral Survey Nos. 404 to 413.	5,131	..	..	..
12(G)	245. Parel-Sewri Division.	Bounded on the North partly by Parel Village Road and partly by private properties bearing Cadastral Survey Nos. 246 and 241; on the South by private property bearing Cadastral Survey No. 244; on the East by private properties bearing Cadastral Survey Nos. 241, 242 and 244; and on the West by private property bearing Cadastral Survey No. 246.	2,130	..	..	..

The City of Bombay
SCHEDULE W—*concl.*

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE PAREL ESTATE — <i>concl.</i>				
			(Deposited Plan " T ")				
12(H)	681, Parel-Sewri Division.	Bounded on the North-West by a passage bearing Cadastral Survey No. 653; on the South by Parel Tank Road; and on the North-East by private properties bearing Cadastral Survey Nos. 680, 677, 676 and 675.	1,144	..	..	..
			Total, The Parel Estate.	..	46,696	..	1,40,088

SCHEDULE X.

(See section 91A.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			<p>THE CONNAUGHT ROAD ESTATE.</p> <p>(Deposited Plan " A ")</p> <p>Ward E.</p>				
1A	7463 (1 to 4) 7464 (1 and 2) 7465 (1 to 3) 7466 (1 to 3)	700 to 705,	Plot bounded on the North by property belonging to the New Great Eastern Spinning and Weaving Company bearing Cadastral Survey No. 707; on the South partly by Sussex Road, partly by a Police Accommodation Scheme bearing Cadastral Survey No. 697 and partly by private property bearing Cadastral Survey No. 698; on the East by Cork Road; and on the West partly by Parel Road and partly by the aforesaid Police Accommodation Scheme, but omitting the site of Ulster Road.	9,495	9,495	51,155	51,155
	<i>Nil.</i> 7462 (6) 7462 (4) <i>Nil.</i>	706, 695, 696, 699 Byculla Division.					
1B	<i>Nil.</i> 7448 (4) 7446 (2 to 4)	689, 690 to 693 Byculla Division.	Plot bounded on the North by Sussex Road; on the South by private properties bearing Cadastral Survey Nos. 682 to 687; on the East by private property bearing Cadastral Survey No. 688; and on the West by private properties bearing Cadastral Survey Nos. 678 and 679.	4,267	..	25,602	..
1(19)	7458	2/672 Byculla Division.	Bounded on the North and West by a public passage; on the East by the property bearing Cadastral Survey No. 672; and on the South by Sussex Road.	96	4,363	480	26,082
			Total ..	..	13,858	..	77,237

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
			WEST AGRIPADA ESTATE. (Deposited Plan "B"). Ward E—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
2A	413 (1 to 5)	1602 to 1633, 1634, 1/1634, 2/1634, 3/1634, 4/1634, 5/1634, 1635 to 1659, 1/1659, 2/1659, 3/1659, 4/1659, 5/1659, 6/1659, 1660, 1584, 1862, 1/1862.	Bounded on the North partly by the site of an old water course bearing Cadastral Survey No. 1903 and partly by Gell Street; on the South by Club Road; on the East partly by Moreland Road and partly by portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1907; and on the West by plot D and beyond that by Lamington Road, but excluding the site of the portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1901 and the sites of Rebsch Street, Souter Street, Club Back Road, Club Cross Road, Cirrus Avenue, Motilbai Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street (part of).	216,636	216,636	..	6,42,908
	4107 (1 to 8)	1A/1862, 1B/1862, 1863.					
	4105 (1 to 7)	1/1863, 1864.					
	4106 (1 to 7)	1865, 1/1865, 2/1865, 2A/ 1865.					
	4108 (1 to 7)	3/1865, 4/1865,					
	4146 (1 to 6)	5/1865, 6/1865,					
	4100, 4102	7/1865, 1866					
	4094 (1 to 6)	to 1871, 1/					
	4539 (1 and 2)	1871, 2/1871.					
	4540 (1)	3/1871, 3A/1871					
	4553	4/1871, 5/1871, 5A/1871, 6/ 1871, 7/1871, 8/1871.					
	4554 (1)	1872 to 1875.					
	4098 (3)	1/1876, 2/1876,					
	4091 (1 to 6)	3/1876, 4/1876, 5/1876, 6/1876, 7/1876, 8/1876, 9/1876, 10/1876.					
	4090 (1 to 7) and (10A)	1877 (part), 1878, 1/1878, 2/1878, 1879.					
	4137 (1 to 5)	1880, 1879.					
	4143 (1)	1/1890, 2/1890.					
	4136 (1 to 4)	1881, 1882.					
	4135, 4145,	1883, 1902, 1/					
	4134 (6 to 8)	1902, 1908,					
	4092 (1 to 12)	1909, 1911,					
	4141 (1 & 2)	1912.					
	4142 (1 & 2), 4139 (1 to 3), 4138, 4093 (1E), 4093 (1A and 1B), 4093 (1AA), 4090 (8), 4094 (4, 4A)	Byculla Division.					
2(B)	4184, 4185/6 to 8).	1590, 1/1599, 1600, 1/1600, 2/1600, 1601. Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1584; on the South by property of the B. E. and C. I. Railway Company bearing Cadastral Survey No. 1596; on the East by Lamington Road; and on the West by a passage, but excluding the site of Jetha street.	2,766	..	8,298	..

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total Amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
2(C)	4466 (2)	1896 (part), 1897, 1899 Byculla Division.	WEST AGRIPADA ESTATE—concl'd. (Deposited Plan " B ") —contd. Ward E—concl'd. Bounded on the North by the land belonging to the Indian Manufacturing Company, Ltd., bearing Cadastral Survey No. 1896 (part); on the South by private property bearing Cadastral Survey No. 1900; on the East by Plot D and beyond that by Lannington Road, and on the West partly by Arthur Road and partly by private Road bearing Cadastral Survey No. 1/1888 but excluding the site of the Police Accommodation Scheme No. 70.	3,953	..	8,578	..
2(D)	....	Nil.	Land reserved for widening of Lannington Road on its East and West sides.	5,366	5,366	..	..
			Total ..	..	228,721	..	6,66,784
			Deduct area resumed by the Corporation on 20th June 1906 out of Cadastral Survey No. 1877.	..	750	..	2,250
			Total, West Agripada Estate.	..	227,971	..	6,64,534
3(A)	Nil.	2/1694 Byculla Division.	THE CENTRAL AGRIPADA ESTATE. (Deposited Plan " C ") Ward E. Bounded on the North by private property bearing Cadastral Survey No. 1853; on the South by the Municipal Urdu School bearing Cadastral Survey No. 1661; on the East by the land resumed by the Corporation bearing Cadastral Survey No. 1/1694; and on the West by Moreland Road.	190	..	760	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
			THE CENTRAL AGRIPADA ESTATE—contd. (Deposited Plan "C") —contd. Ward E—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
3(B)	4067 part. NIL	1664 and parts of 1663, 1689, 1691 and 1692 Byculla Division.	Bounded on the North partly by Sankli Street and partly by a service passage bearing Cadastral Survey No. 1663; on the South partly by private property bearing Cadastral Survey No. 1665 and partly by Ghellabhoi First Lane; on the East by private properties bearing Cadastral Survey Nos. 1689 (part), 1690, 1691 and 1692 (part); and on the West partly by Moreland Road and partly by private properties bearing Cadastral Survey Nos. 1665 and 1693.	2,721	2,911	9,768	10,528
			Total, Central Agripada Estate.	..	2,911	..	10,528
			THE EAST AGRIPADA ESTATE. (Deposited Plan "D") Ward E—concl.				
4(A)	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 3) 7412 (1 & 2)	1943 1961 to 1965 Byculla Division.	Plot bounded on the North by the Board's Mahar Chawls bearing Cadastral Survey No. 1923; on the West and South-West by Killehar Street; and on the East by Pais Street.	35,478	..	..	4,27,509
4(B)	NIL 4373 (1 & 2) 4374 4375 4354 (1 to 3) 4353 (1 & 2)	1840 part. 1842 1843. 1922 Byculla Division.	Plot bounded on the North partly by land of the Board bearing Cadastral Survey No. 1840 (part of) and partly by private properties bearing Cadastral Survey Nos. 1827 to 1835; on the South by Tank Pakhady Street; on the East partly by a service passage, partly by private properties bearing Cadastral Survey Nos. 1923, 1924, 1839 and 1827 and partly by the land belonging to the Corporation bearing Cadastral Survey Nos. 1840 (part of); and on the West by Milk Street.	23,268	..	..	1,16,433

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE EAST AGRIPADA ESTATE—contd. (Deposited Plan " D " —contd. Ward E—contd.				
4(C)	4563(1, 2, 2A 2B and 2C)	1844 .. Byculla Division.	Plot bounded on the North by Tank Pakhadi Street; on the South by the Plot No. 6 belonging to the Corporation leased to Bai Hoorbai and a minor and bearing Cadastral Survey No. 1845; on the East by Water Street; and on the West by Plot No. 5 leased to the Municipality and bearing Cadastral Survey No. 1840 (part of).	7,139	7,139	94,484	94,484
			Total, East Agripada Estate ..	..	65,885	..	6,38,426

Showing Lands at Matunga (Deposited Plan "E").

Plot No.	F. Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	#Total amount.
		<i>Matunga Division.</i>		Sq. yds.	Sq. yds.	Rs.	Rs.
1	6643 p. 6642 p.	31/10 part 20/10 part.	Lands at Matunga	1,006	..	755	..
2	6658 (1) p..	25/10 part. ..	Do.	86	..	33	..
3	6660 p. .. 6667 p.	16/10 part .. 34/10 part.	Do.	856	..	812	..
4	6643 (1) p.. 6791 (1)p. 6789 p. 6778 p. 6767 p. 6875 p. 6680 p.	134/10 part .. 134/10D part.	Do.	7,984	..	5,983	..
5	6875 p. .. 6680 p.	50/10 part ..	Do.	263	..	201	..
6	6875 p. .. 6680 p.	50/10 part ..	Do.	1,226	..	916	..
7	6875 p. .. 6680 p.	50/10 part ..	Do.	2,730	..	2,047	..
8	6826 p. ..	137/10 part ..	Do.	104	..	79	..
9	6330 p. .. 7199 p.	138/10 part .. 137/10 part.	Do.	1,105	..	829	..
10	7174 p. .. 7172 p. 7171 (1)p. 7234 p.	149/10 part .. 144/10 part. 145/10 part. 146/10 part.	Do.	5,240	..	3,930	..
11	7235 (1) p.. 7235 (2) p. 7235 (3) p.	99/10 part .. 100/10 part. 101/10 part.	Do.	572	..	429	..
12	7242 p. .. 7238 p. 7237 p. 7250 p. 7249 p.	112/10 part .. 113/10 part. 114/10 part. 116/10 part. 117/10 part.	Do.	2,349	..	1,762	..
13	7238 p. .. 7239 p.	111/10 part .. 112/10 part.	Do.	300	..	225	..
14	7239 p. .. 7251 p. 7252 p. 7240 p.	110/10 part .. 111/10 part. 118/10 part. 119/10 part.	Do.	239	..	179	..
15	7252 p. .. 7254 p. 7255 p.	119/10 part .. 120/10 part. 121/10 part.	Do.	430	..	360	..
16	7188 p. .. 7121 (4) p.	150/10 part .. 155/10 part.	Do.	4,196	..	6,293	..
17	7121 (4) p.. 7123, 7124p.	161/10 part .. 156/10 part. 155/10 part.	Do.	4,672	..	7,008	..
18	7124 p. .. 7109 7111 p.	160/10 part .. 159/10 part 158/10 part 161/10 part.	Do.	2,720	..	2,040	..
19	7116 p. to 7120 p.	813/10 part ..	Do.	4,535	..	3,401	..

SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
20	7113 p. . .	182/10 part . .	Lands at Matunga . .	565	..	424	..
21	6835 (4) p.	180/10 part . .	Do. . .	92	..	69	..
22	6835 (6) p. . . 6835 (5) p. . . 7053 p. . . 7032 p. . . 7049 p. . .	182/10 part . . 183/10 part . . 188/10 part . . 189/10 part . . 192/10 part . .	Do. . .	11,154	..	16,731	..
23	7061 p. . .	199/10 part . .	Do. . .	409	..	614	..
24	7063 p. . . 7061 (6) p. . . 7061 (5) p. . . 7067 p. . .	169/10 part . . 170/10 part . . 171/10 part . . 172/10 part . .	Do. . .	3,401	..	5,101	..
25	7064 p. . .	292/10 part . . 10 part.	Do. . .	170	..	255	..
26	7061 (1) p. . . 7061 (2) p. . . 7061 (3) p. . . 7062 (2) p. . . 7062 (1) p. . .	208/10 part . . 207/10 part . . 209/10 part . . 210/10 part . . 211/10 part . .	Do. . .	2,916	..	4,375	..
27	7373 p. . . 7374 p. . .	10/10 part . . 5/10 part.	Do. . .	617	..	925	..
28	7384 (4) p. . .	259/10 part . .	Do. . .	344	..	430	..
29	7384 (4) p. . . 7388 (2) p. . . 7388 (2) p. . .	259/10 part . . 260/10 part . . 261/10 part . .	Do. . .	1,708	..	2,136	..
30	7388 (2) p. . .	261/10 part . .	Do. . .	90	..	68	..
31	7393 p. . . 7397 p. . .	262/10 part . . 263/10 part . .	Do. . .	1,850	..	1,387	..
32	7397 p. . .	263/10 part . .	Do. . .	455	..	455	..
33	7694 p. . .	372/10 part . .	Do. . .	37	..	46	..
34	7631 p. . . 7633 p. . . 7634 p. . . 7635 p. . .	379/10 part . . 378/10 part . . 377/10 part . .	Do. . .	565	..	177	..
35	7824 p. . . 7792 p. . . 7825 p. . .	405/10 part . . 13/10 part . . 396/10 part . . 816/10 part . .	Do. . .	940	..	294	..
36	7827 p. . . 7826 p. . . 7825 p. . . 7796 p. . .	393/10 part . . 394/10 part . . 395/10 part . . 385/10 part . . 384/10 part . .	Do. . .	2,180	..	681	..
37	7825 p. . .	385/10 part . .	Do. . .	92	..	92	..
38	7846 p. . . 7847 p. . . 7848 p. . . 7851 p. . .	389/10 part . . 390/10 part . . 392/10 part . . 391/10 part . .	Do. . .	440	..	165	..
39	7798 p. . . 7779 p. . .	784/10 part . . 483/10 part . .	Do. . .	485	..	728	..

The City of Bombay
SCHEDULE X—contd.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
40	6958p. 7416p. 7417p. 7422p. 7423p. 7424p.	756/10 part .. 757/10 part ..	Lands at Matunga ..	425	..	319	..
41	7410p. 7411p. 7016p. to 7026p. 7011p.	755/10 part .. 754/10 part ..	Do. ..	2,291	..	1,718	..
42	7027p. 7028p.	754/10 part ..	Do. ..	369	..	277	..
43	7034(1)p. 7035p. 7034(2).	753/10 part .. 752/10 part ..	Do. ..	804	..	2,814	..
44	7031(1)p. 7031(2)p. 6836(1)p.	693/10 part .. 692/10 part .. 691/10 part ..	Do. ..	1,186	..	1,779	..
45	6836(1)p. 6836(2)p. 6836(3)p.	691/10 part .. 690/10 part .. 689/10 part ..	Do. ..	2,572	..	3,858	..
46	7132p. 7128p. 7129p. 7141(1)p.	615/10 part .. 614/10 part .. 613/10 part ..	Do. ..	2,093	..	1,570	..
47	7168p.	515/10 part ..	Do. ..	260	..	195	..
48	6564p. 6823p.	511/10 ..	Do. ..	924	..	1,385	..
49	6816p. 6819(2)p. 6595p. 6579p. 6580p. 6800p. 6801p. 6804p. 6806p. 6794p. 6589p. 6823(1)p. 6815p. 6813p. 6862.	800/10 part .. 814/10 part .. 792/10 part .. 794/10 part of Matunga Division.	Do. ..	6,125	..	4,504	..
Total, Lands at Matunga ..				..	86,187	..	90,984

SCHEDULE Y.

(See section 91A.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
1	2/583 (part of) Malbar Hill Division.	THE NEPEAN SEA ROAD PLOT. (Deposited Plan "A")				
			Bounded on the north-east by private property bearing Cadastral Survey No. 584; on the south-east by private property forming portion of this property bearing Cadastral Survey No. 583; on the south-west by private property bearing Cadastral Survey No. 582; and on the north-west by the Foreshore.	2,014	..	..	..
			Total, the Nepean Sea Road Plot ..	..	2,014	..	..
2	82 to 86 parts of 87, 88, 1/88, 89 and 90, 91 to 97, parts of 98, 99, 100, 101 and 102, 103 to 105, 106 (part of) 107 to 111, 820, 821.	THE COLABA RECLAMATION. (Deposited Plan "B")				
			Bounded on the north-west by Cuffe Parade; on the south-west by Panday Road; on the north-east by the Junction of Cuffe Parade and Wodehouse Road; and on the south-east partly by an irregular line beyond which are situate the remaining portions of properties bearing Cadastral Survey Nos. 106, 102, 101, 100, 98, 99, 90, 89, 88, 1/88 and 87, and partly by Wodehouse Road, but excluding the sites of Khatau and Centre Roads, and of portions of Fazil and Kittridge Roads.	46,580	..	..	..
			Total, the Colaba Reclamation ..	..	46,580	..	..

SCHEDULE Z.

(See section 354X.)

Plot No.	Cadastral Survey No.	Locality.	Description of Plot.	Cadastral Survey Area.	Terms of Lease.
1	707 Fort Division.	The Hornby Road Plot.	(Deposited Plan "A") Bounded on the North by the John Cannon High School bearing Cadastral Survey No. 706; on the South by Cannon Road; on the East by Murben Road; and on the West by Esplanade Road.	Sq. yds. 3,250	Ninety-nine years as a ground rent of one anna per sq. yard per annum, renewable for a further term of 99 years.

SCHEDULE ZZ.

(See section 91A.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
1 (b) Part. 1 (d-1) Part.	..	8/383 Tardoo Division.	DEPOSITED PLAN "B". Body Guard Lines. Bounded on the north partly by plot 1 (d-1) and partly by plot 1 (b); on the south by the junction of the 100 feet and 40 feet roads; on the east partly by the 40 feet road and partly by plot 1 (b); and on the west by the 100 feet road.	30,000	..	..	..
3	..	4. Fort Division.	THE COOPERAGE PLOT. (Deposited Plan "1") Bounded on the North by the Band Stand Circle; on the South by Wodehouse Road; on the East by Cooperage Road and on the West by Queen's Parade Road but excluding 33 square yards bearing Cadastral Survey No. 13 on which stands the statue of the late Mr. Justice Ranade.	59,044	..	..	..
4 (b)	..	709, Fort Division.	THE MARINE LINES MILDAN. (Deposited Plan "J") Bounded on the North partly by the South Boundary of "Government plot" bearing Cadastral Survey No. 728-C, reserved for Military purposes by Government Resolution No. 2-C. W. 4, dated 3rd January 1901, and partly by Cadastral Survey No. 725 of the Marine Lines Estate; on the East partly by Mayo Road, partly by the land belonging to the Corporation bearing Cadastral Survey No. 728; on the South by Church Gate Street; on the West partly by Marine Lines Road (Marine Street) and partly by Plot No. 4A (Marine Lines Estate) but excluding the sites of the Gokhale and Montague Statues.	91,196	..	9,11,960	..

SCHEDULE AA.

(See section 110D.)

FORM OF DEBENTURE.

THE TRUSTEES FOR THE IMPROVEMENT OF THE
CITY OF BOMBAY.

The 19 .

By virtue of the "The City of Bombay Improvement Trust Transfer Act, 1925" we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of Rupees paid to us by A. B. of , promise to pay to the said or order, the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half yearly on the day of and the day of

Given under our common seal this day of 19

Common seal.

(Signature of two members of the
Committee and the Chief Officer.)

SCHEDULE BB.

(See section 123A.)

Rules regulating the form of accounts relating to improvement schemes, etc., and the manner in which they shall be kept.

1. The Corporation shall keep a Capital Account and a General Account. There shall be credited to the Capital Account—

om. IV
1898.
om.
VI of
1925.

(a) all moneys received on account of loans taken by the Corporation for the improvement of the City or by the Board of Trustees under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, other than moneys temporarily borrowed in accordance with section 109C;

of 1894.

(b) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, for the acquisition by Government of any portion of the lands or buildings vested or vesting in the Corporation by reason of the transfer to them of the property of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925;

om. XVI
1925.

(c) the proceeds of the sale or exchange of any movable property of the Corporation purchased by debit to the Capital Account;

(d) fines or premia levied on granting leases, and sums paid in composition or part composition of rents under leases;

(e) any surplus which the General Account shall disclose at the end of each financial year;

(f) any other sum granted by Government and directed by them to be credited thereto;

(g) any other sums which the Standing Committee, with the previous approval of the Corporation, direct to be credited thereto.

2. The moneys credited to the Capital Account shall be held by the Corporation in trust and shall be applied to—

(1) meeting the costs of framing and executing schemes in accordance with this Act, including the cost of acquiring lands and the costs of constructing buildings required for carrying out any of the purposes of this Act;

(2) the repayment of all loans credited to the Capital Account;

(3) expenses connected with or arising from the flotation of loans;

(4) making good the deficit, if any, in the General Account, at the end of financial year, provided that the net aggregate amount which may be so debited to the Capital Account shall not exceed 20 per centum on the aggregate capital debt of the Corporation in respect of improvement of the City;

(5) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plant and transport equipment, required generally for the execution of any scheme under this Act;

(6) advancing loans in accordance with the provisions of section 354W.

3. The scheduled values of the lands specified in Schedules W and X shall be included in the Capital Account both under receipts and expenditure, the scheduled values of the lands resumed in any year being reduced from both sides of the said account in that year.

4. The Capital Account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Corporation on each scheme separately, and shall also distinguish between the expenditure incurred on—

(a) the improvement of lands vested in the Corporation and specified in Schedule W;

(b) the improvement of lands vested in the Corporation and specified in Schedule X;

(c) lands referred to in Schedule Y.

5. There shall be credited to the General Account—

(1) all interest on the Corporation's investments including loans advanced under section 354W but not interest on securities in which the sinking fund balances are invested ;

(2) all rents of lands vested in the Corporation ;

(3) the net profit at the close of the year, if any, on sales of securities held by the Corporation ;

(4) three times the actual net realizations of the Corporation in the preceding year under the head of General Tax or payments made in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the said financial year ;

(5) three quarters of the sum which may be granted by Government to the Corporation on account of the net receipts accruing to Government from the tobacco duty levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857 ;

IV of
1857.

(6) all other receipts of the Corporation which are not required to be credited to the Capital Account.

6. (1) The moneys credited to the General Account shall be applied by the Corporation in payment of the following charges, namely :—

(a) all payments for interest and sinking fund charges due on account of any loan ;

(b) the amount of the cost of management apportioned to General Account as provided in rule 8 ;

(c) all other sums due by the Corporation other than those required to be debited to the Capital Account.

(2) The surplus, if any, remaining at the end of each financial year after making the payments referred to in sub-rule (1), shall be credited to the Capital Account.

(3) On the recommendation of the Standing Committee, the Corporation may advance any sums standing to the credit of the General Revenue Account to meet current Capital Expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

(4) There shall be debited to the General Account a sum of money equivalent to the sum which would have been payable by the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, if the City of Bombay Municipal (Amendment) Act, 1933, had not been passed, in respect of rates and taxes levied under this Act upon lands and buildings vested or vesting in the Corporation by reason of the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees.

Bom.
XVI of
1925.

7. The General Account shall distinguish between all items included in the General Account according as such items are in respect of—

- (1) lands vested in the Corporation and specified in Schedule W ;
- (2) lands vested in the Corporation and specified in Schedule X ;
- (3) lands situate within the limits specified in Schedule Y ;
- (4) other lands and buildings vesting in the Corporation.

8. The net cost of management including—

(a) the salaries and allowances of the Deputy Municipal Commissioner (Improvements), the acting Deputy Municipal Commissioner (Improvements), and the scheduled staff and charges on account of establishment employed on duties transferred to the Corporation under the City of Bombay Municipal (Amendment) Act, 1933, or in cases where establishment is partly employed on such duties and partly on others, a share of the cost of such establishment proportionate to the duties so transferred ;

(b) the expenses in connection with the Land Acquisition Officer ;

(c) pensions, gratuities and contributions by the Corporation to the Provident Fund ;

(d) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses ;

shall, in the first instances, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the Standing Committee shall determine.

SCHEDULE CC.

(See section 354S.)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of land for improvement purposes.

Part I—Preliminary, except clauses (e) and (f) of section 3.

Part II—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.

Part III—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.

Part IV—Apportionment of compensation.

Part V—Payment.

Part VI—Temporary occupation of land.

Part VIII—Miscellaneous.

SCHEDULE DD.

(See section 354S.)

Scale of Additional Compensation for compulsory acquisition for improvement purposes.

Amount of compensation awarded.	Percentage to be allowed in addition under section 354S.
Not exceeding ten thousand rupees, or, if the amount exceed ten thousand rupees for the first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent.
Exceeding one lakh, for the amount by which it exceeds one lakh.	Two and a half per cent.

38. Notwithstanding anything contained in sections 90, 354S, 354T and 354U of the said Act and in section 40 of this Act, in respect of appeals made to the High Court under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which this Act comes into operation, the High Court shall continue to perform the functions assigned to it under the aforesaid Acts and every such appeal shall, so far as may be, be decided in accordance with the provisions of the aforesaid Acts as if this Act had not been passed.

Bom. IV
of 1898.
Bom.
XVI of
1925.

Provision
regarding
pending
cases.

39. All references, moneys, securities, properties, papers, documents, vouchers, books, records and proceedings transferred to the High Court under section 66A of the City of Bombay Improvement Trust Transfer Act, 1925, shall be disposed of by the High Court, as nearly as may be, in accordance with the provisions of that Act and the provisions of that Act shall, so far as may be, apply to them, as if they had been made, held or controlled in accordance with that Act and as if this Act had not been passed.

Bom. XVI
of 1925.

Further
provision
regarding
pending
references.

40. (1) From the date on which this Act comes into operation every officer and servant of the Board constituted under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall be deemed to be for all purposes a municipal officer or servant and the designations, grades, salaries, fees and allowances of such officers and servants shall be deemed to have been duly sanctioned under section 79 of the City of Bombay Municipal Act, 1888, and the provisions of the said Act and of any regulations made thereunder relating to municipal officers and servants shall apply to all such officers and servants as if they had been appointed under the said Act :

Bom. IV
of 1898.
Bom. XVI
of 1925.

Bom. III
of 1888.

Officers and
servants of
the Board
to become
municipal
officers and
servants.

Provided that such officers and servants shall not be entitled to claim the benefit of any pension or special leave admissible under the pension rules or leave rules of the Corporation.

(2) Any officer or servant of the said Board, who has been in the service of the Board for a period of not less than five years before the date on which this Act comes into operation shall be entitled in case of retirement within two years from the date of the passing of this Act, to all the benefits of the rules regarding leave in force at the date of the passing of this Act, and to draw his share of the said Board's contribution to the provident fund.

Leave and provident fund of Chief Officer appointed Deputy Municipal Commissioner (Improvements). (3) The person holding the office of Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (4) of section 56A, in all matters of leave and provident fund continue to be governed by the terms and conditions of his appointment as such Chief Officer and be entitled to the benefits thereof. Bom. XV of 1925.

(4) If the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he shall, in all matters of leave and provident fund, be deemed to have been subject from the date of his appointment as Chief Officer to the rules to which he would have been subject had he been appointed on the said date a Deputy Commissioner under this Act and to be entitled to the benefits thereof.

Transitory provisions.

41. Notwithstanding anything contained in the said Act, the Commissioner, in addition to the sum payable to the Board of Trustees for the Improvement of the City of Bombay under section 84 of the City of Bombay Improvement Trust Transfer Act, 1925, shall in the municipal accounts, under a separate heading, credit to the accounts of the property vested or vesting in the Corporation and of the receipts and expenditure of the Corporation on account of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, and in the manner prescribed in section 123A of the said Act:— Bom. XV of 1925.

(i) a sum equal to the amount of the actual net realizations of the Corporation for the financial year 1932-33 under the head of general tax or payments made in lieu of general tax (including arrears and payments in advance) divided by the rate fixed for the general tax for the said financial year; and

(ii) a sum equal to three-fourths of the net receipts from the tobacco duty levied under section 2 of the [1] Tobacco Duty (Town of Bombay) Act, 1857, from the 19th day of March 1932 until the 31st day of March 1934 (both days inclusive). Bom. XV of 1857.

42. The enactments specified in the Appendix are hereby repealed to Repeal. the extent mentioned in the fourth column thereof ;

Provided that—

Bom. IV
of 1898. (a) the said repeal shall not affect the validity or invalidity of anything already done under the said Acts or under the City of Bombay Improvement Act, 1898 ;

Bom. IV
of 1898. (b) the said repeal shall not affect any appeal made to the High Court from any award or any part of the award of the Tribunal of Appeal under sub-section (II) of section 48 of the City of Bombay Improvement Act, 1898, before the date on which this Act comes into operation ; but every such appeal shall, so far as may be, be decided by the High Court in accordance with the provisions of the City of Bombay Improvement Act, 1898, as supplemented by Act XIV of 1904 as if this Act had not been passed ;

Bom. IV
of 1898.
Bom. XVI
of 1925.
Bom. III
of 1888. (c) all appointments, rules, orders and by-laws made, notifications and notices issued, rents, premia, and fees imposed, contracts entered into and suits and other proceedings instituted under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall, so far as may be, be deemed to have been respectively made, issued, imposed, entered into and instituted under the City of Bombay Municipal Act, 1888, as amended by this Act ;

Bom. IV
of 1898.
Bom. XVI
of 1925. (d) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board of Trustees constituted under the City of Bombay Improvement Act, 1898, or of the City of Bombay Improvement Trust Transfer Act, 1925, before this Act comes into operation shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Municipal Corporation of the City of Bombay ;

Bom. XVI
of 1925. (e) sections 42 to 51 inclusive of the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to have effect, so far as applicable, with respect to all Pocrer Classes Accommodation Schemes duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, provided that references in the said sections to the committee and to the Board shall be deemed to be references to the Improvements Committee constituted under the City of Bombay Municipal Act, 1888, as amended by the City of Bombay Municipal (Amendment) Act, 1933, and to the Municipal Corporation of the City of Bombay respectively.

Nothing in this Act shall affect any present right of appeal which may have accrued to any party before the date on which this Act comes into operation.

APPENDIX.

ENACTMENTS REPEALED.

(See section 42.)

Year.	No.	Short title.	Extent of repeal.
1898 ..	I	The [1]City of Bombay Municipal Investments Act, 1898.	Sections 2 and 3.
1925 ..	XVI	The City of Bombay Improvement Trust Transfer Act, 1925.	The whole.
1927 ..	IV	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1927.	Do.
1927 ..	V	The City of Bombay Improvement Trust Transfer (Amendment No. 2) Act, 1927.	Do.
1928 ..	VI	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1928.	Do.
1931 ..	XI	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1931.	Do.
1931 ..	XXI	The City of Bombay Municipal and Improvement Trust Transfer (Amendment) Act, 1931.	In section 1 the words "and Improvement Trust Transfer." Section 3.
1931 ..	XXIV	The City of Bombay Improvement Trust Transfer (Second Amendment) Act, 1931.	The whole.

[1] Vol. IV of Bom. Code.

BOMBAY ACT No. XIV OF 1933.[¹]

[THE TOBACCO DUTY (TOWN OF BOMBAY) AMENDMENT ACT, 1933]

[28th September 1933]

An Act further to amend the Tobacco Duty (Town of Bombay) Act, 1857.

Bom. WHEREAS it is expedient further to amend the [²]Tobacco Duty (Town
IV of of Bombay) Act, 1857, for the purposes hereinafter appearing; And
1857. whereas the previous sanction of the Governor required under section 80C
5 & 6 of the Government of India Act has been obtained for the passing of
Geo.V this Act; It is hereby enacted as follows :—
c. 61.

1. (1) This Act may be called the Tobacco Duty (Town of Bombay) Amendment Act, 1933.

Short title
and com-
mencement.

(2) It shall come into force on the first day of October 1933.

Bom. 2. After section 3 of the [²]Tobacco Duty (Town of Bombay) Act
IV of 1857, hereinafter referred to as "the said Act", the following shall be
1857. inserted, namely :—

Insertion of
a new section
after section 3
of Bom. IV
of 1857.

"3A. The Commissioner of Excise may appoint public warehouses and, on payment of such fees and subject to such terms and conditions as may be prescribed by him by general or special order, may license warehouses, wherein tobacco may be warehoused without payment of the municipal duty on the importation thereof and may cancel any such appointment or licence."

Power of the
Commis-
sioner of
Excise to
appoint
public ware-
houses and
to license
warehouses.

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

Insertion of
a new section
after section 4
of Bom. IV of
1857.

"4A. When tobacco removed from a public or licensed warehouse for consumption in the said town on payment of the municipal duty under section 4, is re-exported to any place beyond the limits of the said town, seven-eighths of such duty paid shall be re-paid as drawback in the manner and subject to such conditions as may be prescribed by rules made by the Commissioner of Excise in this behalf."

Drawback
allowable on
re-export.

4. After section 20 of the said Act, the following shall be inserted, namely :—

Insertion of
new sections
after section
20 of Bom.
IV of 1857.

"20A. Rules made under this Act shall be subject to previous publication.

Publication
of rules.

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V, pp. 991-992 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[²] Vol. I of Bom. Code.

The Commis-
sioner of
Excise and
other officers
appointed by
Government
to exercise
powers and
perform
duties of the
Commis-
sioner of
Customs,
Salt and
Opium and
Customs
Officers.

20B. The powers and authorities conferred on the Commissioner of Customs, Salt and Opium and the officers of customs under the provisions of this Act are hereby conferred on and shall be exercised respectively by the Commissioner of Excise and such officers as Government may from time to time by general or special order appoint in this behalf; and

the duties imposed on the Commissioner of Customs, Salt and Opium and the officers of customs under the provisions of this Act are hereby imposed on and shall be performed respectively by the Commissioner of Excise and the officers appointed by Government;

and references in this Act to the Commissioner of Customs, Salt and Opium and the officers of customs shall be deemed references to the Commissioner of Excise and the officers appointed by Government respectively."

Amendment
of section 21
of Bom. IV
of 1857.

5. In section 21 of the said Act, after the word "females", the following paragraphs shall be added, namely:—

"The words 'the Commissioner of Excise' shall mean the officer appointed by Government for the time being to be the Commissioner of Excise."

BOMBAY ACT No. XV OF 1933.^[1]

[THE BOMBAY IRRIGATION (AMENDMENT) ACT 1933]

[4th October 1933]

An Act further to amend the Bombay Irrigation Act, 1879.

Bom. WHEREAS it is expedient further to amend the [2]Bombay Irrigation
VII of Act, 1879, for the purposes hereinafter appearing; And whereas the
1879. previous sanction of the Governor required by section 80C 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:—
c. 61.

1. This Act may be called the Bombay Irrigation (Amendment) Act, Short title.
1933.

Bom. 2. In section 91 of the [2]Bombay Irrigation Act, 1879, hereinafter Amendment
VII of called the said Act— of section 91
1879. of Bom. VII
of 1879.

(1) in clauses (ii) and (iii) of sub-section (2) for the words "land
concerned" the words "the land and the owner or owners of the
water-course" shall be substituted; and

(2) sub-section (3) shall be deleted.

3. In section 92 of the said Act—

(1) in sub-section (1)—

(a) the words "in pursuance of the provisions of the last preced-
ing section" shall be deleted,

(b) for the words "the Canal-officer", where they occur for the
first time, the words "any Canal-officer not inferior in rank to an
Executive Engineer" shall be substituted,

(c) after the words "in place of any existing water-courses"
the words "or of any existing sources of water supply" shall be
inserted,

(d) after the word "necessary", the following proviso shall be
inserted, namely:—

"Provided that before a Canal-officer constructs a water-
course under the provisions of this sub-section, the provisions of
the last preceding section relating to notice, objections, reference
and revision shall, so far as may be, apply as if such water-course
were a water-course to be constructed under the said section.",
and

(e) in the proviso, after the word "Provided" the word
"further" shall be inserted, and the word "new" shall be deleted;

[1] For Statements of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V, pp. 967-968 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[2] Vol. II of Bom. Code.

(2) in sub-section (2)—

(a) after the words “construct any” the word “such” shall be inserted,

(b) after the word “water-course” the words “under the option given to such holder or holders in the proviso to sub-section (1) shall be inserted,

(c) the words “in this behalf” shall be deleted, and

(d) for the words “the same or reconstruct the whole or any part thereof” the words “or reconstruct the same in whole or in part” shall be substituted ;

(3) in sub-section (4)—

(a) for clauses (a) and (b) the following shall be substituted, namely :—

“(a) It shall be competent to the Canal-officer to fix the boundaries of local areas which are irrigated by one canal system, and within which water-courses have been or are to be constructed in whole or in part under the provisions of sub-section (1) or (2), and to determine the cost or estimated cost, as the case may be, of such water-courses, and the sums to be recovered from all holders of lands irrigated or to be irrigated within such areas as their share of the cost thereof. The estimated cost of such water-courses to be constructed within a local area shall be determined by the Canal-officer on the basis of the actual cost of such water-courses constructed within the local area before the 30th day of September 1933.

Explanation.—For the purposes of this sub-section a canal system means a canal taking off direct from the river Indus, except in the case of the Nasrat Branch, Jamrao, Thar and Hiral Canals each of which shall be deemed to be a canal system.

(b) When the Canal-officer has determined the cost of the construction of water-courses in any local area in accordance with the provisions of clause (a), he shall distribute such cost proportionately over the lands irrigated or to be irrigated and shall declare the amount payable on account of such cost in respect of the land constituting each survey number as defined in the [1]Bombay Land Revenue Code, 1879, and the amount so determined shall be deemed a charge upon such land and shall be payable in the manner hereafter provided, by the holder for the time being of such land and no such survey number shall be sub-divided so long as the amount so determined with interest remains unpaid :

Provided that in distributing such cost in accordance with the provisions of this clause land belonging to Government on the 1st day of August 1931 shall be assessed to such cost at twice the rate of occupied land.

Bom.
V of
1879.

Costs of construction of new water courses in local areas.

Distribution of costs of construction over irrigated lands.

Provided further that when the holder or holders of land have constructed a part only of a water-course under the option given by the proviso to sub-section (1) and the Canal-officer has constructed the remaining part of such water-course there shall be credited to such holder or holders the cost of the construction of the part constructed by them, such cost being based upon and proportionate to the cost of the construction of water-courses by the Canal-officer within the local area as determined by the Canal-officer in accordance with the provisions of clause (a).”;

(b) in clause (c)—

(i) after the word “determining” the words “and declaring” shall be inserted,

(ii) the word “thus” shall be deleted,

(iii) for the words “the water-course”, where they occur for the first time, the words “or reconstructing a water-course in accordance with the provisions of clause (a) or (b)” shall be substituted,

(iv) for the word “the” occurring after the words “thereof to” the word “such” shall be substituted,

(v) for the words “such sum” the words “the sum payable on account of such cost” shall be substituted,

(vi) for the words “him or them” the words “such holder or holders” shall be substituted,

(vii) for the words “he or they” the words “such holder or holders” shall be substituted,

(viii) for the words “twenty equal annual instalments” the words “twenty equal instalments payable either annually or at such lessor intervals as may be convenient to such holder or holders” shall be substituted, and

(ix) the words “Provided that no such instalment shall be less than five rupees” shall be deleted;

(c) in clause (d)—

(i) after the word “payment” the words “of any sum due under clause (c)” shall be inserted; and

(ii) the word “said” shall be deleted;

(4) in sub-section (5)—

(a) for the words “every holder” the words “the holder or holders” and for the words “an owner” the words “the owner or owners” shall be substituted,

(b) the Explanation following the said sub-section shall be deleted; and

(5) after sub-section (6), the following sub-section (7) and Explanation shall be inserted, namely :—

“(7) If after the construction of any water-course under the provisions of this section the Canal-officer finds that any further alterations in the alignment or construction of the said water-course are necessary, it shall be lawful for him with the previous sanction of the Collector to carry out such alterations at the expense of Government.

Explanation.—For the purposes of this section ‘the cost of constructing a water-course’ shall include the cost of aligning the water-course and of such preliminary operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation.”

BOMBAY ACT No. XVI OF 1933.[¹]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1933]

[14th October 1933]

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, for the purposes hereinafter appearing; It is hereby
1923. enacted as follows:—

1. This Act may be called the Bombay Local Boards (Amendment) Short title.
Act, 1933.

Bom. 2. In section 4 of the [²]Bombay Local Boards Act, 1923, hereinafter Amendment
VI of called the said Act, after sub-section (4), the following shall be added, of section 4
1923. namely:— of Bom. VI
of 1923.

[In Pt. I, p. 34.]

3. In section 61A of the said Act,

(a) in sub-section (3), for the words " a week " the words " fifteen Amendment
days " shall be substituted; and of section 61A
of Bom. VI
of 1923.

(b) after sub-section (3), the following shall be added, namely:—

[In Pt. I, p. 60.]

[¹] For Statement of objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, p. 982-983; and for proceedings in Council see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[²] In Pt. I, p. 33.

THE CITY OF KARACHI MUNICIPAL ACT, 1933.

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- 283. Power to make rules subject to the sanction of the Commissioner in Sind and all rules to be published.
- 284. Power of Commissioner in Sind to make rules.
- 285. Penalty for breach of rules.
- 286. Matters in respect of which rules may be made.
 - Qualifications of councillors and electors.
 - Elections.
 - Conduct of business.
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 - Municipal officers and servants.
 - Provident or annuity funds.
 - Transfer of property.
 - Publication of annual administration report and statement of accounts.
 - Contracts.
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 - The common seal.
 - Preparation of budget estimates.
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 - Time and mode of collection of taxes.
 - Assessment, collection, remission, refund and recovery of taxes.
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SECTIONS

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 - Lodging houses.
 - Overcrowding.
 - Rest-houses, etc.
 - Camping on public ground.
 - Keeping of animals.
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 - Dangerous and offensive trades and factories.
 - Standard of water used in aerated waters, etc.
 - Labels and inscriptions.
 - Nuisances connected with industries.
 - Management of municipal markets, etc., and the supervision of the manufacture, storage and sale of food.
 - Private markets.
 - Pawnbrokers.
 - Registration of births and deaths, etc.
 - Licensing of theatres, etc.
 - Construction of buildings.
 - Insanitary buildings.
 - Construction and working of lifts.
 - Precautions in demolition of buildings.
 - Holding of fairs, etc.
 - Protection of property of the Corporation.
 - Protection against fire.
 - Charges for services by municipal authorities.
 - Conditions of lease of dwellings in an accommodation scheme.
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CHAPTER XIX.

MUNICIPAL RAILWAYS.

- 288. Power to Corporation to construct, lease and otherwise deal with railways.
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SECTIONS

CHAPTER XX.

SUPPLEMENTAL PROVISIONS.

- 290. Councillors to be deemed to be public servants.
- 291. Co-operation of police.
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- 292. Informalities and errors in assessments, not to be deemed to
invalidate such assessments.
- 293. Disputes between Corporation and local authorities.
- 294. Effect of the transitory provisions in Schedule XI.

SCHEDULES I TO XI.

BOMBAY ACT No. XVII OF 1933 [1].

[THE CITY OF KARACHI MUNICIPAL ACT, 1933]

[14th October 1933]

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

WHEREAS it is expedient to make special legislative provision for, Preamble.
and to consolidate and amend the law relating to, the municipal govern-
ment of the City of Karachi; And Whereas the previous sanction of the
Governor-General required by sub-section (3) of section 80A of the
5 & 6, Government of India Act and the previous sanction of the Governor
Geo.V. c. 61. 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 City of Karachi Municipal Act, 1933. Short title.
2. (1) Except as hereinafter expressly otherwise provided, this Act Extent.
extends only to the City of Karachi.
(2) It shall come into force on such date as Government may, by Commence-
notification, appoint. ment.
3. (1) The provisions of the [2] Commissioner in Sind (Delegation Act V of
of Powers) Act, 1868, shall not apply to any powers hereby conferred 1868 not to
upon Government. apply to
powers under
this Act.
- (2) Nothing in this Act shall be deemed to affect the provisions of Saving of
the [3] Karachi Tramways Act, 1883, and the agreement set forth in the the provi-
schedule thereto. sions of the
Karachi
Tramways
Act, 1883.
4. The word "Karachi" in Schedule E to the [4] Bombay District Repeals.
Municipal Act, 1901, and the words "other than the municipal district
of Karachi," in sub-section (1) of section 4 of the [5] Bombay Municipal
Boroughs Act, 1925, shall be repealed:

Provided that—

(1) any appointment, notification, notice, tax, order, scheme,
licence, permission, rule, bye-law or form made, issued or imposed

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V, pp. 420-458; for Report of the Select Committee, see *ibid*, 1933, Pt. V, pp. 645-672 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vols. XXXVII and XXXVIII.

[2] Vol. I of Bom. Code.

[3] Vol. II of Bom. Code.

[4] Vol. IV of Bom. Code.

[5] In Pt. I, p. 267.

under the [1]Bombay District Municipal Act, 1901, so far as it relates to the Municipality of Karachi and is still in force shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been respectively made, issued or imposed under the provisions of this Act, unless and until it is superseded under this Act ;

Bom.
III of
1901.

(2) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the Municipality of Karachi before this Act comes into force, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Corporation ;

(3) all rates, taxes and sums of money due to the Municipality of Karachi when this Act comes into force shall be deemed to be due to the Corporation ;

(4) all suits or other legal proceedings civil or criminal, instituted by or against the Municipality of Karachi may be continued by or against the Corporation ; and

(5) references in any other enactment or in any instrument to the [1]Bombay District Municipal Act, 1901, municipal district and municipality shall, unless a different intention appears, be construed in respect of the City as references to this Act, the City and the Corporation, respectively.

Bom.
III of
1901.

Definitions.

5. In this Act and in the Schedules, unless there be something repugnant in the subject or context,—

(1) " Assessor " means an officer appointed by the Corporation to determine under section 107 the annual value of buildings and lands for the purpose of assessment ;

(2) " authorized " means authorized by the Corporation either generally or specially ;

(3) " bakery " means any place in which is baked, cooked or prepared in any manner whatsoever bread, biscuits or confectionery for purposes of sale or profit ;

(4) " 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 purpose of prostitution ;

(5) " budget grant " means any sum entered on the expenditure side of a budget estimate which has been approved by the Corporation and includes any sum by which such budget grant may at any time be increased under section 89, 90, 92 or 93 ;

(6) " building " includes any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose and also includes walls, verandahs, fixed platforms, plinths, door-steps and the like :

[1] Vol. IV of Bom. Code.

(7) "building line" means a line to which the main wall of a building abutting on a street may lawfully extend ;

(8) "the Chief Officer" means the Chief Officer for the City appointed under section 31 and includes an acting Chief Officer appointed under sub-section (3) of section 33 and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Chief Officer to the extent to which such officer is so empowered ;

(9) "the City" means the City of Karachi, as described in Schedule X ;

(10) "closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith ;

(11) "the corporation" means the Municipal Corporation of the City of Karachi constituted under section 8 ;

(12) "councillor" means any person legally a member of the Corporation ;

(13) "dangerous disease" means cholera, plague or small-pox and includes any other disease which the Corporation may by public notice declare to be a dangerous disease ;

(14) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;

(15) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises ;

(16) the expression "erect or re-erect any building" includes—

(a) any material alteration or enlargement of any building ;

(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 a greater number of such places ;

(e) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements or affects its stability ;

(f) the addition of any rooms, buildings, out-houses or other structures to a building ; and

(g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building ;

(17) " factory " means—

(a) any premises wherein, or within the precincts of which, on any one day in the year not less than the number of persons specified in clause (a) of sub-section (3) of section 2 of the [1] Indian Factories Act, 1911, are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any process for or incidental to the making, altering, repairing, ornamenting, finishing or otherwise adapting for use or for transport or for sale of any article or part of an article ; or

(b) any premises wherein, or within the precincts of which, on any one day in the year not less than the number of persons specified in clause (b) of sub-section (3) of section 2 of the [1] Indian Factories Act, 1911, are simultaneously employed and any such process is carried on, whether any such power is or is not used in aid thereof, which have been declared by Government, by notification in the *Sind Official Gazette*, to be a factory ;

A declaration under sub-clause (b) may be made in respect of any class of premises, or in respect of any particular premises ;

(18) " Judge " means the Judicial Commissioner of Sind, an Additional Judicial Commissioner of Sind, the District Judge, Joint Judge, Assistant Judge or the Judge of the Karachi Small Causes Court ;

(19) " keeper " means the person in charge of a lodging-house, and may include the owner for the purposes of any rules ;

(20) " land " includes land which is being built upon or is built upon or covered with water ;

(21) " licensed plumber ", " licensed surveyor " and " licensed architect " mean, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act ;

(22) " lodging-house " means a building or part of a building—

(a) which is let in lodgings ; or

(b) which is occupied to any extent in common by members of more than one family, and the rent of which does not exceed one hundred rupees per mensem ; or

(c) which is let as a human habitation for a period of less than a month :

Provided that this definition shall not include hotels or boarding houses where the daily charge for board and residence is not less than one rupee ;

(23) " market " includes any place where persons periodically assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food ;

- Bom. XVIII of 1925. (24) "municipal borough" means a municipal district included in Schedule I to the [1]Bombay Municipal Boroughs Act, 1925, during the period of such inclusion;
- Bom. III of 1901. (25) "municipal district" means a municipal district as defined in the [2]Bombay District Municipal Act, 1901;
- (26) "municipal drain" means a drain vested in the Corporation;
- (27) "municipal market" means a market vested in or managed by the Corporation;
- (28) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation;
- (29) "municipal tax" means any impost levied under the provisions of this Act by the Corporation;
- (30) "municipal water-work" means a water-work vested in or managed by the Corporation;
- (31) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;
- (32) "offensive matter" includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage";
- (33) "official year" or "financial year" means the year commencing on the first day of April;
- (34) "owner" when used in reference to any building or land includes the person who for the time being receives the rent of such building or land, whether on his own account or as agent or trustee, or who would so receive the rent thereof if the building or land were let to a tenant, but does not include Government;
- (35) "prescribed" means prescribed by or under this Act or any rule;
- (36) "private street" means a street which is not a public street;
- (37) "public analyst" means any qualified person possessing the requisite skill and experience appointed to be a public analyst for the City for the purposes of this Act;
- (38) the expression "public securities" means Government securities and any securities guaranteed by Government, securities of the Trustees for the Port of Karachi, securities issued by the Corporation, securities heretofore issued by the Municipality of Karachi and any other securities which Government may declare to be public securities for the purposes of this Act;
- (39) "public street" means any street—
- (a) over which the public have a right of way; or
 - (b) heretofore levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds; or

[1] In Pt. I, p. 267.

[2] Vol. IV of Bom. Code.

(c) which under the provisions of section 203 is declared to be, or under any other provision of this Act becomes, a public street ;

(40) "registered trade union" means a trade union registered under the [1] Indian Trade Unions Act, 1926 ; XVI of 1926.

(41) a person is deemed to reside in any dwelling which he uses or some portion of which he uses from time to time as a sleeping apartment, and a person is not deemed to cease "to reside" in any such dwelling, if there is the liberty of returning and no abandonment of the intention of returning thereto, even though he is absent therefrom or has elsewhere another dwelling in which he resides ;

(42) "rubbish" includes dust, ashes, broken bricks, mortar, broken-glass, garden or stable refuse and refuse of any kind which is not "offensive matter" or "sewage" ;

(43) "rules" includes rules and forms contained in the Schedules annexed to this Act and rules made under any other provision of this Act ;

(44) "sewage" includes night soil and other contents of water-closets, latrines, urinals, privies and cess-pools, and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places ;

(45) "sewage-connection" includes any drain connecting any water-closet, latrine, urinal, privy, bath-room, sink, sullage-tray, man-hole, or trap, with any drain set apart by the Corporation for sewage and other offensive matter ;

(46) "street" means any road, footway, square, court, alley or passage, whether a thoroughfare or not, which is accessible to the public whether permanently or temporarily ; and includes every vacant space, notwithstanding that it may be private property and obstructed wholly or partly by any gate, post, chain or other barrier, if buildings, abut thereon and if it is used by any persons, whether occupiers of such buildings or not, as a means of access to or from any public place or thoroughfare, but does not include any part of such vacant space which the occupier of any such building has a right at any time to prevent all other persons from using as aforesaid ;

(47) "street line" means a line dividing the land comprised in and forming part of a street from the adjoining land ;

(48) "vehicle" means a wheeled conveyance capable of being used on a street ;

(49) "waste lands" mean waste lands within the City for the management and disposal of which special rules have been sanctioned by the Commissioner in Sind ;

(50) "water-closet" means closet accommodation used or adapted or intended to be used in connection with municipal water-works, and comprising provision for the flushing of the receptacle by means of a water-supply, and having connection with a sewer ;

(51) "water-connection" includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Corporation; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(52) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes;

(53) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying, or used for supplying, water;

(54) "workshop" means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilized in aid of or incidental to any process for the following purposes:—

(i) the making of any article or part thereof; or

(ii) the altering, repairing, ornamenting or finishing of any article; or

(iii) the adapting for sale of any article.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

6. The municipal authorities charged with carrying out the provisions of this Act are:—

(a) a Corporation;

(b) a Standing Committee;

(c) a Chief Officer.

Municipal
authorities
charged with
the execution
of this Act.

7. The powers conferred and the duties imposed on the Corporation by this Act and the [1] Bombay Primary Education Act, 1923, in regard to all matters relating to education shall, subject to such conditions and limitations as may be prescribed, and to the general control of the Corporation, be exercised or performed, as the case may be, by the School Board duly constituted under the [1] Bombay Primary Education Act, 1923, and in all such matters the Corporation shall seek and consider the advice of the School Board.

[1] In Pt. I, p. 9.

The Corporation.

Constitution
of Corpora-
tion.

8. (1) The Corporation shall consist of 64 councillors as follows :—
- (a) 49 elected at ward elections in the manner provided in Chapter I of Schedule I,
 - (b) 2 elected by the Karachi Chamber of Commerce,
 - (c) 2 elected jointly by the Karachi Indian Merchants' Association and the Karachi Buyers and Shippers Chamber,
 - (d) 1 elected by the Trustees of the Port of Karachi constituted under the [1] Karachi Port Trust Act, 1886,
 - (e) 1 elected by the District Local Board of Karachi constituted under the [2] Bombay Local Boards Act, 1923,
 - (f) 1 elected by registered trade unions who shall be a labourer, and
 - (g) 8 appointed by Government, of whom 1 shall be appointed to represent the labouring classes.

Bom.
VI of
1886.

Bom.
VI of
1923.

(2) The Corporation, subject to the previous sanction of the Commissioner in Sind, may by notification in the *Sind Official Gazette* from time to time alter or vary the number and boundaries of the wards and re-distribute the councillors to be elected at ward elections among the wards.

Nothing in this Act or the rules shall be deemed to authorise any variation in the relative representation of communities as now provided in Chapter I of Schedule I.

(3) The Corporation shall by the name of "The Municipal Corporation of the City of Karachi" be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

Term of
office of
councillors.

9. All members of the Corporation constituted as aforesaid shall come into office at noon on the first day of May following the date of their election or appointment and shall retire from office at noon on the first day of May three years after they have taken office, which day is in this Act referred to as the day for retirement.

Casual
vacancies
how to be
filled up.

10. In the event of non-acceptance of office by a person elected or appointed to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the expiry of his term of office, there shall be deemed to be a casual vacancy in such office, and such vacancy shall be filled within two months by the election or appointment, as the case may be, of a person thereto, who shall take office forthwith and shall hold such office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold office if such vacancy had not occurred :

Provided that a councillor who has ceased under section 15 to hold office as such shall, if his disability has ceased, be eligible for re-election or re-appointment, as the case may be.

[1] Vol. II of Bom. Code.

[2] In Pt. I, p. 33.

11. Any councillor may resign his office by giving notice in writing to that effect to the Mayor and thereupon his office shall become vacant as from the date of his resignation. Resignations.

The Mayor and Deputy Mayor may resign their respective offices by giving notice in writing to that effect to the Commissioner in Sindh and thereupon their respective offices shall become vacant as from the seventh day after the date of their resignations.

12. The names of all persons elected or appointed to be councillors shall be published by the Chief Officer, as soon as conveniently may be, in the *Sindh Official Gazette*. Publication of names of councillors in the *Sindh Official Gazette*.

13. No person shall vote for, or stand for election as, a councillor unless he possesses the qualifications prescribed for an elector or councillor, as the case may be. Qualifications of electors and councillors.

14. A person shall be disqualified from being elected or appointed and from being a councillor if such person— Disqualifications from being a councillor.

(a) (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 sub-section (2) of section 15, and five years have not elapsed from the date of such removal, or

(iii) has been convicted of an offence under section 171E or 171F 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 and five years have not elapsed from the date of such conviction or disqualification, unless he has, by an order which Government is hereby empowered to make in this behalf, been relieved from the disqualification so arising; or

(b) is less than twenty-one years of age; or

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

(d) is a municipal officer or servant, an officer or servant of any other local authority or a licensed plumber, or a licensed architect, or a licensed surveyor, or a member of a firm of which such plumber, architect, or surveyor is a member; or

(e) is a Judge; or

(f) has directly or indirectly, by himself or by any partner, any share or interest in any work done by order of the Corporation, or any contract or employment with, by, under or on behalf of, the Corporation:

Provided that no person shall be deemed to have incurred the disqualification under clause (f) by reason of his having any share or interest—

(i) in any lease, sale, exchange or purchase of any immoveable property or in any agreement for the same; or

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

(iii) in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted ; or

(iv) in the occasional sale to the Corporation of any article in which he regularly trades, or in the purchase from the Corporation of any article, up 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 Corporation may fix in this behalf or such amount exceeding two thousand rupees as the Corporation may fix with the sanction of Government ; or

(v) in the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in any official year two hundred rupees, or such higher amount not exceeding five hundred rupees as the Corporation may fix in this behalf or such amount exceeding five hundred rupees as the Corporation may fix with the sanction of Government ; or

(vi) in any joint stock company which shall contract with or be employed by or on behalf of the Corporation, or being a director, secretary or officer of such company without remuneration or remunerated on'y by salary or fees.

Cessation of
office of
councillors.

15. (1) A councillor shall cease to hold office as such—

(a) on his becoming disqualified for office by reason of the provisions of section 14,

(b) if he absents himself for three successive months from the meetings of the Corporation except from temporary illness or other cause to be approved by the Corporation,

(c) if he is professionally interested or engaged in any case for or against the Corporation,

(d) if he acts as a councillor in any matter in which he is professionally interested on behalf of a client, principal or other person,

(e) if he absents himself for six successive months from the meetings of the Corporation, or

(f) if he fails to pay within three months any arrears of any kind due by him to the Corporation after a special notice in this behalf has been served upon him by the Chief Officer.

(2) The Corporation may by a vote of not less than two-thirds of its members and after due inquiry (in which the councillor accused of misconduct shall have been given a reasonable opportunity of being heard) recommend that any councillor who has been guilty of misconduct in the discharge of his duties may be removed from office and Government may, if it thinks fit, remove him accordingly.

Questions as
to disqualifi-
cation to be
determined
by the
Judge of
the Karachi
Small Causes
Court.

16. Whenever it is alleged that any councillor has become disqualified for office for any reason specified in sub-section (1) of section 15 and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor or the Corporation may apply to the Judge of the Karachi Small Causes Court ; and the said Judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified from being a councillor, and his decision shall be final.

17. (1) If the order of the Chief Officer as to the validity of the nomination of any candidate for election as a councillor or as to the qualification of any person declared to be elected a councillor, is disputed, or if the validity of any election is questioned by reason of material irregularity in the election proceedings, bribery, corruption, personation, treating, undue influence or any other thing materially affecting the result of the election, any person whose name is entered in the register of electors for the ward or the community concerned may, at any time within ten days after the result of the election has been declared, apply to the Judge of the Karachi Small Causes Court for an adjudication in the matter. If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, were duly nominated for election to the seat in question and proceed against the candidate who has been declared to be elected.

(2) If the said Judge, after making such inquiry as he deems necessary, finds that the objection is not sustained, he shall confirm the declared result of the election. If he finds that the person whose election is objected to was at the time of the election not qualified to be elected as a councillor or was disqualified from being a councillor, he shall declare the election of such person to be null and void and shall declare to be elected the candidate, if any, out of the candidates not declared to be elected in whose favour the next highest number of votes was recorded and against whose election no cause of objection is found. If the said Judge finds that the election is not a valid election, he shall set it aside. If the said Judge is satisfied that the candidate has been guilty of bribery, corruption, personation, treating, undue influence or any other corrupt practice in connection with the election, the said Judge shall declare the said candidate disqualified both for the purpose of that election and any fresh election which may be held to fill that vacancy and shall set aside the election of the said candidate if he has been elected.

(3) The order of the said Judge shall be final.

(4) If there is no person who may be declared to be elected under sub-section (2), the Chief Officer shall submit a report of the circumstances to the Commissioner in Sind, and the Commissioner in Sind shall direct the Corporation to appoint a day on which a fresh election to fill the vacancy shall be held.

18. No suit, application or appeal shall lie to any court in respect of any matters relating to or arising from representation and election, unless such suit, application or appeal is expressly authorised by this Act.

19. (1) The Corporation shall at its first meeting in the month of May in each year elect from amongst the councillors one of their number to be the Mayor and another to be the Deputy Mayor. The Mayor and Deputy Mayor shall hold office until the first meeting of the Corporation in the month of May of the next following year, unless the councillors in the meantime retire from office when the Mayor and Deputy Mayor shall hold office until the day for retirement.

Provided that if the councillors retire from office during the term of office of the Mayor or the Deputy Mayor, the Mayor and the Deputy Mayor shall continue in office until the day for retirement from office of the Mayor or Deputy Mayor respectively.

(2) Any councillor who ceases to be the Mayor or Deputy Mayor, as the case may be, shall be eligible for re-election as such.

(3) If any casual vacancy occurs in the office of the Mayor or Deputy Mayor, the Corporation shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of the councillors to fill such vacancy and every Mayor or Deputy Mayor so elected shall continue in office so long only as the person in whose place he is elected would have been entitled to hold office if such vacancy had not occurred.

Proceedings
of the
Corporation.

20. (1) The Corporation shall meet for the transaction of business at least once in each month.

(2) The first meeting in the month following a general election shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the Chief Officer, or if not held on that day, then on some subsequent day to be fixed by the Chief Officer.

(3) The day, time and place of meeting shall in every other case be fixed by the Mayor, or, in the event of the office of the Mayor being vacant or of his being incapable of acting, by the Deputy Mayor.

(4) The Mayor or, in any such event as aforesaid the Deputy Mayor, may, whenever he thinks fit, call a special meeting, and shall be bound to do so within two weeks of the receipt of a written requisition signed by not less than twelve councillors or by not less than four members of the Standing Committee.

(5) Any meeting of the Corporation may, with the consent of a majority of the councillors present, be adjourned from time to time either 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 adjourned.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(6) Every meeting shall be open to the public :

Provided that a majority of the councillors present thereat may decide by a resolution that any inquiry or deliberation pending before the Corporation shall be held in private. Such resolution shall be put by the presiding authority of its own motion or at the request of any councillor, without previous discussion :

Provided also that the presiding authority may at any time cause any person who interrupts the proceedings to be removed.

(7) If at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present including the presiding authority falls short of fifteen, the presiding authority

shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting whether at such meeting there is or is not a quorum as aforesaid.

(8) Every meeting shall be presided over by the Mayor if he is present for holding the same, and by the Deputy Mayor if the office of the Mayor is vacant or if the Mayor is absent and by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion if both the Mayor and the Deputy Mayor are absent.

(9) The presiding authority shall have a second or casting vote in the case of an equality of votes.

(10) 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 despatched to each of the councillors, and shall also be posted up at the municipal office within the said time :

Provided that if the notice has been duly posted at the municipal office, the validity of a meeting shall not be called in question merely because any of the councillors did not receive the prescribed notice.

(11) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the Corporation at a meeting shall be recorded in a book to be kept for the purpose and shall be signed within seven days by the presiding authority of the meeting of the Corporation at which such minute is confirmed, and a copy thereof shall be submitted to the Commissioner in Sind as soon thereafter as may be convenient.

(12) A councillor shall not vote on or take part in the discussion of any matter in which he has, directly or indirectly, by himself or by any partner any share or interest by way of any contract, grant, or employment with, by or on behalf of, the Corporation :

Provided that no councillor shall be deemed to have any share or interest in such contract, grant or employment by reason only of his having any share or interest in—

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

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

(c) any joint stock company which shall contract with or be employed by the Chief Officer on behalf of the Corporation ; or

(d) the occasional sale to the Chief Officer on behalf of the Corporation, up to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

(13) The presiding authority 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 presiding authority 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 presiding authority 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.

The presiding authority may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

Presence
and powers
of Chief
Officer
at meetings
of the
Corporation
and Com-
mittees.

(14) The Chief Officer shall have the same right of being present at a meeting of the Corporation or any committee, and of taking part in the discussions thereat, as a councillor or a member of such committee and may at any time make a statement or explanation of facts ; but he shall not be at liberty to vote upon, or to move, any proposition at any such meeting.

The Standing Committee;

Constitution
of Standing
Committee.

21. The Standing Committee shall consist of 12 councillors.

Election of
Standing
Committee.

22. (1) The Corporation shall at its first meeting in the month of May of each year elect twelve out of its number to be members of the Standing Committee. Members of the Standing Committee shall, subject to the provisions of section 25, hold office until the first meeting of the Corporation in the month of May of the next following year.

(2) Any councillor who ceases to be a member of the Standing Committee shall be eligible for re-election as such.

Election
of the
Chairman
of Standing
Committee.

23. (1) The members of the Standing Committee shall at their first meeting elect one of their number to be Chairman of the Standing Committee until a new Standing Committee is constituted.

(2) A member of the Standing Committee who ceases to be Chairman shall be eligible for re-election as such.

(3) If any casual vacancy occurs in the office of Chairman, the Standing Committee shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of its number to fill the vacancy and every Chairman so elected shall continue in office so long only as the person in whose place he is elected would have been entitled to continue, if such vacancy had not occurred.

Absence
from meet-
ings of
Standing
Committee.

24. (1) Any member of the Standing Committee who absents himself from all meetings of the Standing Committee during two consecutive months shall cease to be a member of the Standing Committee, and his office as such member shall be deemed to be vacant :

Provided that such member may be re-elected by the Corporation.

(2) In the event of non-acceptance of office by a councillor elected to be a member of the Standing 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, or of his office becoming vacant under sub-section (1), the vacancy shall be filled up, as soon as conveniently may be, by the election of a person thereto, who shall hold office so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Casual vacancies in the Standing Committee how to be filled up.

25. The Standing Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Standing Committee is constituted under section 22, notwithstanding that the members of the said committee, or some of them, may no longer be councillors.

Each Standing Committee to continue in office till a new committee is constituted.

Special Consultative Committees.

26. (1) The Corporation shall at its first meeting in the month of May in each year elect the following committees, each consisting of not less than five and not more than nine councillors, namely:—

Election of special committees for consultative purposes.

(a) a "public works committee" to which may be referred for inquiry and report, or for opinion, any matter connected with roads, buildings, lighting, water-supply, drains and public parks and gardens; and

(b) a "public health and markets committee" to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation, markets, slaughter-houses, vaccination, the disposal of rubbish and offensive matter, and the regulation of dangerous and offensive trades.

(2) The Corporation may also elect from time to time special committees not exceeding seven in number and consisting of such number of councillors as it shall think fit, and may refer to such committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act.

Validity of Proceedings.

27. No act or proceeding of the Corporation or of any committee appointed under this Act shall be questioned on account of any vacancy in its membership.

Vacancy in Corporation, etc., not to invalidate its proceedings.

28. No disqualification of, or defect in the election or appointment of, any person acting as a councillor or as the Mayor or presiding authority of the Corporation, or as the chairman or as a member of any committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the bodies aforesaid in which such person has taken part, provided that the majority of the persons who were parties to such act or proceeding were entitled to act.

Proceedings of Corporation, etc., not vitiated by disqualification, etc., of members thereof.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

29. Until the contrary is proved,

(a) every meeting of the Corporation or of any committee in respect of the 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 of the meeting shall be deemed to have been duly qualified; and

(b) where the proceedings are proceedings of the Standing Committee, such committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

Minute Book.

30. (1) Minutes of the proceedings of the Standing Committee or of any other committee shall be entered in a book to be called the minute book and shall be confirmed at the beginning of the next meeting and signed by the chairman of that meeting as provided in the rules.

(2) The minute book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

Appointment and removal of Chief Officer.

31. (1) The Chief Officer for the Corporation shall, from time to time, be appointed or reappointed by the Corporation, subject to the approval of Government, and shall, subject to the provisions of subsection (2), hold office for a period of not less than five years.

(2) A Chief Officer shall be removed from office, after being given three calendar months' notice in writing, if at a meeting of the Corporation not less than two-thirds of the total number of councillors constituting the Corporation for the time being shall vote in favour of a proposition in this behalf; and he may be removed by Government at any time after reasonable notice has been given to him and after consultation by Government with the Corporation, if it shall appear to Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal necessary in the public interest:

Provided that the Chief Officer who is a Government servant lent to the Corporation shall be liable to be removed by Government at any time in the exigencies of the public service of which Government shall be the sole judge.

Salary of Chief Officer to be fixed by the Corporation.

32. The Chief Officer shall receive such monthly salary not being less than rupees twelve hundred and not exceeding rupees fifteen hundred and such monthly allowances not exceeding rupees two hundred and fifty as the Corporation shall from time to time with the approval of Government determine, in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force:

Provided that he may at any time

(a) be nominated by Government as a Trustee of the Port of Karachi,

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

33. (1) Leave of absence for a period not exceeding one year may be granted from time to time to the Chief Officer by the Corporation. Grant of
leave of
absence to
Chief
Officer.

(2) The leave salary to be paid to the Chief Officer while so absent on leaves shall be of such amount, not exceeding the salary of the Chief Officer, as shall be fixed by the Corporation :

Provided that if the Chief Officer is a Government officer, the amount of such allowance shall be that to which he may be entitled under any general or special orders of Government applicable to Government servants transferred to foreign service.

(3) During any absence on leave of the Chief Officer, the Corporation may appoint a person to act as Chief Officer :

Provided that any appointment for a period exceeding three months shall require the previous approval of Government.

Every person so appointed shall exercise the powers conferred and perform the duties imposed on the Chief Officer by this Act or by any other enactment for the time being in force and shall be subject to the same liabilities, restrictions and conditions to which the Chief Officer is liable and shall receive such monthly salary not exceeding the minimum prescribed in section 32 as the Corporation shall determine :

Provided that in cases where the acting appointment is subject to the previous approval of Government, the maximum and minimum limits of salary prescribed in section 32 shall apply.

CHAPTER III.

DUTIES AND POWERS OF MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

34. The Corporation shall make adequate provision, by any means or measures which it is lawfully competent for it to use or take, for each of the following matters, namely :— Matters to
be provided
for by the
Corporation.

(1) the construction or laying out of drains for effectually draining the City, and the maintenance, flushing and cleansing of all municipal drains ;

(2) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public, and the maintenance and cleansing of the same ;

(3) the collection, removal, treatment and disposal of sewage, of offensive matter and rubbish ;

(4) the watering, scavenging and cleansing of all public streets in the City and the removal of all sweepings therefrom ;

- (5) the management and maintenance of all municipal water-works and the construction or acquisition of new works necessary for a sufficient supply of suitable water for public and private purposes ;
- (6) the reclamation of unhealthy localities, the removal of vegetation and generally the abatement of all nuisances ;
- (7) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;
- (8) the registration of births and deaths ;
- (9) public vaccination in accordance with the provisions of the [1] Karachi Vaccination Act, 1879, or of any other law for the time being ^{Bom. 1} _{of 1876} in force ;
- (10) the prevention and checking of disease ;
- (11) the construction or acquisition of markets and the maintenance of all municipal markets ;
- (12) the regulation of all markets, lodging houses, camping grounds and rest-houses in the City ;
- (13) the construction or acquisition of slaughter-houses and the maintenance and cleansing of municipal slaughter-houses ;
- (14) the regulation of offensive and dangerous trades ;
- (15) the maintenance of a fire-brigade and of suitable appliances for the extinction of fires and the protection of life and property against fire ;
- (16) the prevention and checking of actual or threatened emergencies likely to involve damage to property or danger to human or animal life ;
- (17) measures for the securing or the removal of dangerous buildings and places ;
- (18) the construction, levelling, maintenance (including metalling or paving and channelling) and improvement of public streets and the construction and maintenance of public bridges, culverts, causeways and the like ;
- (19) the lighting of all public streets and municipal markets and of buildings vested in the Corporation ;
- (20) the removal of obstructions and projections in and upon streets, bridges and other public places ;
- (21) the naming and numbering of streets and the numbering of buildings and lands ;
- (22) the construction or acquisition, improvement and maintenance, of offices and buildings required for municipal purposes, and the maintenance of all public monuments and other property vested in the Corporation ;
- (23) the construction or acquisition and maintenance of hospitals for the treatment of contagious or infectious diseases ;

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(24) the expenses of pauper lunatics and pauper lepers sent to public asylums from the City ;

(25) the maintenance of public parks, gardens, recreation grounds and open spaces which were in existence on the date on which this Act comes into force and are by this Act vested in the Corporation ;

(26) (i) the establishment of vernacular primary schools ; the management, visiting and maintenance of all vernacular schools so established or vested in the Corporation and in this Act hereinafter referred to as municipal vernacular schools ; the construction and repair of all buildings connected therewith and the pay and appointment of the teaching staff in such schools ;

(ii) the recognition, control, visiting and aid of vernacular schools under private management ; and

(27) fulfilling any obligation imposed by this Act or any other law for the time being in force.

35. The Corporation shall, out of the municipal property and fund, make payments at such rates and subject to such conditions as Government from time to time by general or special order prescribes for the maintenance and treatment in any institution which Government declares by notification to be suitable for such purpose either within or without the City, and for other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institution : Provision for anti-rabic treatment of indigent persons.

Provided that the Corporation 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 City for at least one year.

36. The Corporation shall, also, out of the municipal property and fund, make payments at such rates as Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or other house, whether within or without the City, which 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

(b) of lepers,

resident within, or under any enactment for the time being in force removed from, the City :

Provided that the Corporation 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 City 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 the Corporation an opportunity 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 has the means to maintain him, or that such lunatic has not been resident in the City 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 Corporation to the jurisdiction of which the lunatic belongs or by Government.

The officer in charge of any asylum to which lunatics are admitted and for whose maintenance and treatment the Corporation is liable under this section 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 Corporation on application.

Matters which may be provided for by the Corporation at its discretion.

37. The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely :—

(1) the organisation, maintenance or management of—

(a) institutions within or without the City, for the care of the sick or incurable, or for the care and training of the blind or other partially helpless persons or children ;

(b) maternity homes or shelters, dispensaries, hospitals and milk depôts for infants ;

(c) chemical or bacteriological laboratories (within or without the City) for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health ;

(d) public wash-houses, bathing places and other institutions designed for the improvement of public health ;

(e) dairies or farms within or without the City, for the supply of milk or milk products for the benefit of public health or profit to the Corporation or for the purpose of experiments in the breeding of cattle or in the cultivation of crops ;

(2) the furtherance of educational objects other than those mentioned in clause (26) of section 34 ;

(3) the building or purchase and maintenance of—

(a) dwellings for municipal officers or servants ;

(b) suitable dwellings for the poor and working classes ;

(c) sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine ;

(4) the construction, purchase, organisation, maintenance or management of tramways, trackless trams, or motor transport facilities for the conveyance of the public ;

(5) the laying out, or the maintenance of public parks, gardens or recreation grounds, and the planting and care of trees on roadsides and elsewhere ;

(6) the construction and maintenance in the public streets of drinking fountains for human beings and water-troughs for animals ;

(7) the laying out in areas (whether previously built on or not) of new public streets ; and the construction of buildings to abut on such streets ;

(8) the establishment and maintenance of libraries, museums, art-galleries, botanical or zoological collections and the purchase or construction of buildings therefor ;

(9) the holding of agricultural, industrial or scientific fairs or exhibitions or of athletic sports ;

(10) the promotion of public health or infant welfare ;

(11) the organisation or maintenance, in times of scarcity, of shops or stalls for the sale of necessaries of life ;

(12) the prevention of cruelty to animals, including the construction or maintenance of infirmaries under sub-section (2) of section 6 of the [1]Prevention of Cruelty to Animals Act, 1890 ;

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1890.

(13) the destruction of birds, or of any animals causing a nuisance, or of vermin, or the confinement or destruction of stray or ownerless dogs ;

(14) contributions towards any public fund raised for the relief of human suffering within or without the City ;

(15) music in public places or places of public resort ;

(16) public ceremonies or entertainments, including the presentation of addresses to persons of distinction ;

(17) the promotion, formation, extension or assistance of any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poor and working classes by any or all of the following means :—

(a) the acquisition of land with a view to selling or leasing the same to such society ; or

(b) the making of grants or loans thereto ; or

(c) subscription for any share-capital therein ; or

(d) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued by such society ;

(18) the maintenance of an ambulance service ;

(19) the construction of any encampment ;

(20) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interests of the public ;

(21) the formation and maintenance of a fire insurance fund for the protection of municipal property ;

(22) the formation and maintenance of a workmen's compensation fund ;

(23) the acquisition of immoveable property for any of the purposes above mentioned, or the cost of surveys or the examination of such property, or the construction or adaptation of buildings necessary for such purposes ;

(24) the grant of scholarships, provided that if any such scholarship be tenable outside the City such scholarship may be granted only on a resolution passed by at least one-half of the whole number of councillors ;

(25) any other measure not specified in section 34, likely to promote public safety, health and convenience.

Functions of the several municipal authorities. Municipal government of the City vests in the Corporation. Special functions of Chief Officer.

38. (1) The functions of the several municipal authorities shall be such as are specifically prescribed in this Act.

(2) Except as is in this Act otherwise expressly provided, the municipal government of the City vests in the Corporation.

(3) Subject, whenever it is in this Act expressly so directed to the approval or sanction of the Corporation or of the Standing Committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Chief Officer, who shall also—

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

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, and subject to the rules for the time being in force under sub-section (5) of section 286, dispose of all questions relating to the services of the said officers and servants and their pay, privileges and allowances ;

(c) on the occurrence of any accident or unforeseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, take such immediate action as the emergency shall appear to him to justify and require, reporting forthwith to the Standing Committee or the Corporation, when he has done so, the action he has taken and his reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action, and not covered by a current budget-grant.

Municipal officers may be empowered to exercise the powers of Chief Officer.

(4) Any of the powers, duties or functions conferred or imposed upon or vested in the Chief Officer by this Act may be exercised, performed or discharged, under the Chief Officer's control and subject to his superintendence and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Chief Officer, with the approval of the Standing Committee, may generally or specially empower in writing in this behalf.

39. The Corporation may at any time call for an extract from any proceeding of the School Board, or of any committee constituted under this Act, and for a return, statement, account or report concerning or connected with any matter with which any such committee is empowered by this Act to deal; and every such requisition shall be complied with by the Board or committee, as the case may be, without unreasonable delay.

Corporation may call for extracts from proceedings, etc., from the Standing Committee, etc.

40. (1) The Corporation may at any time require the Chief Officer—

Corporation may require

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

Chief Officer to produce documents and furnish returns, reports, etc.

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

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

(2) Every such requisition shall be complied with by the Chief Officer without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Chief Officer in pursuance of any such requisition.

(3) Provided that if, on any such requisition being made, the Chief Officer shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Chief Officer inexpedient to comply therewith, he shall make a declaration to that effect. Thereupon it shall be lawful for the Corporation to form a committee consisting of the Mayor, one councillor chosen by the Corporation and one member elected by the Standing Committee from among its members which shall engage to keep secret the existence and purport of all such documents and matters as may be disclosed to them except as hereinafter provided. The Chief Officer shall be bound to make known and to disclose to the said committee all writings and matters within his knowledge or under his control or otherwise available to him and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before it shall determine, by a majority of votes, whether the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof. At such

meeting the Chief Officer, when called on to do so by the Corporation, shall be prepared to produce any documents and to make any report or statement that may be required in order to give effect to the decision of the committee.

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

41. If the exercise by any municipal authority of any power conferred, or the performance by it of any duty imposed, by or under this Act is likely to involve expenditure, such exercise or performance shall, except in the cases specified in the proviso to section 86, be subject to the following provisions, namely:—

(a) that such expenditure, so far as it is to be incurred in the financial year in which such power may be exercised or duty performed, shall have been provided for under a current budget-grant; and

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

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS GENERALLY.

Heads of Departments.

42. (1) The Corporation shall, subject to the approval of the Commissioner in Sind, appoint fit persons possessing such qualifications as the Corporation may, with the prior approval of the Commissioner in Sind, prescribe to be—

(a) Health Officer,

(b) Chief Engineer or Engineer in charge of a separate department of municipal works, and

(c) an auditor, who shall when his services can be made available by Government be an officer of the Audit Department.

(2) Each of the said officers shall—

(a) be subordinate to the Chief Officer;

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

Provided that, with the sanction of the Corporation, he may undertake other duties for the furtherance of any object of local importance or interest;

(c) receive such monthly salary as the Corporation shall, subject to the approval of the Commissioner in Sind, determine;

(d) be removable at any time from office or be suspended, fined, reduced or admonished, on the vote of two-thirds of the whole number of councillors; and

(e) be removable at any time from office by reason of incompetence, neglect of duty or misconduct, by a resolution passed by not less than one-half of the whole number of councillors and with the sanction of the Commissioner in Sind.

(3) The Corporation may, in its discretion, appoint such person on probation for a period not exceeding two years to any of the said offices.

43. The Corporation shall appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act and shall assign to them such duties, and pay them such salaries, allowances, pensions and gratuities, and make on their behalf such payments to provident or annuity fund, as it determines by rules made in this behalf under sub-section (5) of section 286, subject to the condition that no appointment the salary of which exceeds five hundred rupees per month shall be created without the sanction of the Commissioner in Sind :

Appointment of other officers and servants.

Provided that—

(1) the power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary is not less than five hundred rupees, shall vest in the Corporation ;

(2) the power of appointing municipal officers and servants, whether temporary or permanent, whose minimum monthly salary is not less than two hundred rupees but is less than five hundred rupees shall vest in the Standing Committee ;

(3) the power of appointing all other municipal officers and servants shall, subject to the rules made under sub-section (5) of section 286, vest in the Chief Officer ;

(4) any temporary appointment of any municipal officer or servant made by the Chief Officer shall be reported forthwith to the Standing Committee and no such officer or servant shall be in the service of the Corporation for a longer period than six months without the sanction of the Standing Committee.

44. (1) Any municipal authority may, where necessary, appoint any fit person to act in the place of any officer (other than the Chief Officer) or servant absent on leave :

Acting appointments.

Provided that where the acting period exceeds two months, the acting officer shall possess the qualifications prescribed by rules, if any, for that particular post.

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers as the said officer or servant is bound to perform or may exercise and be subject to the same liabilities, restrictions and conditions to which the said officer or servant is liable ; and shall receive such pay and allowances as may be provided in the rules.

45. (1) Any person who—

(a) has directly, or indirectly, by himself or by any partner, any such share or interest as is described in clause (f) of section 14 other than an interest in land held on a lease from the Corporation, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest, or

Municipal officer or servant not to be interested in any contract with the Corporation.

(b) has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid, shall be disqualified from being a municipal officer or servant.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or by his partner any such share or interest 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, grant or employment with, by, or on behalf of, the Corporation as is permissible for a councillor to have under the proviso to section 14, without his being thereby disqualified from being a councillor.

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

46. (1) Any municipal officer or servant other than the Chief Officer and officers appointed under section 42 may be fined, reduced, suspended or dismissed, or the increment to the salary of such officer or servant may be withheld for any specified period for any breach of discipline or departmental rules or for carelessness, incompetence, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed :

Provided that—

(i) no municipal officer or servant whose monthly emoluments exceed one hundred rupees appointed by the Chief Officer shall be dismissed by the Chief Officer without the previous approval of the Standing Committee,

(ii) no municipal officer or servant whose monthly emoluments exceed two hundred and fifty rupees appointed by the Standing Committee shall be dismissed by the Standing Committee without the previous approval of the Corporation, and

(iii) no municipal officer or servant whose monthly salary is five hundred rupees or more shall be dismissed, suspended, fined, reduced or otherwise punished except by a resolution passed by not less than one-half of the whole number of the councillors.

(2) Subject to the provisions of sub-section (1), orders passed under the said sub-section shall be subject to appeal in such cases and to such authority as may be prescribed in this behalf by the rules.

Extraordinary pension in case of officer or servant injured or killed in execution of his duty.

47. The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules—

(a) to any municipal officer or servant injured in the execution of his duty ; or

(b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty or whose death is due to devotion to duty or who dies during service.

47A. (1) Any municipal officer or servant who has been sentenced by a criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months shall, if such sentence is not set aside or reversed in appeal or revision, and if such officer or servant shall not have been dismissed, cease to be a municipal officer or servant on the expiry of such sentence, and the Corporation shall not reinstate or re-employ any such officer or servant without the previous sanction of the Commissioner in Sind.

Reinstatement or re-employment of a convicted officer or servant and payment of salary and allowances to such officer or servant.

(2) The Corporation shall not pay any salary or any other allowance to any such municipal officer or servant during or on account of the period of his imprisonment :

Provided that the Corporation may, with the previous sanction of the Commissioner in Sind, grant a subsistence allowance to any such officer or servant during or on account of the said period.

ESSENTIAL OFFICERS AND SERVANTS.

48. (1) Every essential officer and servant shall be entitled to one month's notice before discharge or to one month's pay and allowance in lieu thereof unless he is discharged for misconduct or has completed the specified term of service for which he was engaged.

Essential officers and servants.

(2) No essential officer or servant shall—

(a) unless he is authorised in that behalf by the terms of his contract, resign his appointment or quit his employment without giving one month's notice to the authority appointing him ; or

(b) absent himself from duty otherwise than on leave duly granted and not subsequently cancelled ; or

(c) neglect or refuse to perform any of his duties or wilfully perform them in an inefficient manner.

(3) The expression " essential officer or servant " includes every person employed in the municipal fire-brigade or in connection with the municipal air compressor or pumping stations or employed in connection with the drainage, conservancy or water-supply of the City and any such other municipal officer or servant as may be prescribed in this behalf.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

49. The Corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property or any interest therein, whether within or without the limits of the City.

Powers of Corporation as to acquisition of property.

50. All such immoveable and other property and all rights and interests within or without the limits of the City as are held by or in trust for, or have been granted by Government to, the Municipality of Karachi, shall, upon and after the day on which this Act comes into force, vest in the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same.

Transfer to Corporation of property of municipality of Karachi.

Property of public institutions managed by municipal authority to be held in trust.

51. (1) All property, endowments and funds belonging to any public institution with the management, control and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowments and funds may lawfully be applied.

(2) The Corporation may, with the sanction of Government, transfer to His Majesty any property, endowments and funds so vested in it in trust under sub-section (1) :

Provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

Acquisition of immoveable property or easement by agreement.

52. (1) Whenever it is provided by this Act that the Chief Officer may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Chief Officer shall acquire, any immoveable property, such property may be acquired by the Chief Officer on behalf of the Corporation by agreement on such terms and at such rates or prices, or at rates or prices not exceeding such maxima, as shall be approved by the Standing Committee, either generally for any class of cases or specially in any particular case.

(2) Whenever under any provision of this Act the Chief Officer is authorized to agree to pay the whole or any portion of the expenses of acquiring any immoveable property, he shall do so on such terms, and at such rates or prices, or at rates or prices not exceeding such maxima, as shall have been approved by the Standing Committee :

Provided that no agreement for the acquisition of any immoveable property under sub-section (1) or (2) at a price exceeding one thousand rupees shall be valid until such agreement has been approved by the Corporation.

(3) The Chief Officer may on behalf of the Corporation acquire by agreement any easement affecting any immoveable property vested in the Corporation, and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

Procedure when immoveable property or easement cannot be acquired by agreement.

53. (1) Whenever the Chief Officer is unable under section 52 to acquire by agreement any immoveable property or any easement affecting any immoveable property vested in the Corporation, or whenever any immoveable property or any easement affecting any immoveable property vested in the Corporation is required for the purposes of this Act, the Commissioner in Sind may in his discretion, upon the application of the Chief Officer made with the approval of the Standing Committee, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property or easement were land needed for a public purpose within the meaning of the [1] Land Acquisition Act, 1894.

I of 1894.

(2) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject

[1] General Acts, Vol. III.

to all other provisions of this Act, be forthwith paid by the Chief Officer, and thereupon the said property or easement shall vest in the Corporation.

54. (1) Where any immoveable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, 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 Corporation.

(2) The Corporation or any person aggrieved by an order passed by the Collector under sub-section (1) may, notwithstanding anything contained in the Bombay Revenue Jurisdiction Act, 1876, the [1]Bombay Land Revenue Code, 1879, or any other law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.

X of 1876. Bom. V of 1879.

If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence.

(3) (a) The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a survey officer as defined in the [1]Bombay Land Revenue Code, 1879.

Bom. V of 1879.

(b) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(c) A 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 Government.

55. With respect to the disposal of property belonging to the Corporation other than waste lands transferred to the Corporation by Government the following provisions shall have effect, namely:—

Provisions governing the disposal of municipal property.

(a) the Chief Officer may, in his discretion, dispose of by sale or otherwise any moveable property belonging to the Corporation not exceeding in value five hundred rupees, or grant a lease of any immoveable property belonging to the Corporation, including any right of fishing or of gathering and taking fruit, flowers and the like of which the premium or rent, or both, as the case may be, does not exceed rupees one thousand, for any period not exceeding twelve months at a time :

Provided that every such lease granted by the Chief Officer other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Chief Officer from compliance with the requirements of this proviso shall be reported by him, within fifteen days after the same has been granted, to the Standing Committee ;

[1] Vol. II of Bom. Code.

(b) with the sanction of the Standing Committee, the Chief Officer may dispose of, by sale or otherwise, any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees, or grant a lease of any immoveable property belonging to the Corporation, including any such right as aforesaid, for any period not exceeding three years at a time of which the premium or rent, or both, as the case may be, for any one year, does not exceed rupees five thousand ;

(c) with the sanction of the Corporation, the Chief Officer may lease, sell or otherwise convey any property, moveable or immoveable, belonging to the Corporation ;

(d) the sanction of the Standing Committee or of the Corporation under clause (b) or (c) may be given either generally for any class of cases or specially in any particular case ; and

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

Provided that—

(i) no property vesting in the Corporation in trust shall be leased, sold or otherwise conveyed in such a manner that any trust subject to which such property is held is thereby affected ;

(ii) no land exceeding ten thousand rupees in value shall be sold, leased or otherwise conveyed without the previous sanction of the Commissioner in Sind and every sale, lease or other conveyance of property vesting in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.

Management
and disposal
of waste
lands.

56. (1) The management and disposal of waste lands transferred to the Municipality of Karachi by Government shall be in accordance with the rules which have been made by the said Municipality with the sanction of the Commissioner in Sind.

(2) The Corporation may, with the previous sanction of the Commissioner in Sind, from time to time, add to, vary or rescind the rules made under sub-section (1).

Resumption
by Govern-
ment.

57. Government may resume any immoveable property transferred to the Corporation by Government or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Corporation for such transfer and the market value at the date of resumption of any buildings or works subsequently erected or executed thereon by the Corporation with the intention that such buildings or works should be permanent :

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

CHAPTER VI.

LOANS.

58. (1) Subject to the provisions of section 60, the Corporation may, from time to time in pursuance of a resolution passed at a special meeting convened for the purpose, borrow and take up at interest by way of debenture or otherwise on the security of any immoveable property vested in the Corporation or of all or any of the taxes, duties, tolls, fees and dues authorised by this Act, any sum necessary for the purpose of defraying any costs, charges or expenses, incurred or to be incurred,

Power of
Corporation
to borrow
money.

(a) for the execution of any work authorised by this Act, or

(b) for the acquisition of land for the purposes of this Act, or

(c) for the repayment of a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable :

Provided that—

(i) no loan shall be raised for the execution of any work other than a permanent work, which expression shall include any work of which the cost should, in the opinion of Government, be spread over a term of years ;

(ii) no loan shall be raised without the previous sanction of Government ;

(iii) the terms upon and the method by which the loan is to be raised and repaid shall be subject to the sanction of Government ;

(iv) save in the case of a loan granted by Government, no loan exceeding in amount twenty-five lakhs of rupees shall be raised, unless the terms, including the date of floatation, of such loan have been approved by the Governor-General in Council ; and

(v) the period within which the loan is to be repaid shall in no case exceed sixty years.

(2) When any sum of money has been borrowed under sub-section (1)—

(a) no portion thereof shall, without the previous sanction of Government, be applied to any purpose other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants other than those who are exclusively employed upon the works for the construction of which the money was borrowed :

Provided that with the previous sanction of Government, part of the salaries or allowances of any municipal officer or servant employed in part upon the construction of such work may be paid out of the sum so borrowed.

(3) The amount of the loan, the period within which it shall be repaid, and the terms upon and the method by which the loan is to be raised and repaid shall be duly notified by Government.

Power of Corporation to open credit cash account with a Bank.

59. (1) Notwithstanding anything contained in section 58, whenever the borrowing of any sum has been sanctioned under the said section the Corporation may, on such terms as may be sanctioned by Government, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit from any Bank on a cash account to be kept in the name of "the Municipal Corporation of the City of Karachi" to the extent of such sum or part and, with the previous sanction of Government, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment with interest of the amount of such credit or of the sums advanced from time to time on such cash account.

(2) The provisions of sub-section (3) of section 58 shall apply to such sum or part.

Limit of borrowing powers.

60. The borrowing powers of the Corporation shall be subject to the limitation that the sum borrowed shall not at any time exceed, together with the balances of all the outstanding loans and debts due by the Corporation, in the whole, double the annual value of the buildings and lands in the City as defined in sub-section (2) of section 97.

Form of debentures.

61. (1) All debentures issued under this Act shall be in such form as the Corporation may, in the case of a loan raised out of India with the previous sanction of the Governor-General in Council and in every other case with the previous sanction of Government, from time to time determine.

(2) The holder of any debenture in any form duly authorised under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorised.

(3) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(4) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Coupons attached to debentures to bear signature of the Chairman of the Standing Committee and the Chief Officer. Debentures issued to two or more persons jointly.

62. All coupons attached to debentures issued under this Act shall be signed by the Chairman of the Standing Committee and the Chief Officer on behalf of the Corporation and such signature may be engraved, lithographed or impressed by any mechanical process.

63. Notwithstanding anything contained in section 45 of the [1] Indian Contract Act, 1872. IX of 1872.

(1) when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors ;

(2) when two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

64. Every loan raised by the Corporation under section 58 shall be repaid within the time approved under proviso (iii) to sub-section (I) of the said section and by such of the following methods as may be approved under the said proviso, namely :—

(a) by payment from a sinking fund established under section 65 in respect of the loan, or

(b) by equal payments of principal and interest, or

(c) by equal payments of principal, or

(d) in the case of loans borrowed before this Act comes into force, by annual drawings, or

(e) from any sum borrowed under section 58 (I) (c), or

(f) partly from a sinking fund established under section 65 in respect of the loan and partly from money borrowed for the purpose under section 58 (I) (c).

65. Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (iii) to sub-section (I) of section 58, the Corporation shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved :

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then, with the permission of Government, further payments into such fund may be discontinued.

66. (1) Notwithstanding anything to the contrary contained in this Act, the Corporation may consolidate all or any of its loans, and for that purpose may invite tenders for a new loan to be called " the Karachi Municipal Consolidated Loan, 19 ", and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of every such consolidated loan and the rates at which exchange into such consolidated loan shall be permitted, shall, save in the case of a loan granted by Government, be subject to the previous sanction of the Governor-General in Council.

(3) Save in the case of a loan granted by Government, the period for the extinction of any such consolidated loan shall not, without the sanction of the Governor-General in Council, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan.

(5) The provisions of section 65 shall apply to each sinking fund established under sub-section (4):

Provided that, in calculating the sum to be paid into any such sinking fund in pursuance of section 65, any sum transferred to that fund in pursuance of the proviso to section 69 shall be taken into account.

Investment
of sinking
fund.

67. (1) All money paid into a sinking fund shall as soon as possible be invested by the Corporation in

- (a) Government securities, or
- (b) securities guaranteed by Government, or
- (c) Karachi Municipal debentures, or
- (d) debentures issued by the Trustees for the Port of Karachi.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(4) When any part of a sinking fund is invested in Karachi Municipal debentures or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (1).

(5) The Corporation may from time to time vary any investment made under sub-section (1) or transfer from one sinking fund to another any investment made under sub-section (1):

Provided that the former sinking fund is reimbursed the value of such investment at the time when the transfer is made.

Corporation
may invest
in its own
debentures.

68. (1) For the purposes of any investment (including sinking funds) which the Corporation is authorised to make by this Act, the Corporation may reserve and set apart for issue at par, to and in the name of the Municipal Corporation of the City of Karachi, any portion of the debentures to be issued on account of any loan:

Provided that the intention so to reserve and set apart such debentures shall have been specified as a condition of the loan in the notification issued in respect thereto under sub-section (3) of section 58.

(2) The issue of any such debentures to the Corporation as aforesaid shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same

shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

69. The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose :

Application of sinking funds towards the discharge of the loan.

Provided that when any loan, or part thereof, is consolidated under section 66 the Corporation shall transfer to the sinking fund established for such consolidated loan the sum standing to the credit of the sinking fund of the original loan, or, if part only of a loan is consolidated, then such part of the sum standing to the credit of the sinking fund of such loan as is proportionate to the part of the original loan which is included in the consolidated loan.

70. In the case of all loans raised by the Municipality of Karachi before this Act comes into force the following provisions shall apply :—

Provisions for loans raised by the Municipality of Karachi.

(i) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums on such dates as may have been fixed when the loans were raised ;

(ii) all securities and cash held by the Municipality of Karachi in sinking funds established for the repayment of such loans shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i) ;

(iii) the provisions of section 65 shall apply to such sinking funds ;

(iv) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(v) the provisions of section 72 shall apply to such loans.

71. (1) All sinking funds established under this Act shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the current value of the securities to the credit of such funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

Annual examination of sinking funds.

(2) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant General may certify to be deficient, unless the Governor-General in Council by general or special order sanctions a gradual readjustment.

(3) If any dispute arises as to the accuracy of any certificate issued by the Accountant General under sub-section (2), the Corporation may, after making the payment, refer the matter to Government, whose decision shall be final.

Attachment of municipal fund in default of repayment of loan.

72. (1) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, Government if it has itself given the loan may and in other cases shall, on the application of the lender, attach the municipal fund or a portion thereof.

(2) After such attachment no person, except an officer appointed in this behalf by Government, shall in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund or portion thereof attached was previously pledged in accordance with law; and all such prior charges shall be paid out of the proceeds of the fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

Attachment of municipal fund in default of the Corporation paying into the sinking fund the deficit amount.

73. If the Corporation fails to make any payment as required by sub-section (2) of section 71, Government may attach the municipal fund or any portion thereof; and the provisions of sub-section (2) of section 72 shall, with all necessary modifications, be deemed to apply.

Annual statement to be prepared by Chief Officer.

74. (1) The Chief Officer shall, at the end of each year, prepare a statement showing—

(a) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges,

(b) in the case of every loan for which a sinking fund has been established under section 65 the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year,

(c) the loans repaid in the year and in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year and the balance due at the close of the year,

(d) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Sind Official Gazette* and a copy of such statement shall be sent to Government and to the Accountant General, Bombay.

Application of the Local Authorities Loans Act, 1914.

75. The provisions of the [1]Local Authorities Loans Act, 1914, IX of shall apply to all loans borrowed under this Chapter so far as the said 1914. provisions are not inconsistent with the provisions herein contained.

CHAPTER VII.

REVENUE AND EXPENDITURE.

Funds and Accounts.

76. (a) All moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force or under any contract, Constitution of the municipal fund.

(b) the balance standing to the credit of the municipal fund of the Municipality of Karachi and of the education fund of the School Board on the day when this Act comes into force,

Bom. VI
of 1886.

(c) the annual contribution paid by the Trustees for the Port of Karachi under the provisions of section 28A of the [1]Karachi Port Trust Act, 1886,

Bom. IV
of 1890.

(d) all fines levied by any magistrate in respect of any offences against the provisions of this Act, or in respect of any offence under section 61 of the [2]Bombay District Police Act, 1890, committed in the City or in respect of municipal property, or in respect of offences under any other enactment the fines under which shall have been or may be ordered by Government to be paid to the municipal fund,

(e) all proceeds of the disposal of property by, or on behalf of, the Corporation,

(f) all rents accruing from any property of the Corporation,

(g) all moneys raised by any tax levied for the purposes of this Act,

(h) all fees and fines payable and levied under this Act,

(i) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(j) all moneys received by, or on behalf of, the Corporation from Government or private individuals by way of grant or gift or deposit, and

(k) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation, shall be credited to a fund, which shall be called "the municipal fund," and which shall be held by the Corporation for the purposes of this Act, subject to the provisions herein contained:

Provided that nothing in this section shall in any way affect any obligations accepted by or imposed upon the Municipality of Karachi by any declarations of trust executed by or on behalf of the said Municipality, or by any scheme settled under the [3]Charitable Endowments Act, 1890, for the administration of any trust.

[1] of
1890.

77. The moneys from time to time credited to the municipal fund shall be applied in the following order of preference:— Application of municipal fund.

first, in making due provision for the repayment of all loans repayable by the Corporation, under the provisions of chapter VI;

secondly, in discharge of all liabilities imposed on the Corporation by proviso (2) to section 4;

[1] Vol. II of Bom. Code.

[2] Vol. III of Bom. Code.

[3] General Acts, Vol. III.

thirdly, in payment of all sums, charges and costs necessary for the purposes specified in sections 34 and 37 and for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

- (a) the cost of auditing the municipal accounts ;
- (b) the expenses of every election of councillors held under this Act ;
- (c) the salaries, allowances and contributions to pensions and leave salaries of the Chief Officer and of any other officer whose services may, at the request of the Corporation, be placed by Government at its disposal ;
- (d) the salaries and allowances of all municipal officers and servants, and all pensions, gratuities, contributions and compassionate allowances payable under the provisions of this Act ;
- (e) the salaries and fees of experts for service or advice in connection with any matter arising out of the administration or undertakings of the Corporation ;
- (f) all expenses and costs incurred by the Corporation or by any municipal officer on behalf of the Corporation in the exercise of any power conferred, or the discharge of any duty imposed, on it or him by this Act, including moneys which the Corporation is required or empowered to pay by way of compensation ; and
- (g) every sum payable—
 - (i) under sub-section (1) of section 278 by order of the Commissioner in Sind or under section 293 by order of Government, or under an award made under the [1]Indian Arbitration Act, 1899, or a decree or order of a civil court, as the case may be ;
 - (ii) under a decree or order of a civil or criminal court passed against the Chief Officer *ex-officio* ;
 - (iii) under a compromise of any suit or other legal proceeding or claim.

IX of
1899.

The educa-
tion fund.

78. (1) All moneys received by the School Board for or in the discharge of its functions under this Act shall be credited to a fund which shall be called " the education fund ".

(2) The education fund shall, subject to the control of the Corporation and to the provisions of the [2]Bombay Primary Education Act, 1923, be administered by the School Board and shall be applied to all expenditure incurred in the payment of salaries, fees and allowances (including provident fund contributions) and pensions of all officers and servants employed under such Board and any other expenses incurred by the Board in exercising any power or discharging any duty conferred or imposed on it by section 7.

Bom. IV
of 1923.

[1] General Acts, Vol. IV.

[2] In Pt. I, p. 9

79. All moneys payable to the credit of the municipal fund or of the education fund shall be received by the Chief Officer and shall be forthwith paid into the Imperial Bank of India or into any other bank or co-operative society approved in this behalf by the Corporation and sanctioned by Government to the credit of an account which shall be styled "The account of the municipal fund of the City of Karachi" or "The account of the education fund of the City of Karachi", as the case may be.

Receipt and disposal of payments on account of the municipal fund or the education fund.

80. (1) Subject to the provisions of section 278, no payment shall be made by any bank or society as aforesaid out of the municipal fund or education fund except upon a cheque signed in the prescribed manner.

How the funds shall be drawn against.

(2) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount, may be made by any officer authorised in that behalf in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

(3) Payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by the officer aforesaid by cheque only.

81. Notwithstanding anything contained in section 79 or 80, the Chief Officer, with the previous approval of the Standing Committee, may, from time to time, remit any portion of the municipal fund to a bank or other agency approved in this behalf by the Corporation and sanctioned by Government and carrying on business at any place beyond the City at which it may be desirable for the Corporation to have funds in deposit; and any money payable to the credit of, or chargeable against, the municipal fund which may, in the opinion of the Chief Officer, be most conveniently paid into or out of the account of the Corporation at any such bank or agency may be so paid.

Deposit of portion of municipal fund outside Karachi.

82. Surplus moneys to the credit of the municipal fund, which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder, may from time to time be deposited in the Imperial Bank of India or in any other bank or co-operative society approved in this behalf by the Corporation and sanctioned by Government or may be invested in public securities.

Investment of surplus moneys.

83. Accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such form as the Standing Committee may approve.

Accounts to be kept in a form approved by the Standing Committee.

84. The Corporation shall, as soon as the accounts of the past year have been finally passed by it, transmit to Government an account in such form as the Commissioner in Sind may from time to time direct.

Transmission of accounts to Government.

85. The Chief Officer shall, as soon as may be after the first day of July in each year, cause to be prepared a detailed report of the municipal administration of the City during the previous year, together with a statement showing the accounts of the receipts and disbursements and

Preparation of annual administration report and

statement of accounts. credited and debited to the municipal fund and education fund during the previous financial year and the balance to the credit of each fund at the close of the said financial year.

Budgets.

Only sums covered by a budget-grant to be expended from the municipal fund. 86. Except as hereinafter provided, no payment of any sum shall be made by the Chief Officer out of the municipal fund unless the expenditure of such sum is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 89 or 92 :

Provided that the following items shall be excepted from this prohibition, namely :—

(a) sums of which the expenditure has been sanctioned by the Standing Committee under section 91 ;

(b) refunds of taxes and other moneys which the Chief Officer is by this Act authorized to make ;

(c) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(d) sums which the Chief Officer is by this Act required or empowered to pay by way of compensation ;

(e) sums payable in any of the circumstances mentioned in clause (g) of paragraph *thirdly* of section 77 ;

(f) expenses incurred by the Chief Officer in the exercise of the powers conferred on him by section 182 ;

(g) costs incurred by the Chief Officer under clause (c) of sub-section (3) of section 38.

Expenditure under certain of these exceptions to be reported by Chief Officer to Standing Committee. 87. Whenever any sum is expended by the Chief Officer under clause (d), (e), (f) or (g) of the proviso to section 86, he shall forthwith communicate the circumstances to the Standing Committee which shall take such action under section 89 or recommend to the Corporation to take such action under section 90 as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Preparation of budget estimates. 88. (1) The Chief Officer shall each year cause to be prepared and laid before the Standing Committee, on or before the tenth day of January and in such form and such manner as the Standing Committee may approve, having regard to all the requirements of this Act, budget estimates of the income and expenditure of the municipal and education funds for the next financial year.

(2) Such estimates shall—

(a) provide for the repayment of all loans with interest due thereon, for the repayment of which the Corporation is liable ;

(b) provide for the discharge of liabilities imposed on the Corporation by proviso (2) to section 4 ;

(c) provide for the payment in convenient instalments from the municipal fund of an amount equal to the grant assigned to the education fund ;

(d) allow for a cash-balance at the end of the said year of not less than two lacs of rupees.

(3) The Standing Committee shall, on or as soon as may be after the tenth day of January, consider the budget estimates prepared by the Chief Officer and make such modifications and additions thereto as it shall think fit and submit the same to the Corporation not later than the fifteenth day of February.

(4) The Corporation shall finally adopt the budget estimates before the beginning of the year to which they relate and shall forthwith submit copies thereof to Government.

89. (1) The Standing Committee may, if it thinks necessary, at any time during the financial year transfer or add the amount or a portion of the amount of one budget-grant to the amount of any other budget-grant under the same major head in the budget estimate :

Reduction or transfer of budget-grants.

Provided that—

(1) due regard shall be had when making any such reduction or transfer to all the requirements of this Act ;

(2) every such reduction or transfer shall be brought to the notice of the Corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the Standing Committee and the Chief Officer to give effect to the said order.

90. The Corporation may, from time to time during a financial year, transfer the amount or a portion of the amount of one budget-grant from one major head to another in the budget estimate, or increase the amount of any budget-grant, or make an additional budget-grant, for the purpose of meeting any special or unforeseen requirement during the said year, but not in such a way as to bring the estimated cash-balance at the close of the year below the amount fixed under clause (d) of sub-section (2) of section 88.

Corporation may increase amount of budget-grants and make additional grants.

91. If any portion of a budget-grant remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget estimates of the next following year, the Standing Committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object for which the budget-grant was made, but not upon any other purpose or object.

Rule as to unexpended budget-grants.

Readjustment of income and expenditure to be made by the Corporation during the course of the financial year whenever necessary.

92. (1) If it shall at any time during the financial year appear to the Corporation that, notwithstanding any reduction of budget-grants that may have been made under section 89, the income of the municipal fund in the said year will not suffice to meet the expenditure sanctioned in the budget estimates for the said year, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for adjusting the year's income to the expenditure.

(2) For this purpose the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible to do so, with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation.

(3) Whenever the Corporation determines to have recourse to such supplementary taxation, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, or by adding to the number of articles, if any, on which terminal tax is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regard to such tax.

Powers of School Board with regard to education fund.

93. The School Board may in regard to the education fund exercise, subject to the control of the Corporation, all the powers vested in the Corporation or in the Standing Committee in regard to the municipal fund under sections 89, 90, 91 and 92. But the School Board shall not be deemed to be a corporate body for the purposes of this Act or the [1]Bombay Primary Education Act, 1923.

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1923.

Audit.

Monthly abstract of accounts.

94. (1) The Chief Officer shall prepare monthly an abstract of the receipts and expenditure of the month last preceding and such abstract shall be examined and signed by the municipal auditor appointed under section 42 and approved by the Standing Committee.

(2) For this purpose the Standing Committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Chief Officer shall forthwith furnish to the Standing Committee any explanation concerning receipts and disbursements which it may call for.

(3) The abstract of the municipal accounts signed by the municipal auditor appointed under section 42 shall be published quarterly in the prescribed form in the *Sind Official Gazette*.

Audit of municipal accounts.

95. (1) The municipal accounts shall be examined and audited in accordance with the procedure approved by Government in this behalf. The auditor shall forthwith report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts.

(2) The annual report of the auditor of the municipal accounts under sub-section (1) shall be published in the *Sind Official Gazette*.

(3) The municipal auditor appointed under section 42 shall have the right to communicate to the Standing Committee at any time any matter relating to the accounts of the Corporation or to the audit of the said accounts.

CHAPTER VIII.

MUNICIPAL TAXATION.

Taxes.

96. (1) For the purposes of this Act the Corporation shall impose taxes on property. Taxes to be imposed under this Act.

(2) In addition to the taxes mentioned in sub-section (1), the Corporation may, for the purposes of this Act, impose any of the following taxes, namely:—

(a) a tax at rates not exceeding those specified in Schedule II on all vehicles and animals used for riding, draught or burden and kept for habitual use within the City;

(b) a terminal tax at rates prescribed by the Corporation with the approval of the Commissioner in Sind on goods imported into or exported from the terminal tax limits;

(c) a tax on dogs kept within the City;

(d) any other tax which is scheduled as exempted from the provisions of sub-section (3) of section 80A of the Government of India Act by rules made under clause (a) thereof subject to the proviso that Government may require that the proposal to impose any such tax in any particular case shall be submitted for sanction before such proposal is carried into effect;

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Geo. V,
c. 61.

(e) any other tax to the nature, rate and object of which the approval of Government and of the Governor-General in Council shall have been obtained prior to its imposition.

97. (1) For the purposes of sub-section (1) of section 96, the following taxes hereinafter called "property-taxes" shall, subject to the limitations hereinafter provided, be levied on buildings and lands in the City, namely:—

(a) a general-tax of not less than seven and not more than twelve per cent. of their annual value, to which may be added a fire brigade tax at such percentage not exceeding two per cent. of their annual value as will, in the opinion of the Corporation, suffice to provide for the expenses necessary for fulfilling the duties of the Corporation arising under clause (15) of section 34;

(b) a conservancy-tax at such percentage of their annual value as will, in the opinion of the Corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all sewage,

offensive matter and rubbish and for efficiently constructing, maintaining and repairing municipal drains for the reception and conveyance of any such matter ; and

(c) a water-tax at such percentage of their annual value as in the opinion of the Corporation shall suffice to meet the expenses of providing a water supply and drainage for the City :

Provided that the Chief Officer with the approval of the Standing Committee may direct that instead of levying the water-tax in respect of any buildings or lands liable thereto under sub-clause (c) the water supplied for domestic or non-domestic purposes to such buildings or lands shall be paid for by measurement at such rates per thousand gallons as do not exceed by more than ten per cent. the actual average cost to the Corporation of supplying one thousand gallons of water in the City, and on such terms and conditions as he may deem reasonable :

Provided also that in cases in which water is paid for by measurement the Chief Officer, with the approval of the Standing Committee, may compound with the owner or occupier of any such building or land for the payment of a lump sum for any period not exceeding one year at a time in lieu of any amount which such owner or occupier would otherwise have been liable to pay on account of the water so supplied.

(2) In this chapter "annual value" means the annual rent (less a deduction of ten per cent.) for which any building or land, exclusive of furniture or machinery contained 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.

General-tax
on what
properties
to be levied.

98. (1) The general-tax shall be levied in respect of all buildings and lands except—

(a) buildings and lands or portions thereof solely and exclusively occupied for public worship or for public charitable purposes ;

(b) buildings and lands or portions thereof used for educational purposes and exempted by the Corporation ;

(c) buildings and lands vested in the Corporation other than a building or part of a building used as a residence ;

(d) lands used as places for the disposal of the dead.

(2) Unless the Corporation, with the sanction of the Commissioner in Sind, in any particular case for any special reasons otherwise directs, the following buildings and lands or portions thereof shall not be deemed to be solely and exclusively occupied for public worship or for public charitable purposes within the meaning of clause (a) of sub-section (1), namely :—

(a) those in which any trade or business is carried on ; and

(b) those in respect of which rent is derived, whether such rent is or is not applied solely and exclusively to religious or charitable purposes.

(3) When any portion of any building or land is exempt from the general-tax by reason of its being solely and exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purposes of municipal taxation.

99. (1) The conservancy-tax shall be levied only in respect of buildings and lands—

(a) situated in any portion of the City in which, after public notice given to that effect by the Chief Officer, the removal of sewage, offensive matter and rubbish is undertaken by municipal agency; or

(b) in which, whether situated in the City or not, there is a connection for the removal of sewage to a municipal drain.

(2) In any portion of the City in which underground sewers are provided by the Corporation, the conservancy-tax may be levied at a higher percentage than in other portions of the City.

100. (1) The water-tax shall be levied only in respect of buildings and lands:—

(a) which are connected by means of communication pipes with any municipal water-works; or

(b) which are situated in any portion of the City in which the Corporation, after public notice given to that effect by the Chief Officer, has arranged to supply water from municipal water-works in quantity sufficient to meet the reasonable demands of the occupiers of buildings and lands in the said portion for their domestic purposes.

(2) The water-tax shall be levied in respect of buildings and lands which are liable under clause (b) of sub-section (1) at a lower rate than in respect of buildings and lands which are liable under clause (a).

101. (1) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from Government or from the Corporation.

(2) Otherwise, the said taxes shall be primarily leviable as follows, namely:—

(a) if the premises are let, from the lessor;

(b) if the premises are sub-let, from the superior lessor; and

(c) if the premises are unlet, from the person in whom the right to let the same vests.

(3) But if any land has been let to a tenant for any term exceeding one year and such tenant has built upon the land, the property-taxes, assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

(4) The liability of the owner and occupier of any building or land for payment of property-taxes or any instalment thereof payable during the period of actual occupation shall be joint and several.

(5) In the absence of any agreement to the contrary between the owner and occupier of any building or land, any general-tax, in which is included the fire brigade tax, if any, paid by the occupier shall be recoverable by him from the owner, and any conservancy-tax or water-tax paid by the owner shall be recoverable by him from the occupier.

(6) Any sum recoverable under sub-section (5) by the occupier from the owner may be deducted from the rent due or payable by him to the owner, without prejudice to any other right of recovery open to him.

Notice to be given to Chief Officer of demolition or removal of a building.

102. (1) When any building or any portion of a building liable to the payment of a property-tax is demolished or removed otherwise than by order of the Chief Officer, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Chief Officer.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed:

Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen or been destroyed by fire.

Exemptions.

Exemptions from property-taxes other than general property-tax.

103. The Corporation may, for special reasons, exempt any building or land of the nature described in clauses (a), (b), (c) and (d) of sub-section (1) of section 98 from all or any of the property-taxes other than the general tax.

Remission or refund of property-taxes on account of vacancies.

104. When any building or land, or any portion of any building or land treated as a separate property for the purpose of assessment under any provision of this Act, has been vacant and unproductive of rent for a period of at least sixty consecutive days, the Chief Officer shall, subject to and in accordance with the terms and conditions prescribed by the Corporation in rules made in this behalf,—

(a) remit two-thirds of the general tax, which includes the fire brigade tax, if any, and the whole of the water-tax and conservancy-tax, payable in respect of such building or land during such period, or

(b) if any tax or instalment thereof has been paid and application for refund has been made within six months of such payment, refund the amount which might have been remitted under this section.

Explanation.—For the purposes of this section, a building furnished and reserved by its owner for his own occupation whenever required shall be deemed to be occupied, whether it is actually occupied by such owner or not.

105. (1) The Corporation may, with the previous sanction of the Commissioner in Sind, exempt in whole or in part from the payment of any tax any person or class of persons, or any property, or description of property, animals or vehicles. Exemption from taxation in certain cases.

(2) The tax on vehicles and animals shall not be leviable in respect of—

(a) any vehicle or animal certified by the Chief Officer or the Superintendent of Police, Karachi and Tatta Districts, as the case may be, to be employed by the owner thereof for municipal or police purposes ;

(b) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses ;

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(c) any horse which any person, exempted by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep ;

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(d) any horse, motor bicycle, motor car, or other means of conveyance exempt from municipal taxation under section 16 of the Indian Territorial Force Act, 1920, or section 34 of the Auxiliary Force Act, 1920 ;

(e) vehicles and animals belonging to His Majesty or to the Corporation ;

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(f) vehicles and animals which belong to the persons to whom the right of working street-tramways in the City is granted by the Karachi Tramways Act, 1883, and which are exempted from municipal taxation by the said Act ;

(g) vehicles kept by *bona fide* dealers in vehicles for sale merely, and not used ;

(h) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway ;

(i) hand-barrows having one wheel only, invalid chairs and children's perambulators ;

(j) vehicles for the conveyance of the injured, sick or dead.

Powers of Government in respect of taxes.

106. If it shall at any time appear to Government that any tax leviable by the Corporation is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, it may require the Corporation, within such period as 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 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. Power of Government to suspend levy of objectionable taxes.

Government may at any time by a like notification, rescind any such suspension.

Assessments and Appeals.

Appeals
against
valuations.

107. (1) The Assessor shall, in accordance with the principle prescribed under sub-section (2) of section 97 determine the annual value of buildings and lands for the purpose of assessment.

(2) An appeal against any determination made by the Assessor under sub-section (1) shall lie to, and be heard and determined by, the Chief Officer or any other officer specially appointed by the Corporation in this behalf :

Provided that no such appeal shall be heard unless a notice in writing of the intention to appeal has been left at the office of the Corporation within one month from the date of the receipt of the aforesaid order by the appellant.

(3) When any question arises as to the liability of any building or land to assessment, or as to the basis or principle of assessment, an appeal shall lie from the decision of the Chief Officer or the officer appointed under sub-section (2) to the Judge of the Karachi Small Causes Court, whose decision shall be final.

(4) Effect shall be given by the Chief Officer to the decision of the said Judge under sub-section (3).

(5) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax or instalment thereof payable in respect of any building or land according to the order of assessment under appeal ; but, if by the final decision in the appeal it is determined that such tax or instalment ought not to have been levied in whole or in part, the Chief Officer shall refund to the person from whom the same has been levied the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

Payment to
be made to
the Corpora-
tion by
Government
in lieu of
property-
taxes on
Government
buildings.

108. (1) Government shall pay to the Corporation on buildings vesting in His Majesty which are used for residential purposes and for which rent is received by Government property-taxes at the ordinary rates.

(2) On other buildings vesting in His Majesty, Government shall pay to the Corporation annually in lieu of property-taxes a sum ascertained in the manner provided in sub-sections (3) and (4).

(3) The annual value of the buildings referred to in sub-section (2) shall be fixed by a person from time to time appointed in this behalf by Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this chapter concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of such buildings in the City materially increases or decreases.

(4) The sum to be paid annually to the Corporation by Government in respect of buildings of which the annual value is fixed under sub-section (3) shall be four-fifths of the amount which would be payable by an ordinary owner of buildings in the City on account of property-taxes on buildings on an annual value of the same amount as that fixed under sub-section (3):

Provided that no remission or refund of the said sum or any part thereof shall be made on the ground that any of the said buildings were unoccupied.

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1886.

109. For section 28A of the [1]Karachi Port Trust Act, 1886, the following section shall be substituted, namely:—

Amendment
of section
28A of Bom.
VI of 1886.

“28A. (1) The Board shall pay annually on the thirtieth day of September to the Municipal Corporation of the City of Karachi in lieu of the general-tax and fire brigade tax, if any, leviable by the said Corporation in respect of the property or some portion of the property vested in the Board which would otherwise be liable to be assessed to the said taxes a sum ascertained in the manner provided in sub-sections (2) and (3). Special provisions as to the liabilities of the Board to the Corporation.

(2) The annual value of the buildings and lands in the City of Karachi (as defined in the City of Karachi Municipal Act, 1933) vesting in the Board in respect of which the said taxes would be leviable from the Board shall be fixed from time to time by Government. The said value shall be fixed with a general regard to the provisions contained in the City of Karachi Municipal Act, 1933, concerning the valuation of property assessable to property taxes, at such amount as Government shall deem fair and reasonable. Every such decision of Government shall hold good for a term of five years subject only to proportionate variation, if in the meantime, the number or extent of the buildings and lands vesting in the Board materially increases or decreases.

(3) The sum to be paid annually to the Municipal Corporation of the City of Karachi by the Board shall be nineteenth-twentieths of the amount which will be payable by an ordinary owner of buildings or lands in the City of Karachi on account of property-taxes, on an annual value of the same amount as that fixed under sub-section (2).

(4) Notwithstanding anything contained in sub-sections (1) to (3), it shall be competent to the said Corporation and the Board to agree in writing that the Board shall pay to the said Corporation in lieu of the sum payable under sub-section (1), on such terms and conditions, as may be mutually agreed, a sum ascertained otherwise than as provided in sub-sections (2) and (3) and thereupon the Board shall pay to the said Corporation in lieu of the sum mentioned in sub-section (1) the sum so ascertained accordingly.

(5) Except as hereinbefore in this section provided, nothing shall affect the liability of the Port Trust property to any tax which may be lawfully imposed by the said Corporation in the City of Karachi.”

CHAPTER IX.

RECOVERY OF CORPORATION'S CLAIMS.

Presentation
of bill for
taxes.

110. (1) When any amount declared by or under the provisions of this Act to be recoverable in the manner provided in this chapter, or payable on account of any tax now imposed or hereafter to be imposed in the City, 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.

Contents of
bill.

(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 on default of payment and of 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 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 III, or to the like effect.

In what case
warrant may
issue.

111. (1) If the person on whom a notice of demand has been served under sub-section (3) of section 110 does not, within twenty-one days from the service of such notice,

(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 116 against the demand,

such sum together with all costs of the recovery may be levied, under a warrant signed by the Chief Officer in the form of Schedule IV or to the like effect, by distress and sale of the moveable property or by attachment and sale of the immoveable property of the defaulter :

Provided that where any precautionary or other measures in respect of any such property have been taken by Government for the recovery of any sum claimed by them, no proceedings shall be taken or continued under this chapter in respect of such property pending the settlement of Government claim.

To whom
warrant
should be
addressed.

(2) Where the property is in the City, the warrant shall be addressed to an officer of the Corporation ; where the property is in a municipal borough or municipal district, it 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 ; where the property is in a cantonment, it shall be addressed to the Executive Officer of the Cantonment ; where the property is in the City of Bombay, it shall be addressed to the Registrar of the Court of Small Causes of Bombay ; and where the property is in none of such places, it shall be addressed to a Government officer not lower in rank than a Mahalkari :

Provided that such Chief Officer, Vice-President, Executive Officer, Registrar or Government officer may endorse such warrant to a subordinate officer.

(3) It shall be lawful for any officer to whom a warrant issued under sub-section (1) is addressed or endorsed, 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 the warrant contains a special order authorising him in this behalf, and 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 : ^{Power of entry under special order.}

Provided that he shall not enter or break open the door or window of any apartment appropriated for women, until he has given three hours' notice of his intention and has given the women an opportunity to remove themselves.

(4) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property or attach any immoveable property of the person named in the warrant subject to the following conditions, 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,

(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 V ;

(d) when the property is immoveable,

(i) 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 upon a conspicuous part of the municipal office, and also, when the property is land paying revenue to Government, in the office of the Collector ;

(e) any transfer of or charge on the property attached or any interest therein made without the written permission of the Chief Officer shall be void as against all claims of the Corporation enforceable under the attachment.

Sale of goods
distrained in
special cases.

112. (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
property
distrained or
attached; or
application of
proceeds of
sale.

(2) On the expiry of the time specified in the notice served by the officer executing the warrant, the property distrained or attached or, in the case of immoveable property, a sufficient portion thereof, if not sold at once under sub-section (1), may be sold by public auction under the orders of the Chief Officer, unless the warrant is suspended by him or the sum due is paid by the defaulter together with all costs incidental to the notice, warrant, distress, attachment or detention of the property, as the case may be. The sale proceeds or such part thereof as may be sufficient, shall be applied, first, in discharge of any sum due to Government in respect of such property and secondly, in discharge of the sum due to the Corporation and 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 immoveable property shall be deemed to have been removed. Sales of immoveable 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, and notice of such credit shall be 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 him. Any sum not claimed within three years from the date of such notice shall be the property of the Corporation.

Sale outside
the City.

113. Where the warrant is addressed outside the City, the Chief Officer may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of section 112, and to exercise the powers and perform the duties of the Chief Officer under sub-sections (1) and (2) of section 112 in respect of such sale, except the power of suspending the warrant. Such person shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Chief Officer, who shall dispose of the same in accordance with the provisions of section 112.

Fees and
costs
chargeable.

114. Fees for every notice or warrant issued, and for the maintenance of any live-stock seized, under this chapter shall be chargeable at the

rates specified in this behalf in the rules of the Corporation and shall be included in the costs of recovery to be levied under section 111.

115. (1) If any sum recoverable under the provisions of this chapter is due or is about to become due from any person, and if the Chief Officer shall have reason to believe that such person is about to leave the City, the Chief Officer may direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

Summary proceedings may be taken against persons about to leave the City.

(2) If, on presentation of such bill, the said person do not forthwith pay the said sum, the amount shall be leviable by distress and sale of his moveable property or by attachment and sale of his immoveable property in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon him any notice of demand and the Chief Officer's warrant for distress and sale may be issued and executed without any delay.

116. (1) Appeals against any notice of demand issued under sub-section (3) of section 110 may be made to any Magistrate or Bench of Magistrates by whom under the directions of the District Magistrate of Karachi such class of cases is to be tried.

Appeals to Magistrates.

(2) No such appeal shall be heard and determined unless—

(a) the amount claimed from the appellant has been deposited by him in the municipal office;

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

(c) in the case of a general-tax on buildings or on lands or on both an application in writing has been made to the prescribed authority against the annual value entered in the assessment list or against any alteration thereof in the manner prescribed in Schedule VIII; and

(d) in the case of any other tax or claim an application in writing stating the grounds on which the amount of the tax or claim is disputed has been made to the Standing Committee within fifteen days next after the presentation of the bill.

117. (1) Every decision passed in an appeal presented under this chapter shall be subject to revision, at the instance of either party, by the court to which appeals from the court which gave such decision ordinarily lie.

Decision in appeals to be subject to revision by court.

(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.

118. All sums due on account of any tax imposed on buildings or lands or both shall, subject to prior payment of land-revenue, if any, due to His Majesty thereon, be a first charge upon the building or land in respect of which such tax is leviable and upon the moveable property,

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

if any, found within or upon such building or land and belonging to any person liable for such tax :

Provided that no arrears of any such tax shall be recoverable from any occupier who is not the owner, if such arrears are for a period during which such occupier was not in occupation.

Receipts to be given for all payments.

119. 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.

Writing off irrecoverable taxes.

120. The Chief Officer may, with the approval of the Standing Committee, from time to time, write off any sum due on account of any tax or of the costs of recovering any tax, which has, in his opinion, become irrecoverable.

CHAPTER X.

PUBLIC CONVENIENCES.

Municipal Drains.

Cleansing drains.

121. For the purpose of flushing and cleansing drains the Chief Officer may, when authorised by the Corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works as he shall from time to time deem necessary.

Places for emptying of drains and disposal of sewage.

122. Subject to the general control of the Standing Committee, the Chief Officer may cause all or any municipal drains to empty into the sea or any other place, whether within or without the City, and may dispose of the sewage at any place, whether within or without the City, and in any manner which he shall deem suitable :

Provided that the Commissioner in Sind may prohibit the Chief Officer from causing any municipal drain to empty into any place, or from disposing of any sewage at any place, or in any manner, which he considers unsuitable.

Provision of means for disposal of sewage.

123. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, the Chief Officer may, when authorised by the Corporation in this behalf—

(a) construct any work within or without the City ;

(b) purchase or take on lease any land, building, engine, material or apparatus, either within or without the City ; and

(c) enter into an arrangement with any person, for a period not exceeding twenty years, for the removal or disposal of sewage within or without the City.

Alteration and discontinuance of drains.

124. The Chief Officer may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary :

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Chief Officer shall, as soon as may be, provide for his use some other drain as effectual as the drain, which has been discontinued, closed up or destroyed.

Drainage of Premises.

125. When any premises are, in the opinion of the Chief Officer, without sufficient means for their effectual drainage and a municipal drain or some place set apart by the Chief Officer for the discharge of drainage already exists or is about to be constructed within a distance not exceeding one hundred feet from some part of the said premises, the Chief Officer may, by written notice, require the owner or occupier of the said premises—

Drainage of premises situate within a hundred feet of a municipal drain.

(a) to make a drain which will empty into such municipal drain or place so set apart ;

(b) to provide and set up all such appliances and fittings as may appear to the Chief Officer to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ; and

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is, in the opinion of the Chief Officer, injurious to health.

126. When in any case not provided for in section 125 any premises are, in the opinion of the Chief Officer, without sufficient means for their effectual drainage, he may, by written notice, require the owner or occupier of the said premises—

Drainage of premises not situate within a hundred feet of a municipal drain.

(a) to construct a drain up to a point to be specified in such notice, but not more than one hundred feet distant from some part of the said premises ; or

(b) to construct a closed catch-pit or sump of such material, size and description, and in such position as he may direct, and a drain or drains emptying into such catch-pit or sump.

127. It shall not be lawful to erect or re-erect any building any part of which is within one hundred feet of a municipal drain or of some place set apart by the Chief Officer for the discharge of drainage, or occupy any such building newly erected or re-erected, unless and until—

New buildings not to be erected without drains.

(a) a drain has been constructed which, in the opinion of the Chief Officer, shall be sufficient for the effectual drainage of such building to such municipal drain or place, and

(b) there have been provided for and set up in such building and in the premises appurtenant thereto all such appliances and fittings as may appear to the Chief Officer to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

128. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Chief Officer may require that there shall be one drain for offensive matter and sewage and

Sewage and rain-water drains to be distinct.

another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the Chief Officer for the discharge of drainage or into other suitable places.

Rights of owners and occupiers of premises to carry drains through lands belonging to other persons.

129. (1) If it shall appear to the Chief Officer that the only means by which the owner or occupier of any building or land can conveniently cause his drain to empty into a municipal drain or other place set apart by the Chief Officer for the discharge of drainage is by carrying the same into through or under any land belonging to or occupied by some person other than the said owner or occupier, the Chief Officer shall give such other person a reasonable opportunity of stating any objection and if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, may by an order in writing authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(2) Subject to all other provisions of this Act, on receipt of any such order bearing the signature of the Chief Officer the person in whose favour it is made or any agent or person employed by him for this purpose may, after giving to the owner or occupier of the land reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and execute the necessary work.

(3) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of the premises 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 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.

(4) If any land in which work has been executed under sub-section (2) was unbuilt upon at the time of such execution, and if at any time thereafter the owner or occupier thereof shall desire to erect a building thereon and shall apply to the Chief Officer in this behalf, the Chief Officer shall, subject to the general or special order of the Standing Committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate, and make good the land as if the drain had not been carried into, through or under the same.

Obligation of owner of drain to allow use of or joint ownership therein to others.

130. Every owner of a drain connected with a municipal drain or other place set apart by the Chief Officer for drainage shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 132.

131. Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner may make a private arrangement with the owner for permission to use his drain, or may apply to the Chief Officer for authority to use such drain or to be declared a joint owner thereof.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

132. (1) Where the Chief Officer is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the Chief Officer shall give the owner of the drain a reasonable opportunity of stating his objection thereto, and, if no objection is raised or if the objection raised appears to him invalid or insufficient, may, with the previous approval of the Standing Committee, by an order in writing authorise the said owner or occupier to use the drain or declare the said owner to be a joint owner thereof, on such conditions as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating drain and to the respective responsibilities of the parties for maintaining, repairing, flushing and cleansing the joint drain.

Chief Officer may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

(2) Every such order, bearing the signature of the Chief Officer, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset and subject to all the provisions of this Act to do all such things as may be necessary for—

(a) connecting the two drains ; or

(b) renewing, repairing or altering the connection ; or

(c) discharging any responsibility attaching to the person in whose favour the Chief Officer's order is made for maintaining, repairing, flushing or cleansing the joint drains or any part thereof.

(3) In respect of the execution of any work under sub-section (2) the person in whose favour the Chief Officer's order is made shall be subject to the same restrictions and liabilities as are specified in sub-section (4) of section 129.

133. (1) If any part of a block or group of premises is situated within one hundred feet of a municipal drain already existing or about to be constructed or of a place set apart by the Chief Officer for the discharge of drainage, and if the Chief Officer is of opinion that such group or block can be drained more economically or advantageously in common than separately, he may give the owners of all the premises a reasonable opportunity of stating any objection, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient,

Power of Chief Officer to drain premises in combination.

may then, with the previous approval of the Standing Committee, cause such group or block to be drained by such method as appears to him to be most suitable therefor, and the expenses incurred by him in so doing shall be paid by the owners of such premises in such proportions as the Standing Committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Chief Officer shall by written notice intimate to the owners of all the premises to be drained—

- (a) the nature of the intended work ;
- (b) the estimated expenses thereof ; and
- (c) the proportion of such expenses payable by each owner.

Connecting drains to be constructed at the expense of owners of premises.

134. (1) In the case of premises abutting on a public street in which there is a municipal drain and in the case of premises drained in pursuance of the provisions of section 125 or 133, the Chief Officer shall construct at the expense of the owner of the said premises such portion of the drain of the said premises as it shall be necessary to lay under any part of a public street.

(2) The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Chief Officer as a municipal drain.

(3) The remainder of every drain constructed, erected, set up or continued for the sole use and benefit of any premises shall—

- (a) vest in the owner of such premises ;
- (b) be maintained and kept in repair by the owner or occupier of such premises ; and
- (c) be from time to time flushed, cleansed and emptied under the orders of the Chief Officer at the cost of the municipal fund :

Provided that, where several premises are drained in common under section 133 such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Chief Officer under the said section.

Chief Officer may close or limit the use of existing private drains.

135. (1) When a drain is not in the opinion of the Chief Officer adapted to the general drainage system of the City or of that part of the City in which such drain is situated, the Chief Officer with the previous approval of the Standing Committee may, after giving not less than four days' written notice to the occupiers of the premises,—

(a) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ; or

(b) direct that such drain shall, from such date as he prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water or for offensive matter and sewage.

(2) No drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage may be closed, discontinued or destroyed by the Chief Officer under sub-section (1) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Chief Officer thinks fit; and the expenses of construction of any drain so provided by the Chief Officer and of any work done under clause (a) of the said sub-section shall be paid from the municipal fund.

136. (1) For the purpose of ventilating any drain, whether belonging to the Corporation or to any other person, the Chief Officer may, after giving not less than four days' written notice to the occupiers of the premises, erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as shall appear to him necessary, and may cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection, and may lay in, through or under any land such appliances as may in the opinion of the Chief Officer be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

Affixing of
pipes for
ventilation
of drains.

(2) Any shaft or pipe so erected or affixed shall—

(a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom;

(b) if the same be affixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves; and

(c) be removed by the Chief Officer to some other place, if at any time the owner of the aforesaid premises, building or tree is desirous of effecting any change in his property which cannot without unreasonable inconvenience be carried out unless the shaft or pipe is removed.

(3) If the Chief Officer declines to remove a shaft or pipe under clause (c) of sub-section (2) the owner of the aforesaid premises, building or tree may apply to the Judge of the Karachi Small Causes Court, and the said Judge may, after such enquiry as he thinks fit to make, direct the Chief Officer to remove the shaft or pipe, and it shall be incumbent on the Chief Officer to obey such order.

(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain intended to be ventilated, the Chief Officer shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land at the cost of the municipal fund.

137. Unless the Corporation otherwise directs, all drains and fittings thereof (including ventilation shafts and pipes) constructed or set up at the cost of the municipal fund shall vest in the Corporation.

Right of Cor-
poration to
drains con-
structed at
charge of
municipal
fund.

Scavenging and Cleansing.

Deposit of rubbish and offensive matter.

138. For the purpose of collecting, treating and removing rubbish and offensive matter the Chief Officer shall provide public receptacles and places for the temporary deposit or final disposal thereof :

Provided that the Commissioner in Sind may prohibit such final disposal in any specified place or manner.

Collection and removal of sewage, etc.

139. When the Chief Officer has given public notice under clause (a) of sub-section (1) of section 99 that the collection and removal of sewage, offensive matter and rubbish from the buildings and lands in any portion of the City will be undertaken by municipal agency, he shall forthwith take measures for the due collection and removal of such matter from any buildings and lands situated in the said portion of the City.

Least practicable nuisance to be caused.

140. In carrying out the duties imposed on the Corporation by clauses (1), (2) and (3) of section 34 or exercising the powers conferred upon it by sections 121, 122, 123, 124, 136, 138 and 139 the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

Water supply.

Water supply.

141. Where the Chief Officer has, under clause (b) of sub-section (1) of section 100, given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply of water for domestic purposes, he shall forthwith take measures to ensure the supply of such water.

General powers for supplying the City with water.

142. For the purpose of providing a supply of water proper and sufficient for public and private purposes, the Chief Officer, when authorised by the Corporation in this behalf, may either within or without the City—

(a) construct and maintain water-works and do all acts which may be necessary or expedient in connection with such construction or maintenance ;

(b) purchase or take on lease any water-work or any water or right to store water or to take and convey water, or

(c) enter into any arrangement with any person for a supply of water.

Power of access to municipal water-works.

143. For the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-works the Chief Officer or any person appointed by Government in this behalf may at all reasonable times—

(a) enter upon and pass through any land, whether within or without the City, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest ;

(b) after giving not less than four days' written notice to the occupiers, cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

144. Except with the permission of the Corporation, no person shall—

- (a) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which a supply of water is derived for a municipal water-work ; or
- (b) remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

Prohibition of erection of any building which would injure sources of water supply.

145. Except as hereinafter provided, no person shall—

- (a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered ;
- (b) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;
- (c) cause or suffer to enter into the water in such work any animal ;
- (d) throw or put anything into or upon the water in such work ;
- (e) bathe in or near such work ; or
- (f) wash or cause to be washed in or near such work any animal or thing.

Prohibition of bathing in, or polluting, water.

SANITARY PROVISIONS.

Regulation of Public Bathing, Washing, etc.

146. No person shall—

- (a) steep in any tank, reservoir, stream, well, trough or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;
- (b) whilst suffering from any contagious, infectious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream, well or trough, or any part of the seashore.

Prohibition of corruption of water by steeping therein animal or other matter etc.

147. If it shall be shown that an offence against any provision of this chapter or against any rule for the time being in force relating to water supply has been committed on any premises to which a private supply of water is furnished by the Corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

Occupier of premises to be primarily liable for certain offences against the Act.

General provisions with reference to drainage, water supply and water and other mains.

148. Subject to the provisions of any law for the time being in force, the Chief Officer may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also, after

Power of carrying wires, pipes, drains, etc.

giving reasonable notice in writing to the owner or occupier, through, across, under, over or alongside any building or land whatsoever within or without the City, and may place and maintain on any immoveable property in the City or outside the City any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights, and may do all acts necessary or expedient for repairing, maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

Buildings not to be erected without permission over drains or water, gas or air mains.

149. (1) Without the written permission of the Chief Officer, no building, wall or other structure shall be erected or re-erected, and no street, railway, tramway, electric or telephone line, or similar other structure shall be constructed, over any municipal drain or water, gas or air main.

(2) If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the Chief Officer, with the previous approval of the Standing Committee and subject to the provisions of any law for the time being in force, may remove the same or otherwise deal with it as he shall think fit. The expenses incurred by him under this sub-section shall be paid by the person offending.

Compensation for damage.

150. If in the exercise of any of the powers conferred by section 143 or 148, any damage or inconvenience is caused which in the circumstances could reasonably have been avoided, the Corporation or Government shall pay compensation according as the damage or inconvenience is caused by the Corporation or by the person appointed by Government :

Provided that the payment of compensation by the Corporation shall be subject to the previous approval of the Standing Committee in cases where the amount of compensation claimed exceeds five hundred rupees.

CHAPTER XI.

PUBLIC HEALTH AND SAFETY.

Regulation of Factories and Trades.

Factory not to be established, etc., without permission of Standing Committee.

151. No person shall—

(1) newly establish, or

(2) remove from one place to another, or

(3) re-open or renew after discontinuance for a period of not less than three years, or

(4) enlarge the area or dimensions of any factory, workshop or bakery in any area other than an area set apart for the accommodation of industries by any Act for the time being in force or by any

local authority except with the permission of the Standing Committee and in accordance with the terms and conditions stated in such permission.

Provided that no such permission shall be required in the case under clause (3) if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

152. (1) Whenever it shall appear to the Standing Committee that any factory, workshop or workplace or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state, or is not ventilated in such a manner as to render harmless (as far as practicable) any gas, vapour, soot or other impurity generated in the course of the work carried on therein, or is so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons so employed; or that any machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb,

Sanitary regulation of factories, etc.

the Standing Committee by written notice may require the owner thereof to take such order therewith as it shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the [1] Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the [2] Indian Factories Act, 1911.

V of
1923.
XII
of
1911.

153. (1) Without the written permission of the Standing Committee no person shall use or employ any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed therein.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Standing Committee.

(2) On giving one month's notice to the person using the same, the Standing Committee may at any time revoke any permission given under sub-section (1) :

Provided that no such notice need be given if the permission is suspended or revoked for any reason specified in sub-section (5) of section 230.

154. Except in accordance with the provisions of this Act, no person shall—

Regulation of dangerous and offensive trades.

(a) store or keep in any premises any articles which are prescribed as dangerous or offensive, or as being, or likely to be, a nuisance to the public, or dangerous to life, health or property;

(b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease; or

[1] General Acts, Vol. VII.

[2] General Acts, Vol. V.

(c) carry on or allow to be carried on in any premises any trade, manufacture, industry or operation which is prescribed as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same may be carried on :

Provided that nothing in this section shall affect the provisions of the [1] Indian Explosives Act, 1884, or the [2] Indian Petroleum Act, 1899.

IV o
1884
VIII.
of
1899.

Certain things not to be kept and certain trades and operations not to be carried on, without a license.

155. (1) Except under and in conformity with the terms and conditions of a licence granted by the Chief Officer in accordance with general or special orders issued by the Standing Committee in that behalf no person shall—

(a) carry on within the City the trade or operation of a farrier ;

(b) keep in or upon any premises, for any purpose whatever, any article specified in Part I of Schedule VII, or any article specified in Part II thereof in excess of the quantity therein prescribed as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a licence ;

(c) keep in or upon any premises, except for domestic use, any article specified in Part III of Schedule VII ;

(d) keep in or upon any building used or intended to be used as a dwelling-house or within fifteen feet of such building, any quantity of cotton exceeding four hundred-weights ;

(e) keep or allow to be kept in or upon any premises any four-footed animal

(i) for sale,

(ii) for letting out on hire,

(iii) for any purpose for which any charge or remuneration is made or received, or

(iv) for the sale of any produce thereof ;

(f) carry on or allow to be carried on, in or upon any premises—

(i) any of the trades specified in Part IV of Schedule VII or any operations connected therewith ;

(ii) any trade or operation which in the opinion of the Chief Officer is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same may be carried on.

Explanation 1.—A person shall be deemed to have known that a trade or operation is, in the opinion of the Chief Officer, dangerous or likely to create a nuisance within the meaning of this paragraph, after written notice to that effect signed by the Chief Officer has been served on such person or affixed to the premises to which it relates.

[1] General Acts, Vol. II.

[2] General Acts, Vol. IV.

Explanation 2.—A person shall be deemed to carry on a trade or operation or to allow it to be carried on within the meaning of this paragraph if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, master or servant or in any other similar capacity.

(2) It shall be in the discretion of the Chief Officer to grant a licence for any of the purposes referred to in sub-section (1) subject to such restrictions or conditions as he shall think fit to prescribe, or to refuse to grant such licence.

(3) Every person to whom a licence is granted by the Chief Officer under sub-section (2) shall keep such licence in or upon the premises, if any, to which it relates.

(4) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other mill or factory which the Chief Officer with the previous approval of the Standing Committee may from time to time specially exempt from the operation thereof.

156. (1) No person engaged in any trade or manufacture specified in Schedule VII shall—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for storing water belonging to the Corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid, or

(b) wilfully do any act connected with any such trade or manufacture whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for storing water is fouled or corrupted.

(2) After giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as is referred to in sub-section (1), the Chief Officer may lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it shall appear that the provisions of sub-section (1) have been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses incurred in laying open and examining them and in adopting any other measure which the Chief Officer may consider necessary for removing the cause of such contravention shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the contravention has occurred.

But if it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the Chief Officer.

Prohibition
of corruption
of water by
chemicals,
etc.

Inspection of premises used for manufactures, etc.

157. (1) Subject to the rules made by the Corporation in this behalf, the Chief Officer may, at any time, by day or by night, and without notice, enter into or upon any premises used for any of the purposes mentioned in section 155, or upon any premises in which a furnace is employed for the purpose of any trade or manufacture, or into any bakery, in order to satisfy himself that there is no contravention of any provision of this Act, or any rule made thereunder or of any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.

(2) No claim for compensation shall lie against any person for any damage which may unavoidably be caused by any such entry or by the use of any force necessary for effecting such entry :

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence is being committed against some provision of this Act or some rule made thereunder.

Regulation of washing of clothes by washermen.

158. (1) The Chief Officer may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

Washing places to be provided by Chief Officer for washermen.

(2) The Chief Officer shall provide suitable places for the exercise of their calling by washermen, and may require the payment of such fees for the use of any such place as he shall from time to time determine with the previous approval of the Standing Committee.

Markets and Slaughter-houses.

Power of Corporation to permit opening of private markets.

159. (1) The Corporation shall from time to time determine whether the establishment of private markets shall be permitted in the City or in any specified portion thereof.

(2) Except with the sanction of the Corporation no person shall establish a private market for the sale of animals intended for human food or of any article of human food.

(3) When the establishment of a private market has been sanctioned by the Corporation, it shall cause a notice thereof in the English, Sindhi, Hindi, Urdu and Gujarati languages to be affixed to some conspicuous spot on or near the building or place where such market is to be held.

Private markets not to be kept open without a licence.

160. (1) Except under and in conformity with the terms of a licence granted by the Chief Officer, in accordance with the general or special orders issued by the Standing Committee in that behalf, no person shall keep open, establish, remove from one place to another, reopen or re-establish after discontinuance for a period exceeding one year, or enlarge the area or dimensions of a private market :

Provided that the Chief Officer shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than

the failure of the owner thereof to comply with some provision of this Act or condition of his licence after his attention has been drawn to such failure.

(2) When the Chief Officer has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice thereof in the English, Sindhi, Hindi, Urdu and Gujarati languages to be affixed to some conspicuous spot on or near the building or place where such market is held.

161. (1) Without a licence from the Chief Officer no person shall sell or expose for sale any four-footed animal, or any meat or fish intended for human food, in any place other than a municipal or licensed market. Selling animals, meat, etc., outside a market, without a licence.

(2) Nothing in sub-section (1) shall apply—

(a) to meat or fish sold in any hotel or eating-house for consumption on the premises, or

(b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to the City after being caught at sea or in the river, or

(c) to the hawking of fish.

162. Except with the permission of the Chief Officer and in accordance with the terms and conditions of such permission, no person shall slaughter or cause or permit to be slaughtered at any place other than a municipal slaughter-house any four-footed animal the flesh of which may be used as human food: Prohibition of establishment of slaughter-houses.

Provided that no permission shall be necessary for the sacrificial slaughter on the occasion of any festival or ceremony, of animals the flesh of which is not intended for sale; and

Provided further that the slaughter of animals shall not be carried out within the sight of the public.

163. (1) If there are reasonable grounds for believing that any animal has been or is being or is likely to be slaughtered in contravention of the provisions of section 162, any municipal officer authorised in this behalf may, at any time by day or night, enter into and inspect any such place or premises, and may seize any animal or the carcass of any slaughtered animal found therein. Inspection of places for illicit slaughter of animals and seizure of carcasses so slaughtered.

(2) The officer so authorised may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal seized under sub-section (1), and shall place in deposit in the municipal fund the proceeds of any such sale.

(3) If the owner of any animal or carcass so seized fails to appear within one month from the date of such seizure and prove his claim to the satisfaction of the Chief Officer, or if such owner is convicted of an offence under this Act with respect to such animal or carcass, the proceeds of the aforesaid sale shall vest in the Corporation.

(4) If the owner of any animal or carcass so seized appears within one month from the date of such seizure and proves to the satisfaction of the Chief Officer his claim in respect thereof, and if he is either not prosecuted by the Chief Officer or after prosecution is acquitted or discharged, then the Chief Officer shall restore such animal or carcass to him or shall pay him the proceeds of the sale thereof, as the case may be.

Levy of charges in municipal markets and slaughter-houses.

164. The Chief Officer may—

(a) from time to time, with the previous approval of the Standing Committee, fix stallages, rents and fees to be paid for the use or occupation of any stall, shop, shed, standing, pen or other building in a municipal market or municipal slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any municipal market;

(b) farm the stallages, rents and fees leviable under clause (a); and

(c) put up to public auction the privilege of occupying or using any stall, shop, shed, standing, pen or other building in a municipal market or municipal slaughter-house for such period and on such conditions as he may think fit.

Weights and Measures.

Inspection of weights and measures.

165. Any municipal officer authorised 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 purposes of trade and inspect such weights or measures or weighing or measuring instruments.

Food, Drink and Drugs.

Prohibition of sale of diseased animals or unwholesome articles intended for human food.

166. No person shall sell, or offer, expose or keep for sale any animal, food, drink or drug intended for human consumption or medical treatment, or manufacture any such food, drink or drug which is diseased, unsound, unwholesome or unfit for human food.

Prohibition of adulterants in places where butter, ghee, etc., are manufactured or stored.

167. (1) In any shop or place in which milk is stored or in any factory, shop or place, in which butter, ghee, wheat flour, mustard oil, tea, edible oil or fat, or any article notified by Government in this behalf is manufactured or stored, no person shall keep or permit to be kept any substance intended to be used for the adulteration of milk, butter, ghee, wheat flour, mustard oil, or such other article.

(2) The presence in any such factory, shop or place of any article capable of being so used shall raise a presumption that it was intended to be used for purposes of adulteration.

Standardised food and drugs.

168. No person shall sell, or offer, expose, manufacture or store for sale any drug or article of food or drink to which Government has by notification applied this section unless it fulfils the conditions specified in such notification.

169. No person shall sell, or offer, expose, manufacture or store for sale, as being any specified drug or article of food or drink to which Government has by notification extended this section, any article (hereinafter referred to as a "substitute") which resembles or purports to be such notified drug or article but differs therefrom in nature, substance or quality. Substitutes.

170. Except under and in conformity with the terms of a licence granted by the Chief Officer in this behalf, no person shall, within the City. Licence required for dealing in milk, etc.

(a) carry on the trade or business of a dealer in or importer, vendor or hawker of milk or milk-products; or

(b) use any place for the sale of milk, butter or other milk-products.

171. In any prosecution under section 166, 167, 168 or 169— Provisions relating to prosecutions.

(a) the court shall presume that any animal, food, drink, drug or substitute therefor found in the possession of any person who is or has been habitually selling that class of animal, or of manufacturing, storing or selling such food, drink, drug or substitute, was being kept, manufactured or stored for sale by such person;

(b) it shall be no valid defence for such person to plead that he was ignorant that the animal, food, drink, drug or substitute was diseased, unsound, unwholesome, unfit for human food or adulterated or did not fulfil the conditions specified or was a substitute, as the case may be;

(c) no offence shall be deemed to have been committed where such person proves to the satisfaction of the court that he obtained the food, drink, drug or substitute under a warranty from the manufacturer in or importer into the City that the food, drink, drug or substitute had not been adulterated, or that it fulfilled the conditions specified or that it was not a substitute, and that he had no reason to believe otherwise or had no reasonable ground for believing that the warranty no longer held good by lapse of time or otherwise.

172. When any person has been discharged or acquitted of an offence on the ground mentioned in clause (c) of section 171 and the warranty proves to be incorrect or misleading, the warrantor shall be presumed to have committed such offence. Liability of warrantors.

173. (1) Any municipal officer authorised in this behalf may at any time enter into and inspect any market, building, shop, stall or place used for the sale of any animals, food, drink or drug intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing, manufacturing or containing any such food, drink or drug. Inspection of place for sale of food or drink, and seizure of unwholesome articles or utensils found therein.

(2) If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfil the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state

as to render any food, drink or drug prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with as hereinafter in this chapter provided.

(3) The authorised officer may, instead of removing any such animal, food, drink, drug, utensil or vessel seized under sub-section (2), leave the same in such safe custody as the Chief Officer directs in order that the same may be dealt with as hereinafter in this chapter provided; and no person shall remove such animal, food, drink, drug, utensil or vessel from such custody or interfere or tamper with the same in any way while it is so detained.

Destructions
of animals
and articles
seized under
section 173.

174. (1) When any animal, food, drink, drug, utensil or vessel is seized under sub-section (2) of section 173 it may be destroyed by the officer making the seizure and with the consent of the owner or the person in whose possession it was found.

(2) The officer destroying any animal, food, drink, drug, utensil or vessel under sub-section (1) shall report such destruction to the Health Officer.

(3) If any food, drink or drug seized under sub-section (1) is of a perishable nature and is in the opinion of the officer making the seizure, diseased, unsound, unwholesome or unfit for human consumption or medical treatment, it may with the previous sanction of the Health Officer be destroyed without such consent.

(4) The expenses incurred in taking any action under sub-sections (1) and (3) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure.

Taking
before magis-
trate of
animals and
articles
seized
under sec-
tion 173.

175. (1) Any animal, food, drink, drug, utensil or vessel seized under sub-section (2) of section 173 but not destroyed in pursuance of section 174 shall, subject to the provisions of sub-section (3) of section 173, be taken before a magistrate as soon as may be after such seizure.

(2) If it appears to the magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same to be forfeited to the Corporation or to be destroyed at the expense of the person in whose possession it was found at the time of its seizure.

(3) If the magistrate is of the contrary opinion, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the magistrate may think proper.

Foods and
drugs
directed to
be destroyed
deemed to
be the prop-
erty of the
Corporation.

176. When any authority directs in exercise of any powers conferred by this chapter that any animal, food, drink or drug be destroyed or so disposed of as to prevent its being used as food or medicine, it shall thereupon be deemed to be the property of the Corporation.

177. (1) Upon tendering the price for a quantity not more than is reasonably required for the purposes of analysis—any municipal office authorised in this behalf may purchase any article of food or drink or any drug, kept or exposed for sale, or in course of import into or transport within the City, or of which the sale, import or transport is regulated by the provisions of this Act; and on demand being made by such officer in this behalf to the person in charge of such article or drug, such person shall be bound to sell it, if he has a right to do so.

Purchase of article of food, drink or drug for purposes of analysis.

(2) If such person has no right to sell as aforesaid, the authorised officer may seize such quantity as aforesaid and shall grant him a certificate stating the nature and quantity of the article seized, and the date and place of seizure, and shall pay to the owner the price of the article seized upon his making a claim for it.

(3) The authorised officer after purchasing or seizing any article under sub-section (1) or sub-section (2), and any private person purchasing any article with the intention of submitting the same to analysis, shall, after completing the purchase, forthwith notify to the person in charge of such article his intention to have the same analysed, and shall divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as the nature of the case will permit.

(4) The authorised officer and any such person as is mentioned in sub-section (3) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to the public analyst.

Disposal of the Dead.

178. (1) Without the written permission of the Chief Officer under sub-section (2) no person shall—

Burials within places of worship and exhumations not to be made without the permission of Chief Officer.

(a) make any vault or grave or interment within the wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship; or

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 179; or

(c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place not registered as a place for the disposal of the dead; or

(d) exhume any body except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, from any place for the disposal of the dead.

V of
1898.

(2) Subject to such general or special orders as the Commissioner in Sind may from time to time make in this behalf, the Chief Officer may, in special cases, grant permission for any of the purposes aforesaid.

V of
1898.

(3) An offence under this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure, 1898.

Commissioner in Sind may direct the closing of any place for the disposal of the dead.

179. (1) If after personal inspection the Chief Officer 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, he may submit his opinion, with the reasons therefor, to the Corporation, and the Corporation shall forward the same with its opinion for the consideration of the Commissioner in Sind.

(2) Upon receipt thereof the Commissioner in Sind, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published in the *Sind Official Gazette* and the local newspapers direct that such place be no longer used for the disposal of the dead.

(3) On the expiration of three months from the date of any such order of the Commissioner in Sind, the place to which the same relates shall be closed for the disposal of the dead.

Commissioner in Sind may sanction the re-opening of places that have been closed for the disposal of the dead.

180. (1) If after personal inspection the Chief Officer is of opinion that any place formerly used for the disposal of the dead, but closed under the provisions of section 179, or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his opinion, with the reasons therefor, to the Corporation, and the Corporation shall forward the same with its opinion for the consideration of the Commissioner in Sind.

(2) Upon receipt thereof the Commissioner in Sind, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published as aforesaid, direct that such place be re-opened for the disposal of the dead.

Brothels.

Brothels.

181. Any magistrate of the first class on receiving information that any house in the City 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 within five days, such owner or occupier shall fail to comply with such order he 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 an order of the District Magistrate, or,

(b) on the complaint of five or more inhabitants of the City residing in the vicinity of the house to which the complaint refers.

Emergency Provisions.

Emergency measures on outbreak of any dangerous disease.

182. If in the event of the City being at any time visited by or threatened with an outbreak of a dangerous or infectious disease amongst men or animals, the Chief Officer is of opinion that the ordinary provisions of this Act or of any other law for the time being in force are insufficient for the purpose, he may with the previous sanction of Government take such special measures and by public notice prescribe such

temporary regulations (to be observed by the public or by any person or class of persons) as he deems necessary to prevent the outbreak of such disease or the spread thereof.

183. (1) If the Chief Officer is of the opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may give to the owner or occupier thereof previous notice of his intention and may take measures for having such hut or shed and the materials thereof destroyed. Destruction of huts and sheds when necessary.

(2) Compensation as may be determined by the Chief Officer shall be paid to any person who will sustain loss by the destruction of any such hut or shed before such hut or shed is destroyed under sub-section (1).

(3) No civil court shall entertain any suit to recover compensation for any loss or damage caused by the destruction of any hut or shed under this section.

184. In any case in which the Chief Officer is empowered to cause the disinfection of clothing, bedding or other articles which have become infected with disease, he may direct the destruction of such clothing, bedding or other articles if he is of the opinion that despite the process of disinfection they are likely still to retain infection, and may, in his discretion give compensation for any article so destroyed. Power to destroy infected clothing, etc.

185. Whenever the Chief Officer takes any action under section 182, or 184 he shall immediately report to the Corporation the action he has taken, the reasons therefor, and the cost incurred thereby, and shall comply with any directions given to him by the Corporation in respect of such matter. Action by Chief Officer to be reported.

CHAPTER XII.

BUILDINGS AND STREETS.

Buildings.

186. No person shall—

- (i) erect or re-erect any building ; or
- (ii) make any material external alteration in or addition to any existing building ; or
- (iii) construct or re-construct any projecting portion of a building in respect of which the Chief Officer is empowered by section 206 to enforce an alteration or demolition or is empowered to give permission to construct or reconstruct it—

(a) unless the Chief Officer has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building, or

Prohibition of erection or re-erection of buildings without permission.

(b) after the expiry of one year from the date of the said permission or from the end of the prescribed period, as the case may be.

Completion certificates and permission to occupy or use buildings.

187. (1) Every person who—

(i) erects or re-erects any building ; or

(ii) makes any material external alteration in or addition to any existing building ; or

(iii) constructs or re-constructs any projecting portion of a building in respect of which the Chief Officer is empowered under section 206 to enforce an alteration or demolition or is empowered to give permission to construct or reconstruct it ;

shall within one month of the completion of the work deliver 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 work.

(2) Within seven days after the receipt of the said notice the Chief Officer shall depute an officer to commence the inspection of such work.

(3) Within seven days from the date of commencement of such inspection, the Chief Officer shall—

(a) give permission for the occupation of the building erected or for the use of the part of the building re-erected, or

(b) refuse such permission in case such erection, re-erection, construction or re-construction is in contravention of any provision of this Act.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building—

(a) until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner, or

(b) unless the Chief Officer has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

Power of Chief Officer to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.

188. (1) If any person contravenes any provision of section 187 or disobeys any direction of the Chief Officer made under that section the Chief Officer after giving twenty-four hours' notice shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof or constructing or re-constructing any projecting portion thereof or occupying or using such building or part thereof to remove themselves and shall take such measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission :

Provided that any person occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 187 shall not be so directed to remove himself unless one week's

notice in writing requiring such person to vacate the same has been served on him by the Chief Officer :

Provided also that if in the opinion of the Chief Officer there is imminent danger to human life, the Chief Officer may require such building or part thereof to be vacated immediately.

(2) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

189. (1) If for any reason it shall appear to the Chief Officer that any building or part of a building intended or used for human habitation or human occupation for any purpose whatever is unfit for such habitation or occupation he shall give to the owner or occupier notice in writing, stating such reason and signifying his intention to prohibit the further use of such building or part of a building for such purpose, and calling upon the owner or occupier to state in writing his objections (if any) to such prohibition within seven days after the receipt of such notice. If no objection is raised by such owner or occupier within the prescribed period, or if any objection which is raised appears to the Chief Officer to be invalid or insufficient, he may, with the previous approval of the Standing Committee, prohibit by an order in writing the further use of such building or part of a building for human habitation or occupation :

Provisions
regarding
buildings
unfit for
human
habitation.

Provided that, before such order is given, the owner or occupier of the building shall be given an opportunity of appearing before the Standing Committee in person or by agent in support of his objection.

(2) Notice of such prohibition shall be served upon the owner of any building or part of a building affected thereby and also upon every occupier or user thereof, stating the fact of such prohibition and appointing a day (not being less than fourteen days after the date of such notice) before which every such person shall remove himself and his property from the said building or part thereof ; and if on the day so appointed any such person has failed to remove himself and his property as aforesaid, the Chief Officer may cause him and his property to be removed and may recover from him the cost of such removal.

(3) When a building or part of a building has been vacated under sub-section (2), the Chief Officer shall mark it in the prescribed manner and no person, except with the permission in writing of the Chief Officer and in accordance with the terms and conditions of such permission, shall enter into or remain in such building or part of a building.

(4) At any time after a building or part of a building has been vacated under sub-section (2), if the Chief Officer considers that it can be rendered fit for human habitation by structural alterations or repairs, he may by notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs, as he deems necessary and if at the expiration of the aforesaid period such alterations or repairs have not been executed to his satisfaction, he shall issue to the said owner a notice in writing

ordering the demolition of such building or part thereof within a period of thirty days from the date of receipt of such notice.

(5) If the Chief Officer considers it impracticable to render such building or part thereof fit for human habitation, he may, with the previous approval of the Standing Committee, by notice in writing call upon the owner to demolish it within a period of thirty days from the receipt of such notice.

(6) If at the expiration of the period of thirty days an order to demolish a building or part of a building, issued under sub-section (4) or sub-section (5) has not been complied with, the Chief Officer may, with the previous approval of the Standing Committee, direct, by an order in writing, the demolition thereof by any municipal officer or servant or contractor. The materials of the building or part of the building so destroyed shall thereupon be sold by public auction and the proceeds of the sale shall first be appropriated towards the cost of such destruction and sale. The balance if any of the cost of such destruction and sale after such appropriation, shall be recovered from the owner :

Provided that, before such order is given, the owner of the building shall have an opportunity of appearing before the Standing Committee in person or by agent, and of showing cause why such order should not be given.

(7) For sufficient cause, the Chief Officer may extend the time allowed under, or prescribed by, sub-sections (4), (5) and (6).

(8) If any building or part of a building in respect of which an order under this section has been made is the subject of a lease, such lease shall be voidable at the option of the lessee with effect from the date on which the said order comes into force.

Removal of
buildings in
ruinous or
dangerous
state.

190. (1) If in the opinion of the Chief Officer, any building, wall, structure or anything affixed thereto is in a ruinous or dangerous state, the Chief Officer may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made thereto as he considers necessary for the public safety ; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

(2) Any expenses incurred by the Chief Officer under sub-section (1) shall be paid by the owner concerned.

(3) Except with the permission in writing of the Chief Officer no person shall enter into or remain in any building from which the occupier has been removed under sub-section (1).

Reclamation
of low-lying
sites.

191. (1) If for any reason it appears to the Chief Officer that the level of the site on which it is proposed to erect a building is so low that such building is likely to become insanitary or likely to create a nuisance, he shall give to the owner of the building proposed to be erected notice in writing, calling upon him to show cause in writing within thirty days after the receipt of such notice why the said site should not be reclaimed

with such materials and raised to such a height and within such period not being less than six months from the date of the notice, as he shall think fit and in the said notice shall specify the cost at which, if so desired by the owner, the required work can be performed by municipal agency.

(2) If no objection is raised within such period as aforesaid, or if any objection which is raised appears to the Chief Officer to be invalid or insufficient, he may, with the previous approval of the Standing Committee, by notice in writing, direct such owner or occupier—

(a) to carry out such reclamation and raising of the height within the period prescribed; or

(b) within thirty days after the receipt of the said notice to pay to the Chief Officer the estimated cost of performing the work by municipal agency.

(3) In any case in which the estimated cost of the reclamation has not been paid to the Chief Officer, if the aforesaid owner fails to commence the work of reclamation within three months after the receipt by him of the notice under sub-section (2), or if he thereafter fails to carry out the reclamation to the specified height and with the specified materials within a reasonable period, the Chief Officer may recover from him the estimated cost of the work as stated in the notice issued under sub-section (1), or so much thereof as he may consider necessary to complete the work, and may carry out and complete the work by municipal agency.

192. (1) If any building on a site in respect of which the Chief Officer may make an order under section 191 or any building which is situated in such a way as to be inaccessible to a fire-engine or to prevent a fire-engine from reaching other buildings is demolished or destroyed by fire or otherwise the Chief Officer with the previous approval of the Standing Committee by notice in writing addressed to the owner or occupier of such site or to the owner of such building may direct that no building shall be erected in its place until the said site has been raised to such height and with such materials as he may specify in such notice or that no building shall be erected which does not give a fire-engine access to itself or other buildings as the case may be.

Power to prohibit re-erection of buildings on insanitary site.

(2) No person shall erect or re-erect any building in contravention of such notice.

Public Streets.

193. (1) The Corporation may with the previous sanction of the Commissioner in Sind, permanently close the whole or any part of a public street :

Closing of public streets.

Provided that no such street or part thereof shall be closed unless for one month at least before the meeting of the Corporation at which the matter is decided, a notice has been posted in the street or part thereof which it is proposed to close, informing the residents of the said proposal, and until the objections to the said proposal, if any, made in writing

at any time before the day of the said meeting, have been received and considered by the Corporation ;

(2) Whenever any public street or part thereof is permanently closed under sub-section (1), the site of such street, or of the part thereof which has been closed, may be disposed of, subject to the provisions of section 55 as land vested in the Corporation.

(3) Whenever the site of any public street or part thereof is disposed of under sub-section (1), such site shall be liable to be assessed to land revenue in accordance with the provisions of any enactment for the time being in force or rule made thereunder.

194. (1) Without the previous permission of the Corporation no person shall lay on, under or above any public street any railway or tramway, or erect any electric or telephone poles or the like, or operate the same ; and no such permission shall have validity until it is confirmed by the Commissioner in Sind.

Permission to lay tramways or railways, etc., on public streets to need the sanction of the Corporation and confirmation by the Commissioner in Sind.

(2) Nothing in this section shall be deemed to affect the railway lines of the North-Western Railway which were already laid in or upon any public street on the day on which this Act comes into force, or any provision of the [1]Indian Telegraph Act, 1885, the [2]Indian Tramways Act, 1886, the [3]Indian Railways Act, 1890, or the [4]Indian Electricity Act, 1910. XIII of 1885.
XI of 1886.
IX of 1890.
IX of 1910.

195. (1) Except with the previous permission of the Chief Officer and in accordance with such terms and conditions, including the payment of rent, as he may impose, no person shall erect, add to, set up or place against or in front of any premises any structure or fixture or obstruction, which will—

Prohibition of projections upon streets.

(a) overhang or project into or encroach upon or in any way obstruct the passage of the public along any street ; or

(b) project into or encroach upon or cover over any drain or open channel in any street, so as to interfere in any way with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Chief Officer may, by written notice, require the owner or occupier of any premises to take such order as he may direct with any structure, fixture or covering which has been erected, set up or placed against or in front of the said premises in contravention of this section or of section 92 of the [5]Bombay District Municipal Act, 1901.

(3) Any occupier of the said premises who complies with the said notice shall be entitled to credit in account with the owner thereof for all reasonable expenses of such compliance, unless the structure, fixture or covering in question was erected, set up, or placed by himself.

Bom.
III of
1901.

[1] General Acts, Vol. II.

[2] General Acts, Vol. II.

[2] General Acts, Vol. III.

[4] General Acts, Vol. V.

[5] Vol. IV of Bom. Code.

196. If any door, gate, bar or window on the ground floor of any premises opens outwards upon a street or upon any land required for the improvement of a street in such a manner as in the opinion of the Chief Officer to obstruct the safe or convenient passage of the public along such street, the Chief Officer may at any time by written notice require the owner of the said premises to have the said door, gate, bar or window altered so as not to open outwards.

Ground floor doors, etc., not to open outwards on streets.

197. (1) If any such structure, fixture or covering as is described in section 195 was erected, set up or placed against or in front of any premises at any time before the [1]Bombay District Municipal Act, 1901, came into force, the Chief Officer may give notice under sub-section (2) of section 195 to the owner or occupier of the said premises.

Bom. III of 1901.

Power to require removal of projection made before the Bombay District Municipal Act, 1901, came into force.

(2) No compensation shall be paid to any person who sustains loss or damage by the removal or alteration of any such structure, fixture or covering which has been so erected, set up or placed at any time after the first day of April 1901.

Private Streets.

198. Every person who intends to make or lay out a new private street shall give written notice of his intention to the Chief Officer and along with such notice shall submit plans and sections showing the intended level, direction and width and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof.

Notice of intention to lay out new private street to be given to Chief Officer.

199. If any notice given under section 198 does not supply all the information which the Chief Officer deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written order require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely :

Chief Officer may call for further particulars.

(a) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet and a vertical scale of not less than one and a half inches to every ten feet, and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

(b) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths ;

(c) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(d) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such person

[1] Vol. IV of Bom. Code.

or of so much of such other land as the Chief Officer shall consider necessary before applying to the Standing Committee for its approval thereto.

Level of new private streets to be determined by Chief Officer.

200. The level, direction, width and means of drainage of every new private street, and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the Chief Officer with the previous approval of the Standing Committee.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with the direction or approval of Chief Officer.

201. (1) No person shall make or lay out any new private street or erect any building on either side thereof otherwise than in accordance with the directions of the Chief Officer under section 200.

(2) If any such new private street be made or laid out, or if any building on either side of any such street be erected, by any person in contravention of this section, the Chief Officer may, by written notice, require the said person to make a statement in writing subscribed by him in that behalf and addressed to the Chief Officer to show cause on or before such date as shall be specified in such notice why such street or building should not be altered to the satisfaction of the Chief Officer, or, if that is impracticable, why the same should not be demolished or removed; or may require the said person on such day and at such time and place as shall be specified in such notice to appear before the Chief Officer or the Standing Committee, as the case may be, either personally or by an agent, and to show cause as aforesaid.

(3) If such person shall fail to show sufficient cause as aforesaid, the Chief Officer may cause the street or building to be so altered or demolished or removed and may recover the expenses thereof from the said person.

Levelling and draining of private streets.

202. (1) If any private street be not metalled, paved, lighted, sewered, drained, channelled or flagged to the satisfaction of the Chief Officer, he may, with the previous sanction of the Standing Committee, by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street or which will benefit by works executed under this section, to metal, pave, light, sewer, drain, channel or flag the same in such manner as he shall direct.

(2) If such requisition be not complied with on or before the date specified in such notice, the Chief Officer may, with the sanction of the Standing Committee, cause the work to be done by municipal or other agency under his orders, and the expenses incurred by him in so doing shall be paid by the owners of the premises aforesaid in such proportions as the Standing Committee shall think fit.

(3) Not less than fifteen days before the commencement of any work under sub-section (2) the Chief Officer shall give written notice to all the said owners of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(4) Any owner who is of opinion that the proportion of expenses payable by him in accordance with the order of the Standing Committee under sub-section (2) is incorrect or unjust may appeal against such order to the Judge of the Karachi Small Causes Court.

(5) Effect shall be given by the Standing Committee to the decision of the said Judge under sub-section (4).

Conversion of Private into Public Streets.

203. When any private street has been metalled, paved, made good, lighted, sewered, drained, channeled and flagged to the satisfaction of the Chief Officer, he may, by notice put up in any part of such street, declare the same to be a public street with the consent of the owner or of the majority of the owners of such street; and he shall be bound to make such declaration if so requested by the owner or by the majority of the owners of such street. The said street shall thereupon become a public street.

Power to declare private streets, when metalled, etc., public streets.

Regulation of Buildings.

204. (1) The Chief Officer may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,

Power to regulate future construction of certain classes of buildings in particular streets or localities.

(a) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the Standing Committee may consider suitable to the locality; or

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both, and that the land appurtenant to each building shall be of an area not less than that specified in such notice; or

(c) that in any localities specified in the notice the construction of more than a specified number of houses on each acre of land shall not be allowed; or

(d) that in any streets, portions of streets, or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings of a specified architectural character, or buildings designed for particular uses shall not be allowed without the special permission of the Standing Committee.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (2) with or without a statement of its opinion thereon, to the Commissioner in Sind.

(5) The Commissioner in Sind may pass such orders with respect to such declaration as he may think fit :

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration, as confirmed or modified by the Commissioner in Sind, shall be published in the *Sind Official Gazette* and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

Chief Officer
to prescribe
street line and
building line.

205. (1) Subject to the previous approval of the Standing Committee, the Chief Officer shall prescribe a street line and a building line on each side of every public street within the City, 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 before prescribing such line or such fresh line, as the case may be, the Chief Officer shall give public notice of the proposal in this respect inviting objections or suggestions in writing thereto within a specified period, and shall put up a special notice thereof in the street or part of a street for which such line or fresh line is proposed to be prescribed; and

(b) the Chief Officer shall comply with any orders that may be passed by the Corporation after considering any written objection or suggestion in regard to such proposal which has been delivered at the municipal office within the specified period.

(2) (a) No person shall construct or reconstruct any portion of any building within the street line without the permission of the Standing Committee under section 208.

(b) When the Standing Committee refuses permission to construct or reconstruct any building in any area within the street line, such area shall with the approval of the Corporation be added to the street and shall thenceforth be deemed to be part of the public street and shall vest in the Corporation.

(c) Compensation shall be paid by the Corporation to the owner of any land added to a street under clause (b) for the loss 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 this sub-section. In the case of dispute the amount of such compensation shall be ascertained and determined by the Collector or any officer specially authorised by him in this behalf in the manner prescribed :

Provided that no such compensation shall be payable in respect of buildings removed under section 190.

(3) The Chief Officer—

(a) may direct that the construction or reconstruction of any building in contravention of the provisions of sub-section (2) be stopped, and

(b) with the previous sanction of the Standing Committee, may by written notice require such building or part thereof to be altered or demolished in accordance with the directions contained in such notice.

206. (1) No person shall erect or re-erect a building or part of a building so as to project beyond a street line fixed under section 205. Erection or re-erection of building beyond street line prohibited.

(2) Any owner of land who is prevented by the provisions of this section from erecting or re-erecting any building on his land may require the Corporation to make compensation for any damage which he may sustain by reason of such prevention and, upon the payment of compensation in respect of any land situated within such street line, such land shall become part of the said street and shall vest in the Corporation.

(3) The Chief Officer may require the alteration or demolition of any building or part of a building which may have been erected or re-erected in contravention of sub-section (1).

207. (1) If any part of a building other than a building used for religious worship projects beyond the street line of a public street as prescribed under section 205 or beyond the front of the building on either side thereof, the Corporation may— Setting back projecting buildings.

(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 any material portion of such projecting part has been demolished or destroyed by fire or has fallen,

require by written notice that the part so projecting shall be removed or that such building when being re-built shall be set back to or towards the said line. The portion of the land added to the street by such removal or setting back shall thenceforth be deemed to be part of the public street and shall vest in the Corporation.

(2) If any land not vested in the Corporation, whether open or enclosed, lies within the street line and is not occupied by a building, or if a platform, verandah, step or such other external structure or a portion thereof is within the street line, the Chief Officer may take possession on behalf of the Corporation of the said land (together with its enclosing wall, hedge, or fence), or of the said structure or any portion thereof, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, and, if necessary, may clear the same; and the land so taken possession of shall thenceforward be deemed to be part of the public street and vest in the Corporation. Acquisition of land which is within the street line and open or occupied by platforms, etc.

(3) Notwithstanding the provisions of sub-sections (1) and (2), no land or building vested in His Majesty or in any corporation incorporated by Royal Charter or by an Act of Parliament or by any Act of the Indian or local Legislature shall be taken possession of as aforesaid without the previous sanction of Government.

Compensation payable by the Corporation.

(4) Compensation, the amount of which in case of dispute shall be ascertained and determined by the Collector or any officer specially authorised by him in this behalf, in the prescribed manner, shall be paid by the Corporation to the owner of any land added to a public street under sub-section (1) or taken possession of under sub-section (2) 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 Corporation under either of the said sub-sections :

Provided that no such compensation shall be payable in respect of buildings removed under section 190.

(5) When the amount of the compensation payable under sub-section (4) 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 190, the Corporation, after tendering the amount of the compensation, if any be payable, may take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward of front to building line.

208. (1) If the front of any building other than a building used for religious worship which abuts on a public street is behind a building line fixed under section 205 and it is proposed to erect or re-erect such building in any manner involving the removal of such building or of the front portion thereof to an extent exceeding one-half of such building or portion thereof above the ground level (such half to be measured in cubic feet), the Standing Committee may, in any order relating to the erection or re-erection of such building, permit or require the front of such building to be set forward to the building line.

(2) Except with the permission of the Standing Committee, no person shall erect or re-erect any building or any part of a building between a street line and a building line fixed under section 205.

Setting forward to the street line.

209. (1) The Standing Committee may, upon such terms as it thinks fit, allow any building to be set forward if the street line of the street in which such building is situated will be thereby improved.

(2) If any land which will be included in the premises of any person permitted to set forward a building under sub-section (1), vests in the Corporation the permission of the Standing Committee to set forward the building shall be a sufficient conveyance, subject to the provisions of section 55, to the owner of the said building; and the price to be paid to the Corporation by the said owner for such land and any other terms and conditions of the conveyance shall be set forth in the said permission.

Buildings at corner of streets.

210. (1) The Standing Committee may require any building intended to be erected at the corner of two streets to be rounded or splayed off to such height and in such manner as it may determine.

(2) The owner of the site of such building may require the Corporation to compensate him for the loss of any portion of such site resulting from any requirement under sub-section (1), and on payment of compensation therefor such portion of the site shall vest in the Corporation.

211. (1) The Chief Officer, by notice in writing, may require the owner of any land which is intended for division into building sites to prepare and submit for his approval, within a period to be specified in such notice, a plan, drawn to some convenient scale to be specified in such notice, and signed in token of having been prepared by him or under his supervision by a licensed surveyor, and showing the streets which such owner proposes to construct on such land and the position and boundaries of the building sites into which he proposes to divide such land.

Preparation of standard plans for division of lands into building sites.

(2) On receipt of any plan prepared as aforesaid, the Chief Officer shall submit it to the Standing Committee for approval thereof or for the direction of such alterations and amendments to be made therein as it shall think fit.

(3) If the said owner fails to submit the aforesaid plan within the period specified, the Chief Officer may cause such a plan as is prescribed in sub-section (1) to be prepared in accordance with the instructions of the Standing Committee, and shall cause a copy thereof to be delivered at the last known place of abode of such owner and to be affixed to some conspicuous position on the land.

(4) When a plan has been approved by the Standing Committee under sub-section (2) or has been prepared under the instructions of the Standing Committee under sub-section (3), it shall be known as the "standard plan" of such land and a copy thereof, signed by such person as may be authorised in this behalf, shall be deposited in the municipal office and another copy similarly signed shall be supplied on application to the owner of such land.

(5) Except with the permission of the Standing Committee and in accordance with the terms and conditions of such permission, no person shall construct any street or erect any building on such land otherwise than in accordance with such "standard plan".

CHAPTER XIII.

IMPROVEMENT SCHEMES.

212. When, as hereinafter provided, a representation is made by the Chief Officer or by the Standing Committee or by one-fourth of the total number of councillors to the Corporation

Corporation to take into consideration representations for improvement schemes.

(a) that in any part of the City—

(i) any area is insanitary, or

(ii) any buildings used or intended or likely to be used for human habitation are unfit for such use, or

(iii) the construction of new streets or widening of existing streets or the laying out of new open spaces is necessary, or

(iv) accommodation is required for the poor and working classes,
and

(b) that there is no other remedy except the framing of an improvement scheme,

the Corporation may, if it is satisfied of the correctness of the representation made and that an improvement scheme ought to be made in respect of such area, buildings, streets, open spaces or accommodation, as the case may be, pass a resolution directing that an inquiry be made by one or more of its officers or by a committee of councillors appointed for the purpose.

Official representation.

213. (1) An official representation for the purposes of this Act shall mean a representation made to the Corporation under section 212.

How to be made.

(2) An official representation may be made by the Chief Officer either of his own motion or in the following cases :

(i) in the case of the improvement of insanitary areas, or of buildings deemed unfit for human habitation—

(a) on the written complaint of twelve or more persons liable to pay any property-tax and residing within the ward comprising the area in respect of which the complaint is made, or

(b) on the written application of the Municipal Health Officer appointed under section 42 or on a resolution of the Standing Committee ;

(ii) in the case of any improvement necessitating the construction of new streets or the laying out of open spaces, on the application of any public authority, body, or association in the City ; and

(iii) in the case of accommodation to be provided for the poor and working classes, on the resolution passed at any public meeting held in that behalf or on the application of any association of labour or on of any person employing members of the poor or working classes :

Provided that before making an official representation the Chief Officer may make such local inquiries as he may deem necessary.

The Corporation may pass a resolution declaring that an improvement scheme is necessary.

214. (1) On receipt of a report from the officer or officers or committee appointed under section 212 the Corporation may pass a resolution declaring that any specified area is insanitary, or that any specified building is unfit for human habitation, or that the construction of new streets or the laying out of open spaces or the widening of existing streets is required or that dwellings for the poor and working classes should be constructed.

(2) The Corporation may at any time after such declaration proceed with the preparation of an improvement scheme for the carrying out of any of the said purposes :

Provided that any number of insanitary areas or buildings may be included in one improvement scheme and that a street scheme or an accommodation scheme may be included in any scheme for the improvement of insanitary areas or buildings.

Such scheme shall be called the preliminary improvement scheme.

215. A preliminary improvement scheme made by the Corporation may exclude any part of the area in respect of which any official representation was made or may include any neighbouring land, if the Corporation consider that such exclusion or inclusion is expedient. Areas which may be excluded from or included in a preliminary scheme.

216. Every preliminary improvement scheme shall provide for all or any of the following matters, namely :— Provision to be made in a preliminary improvement scheme.

- (1) the laying out of all or any of the lands affected, including the construction or re-construction of buildings and streets,
- (2) the draining and lighting of the streets so formed or altered,
- (3) the construction of new streets or the widening of existing streets or the laying out of new open spaces,
- (4) the erection of dwellings (including shops) for the accommodation of the poor and working classes,
- (5) the acquisition of any land which in the opinion of the Corporation may be necessary for or affected by the carrying out of the scheme.

217. In making a preliminary improvement scheme for any area regard shall be had to the conditions of neighbouring parts of the City and of the requirements of the City as a whole and to the likelihood of improvement schemes or street schemes or accommodation schemes being required for other parts of the City. Regard to be had to future needs of the City.

218. (1) Upon the completion of a preliminary improvement scheme, it shall be submitted for approval before a meeting of the Corporation which not less than half the total number of councillors shall be present throughout. If a majority of the councillors present throughout the meeting vote for such scheme, the Chief Officer shall prepare a notification reciting the reasons for the making of the scheme and the exact limits of the area comprised therein and stating that all particulars of the scheme (including a map of the area affected and a statement specifying the land proposed to be acquired) may be seen at the municipal office during stated hours. Schemes to be publicly notified at the municipal office.

(2) The preliminary improvement scheme together with a copy of the said notification shall thereupon be submitted to the Commissioner in Sind for approval.

(3) If the Commissioner in Sind approves such scheme, he shall publish the said notification for four consecutive weeks in the *Sind Official Gazette* and in two or more of the English and vernacular newspapers circulating within the City and selected for the purpose.

(4) Within the thirty days next following the first publication of the said notification the Chief Officer shall serve a notice on every person whose name appears in the municipal assessment book as primarily liable for the payment of the property-taxes in respect of any land or building proposed to be acquired for the purpose of the said scheme.

(5) The notice shall require the said person to state within thirty days of the receipt thereof whether he assents to or dissents from the proposed acquisition and, if he does not assent, to give reasons for his dissent.

(6) Every such notice shall be signed by the Chief Officer and shall be served—

(i) by delivery to the person or to his agent ; or

(ii) by leaving the same at the usual or last known place of abode or business of the person aforesaid ; or

(iii) if such person cannot be found after reasonable diligence, then by affixing the same to a conspicuous part of the land or building proposed to be acquired ; or

(iv) by registered post, addressed to the usual or last known place of abode or business of such person.

Corporation to apply for the sanction of the Commissioner in Sind to the final scheme.

219. (1) After compliance with the foregoing provisions with respect to the publication and service of notices and after considering any representations received and making such modifications in the preliminary improvement scheme as it may think fit, the Corporation shall consider the matter at a meeting at which not less than half the total number of councillors shall be present throughout. If a majority of the councillors present throughout the meeting are in favour of proceeding with the scheme, the Corporation shall apply to the Commissioner in Sind for sanction to the scheme.

Particulars to be supplied with the application for sanction.

(2) The application for sanction shall be accompanied by :—

(a) a full description of the scheme, including the reasons for any modifications made therein ;

(b) complete plans and estimates of the cost of executing the scheme ;

(c) a statement specifying the land to be acquired ;

(d) any representations received for or against the scheme ; and

(e) such other particulars as may be prescribed by the Commissioner in Sind by rules made in this behalf.

(3) After receiving such application the Commissioner in Sind, if he considers that the variations from the preliminary scheme notified under section 218 are material, may order a re-notification thereof under sub-section (3) of section 218 ; otherwise, the Commissioner in Sind may sanction the scheme with or without modification or subject to such conditions as he may think fit to impose, or may refuse sanction.

(4) When the Commissioner in Sind has given his sanction under sub-section (3), the preliminary improvement scheme shall become the final improvement scheme.

(5) When the Commissioner in Sind orders a re-notification under sub-section (3), the provisions of sub-sections (4), (5) and (6) of section 218 shall, so far as may be, apply to such revised scheme or portion thereof.

220. On receipt of the sanction of the Commissioner in Sind under section 219 the Corporation shall, as soon as practicable, take steps for the acquisition of the land proposed to be acquired for the purposes of the final improvement scheme and apply to the Commissioner in Sind for the issue of a direction to the Collector to take order for the acquisition of the land under section 7 of the [1]Land Acquisition Act, 1894, and the provisions of the said Act shall thereupon apply as if the notification issued under section 218 had been a declaration issued under section 6 of the Land Acquisition Act, 1894.

On receipt of sanction Corporation to take steps for acquisition of land.

I of 1894.

I of 1894.

221. If the owner of any land included in any such scheme proves to the satisfaction of the Chief Officer that at the date of the notification issued under section 218 building operations were in progress on such land or on any part thereof and that the construction of the building was completed up to the first floor, the Corporation may, and on the requisition of the owner shall, take steps for the acquisition of the said land in the manner provided in section 220.

Right of owner to demand acquisition on issue of notification when building operations are in progress.

222. (1) At any time after the expiry of one year from the date of the notification published under section 218 the owner of any land proposed to be acquired for the purposes of any scheme under this Act may by written notice require the Corporation to acquire such land.

Right of owner to demand acquisition or withdrawal by the Corporation after the lapse of one year from the date of the notification.

(2) On receipt of such notice the Corporation shall either decide to acquire such land or shall give the owner written notice that it has withdrawn from the proposed acquisition.

(3) If the Corporation decides to acquire the land, it shall forthwith take steps for the acquisition of the land in the manner provided in section 220 as if a declaration had been made under section 6 of the [1]Land Acquisition Act, 1894, and the date of publication of the notification under section 218 shall be deemed to be the date of a declaration made under section 6 of the [1]Land Acquisition Act, 1894 :

I of 1894.

I of 1894.

Provided that, when the Corporation has by written notice withdrawn from the proposed acquisition of any land under sub-section (2), such land shall not be included in any improvement scheme for acquisition until the expiry of two years from the date of the issue of written notice as aforesaid to the owner.

223. In a determination of the amount of compensation to be awarded for any land or building acquired under this chapter the following principles shall be followed in addition to those provided in the [1]Land Acquisition Act, 1894, namely :—

Special provisions as to compensation.

I of 1894.

(1) The Collector or Court shall take into consideration any increase in the value of any other land or building belonging to the

person interested which is likely to accrue from the acquisition of the land or from the acquisition or alteration or demolition of the building ;

(2) When any addition to, or improvement of, the land or building has been made after the date of the publication of a notification under section 218 relating to the land or building, such addition or improvement shall not be taken into consideration unless it was necessary for the maintenance of the building in a proper state of repair ; and when any interest has been acquired after the said date, a separate estimate of the value thereof shall not be made so as to increase the amount of compensation to be paid for the said land or building ;

(3) The rent of the said land or building shall not ordinarily be deemed to be greater than the rent declared in the last return made under rule 2 in Chapter II of Schedule VIII by the owner thereof within the twenty-four months next preceding the date of the publication of a notification under section 218 relating to the said land or building :

Provided that, where any addition to or improvement of the said land or building has been made between the date of such last return and the date of the said publication, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement ;

(4) If in the opinion of the Collector or Court the rental of the land or building has been enhanced by reason of its being used for an illegal or immoral purpose or of its being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable without such illegal or immoral use or overcrowding ;

(5) If in the opinion of the Collector or Court the building is in a state of defective sanitation or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building on its being put into a sanitary condition or reasonably good repair, less the estimated expense of putting it into such condition or repair ;

(6) If in the opinion of the Collector or Court a building used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation therefor shall not exceed the value of the materials thereof less the cost of demolition.

Procedure when scheme provides for construction of dwellings for the labouring classes.

224. When any improvement scheme includes provision for the construction of dwellings for the poor and working classes, the Corporation shall forthwith submit the plans and estimates thereof for the sanction of the Commissioner in Sind. When the said sanction has been received, the provisions of this chapter shall thereupon apply with all necessary modifications to the said construction as if that part of the scheme which deals with the said construction were the scheme itself.

225. Subject to the provisions contained in section 55, any surplus land remaining with the Corporation on completion of any improvement scheme (except a scheme for the accommodation of the poor) may be sold or otherwise disposed of by the Corporation, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Disposal
of surplus
land.

226. Schemes for the accommodation of the poor may provide for the construction by the Corporation, of dwellings on land—

Provision to
be made in
an accom-
modation
scheme.

(a) acquired by the Corporation or vesting in the Corporation absolutely or for not less than fifty years, or

(b) vesting in an employer or in an association, either absolutely or for a period of not less than fifty years :

Provided that the scheme shall not provide for the construction of dwellings on land alleged to vest in an employer or in an association until such employer or association, as the case may be, has proved to the satisfaction of the Corporation that the title to the land is good and sufficient for the purposes of the scheme.

227. (1) In cases falling under clause (b) of section 226 the construction of dwellings shall not be commenced until the employer or association concerned :—

Deposit and
notice.

(a) has deposited with the Corporation a sum of money equal to the estimated market value of the land or twenty-five per cent. of the estimated cost of the scheme, whichever is greater ; or

(b) has submitted to the Corporation a proposal in writing that the land shall be transferred to the Corporation for the purpose of the scheme and until the Corporation shall have served a notice in writing upon the employer or association, as the case may be, signifying its acceptance of such proposal.

(2) On the service of the notice referred to in clause (b) of sub-section (1), all the estate, right, title and interest of the employer or association, as the case may be, in and to the land referred to in the proposal shall forthwith vest in the Corporation.

228. (1) On the completion of an accommodation scheme the dwellings constructed by the Corporation shall either be rented by the Corporation to members of the poor or labouring classes or shall be leased by the Corporation for a period of not less than thirty years to the employer or association on whose motion the scheme has been executed or to any other employer or association.

Procedure
on comple-
tion of
scheme.

(2) When the dwellings are rented to members of the poor and labouring classes by the Corporation, the Corporation shall refund, in the manner prescribed in sub-section (3) to the employer or association concerned any deposit made by such employer or association under section 227 or the value of any land transferred to it under that section.

(3) The deposit shall be refunded gradually by annual payments equal to the annual sinking fund charges on all moneys spent by the Corporation on the scheme in such manner as may be prescribed in rules made by the Corporation in this behalf.

(4) When the dwellings are leased to the employer or association on whose motion the scheme has been executed, the annual rental payable to the Corporation by the said employer or association shall be so calculated as to cover on the expiry of the lease the capital cost of the scheme together with interest and sinking fund charges less the amount of the deposit distributed over the period of the lease.

(5) The conditions of the lease shall be such as may be prescribed by rules made in this behalf by the Corporation with the sanction of the Commissioner in Sind.

CHAPTER XIV.

GENERAL PROVISIONS FOR THE CARRYING ON OF MUNICIPAL ADMINISTRATION.

Validity of Contracts.

Contracts. 229. (1) Every contract made by or on behalf of the Corporation shall be made in accordance with the provisions of chapter VII of Schedule I.

(2) No contract shall be binding on the Corporation unless it has been made in accordance with the provisions of the said chapter.

Licences and written permissions.

Licences and written permissions. 230. (1) Wherever it is prescribed that the permission of the Corporation is necessary for the doing of any act, such permission shall (unless it is expressly provided otherwise) be in writing.

(2) A licence or permission given under this Act shall specify the period for which, and the conditions and limitations subject to which, it is granted, and shall be signed in the prescribed manner.

(3) For every licence or permission a fee may be charged at such rate as shall from time to time be fixed by the Chief Officer with the previous approval of the Standing Committee.

(4) Every person to whom a licence or permission has been granted shall produce it at all reasonable hours for inspection if required by the Chief Officer or any officer authorised by him in this behalf.

(5) A licence or permission may at any time be suspended or revoked by the Chief Officer, if any one of its conditions or limitations is infringed or evaded by the person to whom it was granted, or if the said person is convicted of an infringement of any of the provisions of this Act in any matter to which the licence or permission relates.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted has expired, the person to whom it was granted shall be deemed to be without a licence or permission :

Provided that, pending the receipt of orders on his application, an applicant for the renewal of a licence or permission shall be entitled to act as if it had been renewed.

(7) The acceptance by or on behalf of the Corporation of the fee for a licence or permission shall not entitle the person paying the fee to the licence or permission.

(8) Every application for a licence or permission shall be addressed to the Chief Officer.

(9) Save in cases falling under sections 151 and 154, if the orders of the Corporation on an application for a licence or permission which complies with the provisions of the foregoing sub-sections are not communicated to the applicant within six weeks from the date of receipt of the application by the Chief Officer, the applicant may act as if the licence or permission had been granted for the year or for any shorter period mentioned in the application.

Powers of Entry and Inspection.

231. Any municipal officer duly authorised to make inspections or surveys or to execute any works may enter into or upon any building or land with or without assistants or workmen, whenever in his opinion such entry is necessary or expedient for the purposes of this Act :

Power of entry on premises for purposes of inspection, survey or execution of necessary work.

Provided that, except where it is in this Act otherwise expressly provided—

(i) no such entry shall be made after sunset and before sunrise ;

(ii) no building used as a dwelling-house shall be entered, unless with the consent of the occupier thereof, without giving him at least six hours' previous notice in writing of the intended entry and (except where it is inexpedient to mention the purpose) of the purpose thereof ;

(iii) no apartment in the actual occupancy of females shall be entered unless sufficient notice has been given to enable them to remove themselves ;

(iv) due regard shall be had to the social and religious usages of the occupants of the premises entered so far as may be possible according to the exigencies of the purpose for which the entry is made.

232. (1) Any municipal officer duly authorised to carry out works may deposit upon any land, adjoining, or within one hundred yards of, any such works, any earth, gravel, sand, lime, bricks, stone, or other materials necessary for such works.

Power of entry on lands adjacent to works.

(2) Such officer before depositing materials under sub-section (1), shall give the owner or occupier of the land reasonable notice of his intention and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in sub-section (1).

(3) In depositing materials under sub-section (1) as little damage as possible shall be done, and the Corporation shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

Right of entry into and inspection of premises licensed for any purpose.

233. (1) The Chief Officer or any municipal officer authorised by the Corporation in that behalf may at any time by day or night and without notice enter into or upon any place or premises used or intended to be used for any purposes for which any licence or permission is required by or under this Act or any rule in order to satisfy himself as to whether any provision of this Act or rule or any condition of any licence or permission granted or required under this Act or any rule is being contravened, and as to whether any nuisance is being created in or upon such place or premises.

(2) No claim for compensation shall lie against any person for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry :

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence has been or is being committed against some provision of this Act or of any rule.

Enforcement of Orders to execute Works.

Execution of works which any person is required to execute by Chief Officer at such person's cost.

234. (1) When any requisition or order is made under this Act or any rule by written notice issued by the Chief Officer or by any municipal officer duly empowered in this behalf, a reasonable period shall be prescribed in the notice for carrying the requisition or order into effect ; and if within the period so prescribed such requisition or order or any portion thereof is not complied with, the Chief Officer may take such measures or cause such work to be executed or thing to be done as is in his opinion necessary for giving due effect to the requisition or order, and the expenses thereof shall be paid by the person or any one of the persons in default.

(2) When a person is required under any provision of this Act or any rule to supply any materials or fittings or to do any work, the Chief Officer at the request of such person in writing, may supply the necessary materials or fittings or cause the necessary work to be done on his behalf :

Provided that the said person deposits a sum which, in the opinion of the Chief Officer, will suffice to cover the cost of the said materials, fittings or work.

(3) When a person is required to execute any work under the provisions of this Act or any rule, the Chief Officer, instead of giving him an option of executing it, may, if he thinks fit, cause such work to be executed by municipal or other agency under his own supervision, and may recover the expenses incurred thereby from the person liable to execute the work :

Provided that the Corporation may by general or special order or resolution sanction the execution of such work at the cost of the municipal fund.

235. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier of such building or land may execute the said work with the previous approval of the Chief Officer, and for doing so he shall be entitled to recover the reasonable expenses incurred therein from the owner and may without prejudice to any other right of recovery deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

236. No person who receives the rent of any building or land as an agent or trustee only shall be liable to do anything which by this Act is required to be done by an owner if he proves to the satisfaction of the Chief Officer that he has not sufficient funds belonging to the owner to do the same :

Limitation of liability of agent or trustee of owner.

Provided that nothing in this section shall be deemed to prevent the Chief Officer from carrying out the necessary works and recovering the expenses so incurred from the actual owner.

Recovery of Expenses incurred by the Chief Officer.

237. (1) Whenever under this Act or any rule or regulation, the expenses of any work executed or measure taken or thing done are payable by any person, they shall be payable on demand.

Expenses recoverable under this Act to be

(2) If not paid on demand, the said expenses, subject to the provisions of sub-section (2) of section 241, shall be recoverable by the Chief Officer by distress and sale of the goods and chattels of the defaulter as if the said amount were a property-tax due by the said defaulter.

payable on demand : and if not paid on demand, may be recovered as an arrear of property-tax

238. If the default referred to in the last preceding section is in connection with a building or land and the defaulter is the owner thereof, the sum due may be demanded from any person who at the time when the said expenses were incurred occupied the said building or land under or from the said owner. In the event of the occupier failing to pay the sum due it may be recovered by distress and sale of the goods and chattels of the said person as if the amount thereof were a property-tax due by him :

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier may also be liable for payment thereof.

Provided that—

(a) if the occupier makes a true disclosure of the name and address of the person to whom the rent is due and proves to the satisfaction of the Chief Officer that the amount of rent payable by him to that person on the date of the demand for the payment of the said expenses was less than the amount of the said demand, then the occupier shall not be liable to pay on account of the said demand any sum greater than the amount payable as rent on the date aforesaid ;

(b) the occupier shall be entitled to credit in account with the owner for any sum recovered from him on account of the said expenses ;

(c) nothing in this section shall affect any agreement made between the occupier and the owner respecting the payment of expenses as aforesaid.

Chief Officer may receive payment in instalments.

239. Notwithstanding anything contained in section 237, or section 238, the Chief Officer, with the approval of the Standing Committee, may take an agreement from the person liable under the said sections to pay the sum due, together with interest thereon at a rate not exceeding nine per cent. per annum, in instalments of such amounts and at such intervals as will secure the payment of the whole amount within a period of not more than five years.

Expenses incurred by Chief Officer may be declared improvement expenses and recovered by instalments.

240. (1) Any expenses incurred by the Chief Officer under any provision of this Act in respect of, or for the benefit of, any building or land, may be declared to be improvement expenses, if the Chief Officer, with the approval of the Corporation, thinks fit so to declare them.

(2) Improvement expenses shall be a charge on the building or land in respect of which, or for the benefit of which, they have been incurred. They shall be recoverable in instalments of such amounts (not being less than twelve rupees per annum for each separate property) and at such intervals as will suffice to discharge them, together with interest thereon at a rate not exceeding nine per cent. per annum, within such period not exceeding thirty years as the Chief Officer, with the approval of the Corporation, may in each case, determine.

(3) The said instalments shall be payable by the owner or occupier of the building or land on which the expenses are charged.

(4) At any time before the expiration of the period for the payment of any improvement expenses the owner or occupier of the premises on which they are charged may redeem the charge by paying the unpaid balance to the Chief Officer.

In cases falling under section 237 disputes to be determined by the Judge of the Karachi Small Causes Court.

241. (1) If a demand of the Chief Officer for the payment of any expenses under section 237 is disputed, or if, in the case of expenses incurred by the Corporation or by the Chief Officer in taking temporary measures in the interests of public safety under the provisions of this Act, the necessity for such temporary measures is disputed, the Chief Officer shall refer the case for the determination of the Judge of the Karachi Small Causes Court.

(2) Pending the Judge's decision, the Chief Officer shall defer further proceedings for the recovery of the sum claimed by him but shall not, by reason only of the pendency of any dispute or reference to the said Judge, defer the execution of any temporary measures which may be necessary under any provision of this Act.

Payment of Compensation by Corporation.

Compensation to owner for value of immoveable property deteriorated.

242. (1) In any case in which immoveable property has deteriorated in value owing to the exercise of any power conferred by section 121, 122, 123, 124, 136, 138 139, or 182, the Corporation may pay to the owner of the property reasonable compensation.

(2) On receipt of the compensation the owner of the property which has deteriorated in value shall be deemed to have granted to the Corporation a perpetual right to continue the exercise of its powers under any of the said sections in such a manner as not to create a greater nuisance or to cause greater damage than was being created or caused at the time when compensation was received.

243. (1) Any person who is injuriously affected thereby may complain to the Commissioner in Sind that in the exercise of any power conferred by section 121, 122, 123, 124, 136, 138, 139 or 182 more than the least practicable nuisance or damage has been created or caused. Procedure on complaint of injury.

(2) Upon receipt of any such complaint the Commissioner in Sind may appoint an officer to enquire into the complaint, and such officer shall for the purpose of his enquiry have all the powers of a civil court trying a suit and shall submit his report to the Commissioner in Sind.

(3) Upon receipt of the report the Commissioner in Sind may, if he thinks fit, direct the Corporation—

(a) to take such measures as it shall deem practicable and reasonable for preventing, abating, removing or diminishing the nuisance or damage ;

(b) to pay to the complainant all reasonable costs of and relating to his complaint, which costs may include compensation for the complainant's loss of time in prosecuting the complaint.

(4) It shall be incumbent on the Corporation to obey every such order.

244. Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by reason of any act done in the exercise of any power conferred by section 121, 122, 123, 124, 136, 138, 139 or 182 to recover damages. Saving of right to claim damages for injury.

245. In any case not otherwise expressly provided for in this Act, the Chief Officer, with the previous approval of the Standing Committee, may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Chief Officer or in any municipal officer or servant. Payment of compensation.

246. (1) Except in the cases referred to in section 237 and in cases relating to the acquisition of land under the [1] Land Acquisition Act, 1894, the amount and apportionment of any compensation or expenses which the Corporation or any other person is required by or under this Act to pay shall be determined, in the case of dispute, by the Judge of the Karachi Small Causes Court on application made to him in this behalf within six months from the date on which such expenses or compensation first became claimable. Amount of expenses or compensation to be determined in all cases of dispute by the Judge of the Karachi Small Causes Court.

(2) If the amount of the expenses or compensation so determined is not paid on demand, it shall be recoverable as if it were due under a decree of the said court.

Interference with Municipal Officers.

Corporation not to be prevented from exercising power of entry. 247. No person shall prevent any person duly authorized in that behalf from exercising his power under this Act of entering into any building or on any land.

Prohibition of obstruction of contractor. 248. No person shall obstruct or molest any person with whom the Chief Officer has entered into a contract on behalf of the Corporation in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act.

Prohibition of removal of mark. 249. No person shall remove any mark set up for the purpose of indicating any lawful direction necessary to the execution of works authorized by this Act.

Legal Proceedings.

Decision of the Judge of the Karachi Small Causes Court. 250. Notwithstanding anything contained in the [1]Provincial IX of 1887. Small Cause Courts Act, 1887, or in any other enactment for the time being in force, the Judge of the Karachi Small Causes Court shall exercise all the powers and jurisdiction expressly conferred on or vested in the said Judge by the provisions of this Act; and, unless it is otherwise expressly provided by this Act, his decision shall be final in any matter in respect of which he exercises such powers or jurisdiction.

Procedure in inquiries before civil courts. 251. (1) For the purposes of any appeal, inquiry, or proceeding under this Act, the Court of the Judicial Commissioner of Sind or the Judge of the Karachi Small Causes Court may exercise all the powers v of 1908. conferred on them by the Code of Civil Procedure, 1908, the IX of 1887. [1]Provincial Small Cause Courts Act, 1887, or the [2]Sindh Courts Act, 1866, as the case may be; and shall observe the procedure Bom. XII c 1866. prescribed in the said enactments, so far as it is not inconsistent with the provisions of this Act.

(2) The costs of every such appeal, inquiry, or proceeding shall be payable by such parties and in such proportions as the court shall direct; and the amount thereof shall, if necessary, be recoverable as if it were due under a decree of the Court.

Fees in proceedings before civil courts. 252. (1) Government may by notification prescribe what fee, if any, shall be paid—

(a) on any application, appeal, or reference made under this Act to a civil court; and

(b) for the issue of any summons or other process in any enquiry or proceeding of the court under this Act:

Provided that the fee to be prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fee at the time being levied in the court, on a claim or subject-matter of a like amount.

[1] General Acts, Vol. III.

[2] Vol. II of Bom. Code.

(2) Government may, from time to time, by a like notification determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal, or reference shall be received by any court until the fee, if any, prescribed under clause (a) of sub-section (1) has been paid.

253. Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented, subject to the provisions of section 5 of the [1]Indian Limitation Act, 1908, within thirty days after the date of the order in respect of or against which the application or appeal is made.

Limitation of time.

Suits.

254. No suit shall lie in respect of anything in good faith done or intended to be done under this Act against the Corporation or against any committee constituted under this Act or against the School Board or against any municipal officer or servant or against any person acting under and in accordance with the directions of any such authority, officer, or servant or of a magistrate.

Indemnity for acts done in good faith.

255. (1) No suit shall lie against the Corporation or against the Chief Officer or against any other municipal officer or servant in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act—

Protection of persons acting under this Act against suits.

(a) unless it is commenced within six months next after the accrual of the cause of action; and

(b) until the expiration of one month after notice in writing has been, in the case of the Corporation, delivered or left at the chief municipal office and, in the case of the Chief Officer or of a municipal officer or servant, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) At the trial of any such suit—

(a) the plaintiff shall not be permitted to adduce evidence relating to any cause of action save such as is set forth in the notice delivered or left by him as aforesaid;

(b) the claim, if it be for damages, shall be dismissed if tender of sufficient amends was made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money, with costs, is paid into court.

(3) If the defendant in any such suit is the Chief Officer or any other municipal officer or servant, payment of any sum or part thereof payable by him in or in consequence of the suit may be made with the sanction of the Standing Committee from the municipal fund.

CHAPTER XV.

PUNISHMENT OF OFFENCES.

Certain offences punishable with fine.

256. Whoever—

(a) contravenes any provision of this Act mentioned in the first column of the following table, or

(b) fails to comply with any lawful direction or requisition under any of the said provisions,

shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, but are inserted merely to facilitate reference to the sections, sub-sections and clauses mentioned in the first column :—

Section, sub-section or clause.	Subject.	Maximum fine which may be imposed.
1	2	3
Section 125	.. Requisition by the Chief Officer to connect premises with municipal drain.	One hundred rupees.
Section 126	.. Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	One hundred rupees.
Section 127	.. New buildings not to be erected without drains.	One thousand rupees.
Section 129, sub-section (1).	.. Owner of land to allow others to carry drains through the land.	Fifty rupees.
Section 130	.. Owner of drain to allow use thereof or joint ownership therein to others.	Fifty rupees.
Section 132	.. Resistance to order of the Chief Officer regarding use or joint ownership of a drain.	Fifty rupees.
Section 133	.. Resistance to the Chief Officer draining premises in combination.	Fifty rupees.
Section 134	.. Resistance to the Chief Officer constructing drains or failure to maintain and keep in repair portion of a drain vesting in an owner.	Fifty rupees.
Section 135, sub-section (1), clause (b).	.. Direction limiting use of drain or notice requiring the use of a distinct drain.	One hundred rupees.
Section 136	.. Resistance to the Chief Officer affixing shafts or pipes for ventilation of drains.	Fifty rupees.

Section, sub-section or clause. 1	Subject. 2	Maximum fine which may be imposed. 3
Section 149, sub-section (1).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Two hundred rupees.
Section 151	Establishment, etc., of factory, etc., without permission of the Standing Committee.	One thousand rupees.
Section 154	Storing dangerous or offensive articles, and carrying on dangerous or offensive trades.	Five hundred rupees.
Section 160, sub-section (1).	Keeping open a private market without permission.	Two hundred rupees.
Section 160, sub-section (1).	Establishment, removal, re-opening, re-establishment or enlargement of private market without permission.	One thousand rupees.
Section 161, sub-section (1).	Selling animals, meat, etc., outside market without a licence.	One hundred rupees.
Section 162	Slaughter of animals without permission outside municipal slaughter-house.	One hundred rupees.
Section 166	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 167	Keeping adulterants in places where butter, ghee, etc., are manufactured.	One hundred rupees.
Section 168	Sale, etc., of notified article which is not of prescribed standard of purity.	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence.
Section 169	Sale, etc., of substitutes	One hundred rupees for a first offence and five hundred rupees for any subsequent offence.
Section 173, sub-section (3).	Removing, interfering or tampering with animal, food, drink, drug, etc., seized and left in custody.	Two hundred rupees.
Section 177, sub-section (1).	Sale or surrender of articles of food, drink or drug required for purposes of analysis.	Two hundred rupees.
Section 178, sub-section (1).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 186	Prohibition of erection or re-erection of buildings without permission of the Chief Officer.	One thousand rupees.

Section, sub-section or clause. 1	Subject. 2	Maximum fine which may be imposed. 3
Section 187, sub-section (1).	Notice to be given to the Chief Officer of completion of building.	One hundred rupees.
Section 187, sub-section (4).	Prohibition of occupation of new or re-erected building without permission of the Chief Officer.	One thousand rupees.
Section 189, sub-section (3).	Entering into or remaining in a building which has been declared unfit for human habitation.	Five hundred rupees.
Section 190, sub-section (1).	Requisition to repair or remove buildings in ruinous or dangerous state.	One hundred rupees.
Section 190, sub-section (3).	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Two hundred rupees.
Section 192, sub-section (2).	Erection or re-erection of building on site declared insanitary.	One thousand rupees.
Section 194, sub-section (1).	Laying a tramway or railway on a public street.	One thousand rupees.
Section 195, sub-section (1).	Prohibition of projections upon streets, etc.	Two hundred rupees.
Section 195, sub-section (2).	Requisition to remove the same ..	Two hundred rupees.
Section 196	.. Requisition to alter ground floor doors, etc., opening on roads or streets.	Twenty rupees.
Section 197, sub-section (1).	Requisition to remove projections upon streets, etc., made before Bom. III of 1901 came into force.	Two hundred rupees.
Section 201, sub-section (1).	Laying out a private street otherwise than in accordance with the directions of the Chief Officer.	One thousand rupees.
Section 204, sub-section (7).	Erection or re-erection of a building in contravention of a declaration published under section 204, sub-section (5).	One thousand rupees.
Section 205, sub-section (2).	Construction of a building within a street line without permission of Standing Committee.	One thousand rupees.
Section 206	.. Constructing a building beyond the street line.	One thousand rupees.
Section 208, sub-section (2).	Constructing a building within the regular line of street without permission.	One thousand rupees.
Section 211, sub-section (5).	Construction of street or erection of building otherwise than in accordance with standard plan.	One thousand rupees.

257. Whoever, after having been convicted—

Continuing
offences.

(a) of contravening any provision of any of the sections, sub-sections or clauses of this Act mentioned in the first column of the following table, or of any regulation or order lawfully made thereunder, or

(b) of failing to comply with any lawful direction or requisition under any of the said provisions,

continues to contravene the said provision or to neglect to comply with the said direction or requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, shall be punished for each day that he continues so to offend with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column but are inserted merely to facilitate reference to the sections, sub-sections and clauses mentioned in the first column :—

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 125 ..	Requisition by the Chief Officer to connect premises with municipal drain.	Ten rupees.
Section 126 ..	Requisition to connect undrained premises situated more than a hundred feet from municipal drain.	Ten rupees.
Section 127 ..	New buildings not to be erected without drains.	Fifty rupees.
Section 129, sub-section (1).	Owner of land to allow others to carry drains through the land.	Five rupees.
Section 130 ..	Owner of drain to allow use thereof or joint ownership therein to others.	Five rupees.
Section 132 ..	Resistance to order of the Chief Officer regarding use or joint ownership of a drain.	Fifty rupees.
Section 133 ..	Resistance to the Chief Officer draining premises in combination.	Fifty rupees.
Section 134 ..	Resistance to the Chief Officer constructing drains or failure to maintain and keep in repair portion of a drain vesting in an owner.	Fifty rupees.
Section 135, sub-section (1), clause (b).	Direction limiting use of drain or notice requiring the use of a distinct drain.	Ten rupees.
Section 136 ..	Resistance to the Chief Officer affixing shafts or pipes for ventilation of drains.	Fifty rupees.

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 149, sub-section (1).	Erection of buildings, etc., over drains, water-mains, air-mains, etc., without permission.	Twenty rupees.
Section 151	Establishment, etc., of factory, etc., without permission of the Standing Committee.	One hundred rupees.
Section 154	Storing dangerous or offensive articles and carrying on dangerous or offensive trades.	Fifty rupees.
Section 160, sub-section (1).	Keeping open a private market without permission.	Twenty-five rupees.
Section 160, sub-section (1).	Establishment, removal, re-opening, re-establishment or enlargement of private market without permission.	One hundred rupees.
Section 161, sub-section (1).	Selling animals, meat, etc., outside market without a licence.	Ten rupees.
Section 186	Prohibition of erection or re-erection of buildings without permission of the Chief Officer.	One hundred rupees.
Section 190, sub-section (1).	Requisition to repair or remove buildings in ruinous or dangerous state.	Ten rupees.
Section 190, sub-section (3).	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed.	Five rupees.
Section 192, sub-section (2).	Erection or re-erection of building on site declared insanitary.	One hundred rupees.
Section 194, sub-section (1).	Laying a tramway or railway on a public street.	One hundred rupees.
Section 195, sub-section (1).	Prohibition of projections upon streets, etc.	Ten rupees.
Section 195, sub-section (2).	Requisition to remove the same ..	Ten rupees.
Section 197, sub-section (1).	Requisition to remove projections upon streets, etc., made before Bom. III of 1901 came into force.	Ten rupees.
Section 201, sub-section (1).	Laying out private street otherwise than in accordance with the directions of the Chief Officer.	One hundred rupees.
Section 204, sub-section (7).	Erection or re-erection of a building in contravention of a declaration published under section 204, sub-section (5).	One hundred rupees.
Section 205, sub-section (2).	Construction of a building within a street line without permission of Standing Committee.	Ten rupees.
Section 206	Constructing a building beyond the street line.	One hundred rupees.
Section 208	Constructing a building within the regular line of street without permission.	One hundred rupees.
Section 211, sub-section (5).	Construction of street or erection of building otherwise than in accordance with standard plan.	One hundred rupees.

258. Whoever contravenes any provision of section 144, 145, 182, 247, 248 or 249 or of any order made thereunder, or fails to comply with any lawful direction or requisition under any of the said provisions, shall be punished for each such offence with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both. Punishment for certain offences.

259. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks in connection therewith and for the reward of informers shall apply, so far as may be, to similar offences committed in respect of the levy, payment, or refund of any terminal tax which may be imposed under this Act; and any omission or misdescription in passing for export any goods in respect of which refund of such terminal tax may be claimable shall be punishable as if such omission or misdescription had been made in passing the said goods for import. Punishment of offences relating to the terminal tax.

260. Any councillor, municipal officer, or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, not being a share or interest such as, under the proviso to section 14, it is permissible for a councillor to have without being thereby disqualified from being a councillor, shall be punishable with simple imprisonment for a term which may extend to one year or with fine or with both. Punishment for acquiring share or interest in contract, etc., with the Corporation.

261. Any essential officer or servant contravening any of the provisions of sub-section (2) of section 48 shall be liable to imprisonment for a term not exceeding two months. Punishment for essential officer leaving employment.

Procedure in Municipal Prosecutions.

262. (1) Any police officer may arrest any person who in his view commits any offence punishable under this Act, if the name and address of such person be unknown to him and if such person on demand declines to give his name and address, or gives a name and address which such officer has reason to believe to be false. Offenders against this Act may in certain cases be arrested by police officers.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or, without the order of a magistrate, for any longer time, not exceeding forty hours from the arrest, than is necessary for bringing him before a magistrate.

263. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act and committed outside the City may be tried by a magistrate having jurisdiction within the City as if such offence had been committed within the City, and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against the [1]Bombay District Municipal Act, 1901, by reason only of the said magistrate being liable to pay any municipal tax or being benefited by the municipal fund to the credit of which any fine imposed by him is payable. Jurisdiction of City Magistrate.

[1] Vol. IV of Bom. Code.

Procedure in
prosecutions.

264. (1) No Court shall take cognizance of any offence punishable under this Act except on a complaint signed by the Chief Officer.

(2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1898, it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complaint is presented in writing. ^{v of 1898.}

Limitation
of time for
prosecution.

265. (1) No magistrate shall take cognizance of any offence punishable under this Act unless complaint of such offence is made—

(a) within three months next after the date of such offence ; or

(b) if such date is not known or the offence is a continuing one, within three months next after the date on which the commission or existence of such offence was first brought to the notice of the Chief Officer or of any officer or servant whose duty it is to report such offence to the Chief Officer.

(2) For the purpose of sub-section (1), failure to take out a licence under this Act shall be deemed to be a continuing offence until the expiration of the period for which the licence ought to have been taken out.

Power of
magistrate
to hear
cases in
absence of
accused.

266. If any person summoned to appear before a magistrate to answer a charge of an offence punishable under this Act fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the magistrate and no sufficient cause is shown for the non-appearance of such person the magistrate may hear and determine the case in his absence.

Report of
Chemical
Analyser to
Government.

267. Any document purporting to be a report under the hand of the Chemical Analyser to Government upon any article duly submitted to him for analysis may be used as evidence of the facts therein stated in any enquiry or prosecution under this Act.

Compensa-
tion to be
paid by
offenders
against this
Act for any
damage
caused by
them.

268. (1) If on account of any act or omission any person has been convicted of an offence punishable under this Act and by reason of the same act or omission of the said person damage has occurred to any property of the Corporation, the said person shall be liable to the payment of compensation for the said damage in addition to any punishment to which he may have been sentenced for the said offence.

(2) If the amount of compensation payable by the said person is disputed, it shall be determined by the magistrate before whom he has been convicted of the said offence ; and in the case of non-payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted on the said person.

Recovery
of licence
fees on
conviction.

269. (1) Whenever any person is convicted of an offence in respect of failure to obtain a licence or permission required by the provisions of this Act or of any rules the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to

the Corporation the amount of the fee chargeable for such licence or permission.

(2) Recovery of the fee under sub-section (1) shall not entitle the person convicted to such licence or permission.

270. (1) The Chief Officer may accept from any person a sum of money by way of compensation for any offence under this Act committed or reasonably believed to have been committed by him; and on payment of such sum of money no further proceedings shall be taken on account of the offence so compounded.

(2) When any such sum has been received under sub-section (1), the Chief Officer shall forthwith make a report regarding the same to the Standing Committee.

CHAPTER XVI.

ALTERATION OF LIMITS OF THE CITY.

271. (1) The Commissioner in Sind may notify his intention—

(a) after consulting the Corporation and with the previous approval of Government to exclude from the City any local area comprised therein and defined in the notification; and

(b) with the concurrence of the Corporation and in case of disagreement with the Corporation with the previous approval of Government to include within the City any local area defined in the notification:

Provided that, where such local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of such area without the previous sanction of the Governor-General in Council.

(2) The Corporation or any inhabitant of the City or of a local area in respect of which a notification has been published under sub-section (1), may submit to the Commissioner in Sind any objection in writing to the alteration proposed within six weeks from the publication of the notification, and the Commissioner in Sind shall take such objection into consideration.

(3) When six weeks from the date of the publication of a notification under sub-section (1) have expired and the Commissioner in Sind has considered any objections submitted under sub-section (2), the Commissioner in Sind by a further notification may exclude from or include within the City any local area in respect of which the notification under sub-section (1) was issued, or any part thereof; and Schedule X shall be deemed to have been amended accordingly.

272. (1) When a local area is excluded from the City under section 271—

(a) this Act, and all rules, orders, directions, notices, and powers made, issued, or conferred thereunder, or in force throughout the City

Compounding
offences
against
this Act.

Notification
of intention
to alter
limits of
the City.

Effects of
exclusion
of local
area.

at the time when the local area is so excluded, shall cease to apply thereto; and

(b) the Commissioner in Sind after consulting the Corporation, and with the previous approval of Government, shall frame a scheme determining what portion of the balance of the municipal fund and other property vested in the Corporation shall vest in His Majesty for the benefit of such excluded area, and in what manner the liabilities of the Corporation in respect thereof shall be apportioned between the Corporation and the Secretary of State for India in Council; and, on the publication of the scheme in the *Sind Official Gazette*, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in His Majesty under sub-section (1) shall be applied, under the orders of Government, in the first place to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, and in the second place for the promotion of the safety, health, welfare, or convenience of the inhabitants of the said excluded area.

Effects of
inclusion
of local
area.

273. When any local area is included in the City under section 271, this Act and (except as Government may by notification otherwise direct) all rules, orders, directions, and powers made, issued, or conferred thereunder and in force throughout the City at the time the local area is so included, shall apply in such area.

CHAPTER XVII.

CONTROL.

Power of
Commissioner
in Sind to
suspend
action
under Act.

274. (1) If the Commissioner in Sind is of opinion that the execution of any resolution or order of the Corporation or of any municipal authority or officer subordinate thereto, or the doing of any act which is about to be done or is being done by or on behalf of the Corporation, is in contravention of or in excess of the powers conferred by this Act or any law for the time being in force, or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Commissioner in Sind, by order in writing, may suspend the execution of such resolution or order, or prohibit the doing of any such act.

A copy of such order of the Commissioner in Sind shall thereupon be sent to the Corporation by the Commissioner in Sind.

(2) The Corporation may, notwithstanding anything contained in this Act or the rules, take the matter into consideration.

(3) If the Corporation after having taken the matter into consideration is of opinion—

(a) that the resolution, order or act in respect of which the Commissioner in Sind has passed order under sub-section (1) should not be executed or done they shall pass a resolution accordingly, or

(b) that the resolution, order or act is not in contravention of or in excess of the powers conferred by this Act, or any law for the time being in force, or the execution of the resolution or the doing of the act is not likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Corporation shall pass a resolution accordingly and shall send a copy of the said resolution together with a copy of the proceedings relating to the said resolution to the Commissioner in Sind.

(4) The Commissioner in Sind shall thereupon report the matter to Government and shall, with his report, send a copy of the resolution passed by the Corporation under clause (b) of sub-section (3) together with a copy of the proceedings relating to the said resolution.

(5) Government may thereupon revise, modify or confirm the order of the Commissioner in Sind passed under sub-section (1) and make any other order which the Commissioner in Sind could have made under sub-section (1).

275. The Commissioner in Sind may at any time call upon the Corporation to furnish him with any extract from any proceedings of the Corporation or of the School Board or of the Standing Committee or of any other Committee constituted under this Act, and the Corporation shall furnish it without unreasonable delay.

Power of Commissioner in Sind to call for extracts from proceedings.

276. (1) The Commissioner in Sind may require the Chief Officer to submit—

Power of Commissioner in Sind for purposes of examination and inspection.

(a) any return, statement, estimate, statistics, or other information regarding any matter under the control of any municipal authority;

(b) a report on any such matter;

(c) a copy of any document in his charge or under his control.

(2) The Commissioner in Sind on receipt of any information or otherwise, may depute an officer not below the rank of a Deputy Collector to make any inspection or examination of any department, office, service, work, or thing under the control of any municipal authority and to report to the Commissioner in Sind the result of such inspection or examination.

(3) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of the City, and may require the Chief Officer—

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

(b) to furnish any report, return, plan, estimate, statement, account, or statistics.

(4) Every requisition made under this section shall be complied with by the Chief Officer without unreasonable delay.

Power of Commissioner in Sind to require municipal authority to take action.

277. If, on receipt of any report submitted or of any document furnished under section 276, the Commissioner in Sind is of opinion—

(a) that any of the duties imposed on any municipal authority by this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient, or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty;

he may, by an order in writing, direct the municipal authorities or any of them, within a period to be specified in the order, to make arrangements to his satisfaction for the proper performance of the duties mentioned in clause (a), or to make financial provision to his satisfaction for the performance of any such duty, as the case may be:

Provided that, the Commissioner in Sind, before making an order under this section, shall give the municipal authority an opportunity of showing cause why such order should not be made unless he considers that immediate execution thereof is necessary.

Power of Commissioner in Sind when municipal authority fails to take action.

278. (1) If any order made under section 277 is not complied with within the period specified therein, the Commissioner in Sind may by order—

(a) appoint some person to take the action so directed;

(b) fix the remuneration to be paid to such person; and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and, if necessary, that any one or more of the taxes authorised by chapter VIII shall be levied or increased, but not so as to exceed any maximum prescribed by that chapter.

(2) For the purpose of taking the action directed as aforesaid, the person appointed under sub-section (1) may exercise any of the powers conferred on any municipal officer by this Act which may be specified in this behalf in the aforesaid order, including the power to draw cheques on the account of the municipal fund.

(3) Any bank or society having the custody of any account referred to in sub-section (2) shall be bound to honour cheques drawn as aforesaid on that account to the extent of the balance standing to the credit thereof.

(4) In addition to, or instead of, directing the levy or increase of any taxes under sub-section (1) the Commissioner in Sind may direct by notification that any sum of money which may in his opinion be required for giving effect to any order made under that sub-section be borrowed by way of debenture or on the security of all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment as may be specified in such notification.

(5) The provisions of chapter VI shall apply to any loan raised in pursuance of sub-section (4).

279. The Commissioner in Sind shall submit to Government a report of every case occurring under section 277 or 278 and Government may revise or modify any order made therein and make in respect thereof any order which the Commissioner in Sind could have made.

Commissioner in Sind to report cases under sections 277 and 278 to Government and power of Government to revise or modify orders passed.

280. (1) If at any time, upon representation made or otherwise, it appears to Government that the Corporation is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, Government may after having given an opportunity to the Corporation to show cause why such order should not be made issue an order directing that all the councillors shall retire from office as and from such date as may be appointed, and that general elections shall take place in accordance with the provisions of this Act so far as they may be applicable as if such date were the day for retirement within the meaning of section 9. Such order shall be published in the *Sind Official Gazette* together with the reasons for making it.

Power to Government to dissolve Corporation in case of incompetency persistent default or excess or abuse of powers.

(2) Notwithstanding anything contained in sections 9 and 19, all councillors shall vacate their office from the date mentioned in any order under sub-section (1). All the powers and duties of the Corporation shall be exercised and performed by the Chief Officer from the aforesaid date until the date of the publication of the names of new councillors under sub-section (3).

(3) The councillors so elected and appointed shall come into office immediately after their names have been published in the *Sind Official Gazette* by the Chief Officer and shall retire from office at noon on the first day of May next preceding the completion of a period of three years after they take office.

CHAPTER XVIII.

SCHEDULES AND RULES.

281. The Schedules to this Act as amended from time to time in accordance with the provisions of this Act shall be deemed to be part of this Act, and all references in this Act to the said Schedules shall be construed as referring to such Schedules as so amended.

Schedules to be part of the Act.

282. The Corporation may add to Schedules I, VI (except Chapter X), VIII and IX rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedules) to provide for any of the matters dealt with in such

Alteration of and addition to Schedules.

Schedules, or for any of the purposes specified in section 286, and may, subject to the same limitation, amend, alter, or annul any rule in the said Schedules :

Provided that, if any rule regulating the punishment of an offence is altered or amended, the punishment to be awarded under such altered or amended rule shall not exceed the maximum prescribed in section 285.

Power to make rules subject to the sanction of the Commissioner in Sind and all rules to be published. Act.

283. (1) The power to make, add to, alter, or rescind any rules under section 282 is subject to the sanction of the Commissioner in Sind and to the condition of the rules being made after previous publication.

(2) All rules made under section 282 shall be finally published in the *Sind Official Gazette* and shall thereupon have effect as if enacted in this Act.

(3) In addition to the publication required by sub-sections (1) and (2) the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

Power of Commissioner in Sind to make rules.

284. (1) The Commissioner in Sind may at any time require the Corporation to make rules under section 282 in respect of any purpose or matter specified therein.

(2) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the Commissioner in Sind, he may after previous publication make such rules himself; and the rules so made shall on final publication in the *Sind Official Gazette* have effect as if enacted in this Act.

(3) The Commissioner in Sind after previous publication may make rules to provide for the regulation of cemeteries and places for the disposal of the dead and the particulars to accompany an application for sanction to an improvement scheme under clause (e) of sub-section (2) of section 219 and, such rules shall on final publication have effect as if enacted in this Act.

Penalty for breach of rules.

285. In making a rule under section 282 or sub-sections (2) and (3) of section 284, the Corporation or the Commissioner in Sind, as the case may be, may provide that any breach thereof shall be punishable—

(a) with fine which may extend to five hundred rupees, and in case of a continuing breach with fine which may extend to twenty rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of written notice from the Chief Officer to discontinue the breach.

286. In particular and without prejudice to the generality of the powers conferred by section 282 and sub-sections (2) and (3) of section 284, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely :—

Matters in respect of which rules may be made.

(1) the qualifications to be possessed by an elector or councillor : Qualifications of councillors and electors.

(2) (a) the preparation, publication, correction, and revision of the register of electors ; Elections.

(b) the manner in which, the conditions under which, and the authority by which, claims to, or objections against, registration may be made and decided ;

(c) the date on which the register of electors shall come into operation and the period for which it shall continue in operation ;

(d) the nomination of candidates and objections to such nominations ;

(e) the mode of voting in the case of companies, firms, or associations ;

(f) the date and time of elections, the mode of recording votes, the management of contested elections, and the procedure in case of equality of votes or in the event of one councillor being elected to represent more than one ward or interest ;

(g) the holding of elections to fill casual vacancies ; .

(h) the division of the electorate into wards or communities and the allocation of councillors thereto ;

(i) any other matter relating to representation and election for which it may be expedient to provide :

(3) (a) the time and place of meetings of the committees ; Conduct of business.

(b) the manner in which notice of such meetings may be given ;

(c) the quorum necessary for the transaction of business at meetings of any committee ;

(d) the appointment and tenure of office or election of a chairman of any committee other than the Standing Committee ;

(e) the filling of vacancies on any committee other than the Standing Committee ;

(f) any other matter relating to the proceedings of the Corporation or of any committee, the holding and regulation of meetings, and the conduct of debate and the inspection of minute books and the supply of copies of minutes to councillors or other persons on payment of fees or otherwise :

(4) the exercise by the Chief Officer or any other officer or any of the servants of the Corporation of the powers conferred upon the Corporation by this or any other Act for the time being in force, of powers.

and the conditions and limitations subject to which such powers may be exercised :

Municipal
officers and
servants.

(5) (a) the qualifications of persons to be appointed as Health Officer or Chief Engineer or Engineer in charge of a separate department of municipal works or as municipal auditor and the qualifications which shall ordinarily be required for appointment as a municipal officer or servant ;

(b) the conditions of service of municipal officers and servants ;

(c) the procedure to be followed in dismissing or removing from office or otherwise punishing or penalising any municipal officer or servant, and the cases in which and the authorities to which an appeal may be allowed ;

(d) the amount and the nature of the security to be demanded from any municipal officer or servant from whom it may be deemed expedient to require security ;

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

(f) the payment of leave salaries to be allowed to any municipal officers and servants whilst absent on leave ;

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

(h) the period of service of municipal officers and servants ;

(i) the conditions under which municipal officers and servants, or any of them, shall, on retirement or discharge, receive pensions, gratuities or compassionate allowances ; and the grant of gratuities to the surviving relatives of any such officers or servants ;

(j) the amount of conveyance allowance payable to municipal officers ;

(k) the travelling allowance of municipal officers and servants ;

(l) the rent to be paid by the Chief Officer or other municipal officers and servants for accommodation provided for them under sub-clause (a) of clause (3) of section 37 ;

(m) the determination of what municipal officers and servants are "essential" for the purposes of section 48 :

Provident
or annuity
fund.

(6) (a) the maintenance of a provident or annuity fund ;

(b) the compelling of all or any municipal officers and servants, not being in the service of Government, to subscribe to such fund, and, if necessary, to submit to a deduction of such subscription out of the salaries or emoluments of such officers and servants ;

(c) the payment of contributions to such funds by the Corporation from the municipal fund ;

(d) the times, circumstances, and conditions at or under which payments may be made out of any funds established under this Act and the conditions under which such payments shall discharge the fund from further liability ;

(e) the settlement by arbitration or otherwise of disputes relating to such fund or to the payments or subscriptions thereto or to claims thereon arising between the Corporation and other persons or between persons claiming any share or interest therein :

(7) the manner in which notice of an enquiry or order shall be given under clause (c) of sub-section (3) of section 54 :

(8) the conditions and limitations under which immoveable property vested in the Corporation may be transferred or disposed of : Transfer of property.

(9) (a) the form and contents of the report and statement to be prepared under section 74 ; Publication of annual administration report and statement of accounts.

(b) the publication of the said report and statement ;

(c) the submission of a copy thereof by the Chief Officer to the Commissioner in Sind :

(10) (a) the manner in which and the persons by whom (subject to section 229) contracts may be executed ; Contracts.

(b) the security to be demanded for the due performance of contracts ;

(c) the submission of estimates of works before contracts are entertained ;

(d) the examination and acceptance of tenders :

(11) (a) the manner in which and the person by whom payments may be made out of the municipal and education funds or cheques drawn upon the said funds may be signed ; Signature of cheques, etc.

(b) the manner in which and the person by whom coupons attached to debentures issued under this Act may be signed :

(12) the custody of the common seal of the Corporation and the manner in which and the person by whom the common seal may be affixed : The common seal.

(13) the manner in which the budget estimates shall be prepared : Preparation of budget estimates.

(14) the classes of goods on which, and the rate at which, the tax may be imposed : Terminal tax.

(15) the regulation of the time and mode of collection of any tax which may be imposed, under sub-section (2) of section 96 : Time and mode of collection of taxes.

(16) (a) the date before which, and the rates at which municipal taxes to be levied shall be determined ; Assessment, collection, remission, refund and recovery of taxes.

(b) the assessment, collection, composition, remission, refund and recovery of taxes and the exemptions from such taxes ;

(c) the dates on which, the place at which, the person to whom, and the manner in which, any tax or any instalment of any tax imposed under this Act shall be payable ;

(d) the fees for notices of demand of any tax and for the execution of warrants of distress, and the rates to be charged for maintenance of any livestock distrained; and the persons authorised to receive payment of any sums so leviable;

(e) the manner in which the annual values of buildings and lands for the purposes of assessment shall be determined;

Drains.

(17) (a) the maintenance and improvement of existing drains;

(b) the construction of new drains;

(c) the alteration and discontinuance of drains;

(d) the flushing and cleansing of drains;

(e) the drainage of any building or land;

(f) the drainage of private streets;

(g) the construction and position of closet accommodation, water-closets, privies, urinals, and similar conveniences, public or private, and bathing and washing places and the prevention of nuisances arising therefrom;

(h) the construction and maintenance of a sufficient number of some or all of the aforesaid conveniences in all buildings;

(i) similar provision for the use of the public;

(j) the inspection of drains;

(k) the payment of the cost of works of drainage executed by municipal agency under the authority conferred by this Act:

Public latrines and washing places.

(18) (a) the maintenance and regulation of urinals, closet accommodation, water-closets, bathing and washing places, and premises appurtenant thereto, belonging to the Corporation;

(b) the regulation of urinals, closet accommodation, water-closets, and bathing and washing places, provided for the common use of the inhabitants of one or more buildings;

Scavenging and disposal of refuse.

(19) the scavenging of streets and the removal or disposal of sewage and rubbish from all buildings and lands within the City:

Water-works.

(20) (a) the maintenance and management of water-works;

(b) the inspection of water-works;

(c) the power of access to water-works;

(d) the protection of water-works from waste, injury, or contamination;

(e) the maintenance of fire-hydrants;

(f) the regulation or prohibition of boating, fishing, or bathing in any water-works;

(g) the terms and conditions of the supply of water to buildings and lands and the provision of meters;

(h) the cutting off of private water-supplies and the regulation of water-supply on account of shortage;

(i) the prevention of fraud in connection with water-supply or the use of meters ;

(j) prohibiting or regulating the digging or construction of any new well, tank, pond, cistern, or fountain ;

(k) the prevention of the pollution of water within the City :

(21) (a) the maintenance and improvement of public streets ; Streets.

(b) the prohibition and regulation of projections, obstructions, or encroachments and the issue of licences and the conditions under which they may be issued, including the payment of rent or fees ;

(c) the execution of works in or near public streets and the temporary occupation of public streets ;

(d) the naming and numbering of streets and the numbering of houses ;

(e) the cleansing of private streets ;

(f) the prohibition and regulation of bill-posting and sky-signs ;

(g) dealing with dangerous places ;

(h) the lighting of public streets ;

(i) the watering of public streets :

(22) the prohibition and regulation of the use of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting on any street, pathway or place which the public are entitled to use or frequent : Prohibition and regulation of use of barbed wire, etc.

(23) the removal, trimming, and cutting of trees, shrubs and hedges : Hedges.

(24) (a) the periodical regulation of the number of persons who may occupy a lodging-house and the licences necessary for keepers of lodging-houses : Lodging-houses.

(b) the inspection of lodging-houses ;

(c) the cleanliness and ventilation of lodging-houses ;

(d) the lighting of common spaces and staircases in lodging-houses ;

(e) the precautions to be taken in the case of any dangerous or infectious disease breaking out in a lodging-house ;

(f) the general regulation and control of lodging-houses :

(25) the prevention of overcrowding, by fixing, from time to time, the number of persons who may occupy any building : Overcrowding.

(26) the inspection and proper regulation of stables, camping grounds, pounds, and rest-houses : Rest-houses, etc.

(27) the prohibition of the encamping or picketing of animals or the collection or parking of vehicles in any public place, or the use of such place for the halting of vehicles : Camping on public ground.

Keeping of animals.

(28) (a) the prohibition and regulation of the keeping of animals in the City ;

(b) the prohibition and regulation of the importation of animals into the City and the transport of animals within the City ;

(c) the prohibition of the straying of any animals or, where any animal is likely to annoy or intimidate the public, of being at large in any street or public place ;

(d) the destruction and confiscation of swine and dogs found straying in the City ;

(e) the prevention of cruelty to animals ;

(f) the disposal of carcasses of animals dying in the City ;

(g) the destruction of any animals in the City which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely ;

(h) the prevention of the sale or use as human food of the carcasses of animals which die naturally or from disease ;

(i) the prohibition of importation into, or sale or disposal or use within, the City of any animal or of the hide or any portion of the carcass of any animal, dying or slaughtered on account of, or suffering from, any contagious or infectious disease ;

Wash-houses.

(29) the maintenance and regulation of public wash-houses and the prohibition of the exercise of their calling by washermen at places other than those appointed or approved by the Chief Officer :

Dangerous and offensive trades and factories.

(30) (a) (i) the articles to be included in the description contained in clause (a) of section 154 ;

(ii) the prohibition or regulation by licence or otherwise of the storage or keeping of such articles ;

(b) (i) the trades, manufactures, industries, or operations to be included in the description contained in clause (c) of section 154 ;

(ii) the prohibition or regulation by licence or otherwise of the exercise of such trades, manufactures, industries, or operations ;

(c) the supervision and sanitary regulation of factories and workshops :

(31) the articles or quantity thereof and the trade or operations connected with trade which may be exempted under Parts III and IV of Schedule VII :

Standard of water used in aerated waters, etc.

(32) the standard of water or other ingredients to be used in the manufacture or preparation of aerated water or of cordials :

Labels and inscriptions.

(33) the forms or kinds of labels to be attached to packages containing articles of food or drink or drugs or any mixture thereof and the inscription on the label of such particulars, directions, statements, information, or words as may be specified :

Nuisances connected with industries.

(34) (a) the prevention and regulation of the discharge of smoke, steam, fumes and noxious vapours ;

(b) the prohibition and regulation of the use of whistles, trumpets and noise-producing instruments operated by any mechanical means :

- (35) (a) the prohibition of the sale of the flesh of any four-footed animal not slaughtered in a municipal slaughter-house and the prohibition and regulation of the importation into the City of the flesh of any such animal slaughtered without the City ;
- (b) the prohibition of the sale of meat by any persons except under and in conformity with the terms and conditions of a licence granted by the Chief Officer ;
- (c) the management and sanitary condition of municipal slaughter-houses ;
- (d) the management and sanitary condition of municipal markets ;
- (e) the destruction of diseased animals ;
- (f) the regulation of the manufacture for sale and the sale of articles of food and drink or drugs either by licence or otherwise ;
- (g) the qualifications of persons who may compound, mix, prepare, dispense or sell any drug, and the certificates or permissions necessary ;
- (h) the regulation of the hours and manner of importation into, or of transport within, the City of any articles of food and drink or drugs, by licence for such importation or transport or otherwise ;
- (i) the places at which articles of food and drink or drugs shall be produced for inspection prior to importation, transport or exposure for sale ;
- (j) the places in which articles of food and drink or drugs may or may not be manufactured, kept, sold or exposed for sale ;
- (k) the prescription of notice-boards to be exhibited by the vendors and labels to be affixed by them to adulterated articles of food and drink or drugs exposed for sale and the particulars which such notice-boards and labels shall contain ;
- (l) the prohibition of the importation into, or transport within, the City of any articles of food or drink produced under such conditions as will make them or are likely to make them injurious to the health of persons consuming them ;
- (m) the supervision and sanitary condition of bakeries, places where sweets are manufactured, public eating-houses, stalls, aerated water and ice factories, and dairies, stables, and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit ;
- (n) the prohibition and regulation of the exposure of goods for sale on streets and the levying of fees from persons setting up stalls or otherwise selling or exposing goods for sale on the streets ;
- (o) the regulation of the manner in which food grain, whether intended for sale or for private consumption, may be stored ;
- (p) the precautions to be taken for protecting milch-cattle, milk and milk-products against infection or contamination ;
- (q) requiring notice to be given of the outbreak of any contagious disease among animals, and prescribing precautions to be taken for preventing the spread of any such disease ;
- (r) the hawking of fish :

Management of municipal markets, etc. and the supervision of the manufacture, storage and sale of food.

Private
markets.

(36) (a) the construction and structural and architectural features of private markets ;

(b) the drainage, water-supply, ventilation, lighting, sanitary condition and regulation of private markets ;

(c) the prevention of cruelty, nuisances, obstruction and overcrowding in, or in the approaches to, or in the passage of, private markets ;

(d) the supervision of private markets ;

(e) the appointment and dismissal of Superintendents of private markets ;

(f) the days on which and the hours during which any private market may be held or kept open ;

(g) the prevention of undesirable or diseased persons from entering private markets ;

(h) the prohibition of all persons from selling in a private market in respect of which a licence has been refused, cancelled, or suspended :

Pawnbrokers.

(37) licences for pawnbrokers and the determination, by public auction or otherwise, of the amount to be paid for such licences :

Registration
of births
and deaths,
etc.

(38) the registration of all births, deaths and marriages which take place within the City ; the taking of a census ; and the verification of deaths and the causes of deaths :

Licensing of
theatres, etc.

(39) (a) the regulation of the sanitation of theatres or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health, and convenience of persons employed in, or visiting, attending or resorting to the same ;

(b) the licences necessary for such entertainments :

Construction
of buildings.

(40) (a) the information and plans to be submitted with applications for the approval of sites for building and for permission to erect or re-erect any building thereon ;

(b) the period within which refusal to permit the erection of a building must be expressed ;

(c) the compulsory appointment of a person to supervise the work of erection or re-erection of buildings or of any specified class or classes of buildings and the qualifications which such person shall possess ;

(d) the grant of completion certificates in respect of newly erected or re-erected buildings, and the cases in which, and the persons by whom, such certificates shall be granted ;

(e) the height of buildings, whether absolute or relative to the width of streets ;

(f) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure ;

(g) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist ;

(h) the height and slope of the roof above the upper-most floor upon which human beings are to live or cooking operations are to be carried on ;

(i) the space to be left about any building to secure the free circulation of air and to facilitate scavenging and to prevent fire ;

- (j) the ventilation and drainage of buildings ;
- (k) the means and appliances to be provided and maintained for egress from a building and protection of life in case of fire ;
- (l) the materials to be used and the method of construction to be adopted for any building or class of buildings ;
- (m) the position, materials and methods of construction of fireplaces, smoke-escapes, chimneys, staircases, water-closets, closet accommodation and drains in buildings ;
- (n) the parts or portions of building sites on which no building shall be erected, and the position thereof ;
- (o) the paving of any passage between two buildings or appurtenant to any building ;
- (p) the restrictions on the use of inflammable materials in buildings ;
- (q) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in the work, and of securing the stability of the various parts of the structure and of the buildings and other property in the vicinity thereof, during the progress of the work or of any demolition or excavation thereof :

(41) (a) the removal or improvement of insanitary buildings and buildings in a ruinous or dangerous condition ; Insanitary buildings.

(b) the marking of vacant uninhabitable buildings ;

(c) the cleansing, lime-washing, or painting of such buildings and the keeping of them in proper repair ;

(d) the exercise of compulsion upon the owners or occupiers to take such order with abandoned, unoccupied or neglected buildings or lands as the Chief Officer may direct ;

(e) the prohibition and regulation of the excavation of earth, stone or other materials from any place :

(42) the assessment of compensation by the Collector under sections 205 and 207 :

(43) the manner in which the deposit made under section 227 shall be refunded :

(44) (a) the regulation of the construction, maintenance and work- ing of passenger-lifts and all machinery and apparatus pertaining thereto ; Construction and working of lifts.

(b) the regulation of the construction, maintenance, fencing and lighting of shafts, landings, hatches and gates connected with passenger-lifts ;

(c) the entry upon, and inspection of any premises containing a passenger-lift by such person as the Chief Officer may authorise in this behalf ;

(d) the prohibition of the use of any lift where any rule made under this sub-section has not been complied with :

Provided that such rules shall not affect any provisions of the [1]Indian Factories Act, 1911, or of the Indian Electricity Act, 1910, or any rules framed thereunder :

Explanation.—A lift actually used as a lift by passengers is, for the purposes of this sub-section, a “passenger-lift” notwithstanding that it may not have been constructed for that purpose and that its use as a passenger-lift is not authorised by the owner or occupier :

Precautions
in demolition
of
buildings.

(45) (a) the precautions to be taken for the prevention of danger or injury to the public during, and to persons engaged in, the demolition of buildings or parts of a building and for the protection of other parts of the same building and of other buildings in the vicinity thereof ;

(b) the notice to be given by any persons intending to demolish a building or part of a building to the Chief Officer together with particulars of the proposed demolition and of the precautions to be taken during the progress of the work ;

(c) the prohibition of the commencement of demolition within a prescribed period except with the permission of the Chief Officer ;

(d) the prohibition of the commencement or continuance of the demolition until all precautions have been and are being taken in accordance with the rules and with any directions and requisitions in writing which the Chief Officer may issue to the person in charge of the work, or to the person who submitted the notice, if any, required under the rules :

Holding of
fairs, etc.

(46) the holding of fairs and industrial exhibitions in the City :

Protection
of property
of the
Corporation.

(47) the protection of the property of the Corporation from injury :

Protection
against fire.

(48) the prohibition and regulation of the stacking of inflammable materials and of the lighting of fires in any specified portion of the City :

Charges for
services by
municipal
authorities.

(49) the charges for services rendered by any municipal authority :

Conditions
of lease of
dwellings in
an accom-
modation
scheme.

(50) the conditions on which dwellings in an accommodation scheme may be leased to an association or employer of labour under section 228 :

Register of
improvement
charges.

(51) the maintenance of a register showing charges on buildings or lands for improvement expenses under section 240 :

Mode of
performance
of acts not
otherwise
provided for.

(52) the person by whom and the time, place and manner at or in which anything prescribed under this Act, shall be done, where no express provision has been made therefor :

Inspection of
municipal
records.

(53) the cases in which inspection and copies of municipal records may be granted, and the procedure and the fees, for the grant of such inspection or copies :

Licences and
notices.

(54) the form of licences and notices issued under this Act and the authority entitled to sign or issue them : and

(55) generally for carrying out the purposes of this Act.

General.

of 1908. 287. In accordance with the provisions of Part X of the Code of Civil Procedure, 1908, in so far as they may be applicable, and subject to the conditions and limitations prescribed therein, the Court of the Judicial Commissioner of Sind may make rules, consistent with the provisions of this Act for regulating the procedure of the Karachi Small Causes Court in the exercise of any powers or jurisdiction conferred on, or vested in, the said Court under the provisions of this Act.

The Court of the Judicial Commissioner of Sind to make rules for regulating the procedure of the Small Causes Court.

CHAPTER XIX.

MUNICIPAL RAILWAYS.

288. With the previous sanction of the Governor General in Council, the Corporation may—

Power to Corporation to construct, lease and otherwise deal with railways.

(a) upon any of the public streets in the City or upon any land within or without the City which is vested in the Corporation, construct or maintain any railway which may appear to it to be useful or necessary for the removal of rubbish and offensive matter or for any other purposes of this Act,

(b) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby,

(c) carry and convey passengers and goods upon any such railway,

(d) make such reasonable charges in respect of passengers or goods as the Corporation may from time to time determine,

(e) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway within or without the City,

(f) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(g) lease any such railway to any person, upon such terms and under such conditions and restrictions as may be mutually agreed upon.

289. Any person to whom a railway is leased under clause (g) of section 288 shall subject to the terms, conditions and restrictions of his lease, have the same powers for—

Certain powers to lessee of Corporation's railway.

(i) maintaining the railway,

(ii) using and employing thereupon locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby, and

(iii) carrying and conveying thereupon passengers and goods and making charges in respect thereof.

as the Corporation would have had if the railway had not been so leased.

CHAPTER XX.

SUPPLEMENTAL PROVISIONS.

Councillors to be deemed to be public servants. 290. (1) Every councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV 1860

(2) For the purposes of sub-section (1) the word "Government" in the definition of "legal remuneration" in section 161 of the Indian Penal Code shall be deemed to include the Corporation. XLV 1860

Co-operation of police. 291. (1) The District Superinsendent of Police having jurisdiction in the City shall, as far as may be, co-operate with the Chief Officer for carrying into effect the provisions of this Act and for the maintenance of public health, safety and convenience in the City.

(2) It shall be the duty of every police officer in the City to communicate without delay to the proper municipal officer any information which he receives of a design to commit, or of the commission of, any offence against this Act and to assist the Chief Officer and any other municipal officer or servant reasonably demanding his aid in the lawful exercise of any power conferred on such municipal officer or servant under this Act.

Exercise of powers of police officers by municipal servants. (3) The Commissioner in Sind may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Act.

Informalities and errors in assessments, not to be deemed to invalidate such assessments. 292. (1) Any informality, clerical error, omission or other defect in any assessment made, or in any notice, bill, schedule, summons or other document issued, under this Act, may at any time, as far as possible, be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation.

Disputes between Corporation and local authorities. 293. (1) If any dispute arises between the Corporation and any local authority as regards anything done or to be done under this Act, it shall be referred to Government for decision; and such decision may include an order as to the costs of any enquiry ordered by Government, and shall be final and binding on the parties and be given effect to:

Provided that it shall be competent to the Corporation and the local authority to agree in writing that any such dispute shall instead of being referred to Government for decision be referred to the decision of an

IX of 1899. V of 1908. arbitrator or arbitrators appointed under the [1] Indian Arbitration Act, 1899, or to a civil court under section 90 of the Code of Civil Procedure, 1908.

XI of 1881. (2) Nothing in this section shall be deemed to affect the provisions of the [2] Municipal Taxation Act, 1881.

294. The provisions contained in Schedule XI for regulating matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act. Effect of the transitory provisions in Schedule XI.

SCHEDULE I.

CHAPTER I.

DIVISION OF THE CITY INTO WARDS AND APPORTIONMENT OF COUNCILLORS AMONG THE WARDS.

1. For the purpose of elections to the Corporation the City shall be divided into wards as follows :—

Ward No. I (Coloured Red).

Comprising the whole of the Old Town and Napier Quarters.

Ward No. II (Coloured Burnt Sienna).

Comprising the Bunder, Market and Jail Quarters.

Ward No. III (Coloured Yellow).

Comprising the Serai and Rambaugh Quarters.

Ward No. IV (Coloured Green).

Comprising the Runchore and Ramswamy Quarters.

Ward No. V (Coloured Sepia).

Comprising the whole of Machi Meani and Lyari Quarters.

Ward No. VI (Coloured Blue).

Comprising the Garden, Begarikhata, Soldier Bazar, Bhistiwara, New Jail, Preedy and a portion of the Sadar Bazar.

Ward No. VII (Coloured Brown).

Comprising the Railway, Queens Road, Civil Lines, Frere Town, Bath Island, Clifton, Ghizree and the remaining portion of Sadar Bazar.

Ward No. VIII.

Comprising Keamari, Baba and Bhit.

2. The boundaries of the wards in the City shall be as follows, that is to say :

[1] General Acts, Vol. IV.

[2] General Acts, Vol. II.

Ward No. I (Coloured Red).

From the north end of Rampart Row along Embankment Road in a north-easterly direction up to Napier Road Junction, thence along Napier Road in a southerly direction to its junction with Duryalal Street. Thence along Duryalal Street up to Koondhan Chowk and from Koondhan Chowk along the Old Dispensary Road in a southerly direction up to its junction with Rampart Row. Thence along the Rampart Row to its northern end, the starting point.

Ward No. II (Coloured Burnt Sienna).

From the western end of the Bunder Road at its junction with Moolji Street along the Bunder Road in an easterly direction, up to its junction with Mission Road, thence in a northerly direction along Mission Road up to its junction with Lawrence Road. Along Lawrence Road in the westerly direction up to Napier Road. Thence in the southerly direction along Napier Road up to its junction with Duryalal Street. Along Duryalal Street in a westerly direction joining Old Dispensary Road. Thence along Old Dispensary Road in a southerly direction to its junction with Rampart Row. Along the Rampart Row in a westerly direction to its junction with Moolji Street. Along Moolji Street in a southerly direction joining Newnham Road. Thence along the Newnham Road in a westerly direction to Moolji Street. Along Moolji Street in a southerly direction to the starting point on Bunder Road.

Ward No. III (Coloured Yellow).

From Mereweather Tower in a north-easterly direction along Bunder Road up to its junction with Preedy Street and thence in a southerly direction along Preedy Street to the Cantonment Boundary Pillar No. 5. From Pillar No. 5 in a south-westerly direction along the Cantonment Boundary to Pillars Nos. 6, 7, 8, 9 and 10. Thence in a southerly direction along Burns Road up to Elphinstone Road junction and thence in an easterly direction along Elphinstone Road up to Havelock Road Junction. Thence in a westerly direction along Havelock Road up to the junction of Kutchery Road and in a north-westerly direction along Kutchery Road to its junction with Mcleod Road and from there in a westerly direction along Mcleod Road up to Mereweather Tower joining the starting point on Bunder Road.

Ward No. IV (Coloured Green).

From the north end of Mission Road in a north-easterly direction along Lawrence Road up to its junction with Measham Lee Road and thence southerly along Measham Lee Road up to the corner of Begarikhata and thence easterly up to Pillar No. 31, thence southerly to Pillar No. 30, thence westerly along the Nullah to Barnes Street, thence southerly to Bunder Road, thence westerly along the Bunder Road to the junction of the Mission Road, thence northerly, along Mission Road to the starting point at the junction of Lawrence Road.

Ward No. V (Coloured Sepia).

From the western end of Bunder Road along the Bunder Road in an easterly direction up to the junction of Moolji Street, along Moolji Street in a northerly direction to Newnham Road. Thence along Newnham Road in an easterly direction to Moolji Street and along Moolji Street to Rampart Row. Thence along Rampart Row in a northerly direction to Atmaram Pritamdas Road, thence extending to the whole of the Lyari Quarter.

Ward No. VI (Coloured Blue).

The whole of Garden Quarter, Begarikhata, Soldier Bazar, Bhistiwara and New Jail Quarters according to their respective boundaries, also the following area :—

From Karachi Municipal Pillar No. 29, on Government Garden Road westward to Pillar No. 30 and along the Nullah up to Barnes Street. Thence along Barnes Street in a southerly direction up to Bunder Road, along Bunder Road in an easterly direction to Preedy Street. Thence along Preedy Street in a southerly direction to Karachi Municipal Pillar No. 5. Thence in an easterly direction along municipal boundary to Karachi Pillar No. 4 and thence in a southerly direction up to Karachi Municipal Pillar No. 3, i.e., junction of Preedy Street and Victoria Road. Thence along Victoria Road in a southerly direction up to Dundas Street. Thence along Dundas Street eastward up to Elphinstone Street and along Elphinstone Street northward up to Clarke Street. Along Clarke Street eastward to Napier Street and again along Napier Street southward to Wellington Street and thence along Wellington Street and Jamshedji Bharoocha Street up to Somerset Street. Thence southward to Blenkins Street and thence westward along Blenkins Street to Elphinstone Street. Along Elphinstone Street southward up to Inverarity Road and Karachi Municipal Pillar No. 21. From this pillar eastward along Inverarity Road to Karachi Municipal Pillar No. 22. Thence along the municipal boundary through Boundary Pillars Nos. 23, 24, 25, 26, 27, 28 and 29.

Ward No. VII (Coloured Brown).

Comprising the Railway, Queens Road, Civil Lines, Frere Town, Bath Island, Clifton, Ghizree, and the remaining portion of Sadar Bazar not included in Ward No. VI.

Ward No. VIII.

Comprising Keamari, Baba and Bhit.

3. The elective members of the Corporation shall be elected by the communities specified in column 1 of the Appendix hereto on a population basis with seats reserved for depressed classes and Mahrattas from the wards grouped as shown in column 2 of the said Appendix and the number of councillors to be elected by each such community, the apportionment of the councillors among the wards so grouped and the

number of reserved seats for depressed classes and Mahrattas shall be as shown in column 3 of the said Appendix :—

Schedule I, Chapter I, Rule 3.

Appendix.		
1	2	3
Community.	Wards.	Number of seats of Councillors.
Hindus (including Mahrattas and depressed classes) and Sikhs, Jains, Buddhists and all other communities not specified in this Appendix.	Ward No. I	3
	Ward No. II	2
	Ward No. III	3
	Ward No. IV	4 (1 reserved for Mahrattas and 1 reserved for depressed classes).
	Ward No. V	2
	Ward No. VI	3 (1 reserved for depressed classes).
	Ward No. VII	2 (1 reserved for depressed classes).
	Ward No. VIII	1 (reserved for Mahrattas).
Muhammadans	Ward No. I	1
	Ward No. II	1
	Ward No. III	1
	Ward No. IV	1
	Ward No. V	9
	Ward No. VI	4
	Ward No. VII	1
	Ward No. VIII	2
Christians	Wards Nos. I to V and VIII.	1
	Ward No. VI	2
	Ward No. VII	2
Parsees	.. All wards together	.. 3
Jews	.. All wards together	.. 1

Explanation.—For the purposes of this rule depressed classes shall mean classes which Government may from time to time declare to be “depressed classes,” and Mahrattas shall mean such castes as are declared by Government to be Mahratta castes under the Bombay Electoral Rules.

CHAPTER II.

MUNICIPAL ELECTION ROLL.

Preparation and revision of list of persons qualified to vote.

1. (1) On or before the first day of November in each year the Chief Officer shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

(2) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the City is divided, and shall contain the names of persons entitled to be enrolled as voters of that

ward classified according to such communities as are entitled to communal representation by election. The ward lists shall be arranged in alphabetical order.

(3) In preparing the ward lists, the Chief Officer shall enter therein the names of the persons who are entitled as aforesaid, whether such persons be individuals, companies, firms, undivided families or other associations or bodies or individuals, and shall also enter the names of persons who are entitled as aforesaid as the trustees of any building or land.

(4) If individual members of any company, firm, undivided family or other association or body so entered, or individual trustees whose names are so entered, are entitled as aforesaid on their own separate account, the Chief Officer shall enter their names in the list separately.

(5) The Chief Officer shall publish the preliminary list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office and on such other places as the Standing Committee may determine, on or before the ninth day of December and the copy shall be kept so fixed during the remaining days of December. Printed copies thereof shall also be delivered to any person requiring them on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Chief Officer with the approval of the Standing Committee.

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

(7) Every person whose name is not included in the list so published and who claims to have it inserted therein shall give notice in writing of his claim to the Chief Officer on or before the first day of January.

(8) Every person whose name is included in the list may object to any other person as not being entitled to have his name retained therein. On or before the first day of January every person so objecting shall give to the Chief Officer who shall then give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(9) If the name of any person is entered as a voter in more than one ward list, he may, by written notice to the Chief Officer on or before the first day of January, choose for which one of those wards his name shall be entered.

(10) If the name of an undivided family or of any association or body of individuals, other than a company or firm, has been entered in any list, or if the names of two or more trustees of any building or land have been so entered, any one member or individual duly authorised in this behalf by the members of such family, association or body or by such trustees may, by written notice to the Chief Officer on or before the first day of January, apply to have his name entered in the list as the representative of such family, association, body or trustees.

(11) The Chief Officer shall revise the aforesaid list between the first and the thirty-first day of January.

(12) For this purpose he shall hear in public the claims, objections and applications which have been duly made as aforesaid after giving the persons concerned three clear days' written notice of the enquiry and after notifying it by posting on some conspicuous place in every municipal office.

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

(14) The Chief Officer shall expunge from the list the name of every person proved to his satisfaction to be dead or not otherwise entitled to be entered therein, and may also correct any clerical error or omission in the list.

(15) Subject as aforesaid, the Chief Officer shall retain in the list the name of every person against whom objection has not been duly made.

(16) The Chief Officer shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorised by him in this behalf in support of the objection, or unless the Chief Officer has exempted him from appearing.

(17) (i) Where the objector appears, the Chief Officer shall require proof of the qualification of the person objected to. If such person's qualification is not proved to his satisfaction within such reasonable time as the Chief Officer, subject to the provision of sub-rule (1), fixes in this behalf, he shall expunge his name from the list.

(ii) An appeal shall lie to the Standing Committee from the decision of the Chief Officer under clause (i) within a period of seven days and the Standing Committee shall decide all such appeals not later than the fifteenth day of February.

If any such appeals remain undecided, after the aforesaid date, the decision of the Chief Officer shall be final.

(18) The Chief Officer shall not retain the name of any person in more than one ward list. If any person whose name has been entered in more than one ward list has not made his choice under sub-rule (9), the Chief Officer shall determine for which one of those wards his name shall be entered :

Provided that the names of individuals separately entered in the list under sub-rule (4) shall be retained on the list for one ward each, in addition to the names of the companies, firms, undivided families or other associations or bodies of which they are, respectively, members, or in addition to the names of the trustees, as the case may be, if such individuals or persons are entitled on their own separate account to have their names so retained.

(19) Except in the case mentioned in sub-rule (18), no person shall be entitled to more than one vote by reason of being qualified under more than one of the tests of the qualifications prescribed by Chapter III.

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

(21) The Chief Officer may adjourn the hearing of any matter under this rule from time to time, but no adjourned hearing shall be held after the tenth day of January.

2. (1) When the list prepared as aforesaid has been revised by the Chief Officer a printed copy thereof signed by him shall be the municipal election roll and shall come into operation on the last day of February and shall continue in operation for twelve months beginning from that day. Completion of the municipal election roll.

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

(3) Every person enrolled in the municipal election roll shall be entitled to vote at a ward election; and no person not enrolled in the said roll shall be entitled to vote.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring them on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Chief Officer, with the approval of the Standing Committee.

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

CHAPTER III.

QUALIFICATIONS OF ELECTORS AND COUNCILLORS.

1. A person shall be entitled to vote at a ward election if he is enrolled in the municipal election roll as a voter of the ward for which the election is held. Qualifications of voters at ward elections.

2. A person shall be enrolled in the municipal election roll as a voter of any ward who on the 30th day of October in the year preceding that for which the roll is being prepared has attained the age of 21 years, and

(a) has for a period of not less than 6 months immediately preceding the said 30th day of October as owner or part owner or tenant or sub-tenant occupied in such ward a building or part of a building separately occupied, of which the monthly rental was not less than one rupee; or

(b) has paid rupees twelve in taxes other than toll, octroi or terminal tax to the Corporation during the year preceding the said 30th day of October and has resided within the limits of the City for a period not less than 6 months preceding the said 30th day of October; or

(c) is an honorary magistrate, a fellow or graduate of any university, an advocate or pleader holding a sanad from the Court of the Judicial Commissioner of Sind, a juror or assessor, and has contributed to the municipal fund a sum not less than twelve rupees during the year preceding the said 30th day of October and has also resided within the limits of the City during six months preceding the said 30th day of October.

Explanation (i).—For the purposes of calculating the monthly rental under clause (a), the value of any machinery, furniture, or equipment contained in or situate upon any building shall not be included in estimating the rental value of any building.

Explanation (ii).—For the purposes of clause (a), a person who occupies a dwelling house (other than a house in military or police lines) by virtue of any office, service or employment shall, if the dwelling house is not inhabited by the employer, be deemed to occupy the dwelling house as a tenant.

Qualifica-
tion for
election as
a councillor
at a ward
election.

3. A person shall be qualified to be elected a councillor at a ward election if he is enrolled in the municipal election roll as a voter of some ward :

Provided that if any company (other than a joint stock company) or any body corporate or other association of individuals is enrolled in the municipal election roll, any member thereof or any person holding a general power-of-attorney therefrom shall be qualified for election as a councillor.

Qualifica-
tion for
election by
Karachi
Chamber of
Commerce,
Karachi
Indian
Merchants'
Association,
Karachi
Buyers and
Shippers
Chamber,
District Local
Board of
Karachi and
Trustees of
the Port of
Karachi.

4. A person shall be qualified for election by the Karachi Chamber of Commerce, the Karachi Indian Merchants' Association and the Karachi Buyers and Shippers Chamber jointly, the District Local Board of Karachi, or the Trustees of the Port of Karachi if at the time of the election he is a member of either of the said Chambers or Association, or the Board or a Trustee, as the case may be.

If a person elected by the said Chamber, of the said Association jointly with the said Chamber, or the said Board or Trustees ceases to be a member of any such Chamber, Association or Board or ceases to be a Trustee, he shall cease to be councillor.

5. A person shall be qualified to be elected as a labourer by registered trade unions and to vote at such election if such person has been an ordinary member of a registered trade union for a period of six months preceding the day fixed for the said election under rule 2 in Chapter IV and has paid fees due to the union of which he is a member. Qualification for election by registered trade unions.

If a person elected by registered trade unions ceases to be an ordinary member of a registered trade union, he shall cease to be councillor.

CHAPTER IV.

ELECTION OF COUNCILLORS.

1. (1) General elections of councillors shall be fixed by the Chief Officer, subject to the provisions of rule 2, to take place triennially on such days in the months of March and April as he shall think fit. Dates of elections.

(2) The first general election shall be held in the year one thousand nine hundred and thirty-four.

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

2. The dates for all general elections shall be fixed in the following order and with the following intervals, namely:— Order in which general elections are to be held.

First, the ward elections shall be fixed to take place simultaneously for all the wards;

Secondly, the day for election by the Karachi Chamber of Commerce, the Karachi Indian Merchants' Association and the Karachi Buyers and Shippers Chamber jointly, the District Local Board of Karachi, the Trustees of the Port of Karachi and registered trade unions shall be fixed at an interval not exceeding 21 days after the day fixed for the ward elections.

3. Notice of any ward election shall be given by the Chief Officer at least fifteen days before the day fixed for such election, by advertisement in the *Sind Official Gazette* and in the local newspapers, and by posting placards in conspicuous places in the ward concerned. Notice to be given of day fixed for ward elections.

4. (1) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained. Candidates at ward elections must be nominated.

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

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

(b) each nomination paper must state the name, address and description of the candidate in full, be subscribed by two persons

entitled to vote at the election, as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated ;

(c) every nomination paper subscribed and signed as aforesaid must be delivered at the office of the Chief Officer before 5 o'clock in the afternoon of the day fixed for the election and must be accompanied by a cash deposit of Rs. 100 ;

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

(e) if any person nominated—

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

(ii) is disqualified from being a councillor for any of the reasons set forth in section 14

the Chief Officer shall declare such person's nomination invalid ;

(f) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under sub-section (4) of section 17 ;

(g) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under sub-section (4) of section 17 ;

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

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

Provided that if any candidate validly nominated signifies his intention in writing to the Chief Officer not less than three days before the day fixed for the election not to contest the election, and if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected ;

(j) in any case where two or more ward elections are held simultaneously for different wards and any person is deemed to be elected a councillor for more than one ward under clause (g) or clause (h), the Chief Officer shall send him written notice in this behalf calling upon him to signify his choice in writing within twenty-four hours of the receipt of the said notice. If after the expiry of the said term the choice has not yet been made, the Chief Officer shall declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void ;

(k) in any case where ward elections are held as aforesaid, and any person who is deemed to be elected a councillor for any one or more wards under clause (g) or clause (h) has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Chief Officer choose, by writing signed by him and delivered to the Chief Officer, whether he shall serve for the ward for which he is elected, or if there are more than one such wards, for which of such wards he shall serve, or whether he will stand as a candidate at the contested election or elections for any other ward or wards. If after expiry of the said term the choice has not yet been made, the Chief Officer shall declare that he shall serve for the ward for which he is elected or, where there are more than one such wards, for which of them he shall serve, and his nomination for any other ward shall be deemed to be null and void. If such person chooses by writing as aforesaid to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

5. (1) When a ward election is contested, a poll shall be taken seven days after the day fixed for the election. At such poll the municipal election roll which was in operation on the day fixed for the nomination shall be deemed to be the roll to which reference must be made for the purposes of the election.

Poll to be taken when a ward election is contested.

(2) At least four days before the day of the poll, the Chief Officer shall cause the names of all the persons validly nominated, with their respective addresses and descriptions and the names of the persons subscribing their respective nomination papers as proposers and seconders, to be published in the *Sind Official Gazette* and in the local newspapers.

Names of candidates validly nominated to be published.

6. With respect to contested ward elections, the following provisions shall have effect, namely:—

Provisions respecting contested ward elections.

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

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

(c) the Chief Officer shall have voting papers printed in the form prescribed in clause (m), and from seven o'clock in the forenoon to seven o'clock in the afternoon on the day of the poll such voting papers shall be supplied free of charge at each polling place to persons entitled to vote;

(d) at each ward election every voter shall be entitled to a number of votes equal to the number of councillors to be elected at such election.

for such ward, and may give all his votes to one candidate or may distribute them among the candidates as he thinks fit ;

(e) no vote shall be received for any candidate whose name has not been published by the Chief Officer, under sub-rule (2) of rule 5, as having been validly nominated ;

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

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

(h) when the name in the ward roll is that of any company (other than a joint-stock company) or of any body corporate or other association of individuals, a vote on behalf of such company or body corporate or other association may be received from any person who produces to the polling officer a general power-of-attorney from such company or body corporate or other association ;

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

(i) are you the person enrolled in the ward roll (read the whole entry from the roll) ?

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

(j) a person to whom either of the said questions is put shall be bound to answer truly and his voting paper shall not be received until he has answered the question or questions so put to him ;

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

(l) the answer made by any person so questioned shall be recorded by the polling officer under his signature in writing, and such writing, together with the said person's voting paper, shall be forwarded by the polling officer at the close of the poll separately from the voting papers of the persons whose right to vote has not been challenged as aforesaid ; and the polling officer shall direct the parties challenging to appear before the Chief Officer to substantiate the challenge within three days after the poll ;

(m) when the polling officer has ascertained that the name of the voter coming before him appears on the official list of voters and has satisfied himself as to his identity, he shall hand him the officially stamped voting paper in the following form, take his signature or thumb-mark on the counterfoil, and initial the other foil in token of his having handed over the said paper to him.

The voting papers and counterfoils shall be in book form each voting paper bearing a printed or stamped serial number corresponding with that printed or stamped on its counterfoil.

purpose and on payment of such fee as may be prescribed by him, a copy of such lists shall be supplied to any candidate of the ward, and shall be available for inspection to any voter of the ward. The said lists and the voting papers on which they are based shall be kept in the office of the Chief Officer for three months, unless called for in the meantime by the Judge of the Karachi Small Causes Court for the purpose of any appeal;

(r) the persons, not exceeding the number of councillors to be elected, who have the greatest number of valid votes, shall be declared to be elected:

Provided that in wards in which seats have been reserved for depressed classes and Mahrattas, the depressed class or Mahratta candidate, as the case may be, to whom the largest number of votes has been given shall first be declared to be elected.

(s) where there is an equality of votes between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be given shall be made by lot to be drawn in the presence of the Chief Officer in such manner as he shall determine;

(t) if a candidate is elected a councillor for more than one ward, the Chief Officer shall send him written notice in this behalf calling upon him to signify his choice in writing within twenty-four hours of the receipt of the said notice. If after the expiry of the said term the choice has not yet been made, the Chief Officer shall declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive;

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

Forfeiture
and return of
deposits.

7. (1) If a candidate by whom or on whose behalf the deposit referred to in rule 4 (2) (c) has been made withdraws his candidature, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made; and, if any candidate dies before the commencement of the poll, any such 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.

(2) If a candidate by whom, or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one member, one-fourth of the total number of votes polled, or, in the case of a constituency returning two or more members, one-fourth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Corporation.

(3) For the purpose of sub-rule (2), the total number of votes polled shall be deemed to be the total number of ballot papers, other than spoiled ballot papers, counted.

(4) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (2), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the declaration of the result of the election; and the deposit made in respect of a candidate who is elected shall also be returned.

CHAPTER V.

QUALIFICATIONS OF HEALTH OFFICER AND CHIEF ENGINEER.

1. The minimum qualification for the appointment of a person as Health Officer under section 42 shall be the possession of a Diploma of Public Health of a University approved by Government in this behalf.

2. The minimum qualification necessary for the appointment of a person as Chief Engineer under section 42 shall be a recognised degree in Engineering of a University or institute approved by Government in this behalf.

CHAPTER VI.

PREPARATION OF BUDGET ESTIMATES.

1. The Chief Officer shall, on or before the tenth day of January, have prepared in each year and lay before the standing committee in such form as the said Committee shall from time to time approve—

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing financial year;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the said year;

(c) an estimate of the total sum required in the next ensuing financial year as contribution by the Corporation to the education fund together with the detailed financial proposals of the School Board for the said year; and

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the said year.

2. (1) The Standing Committee shall, on or as soon as may be after such date consider the estimate and proposals of the School Board and of the Chief Officer, and, after having obtained from them such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications or additions therein or thereto as it shall think fit, a budget estimate of the expenditure of the Corporation for the next financial year.

Estimates of expenditure and income to be prepared by Chief Officer.

Budget estimates to be prepared by Standing Committee.

(2) In such budget estimate the Standing Committee shall include the particulars and make the provisions required by sub-section (2) of section 88.

(3) The Chief Officer shall cause the budget estimate as finally approved by the Standing Committee to be printed, and not later than such date as may be fixed by the Corporation for that purpose shall forward printed copies thereof to each councillor.

Consideration of budget estimates by Corporation.

(4) At a meeting of the Corporation which shall be called for some day not later than the tenth day after a date fixed under sub-rule (3), the budget estimates prepared by the Standing Committee shall be laid before the Corporation, and the Corporation shall proceed to consider them.

Fixing of rates of taxes.

(5) Before the prescribed date, the Corporation shall determine, subject to the conditions and limitations prescribed in Chapter VIII of the Act, the municipal taxation for the financial year to which the budget estimates relate.

Final adoption of budget estimates.

(6) At the meeting of the Corporation prescribed by sub-rule (4), the Corporation may refer the budget estimates back to the Standing Committee for further consideration or adopt the budget estimates or any revised budget estimates submitted to it, either as they stand or subject to such alteration as it may deem expedient :

Provided that the budget estimates finally adopted by the Corporation shall fully provide for the matters specified in clauses (a) and (b) of sub-section (2) of section 88.

CHAPTER VII.

CONTRACTS.

Power of Chief Officer to enter into contracts.

1. The Chief Officer, on behalf of the Corporation, may enter into any contract—

(a) for the execution of any new work the estimated cost of which does not exceed one thousand rupees ;

(b) for repairs the estimated cost of which does not exceed three thousand rupees ;

provided that funds have been provided in a sanctioned budget.

Power of Standing Committee to enter into contracts.

2. The Standing Committee, on behalf of the Corporation, may enter into any contract for the execution of any work or the supply of any materials or goods for which funds have been provided in a sanctioned budget and the estimated cost of which does not exceed five thousand rupees.

Power of Standing Committee to determine whether works shall be executed by contract.

3. The Standing Committee may determine either generally for any class of cases or specially for any particular case whether the Chief Officer shall execute any work by contract or otherwise.

4. (1) Unless in any case the Corporation directs otherwise the Chief Officer shall give notice of every contract for the execution of any separate work or the supply of any materials involving an expenditure exceeding two thousand rupees, by advertisement in the local newspapers inviting tenders for such contract. Tenders to be invited.

- (2) The power of selecting the tender to be accepted shall be vested—
- (a) in the Chief Officer, if the estimated cost of the work or materials does not exceed five thousand rupees ;
 - (b) in the Standing Committee, if the estimated cost exceeds five thousand rupees but does not exceed ten thousand rupees ;
 - (c) in the Corporation, in all other cases :

Provided that the authorities mentioned in sub-rule (2) shall not be bound to accept any tender submitted. Any such authority may, subject to the provisions of sub-rule (2), accept any of such tenders which appears, upon a view of all the circumstances, to be most advantageous, or reject all the tenders submitted.

5. Every contract entered into by or on behalf of the Corporation and involving an expenditure exceeding two thousand rupees shall be in writing and sealed with the common seal of the Corporation.

6. (1) Every contract under or for any purpose of this Act shall be made on behalf of the Corporation by the Chief Officer.

(2) 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.

7. 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 immoveable property,
- (b) of every contract which will involve expenditure not covered by a budget grant,
- (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 Corporation by a resolution passed at a general meeting is required.

8. No new work shall be commenced, and no contract in respect thereof shall be entered into, if the estimated cost of such work exceeds— Plans and estimates to be furnished.

- (a) one thousand rupees, until a plan and estimate therefor shall have been approved by the Standing Committee ;
- (b) five thousand rupees, until a plan and estimate therefor shall have been approved by the Corporation.

9. The Chief Officer shall take sufficient security for the performance of every contract involving an expenditure exceeding one thousand rupees. When security to be taken for performance of a contract.

10. The common seal of the Corporation shall remain in the custody of the Mayor or Deputy Mayor and shall not be affixed to any contract or other instrument except in the presence of the Chief Officer and one councillor. How common seal of the Corporation to be kept and affixed.

SCHEDULE II.

(See section 96.)

Tax on Vehicles and Animals.

Serial Number.	Description of vehicle or animal.	Maximum amount of tax per quarter.	
		For vehicles with rubber tyres.	For vehicles without rubber tyres.
		Rs. a. p.	Rs. a. p.
1	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers :—		
	Each 3 or 4-wheeled vehicle weighing up to 2 tons, empty	30 0 0	45 0 0
	Each 3 or 4-wheeled vehicle weighing up to 4 tons, empty	35 0 0	52 8 0
	Each 3 or 4-wheeled vehicle weighing up to 8 tons, empty	40 0 0	60 0 0
	Each 3 or 4-wheeled vehicle weighing up to 12 tons, empty	50 0 0	60 0 0
	Each 3 or 4-wheeled vehicle weighing over 12 tons, empty	60 0 0	60 0 0
2	Each vehicle drawn or intended to be drawn by any vehicle falling under serial No. 1 and used for commercial purposes (i.e. trailers) :—		
	Each 3 or 4-wheeled vehicle weighing up to 2 tons, empty	22 8 0	33 12 0
	Each 3 or 4-wheeled vehicle weighing up to 4 tons, empty	26 4 0	39 6 0
	Each 3 or 4-wheeled vehicle weighing up to 8 tons, empty	30 0 0	45 0 0
	Each 3 or 4-wheeled vehicle weighing up to 12 tons, empty	37 8 0	56 4 0
	Each 3 or 4-wheeled vehicle weighing over 12 tons, empty	45 0 0	60 0 0
	<i>N.B.—A surcharge of 50 per cent. shall be chargeable in the case of vehicles mentioned in serial Nos. 1 and 2, if such vehicles have solid tyres.</i>		
3	Each 4-wheeled vehicle impelled by machinery and used solely for carrying passengers :—		
	Weighing up to 10 cwt., empty	15 0 0	
	Do. do. 20 " "	20 0 0	
	Do. do. 30 " "	25 0 0	
	Do. do. 40 " "	30 0 0	
	Do. do. over 40 " "	40 0 0	
4	Each 3-wheeled vehicle impelled by machinery and used solely for carrying passengers	12 0 0	
5	Each 2-wheeled vehicle impelled by machinery	8 0 0	
6	Each 4-wheeled vehicle drawn by horses, ponies, mules, donkeys, bullocks or camels :—		
	(a) labour carts .. .. .	....	5 0 0
	(b) all other vehicles in this class	8 0 0	12 0 0

Serial Number.	Description of vehicle or animal.	Maximum amount of tax per quarter.	
		For vehicles with rubber tyres.	For vehicles without rubber tyres.
		Rs. a. p.	Rs. a. p.
7	Each 2-wheeled vehicle drawn by horses, ponies, mules, donkeys, bullocks or camels :— (a) labour carts with springs (b) other vehicles in this class*	6 0 0	3 0 0 6 0 0
8	Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks, camels or machinery	2 0 0	2 0 0
9	Each horse, pony or mule of a height of 12 hands or upwards		8 0 0
10	Each horse, pony or mule of a height of less than 12 hands		4 0 0
11	Each bullock or buffalo kept for draught or pack purposes		2 0 0
12	Each donkey kept for draught or pack purposes or for riding		2 0 0

*These would include labour carts without springs, and other vehicles, such as buggies with or without springs.

SCHEDULE III.

[See sub-section (3) of section 110.]

Form of Notice of Demand.

To

A. B. residing at

Take notice that the Corporation demand from the sum of

due from on account of

(Here describe the property, occupation 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 twenty-one days from the service of this notice, the said sum is not paid into the municipal office at, or 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 IV.

[See sub-section (1) of section 111.]

Form of Warrant.

(Here insert the name of the officer charged with the execution of the warrant.)

*Here
describes
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 twenty-one days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain attach, subject to the provisions of section 111 of the City of Karachi Municipal Act, 1933, the goods and chattels any property 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

For issue of warrant

and forthwith to certify to me together with this warrant all particulars of the goods and chattels distrained property attached by you thereunder.

Dated this _____ day of _____ 19 _____.

(Signed)

Chief Officer.

SCHEDULE V.

[See clause (c) of sub-section (4) of section 111.]

Form of Inventory and Notice.

To

A. B., _____ residing at _____*Here
describes
the tax.

Take notice that I have this day distrained attached the goods and chattels property 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 Rs. _____ due as for issue of warrant and that unless

within five days from the day of the date of this notice you pay into the municipal office 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 seized.)
property

SCHEDULE VI.

CHAPTER I,

DRAINS AND DRAINAGE WORKS.

Drains of Private Streets and Drainage of Premises.

1. The Chief Officer may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Owners to provide troughs and pipes for receiving, carrying and discharging water from buildings.

2. For the purpose of efficiently draining any building or land the Chief Officer may, by notice in writing,—

Drainage of buildings and lands.

(a) require any courtyard, alley or passage between two or more buildings to be paved and drained with such materials and in such manner as may be approved by him ; and

(b) require such paving and drains to be kept in proper repair.

3. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely :—

Powers to connect drains of private streets with municipal drains.

(a) before commencing to construct such drain, the owner of the street shall submit to the Chief Officer a plan of the street, drawn to such a convenient scale as the Chief Officer shall require showing the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Chief Officer shall deem necessary and require, and no such drain shall be proceeded with without the approval, in writing, or contrary to the directions, of the Chief Officer ;

(b) such drain shall be constructed at the expense of the owner of the street and shall be of such size, material and description, and be connected with the municipal drain in such manner and form of communication in all respects, as the Chief Officer, with the approval of the Standing Committee, shall direct ;

(c) the Chief Officer may, if he thinks fit, construct such part of such drain and such part of the work necessary for connecting the same with the municipal drain as shall be in or under any public street or place vested in the Corporation and, in such case, the expenses incurred by the Chief Officer shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain into municipal drains.

4. The owner or occupier of any building or land shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage subject to the following conditions :—

(a) he shall first obtain the permission of the Chief Officer, and

(b) he shall comply with such conditions as the Chief Officer, either generally or specially in each case, may require as to the mode in which, and the superintendence under which, connections with municipal drains or other places aforesaid are to be made.

Connections with municipal drains not to be made except in conformity with rules 3 and 4.

5. (1) No person without complying with the conditions of rule 3 or 4, as the case may be, shall make, or cause to be made, any connection of a drain belonging to himself or to any other person with any municipal drain or other place legally set apart for the discharge of drainage.

(2) The Chief Officer may, with the approval of the Standing Committee, close, demolish, alter or remake any such connection made in contravention of sub-rule (1), and the expenses incurred by the Chief Officer in closing, demolishing, altering or remaking such connection shall be paid by the owner of the street, or the owner or occupier of the building or land, for the benefit of which the connection was made, or by the person offending, as the case may be.

Sewage or offensive matter not to be passed into cesspool.

6. No person shall pass or cause or permit to be passed any sewage or offensive matter into any catch-pit or sump made or used under section 126 or 127 or into any drain communicating with any such catch-pit or sump.

Drains not to pass beneath buildings.

7. Except with the permission of the Chief Officer and in conformity with such conditions as shall be imposed by the Standing Committee, either generally or specially in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Position of catch-pit or sump.

8. No person shall construct a catch-pit or sump—

(a) beneath any part of a building, or within fifty feet of any lake, tank, reservoir, stream, spring or well; or

(b) upon any site or in any position, which has not been approved in writing by the Chief Officer.

All drains, catch-pits and sumps to be properly covered and ventilated.

9. (1) Every drain and catch-pit or sump, whether belonging to the Corporation or to any person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Chief Officer may, by written notice, require the owner of any drain or catch-pit or sump not belonging to the Corporation to provide and apply to the said drain or catch-pit or sump such trap and covering and such means of ventilation as would be provided and applied if such drain or catch-pit or sump belonged to the Corporation.

Water-closet and closet accommodation.

10. (1) No closet accommodation or water-closet for any premises shall be constructed except with the permission of the Chief Officer and in accordance with such conditions as he may impose in accordance with the rules.

Construction of closet accommodations and water-closets.

(2) Such conditions may provide—

(a) that the premises shall be served by the water-closet or by the closet accommodation system, or partly by one and partly by the other ; and

(b) for the site or position of each water-closet and closet accommodation.

(3) If any water-closet or closet accommodation is constructed on any premises in contravention of sub-rule (1) the Chief Officer may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or closet accommodation and, with the previous approval of the Standing Committee may alter or demolish the same. The expenses incurred by the Chief Officer in such closing, alteration or demolition shall be paid by such owner or occupier or by the person offending.

11. (1) No building for or intended for human habitation, or used as a market, railway station, dock, wharf, theatre or other place of public resort or entertainment, or at or in which labourers or workmen are to be employed shall be erected or re-erected without such water-closet or closet accommodation and such urinal accommodation and accommodation for bathing or for the washing of clothes and domestic utensils as the Chief Officer may require in this behalf.

Water-closet and other accommodation in building erected or re-erected.

(2) In requiring any such accommodation the Chief Officer may determine in each case—

(a) whether such building shall be served by the water-closet or by the closet accommodation system or partly by one and partly by the other ;

(b) what shall be the site and position of each water-closet, closet accommodation, urinal, or bathing or washing place, and their number.

12. (1) Where any premises are not provided with sanitary conveniences referred to in sub-rule (1) of rule 11 or if the Chief Officer is of opinion that the existing sanitary conveniences available for the persons occupying or employed in any premises are insufficient, inefficient or on any sanitary grounds objectionable, the Chief Officer may, with the previous approval of the Standing Committee, by written notice, require the owner of such premises—

Chief Officer to take action where there is no such accommodation, or the accommodation is insufficient or objectionable.

(a) to provide such, or such additional sanitary conveniences as he thinks necessary ;

(b) to make such structural or other alteration in existing sanitary conveniences as he thinks necessary ;

(c) to substitute water-closet accommodation for any closet accommodation.

(2) Where the sanitary conveniences of any premises—

(a) have been, and are being, used in common by the persons occupying or employed in such premises, and any one or more other premises, or

(b) are in the opinion of the Chief Officer likely to be so used,

the Chief Officer may, if he is of opinion that such sanitary conveniences are sufficient to admit of the same being used by all the persons occupied or employed in all such premises, direct in writing that separate sanitary convenience need not be provided on or for each of such other premises.

(3) The Chief Officer may, if he is of opinion that there are sufficient municipal sanitary conveniences available for all the persons occupying or employed in any premises, direct that separate sanitary conveniences need not be provided for such premises.

(4) Any requisition made under sub-rule (1) may comprise any detail specified in sub-rule (2) of rule 11.

Power to require closet accommodation to be provided for places of public resort.

13. Where it appears to the Chief Officer that any premises are or are intended to be used as a market, railway station, dock, wharf, theatre or place of public resort or entertainment or as a place in which persons exceeding twenty in number are employed in any manufacture, trade, or business, or as workmen or labourers, the Chief Officer may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or closet accommodation and urinals for the separate use of each sex.

Power of Chief Officer as to unhealthy closet accommodation.

14. Where the Chief Officer is of opinion that any closet accommodation is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Chief Officer, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such closet accommodation is situate, either—

(a) so to close up such closet accommodation as to prevent any person using the same, and to provide in lieu thereof such water-closet or closet accommodation or such urinal accommodation as the Chief Officer may prescribe ; or

(b) to provide between the said closet accommodation and any portion of the said building such air-space open to the sky and situate entirely within the limits of the said premises as the Chief Officer may prescribe.

Provisions about closet accommodation.

15. (1) The owner or occupier of any premises on which there is a closet accommodation shall—

(a) arrange for an air-space of at least six feet in width and open to the sky between such closet accommodation and any building or place used or intended to be used for human habitation, or in which any person may or may be intended to be employed in any manufacture, trade or business ;

(b) have such closet accommodation shut off by a sufficient roof and wall or fence from the view of persons dwelling in the neighbourhood or passing by ;

(c) not allow any door or trap-door in such closet accommodation to open on to a street except with the permission of the Chief Officer under sub-rule (2).

(2) The Chief Officer may permit the continuance for such period as he may think fit of any existing door or trap-door in a closet accommodation opening on to a street, if no nuisance is thereby created.

(3) Clause (a) of sub-rule (1) shall not be deemed to apply to any closet accommodation in existence when these rules come into force unless—

(a) there is space available on the premises of the owner or occupier for the erection of a new closet accommodation conformably to the said clause ; and

(b) the existing closet accommodation can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing closet accommodation.

(4) The Chief Officer may exempt any premises from the operation of clause (a) of sub-rule (1) if he is of opinion that the application of the said clause to such building would cause an unreasonable amount of expense and inconvenience and that the existing closet accommodation in such premises is not likely to cause injury to the inhabitants thereof or of the neighbourhood.

16. The owner or occupier of any premises on which there is a water-closet shall—

(a) have such water-closet divided off by such means as the Chief Officer shall deem sufficient from any part of a building or place used or intended to be used for human habitation, or in which any person may or may be intended to be employed in any manufacture, trade or business ;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall ;

(c) have the seat of such water-closet placed against an external wall ;

(d) cause such water-closet to be provided with such means of constant ventilation as the Chief Officer shall deem adequate, by a window or other aperture in one of the walls of the said closet opening directly into a space not less than five feet in width and open to the sky ;

(e) have such water-closet supplied by a flushing cistern and apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Chief Officer shall deem necessary ;

(f) have flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Chief Officer may deem necessary :

Provided always that a cistern from which a water-closet is supplied shall not be used for supplying water for any other purposes.

Provisions
about
water-
closets.

Position of closet accommodations or water-closets.

17. No person shall, without the permission of the Chief Officer, build a closet accommodation or water-closet in such a position or manner as to be directly over or directly under any room or part of a building other than another closet accommodation or water-closet or a bathing or washing place or terrace.

Location of closet accommodations or water closets.

18. Without the permission of the Chief Officer, no person shall—

(a) build a closet accommodation within a distance of fifty feet, or any water-closet within a distance of twenty feet, from any well, spring, tank, or stream of which the water is or is likely to be used, whether in a natural or manufactured state, for human consumption or domestic purposes, or

(b) in any other manner render the water of any well, spring, tank, or stream liable to pollution.

Use of places for bathing, or for washing clothes or domestic utensils.

19. No person shall use or permit to be used as a bathing place or as a place for washing clothes or domestic utensils any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Chief Officer, be necessary for collecting the drainage thereof and conveying the same therefrom.

Water-closets should not be injured or improperly fouled.

20. (1) No person shall injure or foul any water-closet or urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet or urinal or bathing or washing place or anything used in connection therewith or the approaches thereto or the walls, floors, seats or fittings thereof are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleansing thereof, such of the persons having the use thereof, as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this rule.

(3) The provisions of this rule shall not exempt the owner of such building or buildings from any penalty to which he may otherwise have rendered himself liable.

Inspection.

Private drains to be subject to inspection and examination.

21. All drains, ventilation-shafts and pipes, catch-pits, sumps, water-closets, closet accommodation, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the expense of the municipal fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Chief Officer.

Power to open ground for purposes

22. For the purpose of such inspection and examination the Chief Officer may cause the ground or any portion of any drain or other work exterior to a building, or, with the approval of the Standing Committee.

any portion of a building, which he shall think fit, to be opened, broken up or removed : of such inspection and examination.

Provided that in making such inspection and examination as little damage as can be shall be done.

23. If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Act has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Chief Officer. When ground or work opened may be reinstated by the Chief Officer.

24. If upon any such inspection and examination as aforesaid it shall be found that any drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal or bathing or washing place so examined is not in good order or condition, or has been repaired, changed, altered, or encroached upon, or, except when the same has been constructed by or under the order of the Chief Officer, has been constructed in contravention of any of the provisions of this Act or of any enactment at the time in force the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground or portion of any building or other work opened, broken up or removed for the purpose of such inspection and examination at his own cost. When the expenses of inspection and examination are to be paid by the owner.

25. (1) When the result of any such inspection and examination is as described in rule 24, the Chief Officer may— Chief Officer may require repairs to be made.

(a) by written notice require the owner of the premises in which the drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, urinal or latrine or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up—

(i) to close or remove the same or any encroachment thereupon, or

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct, and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination ; and

(b) without notice, close, fill up or demolish any drain by which offensive matter or sewage is carried through, from, into, or upon any premises in contravention of any of the provisions of this Act, and the expenses incurred by the Chief Officer in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-rule (1) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use

or benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

Costs of inspection and execution of works in certain cases.

26. In the case of any drain which has been constructed, erected or set up, or which is continued for the exclusive use and benefit of two or more premises and which is not—

(a) a drain constructed under sub-section (1) of section 133, or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under sub-section (1) of section 132,

the expenses of any inspection and examination made by the Chief Officer under rule 21 and of the execution of any work required under rule 25, whether executed under sub-section (3) of section 234 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined—

(i) by the Standing Committee, if the aggregate amount of such expenses exceeds one hundred rupees; or

(ii) by the Chief Officer, if the aggregate amount of such expenses does not exceed one hundred rupees.

Prohibition of acts contravening the provisions of this Act or done without sanction.

27. No person shall—

(a) in contravention of any of the provisions of this Act or of any notice given or direction issued under this Act or without the permission of the Chief Officer, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change any drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal, or bathing or washing place, or any trap, covering or other fitting or appliance connected therewith;

(b) without the permission of the Chief Officer, renew, rebuild or unstop any drain, ventilation-shaft or pipe, catch-pit, sump, water-closet, closet accommodation, latrine or urinal, or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Act;

(c) without the permission of the Chief Officer make any encroachment upon or in any way injure or cause or permit to be injured any drain, catch-pit, sump, water-closet, closet accommodation, latrine or urinal or bathing or washing place;

(d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any substance or matter by which, or by reason of the amount of which, such drain is likely to be obstructed;

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided;

(f) cause or suffer to be discharged into any drain from any factory, bake-house, distillery or workshop or from any building or place in which steam, water or mechanical power is employed, any hot water, steam fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance ;

(g) pass, or cause or permit to be passed, into any drain any dangerous petroleum, tar or any inflammable or corrosive liquid.

28. (1) No person shall permit any work described in sections 121 to 136 and in these rules, to be executed except by a licensed plumber. Work to be done by licensed plumbers :

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Chief Officer the name of such plumber. permission to use as drain.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Chief Officer at his office notice in writing of the completion of such work, accompanied by a certificate, in such form as the Chief Officer may from time to time prescribe, signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Chief Officer all necessary facilities for the inspection of such work :

Provided that—

(i) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(ii) the Chief Officer may, within seven days after such inspection, 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 premises in which such work has been executed—

(a) give permission for the filling in or covering over of such work,
or

(b) require that before such work is filled in or covered over it shall be amended to the satisfaction of the Chief Officer in any particular in respect of which it is not in accord with a requisition previously made by the Chief Officer or contravenes some provision of this Act.

(4) No person shall permit any work to be used as a drain or part of a drain until—

(a) the permission referred to in proviso (ii) to sub-rule (3) has been received, or

(b) the Chief Officer has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal or permission for the filling in or covering over of such work.

The Chief Officer may execute certain works under this chapter without allowing option to persons concerned of executing the same.

Expenses in such cases by whom to be paid.

29. (1) The Chief Officer may if he thinks fit, cause any work described in this chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done shall be paid by the person afore said, unless the Corporation shall by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER II.

WATER-SUPPLY.

Power to supply water—
(1) for non-domestic purposes ;
(2) outside the City.

1. (1) On such terms as to payment and as to the period and conditions of supply as may be either generally or specially approved by the Standing Committee, the Chief Officer may supply water from a municipal water-work to any person by measurement or otherwise for other than domestic purposes.

(2) The Chief Officer may supply water from a municipal water-work to any local authority or person without the City on such terms as to payment and as to the period and conditions of supply as shall be either generally or specially approved by the Corporation.

Water for ships.

2. The Chief Officer shall supply a reasonable quantity of water for use for domestic purposes on ships for the time being lying at the jetties or in the docks of the Trustees of the Port of Karachi, or for use on a voyage at such reasonable rates as may be fixed by the Chief Officer with the approval of the Standing Committee.

Fire-hydrants to be provided.

3. The Chief Officer shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained ; and shall have painted or marked on the buildings and walls or in some other conspicuous manner within the streets, words or marks near to such hydrants to denote the situation thereof and shall cause a hydrant key to be deposited at each place within the City where a municipal fire-engine is kept, and shall do such other things for the purpose aforesaid as he shall deem expedient.

Boating, fishing and bathing in municipal water-works.

4. The Chief Officer may, from time to time, make regulations regarding the use of boats, fishing and bathing in municipal water-works.

Conditions under which private water supply

5. (1) On the application of the owner or occupier of any premises in the City and on condition that the provisions of this Act are complied with, the Chief Officer shall connect the communication pipes for

conveying water to the said premises with a municipal water-main or other water-work : may be granted or enforced.

Provided that the Chief Officer may, if in his opinion the arrangements for draining waste water from the aforesaid premises are insufficient, or the supply of water through communication pipes is likely to cause the said premises to be in an insanitary condition or to create a nuisance, refuse to grant such connection until such alterations and improvements have been made on the said premises as he may direct.

(2) If it shall appear to the Chief Officer that any premises, situate within any portion of the City in which a public notice has been given by him under clause (b) of sub-section (1) of section 100 are without a proper supply of pure water, he shall, by written notice, require the owner of the said premises to obtain a supply from a municipal water-work adequate to the requirements of the persons usually occupying or employed upon such premises and to provide communication pipes and do all such works as may be necessary for that purpose :

Provided that no action shall be taken under this sub-rule in any case in which the owner satisfies the Chief Officer that he is too poor to bear the cost of obtaining such supply and that the premises are occupied by him or his family only.

6. (1) No connection with any municipal water-work shall be made or renewed— Making and renewing connections with municipal water-works.

(a) except by a municipal officer or servant empowered in that behalf by the Chief Officer, and

(b) until the certificate specified in sub-rule (4) has been given.

(2) In every case where a new connection with a municipal water-work is made or an existing connection is renewed all necessary communication pipes and fittings from and including the ferrule on the supply main up to and including the stop-cock nearest the supply main shall be supplied by the Chief Officer. The work of laying and applying such communication pipes and fittings shall be executed by municipal agency under the Chief Officer's orders ; but the cost of making or renewing any such connection and of all communication pipes and fittings so supplied, and of all work so executed, shall be paid by the person on whose application or for whose premises or benefit the connection is made or renewed.

(3) Every such new connection or renewed connection with its communication pipes and fittings up to and including its stop-cock as aforesaid shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water-work.

(4) All communication pipes and fittings beyond the said stop-cock shall be laid and applied under the supervision of a municipal officer appointed by the Chief Officer in that behalf. He shall give and sign a certificate, free of charge, when such communication pipes and all necessary fittings and work have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) When any communication pipe or fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule, the Chief Officer may remove such communication pipe, fitting, or connection, and make good such water-work; and the expenses incurred by him in so doing shall be paid by the owner or occupier of the premises in which or for supply to which such communication pipe or fitting has been laid, applied, added to or altered, or such connection has been made, or by the person offending.

Chief Officer may take charge of private connections.

7. The Chief Officer may, if he thinks fit, take charge on behalf of the Corporation of all communication pipes and fittings of any existing private service connected with any municipal water-work up to and including the stop-cock nearest the supply main for the said service, and the same shall thereafter vest in, and be maintained at the expense of, the Corporation as a municipal water-work.

Power of Chief Officer to alter position of connections.

8. The Chief Officer may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of the communication pipes or fittings thereof, and after giving to the owner of such communication pipes or fittings not less than four days' previous notice of his intention so to do, cause the said connection to be moved to such other position as he thinks fit, and cause any or all the said communication pipes and fittings to be relaid and applied or others to be laid and applied, in lieu thereof, in such position as he may direct; and in every such case such removal and alteration shall be carried out at the expense of the municipal fund. The new connection, with its communication pipes and fittings from the supply main up to and including the stop-cock nearest the supply main, shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water-work.

Provisions as to storage cisterns and fittings to be used for connections with water-works.

9. (1) The Chief Officer may, whenever it shall appear to him to be necessary, by written notice, require that any premises furnished with a private water supply from any municipal water-work, shall, within a reasonable period, which shall be prescribed in the said notice, be provided with a storage cistern of such size, material, quality and description, and with such fittings and placed in such position as he thinks fit.

(2) The Chief Officer may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water-supply, by written notice direct that the said storage cistern, with all fittings connected therewith, shall, within a reasonable period which shall be prescribed in the said notice, be removed from the said premises.

(3) The Chief Officer shall also, from time to time, prescribe the number, size, material, quality, description and position of the pipes, taps, cocks and other fittings to be employed for the purposes of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

(4) If any connection or communication other than that prescribed in sub-rule (3) is found in or upon any premises, it shall be presumed, until the contrary is proved, that such connection or communication was made by or under the direction of, the owner or occupier of such premises.

(5) The Chief Officer may make regulations for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the purposes of any connection with or communication with any municipal water-works. Such regulations may provide for the payment of a fee for such stamping and prohibit the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

10. It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work to keep in efficient repair every pipe conveying water from the said water-work to such premises and every tap, cock or other fittings and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

Communication pipes to be kept in efficient repair by owner or occupier of premises.

11. (1) Where water is supplied by measurement, the Chief Officer shall provide a meter and charge the consumer for the same such rent as shall be imposed in this behalf by the Standing Committee.

Provision of meters when water is supplied by measurement.

(2) The Chief Officer shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(3) The Chief Officer may at any time remove any meter or other instrument for measuring water, let or hire to any person, for the purpose of repairing, or of testing the correctness of, the same.

12. (1) The Corporation may, in its discretion, provide a water meter and attach the same to the service-pipe of any premises connected with the municipal water-supply.

Power to Corporation to provide meters.

(2) The expenses of providing and attaching a meter under sub-rule (1) shall be paid out of the municipal fund.

13. When water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Register of meter to be evidence.

14. (1) No person shall permit any work described in these rules to be executed except by a licensed plumber.

Water-works to be executed by licensed plumbers.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Chief Officer the name of such plumber.

INSPECTION.

15. (1) The Chief Officer may make an inspection of any premises to which a private water-supply is furnished by the Corporation.

Chief Officer may inspect premises.

(2) The Chief Officer may, by written notice, require the owner or occupier of the premises to comply with any order with regard to a meter,

not being a municipal meter let to him for hire, or any such communication pipe, tap, cock or other fittings or cistern.

CUTTING OFF PRIVATE WATER-SUPPLY.

Power to cut off private water-supply or to turn off water.

16. (1) The Chief Officer may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises, in any of the following cases, namely:—

(a) in default of payment of any instalment of water-tax or of any sum due for water or of the rent of a meter let to the owner of such premises for hire, within fifteen days after a bill for such tax or sum has been duly presented;

(b) if the owner or occupier of the premises neglects within the period prescribed in this behalf any notice given under sub-rules (1) and (2) of rule 9 to comply with any requisition made to him by the Chief Officer regarding the provision or removal of a storage cistern;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 15 to put any such cistern or any pipe conveying water from any municipal water-work or any tap, cock or other fitting thereof into good repair so as effectually to prevent the water from running to waste;

(d) if after receipt of a written notice from the Chief Officer requiring him to refrain from so doing, the owner or occupier of the premises continues—

(i) to use the water, or to permit the same to be used in contravention of any of these rules,

(ii) when payment for the water is not made by measurement, to permit any person not residing on the premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from any municipal water-work;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages or permits to be injured or damaged, or removes or injures his meter or the seal of his meter or any pipe conveying water from any municipal water-work;

(f) if the building is declared unfit for human habitation under section 189;

(g) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise;

(h) if any communication pipes or fittings have been laid, applied, added to or altered in contravention of the provisions of rule 6.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

Water-pipes not to be placed where water will be polluted.

17. No water-pipe other than a water-pipe forming part of a municipal water-work shall be laid in a drain or on the surface of an open channel or within twenty feet of a catchpit or sump, or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank shall be constructed within fifty, and except with the consent of the Chief Officer, no cistern within twenty feet of a closet accommodation, water closet, catchpit or sump.

18. (1) No person shall fraudulently dispose of any water supplied to him by the Corporation. Prohibition of fraudulent and unauthorised use of water.

(2) No person to whom a private supply of water is furnished by the Corporation shall except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(3) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

19. (1) No person shall fraudulently— Prohibition of fraud in respect of meters.

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied ;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

20. No person shall wilfully or negligently— Prohibition of wilful or negligent acts relating to water-works.

(a) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter ;

(b) break, injure or open any seal, lock, cock, valve, pipe, work or engine appertaining to any municipal water-work ;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted ;

(d) do any act whereby the water in, or derived from, any municipal water-work shall be wasted ;

(e) obstruct, divert or in any way injure or alter any water-main or duct ;

(f) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water-work ; or

(g) dry clothes in or upon any water-work.

21. Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 19 or rule 20. Compensation to be payable by offenders against rule 19 or 20.

22. (1) The Chief Officer may, if he thinks fit, cause any work described in this chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same. The Chief Officer may execute works under this chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER III.

REGULATION OF STREETS.

Power to
construct or
adopt public
bridges.

1. The Chief Officer, when authorised by the Corporation in this behalf, may agree—

(a) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as part of a public street, or as property vested in the Corporation; or

(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof, or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

Naming of
streets and
numbering of
houses.

2. (1) The Chief Officer may, from time to time,—

(a) with the sanction of the Corporation determine the name by which any street shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;

(c) determine the number by which any premises shall be known;

(d) by written notice require the owner of any premises, either to put up or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Chief Officer.

(2) No person shall, without the permission of the Chief Officer, or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Chief Officer.

(3) When a number is put up or painted on any premises under the orders of the Chief Officer in accordance with clause (d) of sub-rule (1), the expense of such work shall be payable by the owner of the premises.

Sky-Signs and Advertisements.

Regulations
as to sky-
signs.

3. (1) No person shall, without the written permission of the Chief Officer, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted or renewed, for any period exceeding two years from the date of each such permission or renewal—

Provided that in any of the following cases a written permission or renewal by the Chief Officer under this section shall become void, namely:—

(a) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal engineer;

(b) if any change be made in the sky-sign or any part thereof;

(c) if the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(d) if any addition or alteration be made to, or in the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof ;

(e) if the bulding or structure upon or over which the sky-sign is erected, fixed or retained becomes unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained after the enactment of this Act upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this rule, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this rule, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Chief Officer may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

(4) The expression "sky-sign" in this rule means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard, frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction ;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall, or parapet of any building or on the cornice or blocking course of any wall, or to the ridge of a roof ;

Provided that such board, frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to, against or on which it is fixed or supported ;

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and

placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ;

(d) any notice of land or buildings to be sold or let, placed upon such land or buildings.

Regulation
and control
of advertise-
ments.

4. (1) No person shall, without the written permission of the Chief Officer, and except upon such terms and conditions as may be laid down by such officer, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure :—

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(a) is exhibited within the window of any building ;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same 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 ;

(c) relates to the business of any railway company ;

(d) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street ;

Provided also that such permission shall not be necessary for a period of three years after the enactment of this Act in respect of advertisements upon a site which was occupied by advertisements on the first day of the month of September one thousand nine hundred and thirty-three.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this Act upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this rule, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this rule after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Chief Officer may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(4) The word "structure" in this rule includes a tram car, omnibus and any other vehicle and any moveable board used primarily as an advertisement or an advertising medium.

5. The Chief Officer may, with the sanction of the Corporation, regulate or prohibit the driving, riding or leading of animals or vehicles of any particular kind along any public street or part of a public street.

Prohibition of use of streets by any class of animals or vehicles.

6. (1) If the land at the corner of two streets is not covered by buildings—

Prevention of obstruction of view of approaching traffic at junction of streets.

(a) no person shall erect any wall or other opaque structure other than a building of a height exceeding three feet abutting on either of such streets for a distance of one hundred feet from the junction or to the limit of any building abutting on such street, whichever distance is less; and

(b) the Chief Officer may, by written notice, call upon the owner of such land to take such measures as he may direct with any trees, shrubs or vegetation growing on such land which obstruct the view of traffic approaching the junction of such streets.

(2) For the purpose of affording a view of approaching vehicles and facilitating the control of traffic, the Chief Officer may erect upon any premises or affix to any building or to any tree a mirror or such other instrument as he may deem suitable for the aforesaid purpose.

7. No person shall, without the permission of the Chief Officer, picket animals or collect vehicles on any public place, or use such place as a halting place for vehicles or animals of any description, or as a place of encampment, or cause or permit animals to stray, or, being the owner or person in charge of any dog which is likely to annoy or intimidate persons passing by, neglect to restrain it so that it shall not be at large in any street or public place.

Collecting animals, vehicles, etc., on any public ground forbidden.

CHAPTER IV.

OBSTRUCTION IN STREETS.

1. No person shall, except with the permission of the Chief Officer, and in accordance with such conditions, including the payment of rent, as he may impose either generally or specially in that behalf, place or deposit upon any street or drain, well, or channel therein, any stall, chair, bench, box, ladder, bale, tray or other thing and the Chief Officer may without giving notice remove any such stall, chair, bench, box, ladder, bale, tray or other thing or may in lieu of such removal collect such rent for the use of the land as he may impose.

Prohibition of obstructions in streets.

2. (1) No person shall, except with the permission of the Chief Officer and in accordance with such terms and conditions including the payment of rent or otherwise as the Chief Officer may impose either generally by regulation or in each special case—

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

(a) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(b) deposit any building materials in any street ; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under sub-rule (1), clause (b) or (c), shall be terminable at the discretion of the Chief Officer, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

(3) The Chief Officer may, without notice, cause to be removed any building materials, or any scaffold or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-rule (1), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-rule (2).

CHAPTER V.

LICENSING OF ARCHITECTS, SURVEYORS AND PLUMBERS.

Grant of licences to architects, surveyors and plumbers.

1. (1) The Chief Officer may grant to any person who is proved to his satisfaction to be qualified to receive the same a licence to act as an architect or as a surveyor or as a master-plumber or as a working plumber for the purposes of this Act. Each such licence shall be for a renewable period of one year.

(2) If any applicant for a licence to act as a surveyor is a Bachelor of Engineering or a person who has passed some test of professional qualification equivalent to that for a Bachelor of Engineering, his application shall not be refused by the Chief Officer, except with the approval of the Standing Committee, and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(3) If the Chief Officer refuses any application for a licence under this rule he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature, without charge.

Regulations may be prescribed for guidance of licensed architects, surveyors and plumbers.

2. The Chief Officer may, with the approval of the Standing Committee, from time to time prescribe the charges payable for work done under or for any purpose of this Act to, and regulations for the guidance of, licensed architects, surveyors, master-plumbers and working plumbers and a copy of all scales of such charges and regulations so prescribed at the time in force shall be written on the back of every licence granted to an architect, surveyor, master-plumber or working plumber.

Licenses of architects, surveyors and plumbers may be suspended or cancelled.

3. The Chief Officer may suspend or cancel any licence granted by him under rule 1 to any architect, surveyor or plumber who—

(a) disobeys or fails to comply with any of the regulations prescribed under rule 2 ;

(b) executes carelessly or negligently any work under this Act ;

- (c) uses bad material, appliances or fittings in such work ;
- (d) executes any work otherwise than in accordance with a plan approved or otherwise than in accordance with directions or instructions issued by the Chief Officer or any municipal officer empowered by the Chief Officer in this behalf ;
- (e) does any work in contravention of the provisions of this Act ;
- (f) demands or receives more than the fee or charge prescribed for such work.

CHAPTER VI.

MUNICIPAL FIRE-BRIGADE.

1. (1) The Chief Officer shall from time to time make regulations for :—
 - (a) the training, discipline and good conduct of the men belonging to the fire-brigade ;
 - (b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire ;
 - (c) the maintenance of the said brigade generally in a due state of efficiency ; and
 - (d) the submission of reports of fires.
- (2) With the approval of the Standing Committee and subject to the conditions and limitations prescribed by this Act, the Chief Officer may make regulations for the granting of gratuities, rewards or certificates to persons who have given notice of fires or who have rendered effective service to the fire-brigade on the occasion of a fire.
2. A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.
3. (1) On the occasion of a fire, the chief or other officer in charge of the fire-brigade shall, subject to such orders as the Chief Officer may, from time to time, issue in this behalf, take the command of all municipal officers and servants present, and may
 - (a) remove, or order any police officer or person under his command to remove, any person who interferes by his presence with the operations of the fire-brigade ;
 - (b) close any street or passage in or rear which the fire is burning ;
 - (c) by himself or by the persons under his command, break into or through or take possession of, or pull down any premises for the purpose of putting an end to or limiting the spread of such fire, doing as little damage as possible ;

Power to make regulations for fire brigade.

Power to appoint a person to be a member of the fire-brigade in addition to any other office or employment of such person.

Powers of Chief Officer of fire brigade at a fire.

(d) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilise the water of any stream, tank, cistern, well or other source of water, whether public or private, for the purpose of extinguishing such fire ;

(e) give orders for the rendering of such assistance as he may deem advisable by the person in charge of any fire-engine or others ; and

(f) take generally any measures that may appear necessary or expedient for the protection of life or property.

(2) On the occasion of a fire, all persons assisting the fire-brigade, whether voluntarily, or otherwise, shall be under the command of the chief or other officer in charge of the fire-brigade and shall obey all orders and directions given by such officer.

Police officers and municipal officers and servants to help the fire-brigade

4. It shall be the duty of all police officers and of all municipal officers and servants to assist the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

CHAPTER VII.

SCAVENGING AND CLEANSING.

Provision of receptacles for collecting rubbish.

1. The Chief Officer may, by public notice, require the owners or occupiers of premises within any specified portion or portions of the City to provide and place in such positions as he may direct proper receptacles for collecting and keeping rubbish and offensive matter prior to removal by municipal agency.

Prohibition of accumulations of offensive matter.

2. No person—

(a) shall throw or place any sewage, offensive matter or rubbish, on any street, or in any place not provided or appointed for the purpose under the provisions of this Act ;

(b) who is the owner or occupier of any building or land, shall allow any sewage or offensive matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Cleansing and lime washing of any building may be required.

3. If it shall appear to the Chief Officer for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleaned, either externally or internally, or both externally and internally.

Removal of building materials from any premises may be required.

4. If it shall appear to the Chief Officer that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Chief Officer in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source

of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Chief Officer may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Chief Officer be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

5. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Chief Officer, a nuisance, the Chief Officer after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the City, or to any person who is known or believed to claim to be the owner, if such person is resident within the City, and shall also affix a copy of the said notice on some conspicuous part of the said premises requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Chief Officer be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Abandoned or unoccupied premises.

6. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Chief Officer.

Permission for new well etc.

(2) If any such work is begun or completed without such permission, the Chief Officer may either—

(a) 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

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-rule (1).

CHAPTER VIII.

INSPECTION AND SANITARY REGULATION OF PREMISES.

1. If in the opinion of the Chief Officer—

(a) any pool, ditch, tank, well, pond, quarry, hole, drain, water-course or any collection of water, or

Filling in of pools which are a nuisance,

(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 situate within a distance of one hundred yards from any building used as a dwelling-house, is, or is likely to become a breeding-place for mosquitoes or in any other respect a nuisance he 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 he shall prescribe, or to take such measures with reference to the same for removing or abating the nuisance as he shall prescribe.

Prohibition of cultivation, use of manure, or irrigation injurious to health.

2. The Chief Officer, with the approval of the Standing Committee may, in any place within the City, prohibit the cultivation of any description of crop, or the use of any kind of manure, or any placing of stocks of manure on land, or the irrigation of land in any manner which is in his opinion injurious to the health of persons dwelling in the neighbourhood, or with the like approval, may impose such conditions with respect thereto as may prevent injury arising therefrom :

Provided that, when on any land to which such prohibition applies the act prohibited has been practised during the five years next preceding such prohibition, in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such prohibition.

Power of Chief Officer to call for statement of accommodation.

3. (1) The owner of a building shall, within a period of seven days, after receipt of a written notice from the Chief Officer, sign and give a certificate of the following particulars with respect to such building or any part thereof—

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation—

- (a) the total number of persons dwelling in the building or any part of it,
- (b) the manner of use of each room by day and by night, and
- (c) the number, sex and age of the occupants of each room used for sleeping.

Removal and trimming of trees, shrubs and hedges.

4. (1) If in the opinion of the Chief Officer—

(a) any hedge is at any time insufficiently cut or trimmed or overgrown with prickly pear or other rank vegetation, or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs, or obstructs any street to the inconvenience or danger of passengers therein,

the Chief Officer may, by written notice require the owner or occupier of the land on which such hedge, tree, or shrub, is or has been growing,

(c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet and to remove any such prickly pear or other rank vegetation therefrom ; or

(d) to remove, cut, lop, or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b) of sub-rule (1) the Chief Officer may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

CHAPTER IX.

PREVENTION OF THE SPREAD OF DANGEROUS DISEASES.

1. (1) In the event of any person within the City, other than a patient in a public hospital, being attacked with a dangerous disease— Information to be given of the existence of dangerous disease.

(a) every medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and

(b) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and

(c) every person in charge of or in attendance on any person so attacked,

shall, as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made to the Chief Officer :

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

(2) The owner or person in whose custody any animal may be which is suffering from an infectious or contagious disease shall, as soon as he becomes cognizant of the fact, report the same, or cause a report thereof to be made to the Chief Officer : Information to be given of animal suffering from a contagious or infectious disease.

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made .

2. The Chief Officer may, at any time by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spreading of the said disease beyond such place. Inspection for purpose of preventing spread of a dangerous disease.

3. (1) If it shall appear to the Chief Officer that the water in any well, tank or other place is likely to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water. Prohibition of use of water likely to cause a dangerous disease.

(2) No person shall remove or use any water in respect of which any such public notice has been issued.

4. (1) If any person suffering from any dangerous disease is— Chief Officer may order removal of patients to hospital.

(a) without proper lodging or accommodation,

(b) living in a rest-house, inn or hotel, boarding-house or a building licensed as a lodging house under this Act,

(c) living in a house which he neither owns nor pays rent for, or

(d) living in a building in which it is, in the opinion of the Chief Officer, impossible to make arrangements for his proper segregation,

the Chief Officer or any police officer empowered by him in this behalf may direct or cause the removal of such person to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-rule (1), shall obey such order.

(3) If any female who, according to custom, does not appear in public, be removed to any hospital or place under sub-rule (1)—

(a) the removal shall be effected in such a way as to preserve her privacy,

(b) special accommodation suited to such custom shall be provided for her in such hospital or place ;

(c) she shall be treated by female agency only, if so required by her, or by her husband, or by the person in charge of her, before her removal ; and

(d) her female relatives not exceeding two in number shall be allowed to remain with her in such hospital or place if there is sufficient accommodation for them therein, and, if not, her female relatives shall have access to her at all reasonable times.

(4) No person removed to a hospital or place under sub-rule (1) shall leave the same except with the permission of the officer-in-charge thereof.

Disinfection
of buildings.

5. If the Chief Officer is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cause such building or part thereof or article therein to be cleansed or disinfected by municipal agency at the charge of the municipal fund and may cause such building to be vacated for such period as he deems necessary for such purpose :

Provided that, if, in the opinion of the Chief Officer, the owner or occupier is able effectually to carry out such cleansing or disinfection, the Chief Officer may cause the said building or part of the building or article likely to retain infection to be cleansed or disinfected by and at the charge of the owner or occupier thereof.

Place for
disinfection
may be
provided.

6. (1) The Chief Officer may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee, in this behalf or in any case in which he thinks fit, free of charge.

Also for
washing
infected
articles.

(2) The Chief Officer may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

7. No person shall give for the purpose of being washed to any dhobie or washerman, who uses any place reserved by the Chief Officer under the provisions of this Act for the use of such dhobies or washermen any clothes, bedding or other articles which have been exposed to infection from any dangerous disease unless they have been previously disinfected to the satisfaction of the Chief Officer, or of a duly qualified medical practitioner.

Prohibition to give infected clothes to dhobies.

8. No person suffering from any dangerous disease shall, in any public street, building, shop or place, engage in any occupation, or carry on any trade or business, or expose himself without taking proper precautions against spreading the disease.

Persons suffering from a dangerous disease not to expose themselves.

9. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

Persons suffering from a dangerous disease not to enter a public conveyance without notifying the same.

(2) Notwithstanding anything contained in any law relating to public conveyance for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Persons suffering from a dangerous disease not to enter a public conveyance without notifying the same.

10. The Chief Officer, with the sanction of the Corporation, may provide and maintain conveyances for the free carriage of persons suffering from any dangerous disease ; and when such conveyances have been provided, it shall not be lawful to convey any such persons by any other public conveyance.

Provision of carriages for the conveyance of patients.

11. (1) No person who is suffering from a dangerous disease shall—

Provisions as to carriage of person suffering from a dangerous disease in public conveyances.

(a) without proper precaution against spreading such disease, cause or suffer himself to be carried in a public conveyance ;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provisions of rule 10.

(2) No person shall go in company with or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-rule (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-rule.

12. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately report the matter to the Chief Officer, who shall without delay take measures for the disinfection of such conveyance, and no such conveyance shall be again used until it has been so disinfected.

Public conveyance which has carried a person suffering from a dangerous disease to be disinfected.

Children suffering from dangerous disease not to be sent to school.

13. No person being the parent, or having the charge or care of a child, who is or has been suffering from any dangerous disease shall send such child to any public or private school, if the presence of such child is likely to cause injury to the health of other persons attending or living or employed in such school.

Power to close schools on account of dangerous disease.

14. If it appears to the Chief Officer that there is danger of injury to the health of persons attending, or living or employed in any public or private school or place of public resort he may, by an order in writing, direct that such school or place shall be closed for such period as he shall think fit, and that the premises shall be cleaned or disinfected.

Infected articles not to be transmitted without previous disinfection.

15. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article, which he knows, or has reason to know, has been exposed to infection from any dangerous disease.

(2) Nothing in this rule shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Infected buildings not to be let without being first disinfected.

16. (1) No person shall let a building or any part of a building, in which he knows, or has reason to know that a person has been suffering from any dangerous disease, without having such building or part thereof and every article therein likely to retain infection disinfected to the satisfaction of the Chief Officer.

(2) For the purpose of this rule, the keeper of a hotel, inn or licensed building shall be deemed to let part of his building to any person accommodated in such hotel, inn or licensed building.

Corpses of persons dying in hospital of any dangerous disease not to be removed therefrom save for purposes of burial.

17. If a person who is suffering from a dangerous disease dies in any hospital or place for the treatment of such disease, the corpse of such person shall not be removed from such hospital or place except for the purpose of being forthwith disposed of in a place for the disposal of the dead.

CHAPTER X.

DISPOSAL OF THE DEAD.

Places for the disposal of the dead to be registered.

1. Every person having the control or in charge of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Chief Officer with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, and, in the case of places for burying the dead, the site of all existing graves and the manner in which it is intended to lay out ground still unappropriated for graves, bearing the signature of a licensed surveyor in token of its having been made by or under the supervision of such surveyor.

2. (1) Every registered place for the disposal of the dead shall be enclosed by such wall, fence or hedge as the Chief Officer may direct or permit.

Places for disposal of the dead to be walled.

(2) The Chief Officer shall prescribe the number and position of the entrances to every such place for the disposal of the dead.

3. Any person having the control or charge of a registered place used for burying, burning or otherwise disposing of the dead or if there be no such person then the person in charge or in control of the burying, burning or disposal shall report within 24 hours of the burying, burning or disposal such particulars as the Chief Officer may from time to time direct, regarding the fact of the death and of the burying, burning or disposal.

Duties of caretakers of places for disposal of the dead.

4. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 179 the Chief Officer shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the City, and shall cause the same to be registered in a register kept in the municipal office, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same, and bearing the signature of the Chief Engineer.

Provision of new places for disposal of the dead.

5. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the permission of the Chief Officer who, with the approval of the Corporation, may grant or withhold such permission.

New places for disposal of the dead not to be opened without permission of Chief Officer.

6. No person shall, without the permission of the Chief Officer—

(a) retain a corpse on any premises without burning, burying or otherwise lawfully disposing of the same for a longer period after death than seventy-two hours, or if the cause of death is a dangerous disease such shorter period as the Chief Officer may prescribe by an order made generally or specially in that behalf ;

Acts prohibited in connection with disposal of the dead.

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered and without taking such precautions to prevent risk of infection or injury to the public health as the Chief Officer may, by public notice from time to time, think fit to require ;

(c) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Chief Officer in this behalf ;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity ;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise, in such manner that the surface of the coffin, or when no coffin is used, of the corpse or part of a corpse, shall be at a depth less than such depth as the Chief Officer may order ;

(g) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than such distance as the Chief Officer may order from the margin of any other grave or vault ;

(h) re-open for the interment of a corpse, or of any part of a corpse, a grave or vault already occupied ;

(i) after bringing or causing to be brought to a burning ground any corpse, or part of a corpse, fail to burn or cause the same to be burnt, within six hours from the time of the arrival thereof at such ground ;

(j) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other articles used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes ;

(k) burn or bury or otherwise dispose of any corpse without producing and delivering to the caretaker of the place for the disposal of the dead the certificate of the death granted under the provision for the registration of deaths ; or

(l) remove from any place for the disposal of the dead any coffin, bier or other thing which has been used for the conveyance thither of any corpse.

CHAPTER XI.

BUILDING RULES.

Use of inflammable materials in building.

1. (1) No person shall, in any area to which the Chief Officer may, with the approval of the Standing Committee, by public notice declare this rule to be applicable, construct any roof, external wall, or verandah of a building of timber, bamboos, grass, mats, leaves or other inflammable material.

(2) The Chief Officer may, by notice in writing, direct any person who has constructed or caused or permitted to be constructed any roof, external wall or verandah of any building in contravention of sub-rule (1), to remove or alter the same as the Chief Officer may think fit.

Notice of new buildings.

2. (1) Every person who intends to erect or re-erect a building shall submit to the Chief Officer—

(a) an application in writing for approval of the site, together with a site plan of the land, and, in the case of land which is the property of His Majesty or of the Corporation, a certified copy of the documents authorising him to occupy the land, and if so required by the Chief Officer, the original document or documents ; also

(b) an application in writing for permission to execute the work together with a ground plan, elevations, and sections of the building, and a specification of the work.

(2) Every plan of any building to be constructed wholly or partly of masonry submitted under sub-rule (1) shall, in token of its having been prepared by him or under his supervision, bear the signature of a licensed surveyor.

(3) Every documents submitted under sub-rule (1) shall be prepared in such manner and shall contain such particulars as may be prescribed from time to time.

3. The Chief Officer may refuse to approve of the site on which it is intended to erect or re-erect any building on all or any of the following grounds :—

Grounds on which site of proposed building may be disapproved.

(a) that the erection or re-erection of the proposed building on such site would be in contravention of a declaration under section 204, or of any other provision of this Act or of any other enactment for the time being in force ; or

(b) that the site is in a portion of the City in which the position and direction of the streets have not been determined, and that the building which it is proposed to erect on such site will, in the opinion of the Chief Officer, obstruct or interfere with the construction in future of suitable streets in such portion of the City or the drainage, water-supply or ventilation thereof ; provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Chief Officer, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building ; or

(c) that the site has been reclaimed with or used as a place for depositing sewage, offensive matter or rubbish or the carcasses of dead animals or is otherwise insanitary or dangerous to health ; or

(d) that the site is not in accordance with a " standard plan " finally approved under section 211.

4. (1) The Chief Officer shall not grant permission to erect or re-erect any building unless and until he has approved of the site thereof on an application under rule 2.

Grounds on which permission to erect or re-erect building may be refused.

(2) The Chief Officer may refuse permission to erect or re-erect any building—

(a) if the plans and specifications submitted with the application show that such building is not in accordance with any declaration under section 204 or with any provision of this Act, or any provision of any law for the time being in force ; or

(b) if in his opinion the erection or re-erection of such building would be injurious or a source of nuisance to the inhabitants of the neighbourhood or the public ; or

(c) unless and until any plans, specifications or particulars called for by him under rule 5 are supplied ; or

(d) such building is placed otherwise than in accordance with a " standard plan " finally approved under section 211.

Period within which Chief Officer shall grant or refuse permission to erect or re-erect a building.

5. (1) Within thirty days after the receipt of an application for permission to erect or re-erect a building or within thirty days after orders have been passed approving the site of such building, whichever date is later, the Chief Officer shall—

(a) pass orders granting or refusing permission to erect or re-erect such building ; or

(b) require further plans, specifications and particulars to be submitted to him.

(2) If within thirty days next following the day on which all documents, plans, specifications and particulars called for have been submitted to him, or, if such have not been called for, within thirty days from the receipt of an application or the passing of orders as aforesaid, the Chief Officer shall not have passed orders granting or refusing permission, such permission shall be deemed to have been given, and the applicant may proceed to erect or re-erect such building but not so as to contravene any provision of this Act.

Powers of Chief Officer with respect to building erected or re-erected without his permission.

6. (1) If the erection or re-erection of any building is commenced contrary to the provisions of this Act, the Chief Officer shall—

(a) by written notice require the person who is erecting or re-erecting such building forthwith to cause to be stayed all work thereupon ;

(b) by written notice require the person who is erecting or re-erecting such building, or has erected or re-erected such building, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Chief Officer to show sufficient cause why such building or such part thereof as has been erected or re-erected shall not be removed, altered or pulled down ; or

(c) require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or part thereof shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause to the satisfaction of the Chief Officer why such building or part thereof shall not be removed, altered or pulled down, the Chief Officer, with the approval of the Standing Committee may remove, alter or pull down the building or part thereof, and the expenses thereof shall be paid by such person.

Power to inspect buildings in course of erection or re-erection.

7. The Chief Officer may, at any time during the erection or re-erection of a building, make an inspection thereof with or without giving previous notice of his intention so to do.

8. If the Chief Officer finds that the work of erection or re-erection of such building—

(a) is otherwise than in accordance with the plans that have been approved therefor; or

(b) contravenes any of the provisions of this Act; he may by written notice require the person erecting or re-erecting such building within a period to be specified in such notice, to make such alterations as shall be specified in such notice with the object of bringing the work into conformity with the said plans or provisions.

9. (1) If there shall be reasonable ground for suspecting that in the erection or re-erection of any building anything has been done contrary to any provision of this Act, or that anything required by any such provision to be done has been omitted to be done;

and if, on inspecting such building, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the Chief Officer may, with the approval of the Standing Committee, by written notice, require the person who has erected or re-erected such building or is erecting or re-erecting such building to cause so much of such building as prevents any such fact from being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection or re-erection of such building nothing has been done contrary to any provision of this Act, and that nothing required by any such provision to be done has been omitted to be done, compensation shall be paid by the Chief Officer to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building.

10. The rules in this Chapter shall not apply to any building erected or to be erected by Government.

SCHEDULE VII.

(See section 155.)

PART I.

Articles which shall not be kept without a licence in or upon any premises :—

Blood.	Gun-cotton.
Dynamite.	Nitro-glycerine.
Blasting powder.	Phosphorus.
Fulminate of mercury.	

PART II.

Articles which shall not be kept without a licence, 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 licence.
Bidi leaves	4 cwts.
Camphor	$\frac{1}{2}$ cwt.
Celluloid	} 4 cwts.
Celluloid goods	
Chemicals, liquid	4 gals.
Chemicals, non-liquid	$\frac{1}{4}$ cwt.
Chlorate of potash	$\frac{1}{4}$ cwt.
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 cwts.
Cotton seed	4 bags not exceeding 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 news- papers, periodicals, magazines, etc., kept for sale or for other than domestic use	4 cwts.
Petroleum as defined in the Indian Petroleum Act, 1899	10 gals.
Dangerous Petroleum as defined in the same Act	3 gals.
Oil (other sorts).. .. .	15 gals.
"Oilseeds" other than cotton seeds	1 ton.
Rosin	$\frac{1}{4}$ cwt.
Saltpetre	$\frac{1}{4}$ cwt.
Sulphur	$\frac{1}{4}$ cwt.
Tar, pitch, dammer or bitumen	$\frac{1}{2}$ cwt.
Turpentine	1 gal.
Varnish	20 gals.

PART III.

Articles which shall not be kept without a licence, in or upon any premises, for sale or for other than domestic use except so far as they are exempted by rules made in this behalf :—

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.	

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a licence except so far as they are exempted by rules made in this behalf :—

Baking.	
Casting metals.	
Dyeing cloth or yarn, in indigo or other colour.	
Keeping of eating-houses.	
Keeping of sweatmeat shops except in premises already licensed as an eating-house.	
Keeping of hair dressing saloons or barbers' shops.	
Tanning, pressing or packing hides or skins, whether raw or dried.	
Manufacturing, packing, pressing, cleaning, cleansing, melting or preparing by any process whatever any of the following articles :—	
Aerated waters.	Candles.
Bidis (indigenous cigarettes).	Catgut.
Blasting powder.	Cotton or cotton refuse or cotton seed.
Bones.	
Bricks or tiles.	Cowdung cakes.

Dammer.	Oil-cloth.
Dynamite.	Paper.
Fat.	Pitch.
Fireworks.	Pottery.
Flax.	Rags.
Gas.	Soap.
Ghee.	Sugar.
Gunpowder.	Tallow.
Ice.	Tar.
Lime.	Vegetable Oil.
Matches for lighting.	Wood.
Offal.	

SCHEDULE VIII.

CHAPTER I.

NOTICES AND ADVERTISEMENTS.

Public notices how to be made known.

1. In the absence of any special provision to the contrary, whenever it is provided by this Act or any rules made thereunder that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Chief Officer and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by advertisement in the local newspapers, or by any other means which the Officer shall think fit.

Consent of Chief Officer may be proved by written document under his signature.

2. Whenever under this Act or any rules made thereunder the doing or the omitting to do anything or the validity of anything, depends upon the consent, approval, declaration, opinion or satisfaction of the Chief Officer or any municipal officer, a written document signed by the Chief Officer or such municipal officer purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction, shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Notices by whom to be served or presented.

3. Notices, bills, schedules, summonses and other such documents required by this Act or any rules made thereunder to be served upon, or issued, or presented or given to any person, shall be so served, issued, presented or given by municipal officers or servants or by other persons authorised by the Chief Officer in this behalf.

Service of notices how to be effected.

4. When any notice, bill, schedule, summons or other such document is required by this Act or any rules made thereunder to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in rule 5, be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or such document; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the City, or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the City and his address elsewhere is known to the Chief Officer, by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address ; or

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

5. When any notice, bill, schedule, summons or other document is required by this Act, or any rules made thereunder to be served upon or to be issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of rule 4, but as follows, namely :—

Service on
"owner or
occupier"
of building
or land
how to be
effected.

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult member or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(c) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

6. Nothing in rules 3, 4 and 5 shall apply to any summons issued under this Act by a magistrate.

Rules 3, 4
and 5
inapplicable
to magis-
trate's
summonses.

7. (1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or any rules made thereunder to bear the signature of the Chief Officer or of any municipal officer shall be deemed to be properly signed if it bears a *facsimile* of the signature of the Chief Officer or of such municipal officer, as the case may be, stamped thereupon.

Signatures
on notices,
etc., may
be stamped.

(2) Nothing in this rule shall be deemed to apply to a cheque drawn upon the municipal or education fund.

CHAPTER II.

PREPARATION OF THE ASSESSMENT LIST.

1. The Chief Officer shall every financial year prepare a list of all buildings and lands in the City which shall be called the "assessment list" in which shall be entered such particulars as the Chief Officer may from time to time direct.

Preparation
and con-
tents of
assessment
list.

Chief Officer may call for information or return from owner or occupier and enter and inspect property.

2. (1) To enable him to prepare the assessment list, the Chief Officer may require the owner or occupier of any building or land, or of any portion thereof in the City, to furnish him, within such reasonable period as the Chief Officer prescribes in this behalf, with information or with a written return signed by such owner or occupier—

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land; and

(b) as to the measurement, or the gross annual rent or revenue or the description or other specified details, or the actual cost or estimated market value of such building or land.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits to comply with such requisition, or furnishes a return which is untrue, shall, in addition to any other punishment to which he may be liable, be precluded from objecting to any assessment made by the Chief Officer in respect of such building or land of which he is the owner or occupier.

Treatment of property which is let to two or more persons in separate occupancies.

3. (1) When any building or land is let to two or more persons holding it severally, the Chief Officer may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Allowance in such cases.

(2) When the Chief Officer has determined to treat all the several holdings comprised within any one building or land under this rule as one property, he may, subject to any general directions which may from time to time be given by the Standing Committee, deduct from the gross annual rent for which such building or land may reasonably be expected to let from year to year, such a sum as he shall deem fair and reasonable in all the circumstances of the case, being not more than twenty per cent. of such gross annual rent, and the remainder shall be the annual value at which such building or land shall be assessed to property taxes.

Public notice to be given when valuation of property in any ward has been completed.

4. (1) When the entries required by rule 1 have been completed as far as practicable in the assessment list of any ward of the City, the Chief Officer by advertisement in the local newspapers shall give public notice thereof, and of the place where the assessment list of the ward or a copy thereof, may be inspected.

Time for filing complaints against valuations to be publicly announced.

(2) The Chief Officer shall, at the same time and in the same manner, give public notice of a day, not being less than twenty days from the publication of such notice, on or before which complaints against the amount of any annual value or other particulars entered in the assessment list will be received in his office.

(3) Every complaint against the amount of any annual value entered in the assessment list shall be made by written application to the Chief Officer, which shall be left at his office on or before the latest day fixed in this behalf in the public notice aforesaid. Such application shall state the grounds of appeal against the amount of any annual value entered in the assessment list.

Time and manner of filing complaints against valuation.

5. The Chief Officer shall give notice, in writing, to each complainant of the day, time and place when and where his complaint will be investigated. At the time and place so fixed the Chief Officer shall investigate the complaint forthwith in the presence of the complainant, if he appears, or of his authorised agent and, if not, in his absence, and shall dispose of the complaint forthwith or give notice of the date on which he intends to dispose of the same. For reasonable cause the Chief Officer may from time to time adjourn the investigation. When the complaint is disposed of, any necessary amendment shall be made in the assessment list in accordance with the result thereof.

Notice to complainants of day fixed for investigating their complaints. Hearing of complaint.

6. When all such complaints, if any, have been disposed of, and the entries required by rule 1 have been entered in the assessment list, the assessment list shall be authenticated by the Chief Officer who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection had been made to the annual values entered in the said list.

Authentication of assessment list when all complaints have been disposed of.

Thereupon the said assessment list, subject to such alterations as may thereafter be made therein under the provisions of sub-section (f) of section 107 or of rule 7 shall be accepted as conclusive evidence of the amount of each property tax leviable on each building and land in the City in the financial year to which the list relates.

7. (1) The Chief Officer may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by including any land or building which ought to have been included, or by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake, or of which the rent has been raised since the date of assessment, after giving notice to the person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

Assessment list may be amended by the Chief Officer during the financial year.

(2) Any person interested in any such amendment may tender his objection to the Chief Officer in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same, either in person or by authorised agent as he may think fit.

(3) When a new building is erected after the completion of the assessment list, the Chief Officer may cause it to be added to the list, and in such case the provisions of rules 4, 5 and 6 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the month following the date on which the building is added to the assessment list or is occupied and productive of rent, whichever is earlier.

Amendments relating to Assessment.

Notice of
increase
of rent.

8. (1) When an owner or occupier has furnished information or a written return as provided for by rule 2 (1) he shall give notice in writing to the Chief Officer of any increase made in rent subsequent to his furnishing such information or written return.

(2) If an owner or occupier of any building or land or any portion thereof has, after he has been assessed for the same, made any increase in the rent thereof, he shall give notice in writing to the Chief Officer of such increase.

(3) The Chief Officer shall, on receipt of such notice as to increase of rent, amend the assessment list by altering the assessment of such building or land or any portion thereof as provided for by rule 7 (1).

Failure
to give
notice of
increase
of rent.

9. Whoever fails to give notice of increase of rent as required by rule 8 (1) and (2) or gives notice of increase of rent which, in substance is untrue, shall in addition to any other punishment to which he may be liable be precluded from objecting to any assessment made by the Chief Officer in respect of such building or land or any portion thereof of which he is the owner or occupier.

New
assessment
list need
not be
prepared
every
financial
year.

10. (1) It shall not be necessary to prepare a new assessment list every financial year. The Chief Officer may adopt the entries in the last preceding year's list, with such alterations as he thinks fit, as the entries for each new year.

(2) But public notice shall be given, in accordance with rule 4, every year and the provisions of the said rule and of rules 5 and 7, shall be applicable each year.

(3) A new assessment book shall be prepared at the least once every four years.

CHAPTER III.

REMISSION OR REFUND OF TAXES.

Remission
or refund of
property
taxes on
account of
vacancies.

1. No remission of any property tax shall be claimable from the Chief Officer under section 104 unless notice in writing of the vacancy shall have been given by the owner or occupier of the building or land, or his agent, to the Chief Officer, and if such notice is not given within ten days from the day on which such vacancy occurred, the period of vacancy shall be deemed to begin on the tenth day preceding the day on which the notice is given

Provided that no such notice shall be required in the case of buildings which have been destroyed by fire or demolished.

Remission
or refund of
water tax.

2. No remission or refund of the water-tax shall be claimable except from such time as a written application shall have been made to the Chief Officer to stop the water-supply to the vacant building or land.

3. No remission or refund of property taxes shall be claimable in any case in which the Chief Officer has sanctioned a reduction of the annual value under sub-rule (2) of rule 3 of Chapter II.

No remission or refund of property taxes is claimable if a reduction of the annual value has been sanctioned.

4. If the owner or occupier of any building or land which has been vacant and is again occupied or productive of rent fails to give notice in writing, by himself, or his agent, to the Chief Officer of such re-occupation within fifteen days from the day on which it occurred, such owner or occupier shall not be entitled to receive any remission or refund of any property-taxes payable in respect of such building or land, and shall be liable to repay the whole, or such proportion as the Chief Officer may direct, of any property-taxes remitted or refunded to him in respect of such vacancy.

Notice of re-occupancy to be given and power of Chief Officer to require owner or occupier to repay property-taxes remitted or refunded.

5. In calculating the amount of remission or refund due under this Chapter no period of less than fifteen days shall be taken into account.

Method of calculating the amount of remission or refund.

6. No remission or refund of property-taxes shall be claimable from the Chief Officer in respect of mills, factories, workshops or other buildings used for industrial purposes, which from the nature of their employment or of the goods manufactured therein, are normally idle for part of the year; but, subject to the provisions of the foregoing rules, such remission or refund shall be claimable if such mills, factories, workshops or other buildings have remained unoccupied or unproductive of rent for any reason not connected with the nature of their employment or of the goods manufactured therein.

Remission or refund of property-taxes in respect of mills, etc.

7. No remission or refund of property-taxes shall be claimable from the Chief Officer in respect of buildings merely because they are erected, used or occupied for occasional residence only.

When no remission or refund is claimable.

8. No refund or remission shall be made unless a claim for the same is submitted to the Chief Officer within six months after the delivery of the notice under rule 1.

When remission or refund is to be made.

SCHEDULE IX.

PUNISHMENTS.

Contra-
vention of
rules.

1. Whoever—

(a) contravenes any provision of any rule contained in the foregoing schedules mentioned in the first column of the following table, or

(b) fails to comply with any direction lawfully given to, or requisition lawfully made upon, him under any of the said provisions,

shall be punished for each such offence with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed “Subject,” are not intended as definitions of the offences described in the rules, sub-rules and clauses, or even as abstracts of those rules, sub-rules and clauses, but are inserted merely as references on the subject of the rules, sub-rules and clauses, the numbers of which are given in the first column :—

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter I, Rule 1.	Requisition to put up water troughs and pipes.	Fifty rupees.
Schedule VI, Chapter I, Rule 2.	Requisition by Chief Officer to pave any alley, courtyard or passage.	Fifty rupees.
Schedule VI, Chapter I, Rule 5.	Unauthorised connection of drain with municipal drain.	One hundred rupees.
Schedule VI, Chapter I, Rule 6.	Sewage or offensive matter not to be passed into catch-pit or sump.	One hundred rupees.
Schedule VI, Chapter I, Rule 7.	Drain not to pass beneath buildings ..	Five hundred rupees.
Schedule VI, Chapter I, Rule 8.	Provision as to position of catch-pit or sump.	Two hundred rupees.
Schedule VI, Chapter I, Rule 9 (2).	Requisition to ventilate or cover drain, catch-pit or sump.	Fifty rupees.
Schedule VI, Chapter I, Rule 10 (1).	Closet accommodation, etc., not to be constructed without permission of in contravention of terms prescribed.	Two hundred rupees.

Schedule, Chapter, Rule or sub-rule.	Subject.	Fine which may be imposed.
1	2	3
Schedule VI, Chapter I, Rule 11.	Buildings not to be erected or re-erected without closet accommodation and accommodation for bathing and washing.	Five hundred rupees.
Schedule VI, Chapter I, Rule 12 (1).	Requisition to provide closet accommodation and accommodation for bathing and washing.	Two hundred rupees.
Schedule VI, Chapter I, Rule 13.	Requisition to provide closet accommodation for places of public resort.	Two hundred rupees..
Schedule VI, Chapter I, Rule 14.	Requisition respecting unhealthy closet accommodation.	Two hundred rupees.
Schedule VI, Chapter I, Rule 15.	Provisions as to closet accommodation.	One hundred rupees.
Schedule VI, Chapter I, Rule 16.	Provisions as to water-closets ..	One hundred rupees.
Schedule VI, Chapter I, Rule 17.	Provisions as to closet accommodation or water-closet.	Two hundred rupees
Schedule VI, Chapter I, Rule 18.	Provisions as to the position of closet accommodation or water-closet.	Two hundred rupees.
Schedule VI, Chapter I, Rule 19.	Provisions as to use of places for bathing or washing.	Fifty rupees.
Schedule VI, Chapter I, Rule 20.	Fouling of water-closets, etc. ..	Twenty rupees.
Schedule VI, Chapter I, Rule 25.	Requisition to effect sanitary repairs ..	One hundred rupees.
Schedule VI, Chapter I, Rule 27.	Prohibition of acts contravening the provisions of the Act or done without sanction.	One hundred rupees.
Schedule VI, Chapter I, Rule 28 (1) and (4).	Provision as to employment of licensed plumber and use of works.	Two hundred rupees.
Schedule VI, Chapter I, Rule 28 (2) and (3).	Name of licensed plumber to be furnished to Chief Officer and licensed plumber to give and sign certificate.	Fifty rupees.
Schedule VI, Chapter II, Rule 5 (2).	Requisition to connect premises with municipal water supply.	Two hundred rupees.

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter II, Rule 6 (1).	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.
Schedule VI, Chapter II, Rule 9 (1) and (2).	Requisition to provide or remove storage cistern and fittings.	Fifty rupees.
Schedule VI, Chapter II, Rule 9 (3).	Provisions as to other fittings	Fifty rupees.
Schedule VI, Chapter II, Rule 9 (5).	Provision for stamping by municipal agency of all pipes and other water- works fittings.	Fifty rupees.
Schedule VI, Chapter II, Rule 10.	Communication pipes, etc., to be kept in efficient repair by owner or occu- pier of premises.	One hundred rupees.
Schedule VI, Chapter II, Rule 14 (1).	Prohibition of performance of any act connected with water-works by other agency than licensed plumber.	One hundred rupees.
Schedule VI, Chapter II, Rule 15 (2).	Requisition to comply with an order regarding meter, communication pipes, etc.	Fifty rupees.
Schedule VI, Chapter II, Rule 17.	Waterpipes, etc., not to be placed where water will be polluted.	One hundred rupees.
Schedule VI, Chapter II, Rule 13.	Prohibition of fraudulent and unautho- rised use of water.	One hundred rupees.
Schedule VI, Chapter II, Rule 19.	Prohibition of fraud in respect of meters.	One hundred rupees.
Schedule VI, Chapter II, Rule 20.	Prohibition of wilful or negligent acts relating to water-works.	One hundred rupees.
Schedule VI, Chapter III, Rule 2 (1) (d).	Requisition to put up or paint a number on premises.	Twenty rupees.
Schedule VI, Chapter III, Rule 2 (2).	Prohibition of destruction, etc., of street name or number without permis- sion.	Twenty rupees.
Schedule VI, Chapter III, Rule 3.	Prohibition of erection, etc., of sky- signs.	Fifty rupees.
Schedule VI, Chapter III, Rule 4.	Prohibition of erection, etc., of adver- tisements.	Fifty rupees.

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter III, Rule 5.	Prohibition of use of streets by a class of animals or vehicles.	Fifty rupees.
Schedule VI, Chapter III, Rule 6 (I) (a).	Prohibition of erection of wall, etc., at corner so as to obstruct view of traffic.	One hundred rupees.
Schedule VI, Chapter III, Rule 6 (I) (b).	Requisition to take order with trees, etc., which obstruct the view of traffic.	Twenty rupees.
Schedule VI, Chapter III, Rule 7.	Collecting animals in public places ..	Twenty rupees.
Schedule VI, Chapter IV, Rule 1.	Prohibition of stalls, etc., in street ..	One hundred rupees.
Schedule VI, Chapter IV, Rule 2.	Street not to be opened or broken up and building materials not to be depo- sited thereon without permission.	Five hundred rupees.
Schedule VI, Chapter VII, Rule 1.	Provision of receptacles for rubbish, etc.	Fifty rupees.
Schedule VI, Chapter VII, Rule 2.	Prohibition of accumulation of sewage, etc.	One hundred rupees.
Schedule VI, Chapter VII, Rule 3.	Cleansing and lime-washing of buildings	Twenty-five rupees.
Schedule VI, Chapter VII, Rule 4.	Removal of building materials from premises.	Twenty-five rupees.
Schedule VI, Chapter VII, Rule 5.	Taking order with abandoned or unoc- cupied premises.	Twenty-five rupees.
Schedule VI, Chapter VII, Rule 6.	Construction of new well, etc., without permission.	One hundred rupees.
Schedule VI, Chapter VIII, Rule 1.	Requisition to drain land, fill in pools, etc., which are a nuisance.	One hundred rupees.
Schedule VI, Chapter VIII, Rule 2.	Prohibition of cultivation, use of manure, or irrigation injurious to health.	One hundred rupees.
Schedule VI, Chapter VIII, Rule 3.	Giving certificate of accommodation.	One hundred rupees.

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter VIII, Rule 4.	Removal and trimming of trees, etc.	Twenty-five rupees.
Schedule VI, Chapter IX, Rule 1.	Information to be given of the existence of dangerous disease.	Fifty rupees.
Schedule VI, Chapter IX, Rule 3 (2).	Prohibition of use of water likely to to cause dangerous disease.	Fifty rupees.
Schedule VI, Chapter IX, Rule 4 (2).	Removal of patients to hospital ..	One hundred rupees.
Schedule VI, Chapter IX, Rule 4 (4).	Leaving hospital without permission ..	Fifty rupees.
Schedule VI, Chapter IX, Rule 6 (2).	Prohibition of washing clothes, etc., infected with dangerous disease at place other than that appointed by Chief Officer.	Fifty rupees.
Schedule VI, Chapter IX, Rule 7.	Prohibition to give infected clothes to dhobies.	Fifty rupees.
Schedule VI, Chapter IX, Rule 8.	Persons suffering from dangerous disease not to expose themselves, etc.	Fifty rupees.
Schedule VI, Chapter IX, Rule 9 (1).	Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	Fifty rupees.
Schedule VI, Chapter IX, Rule 10.	Conveyance of patient in carriage other than that provided by Chief Officer.	Fifty rupees.
Schedule VI, Chapter IX, Rule 11.	Provisions as to carriage of persons suffering from dangerous disease in public conveyance.	Fifty rupees.
Schedule VI, Chapter IX, Rule 12.	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Fifty rupees.
Schedule VI, Chapter IX, Rule 13.	Children suffering from dangerous disease not to be sent to school.	Fifty rupees.
Schedule VI, Chapter IX, Rule 15.	Infected article not to be transmitted, etc., without previous disinfection.	Fifty rupees.
Schedule VI, Chapter IX, Rule 16 (1).	Infected buildings not to be let with- out being first disinfected.	Five hundred rupees.

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter IX, Rule 17.	Corpses of persons dying in hospital of dangerous disease not to be removed therefrom save for purposes of burial.	One hundred rupees.
Schedule VI, Chapter X, Rule 1.	Places for disposal of the dead to be registered.	One hundred rupees.
Schedule VI, Chapter X, Rule 2.	Places for disposal of the dead to be walled.	One hundred rupees.
Schedule VI, Chapter X, Rule 3.	Duties of care-takers of places for the disposal of the dead and of persons in charge of burying, burning or disposal of the dead.	Fifty rupees.
Schedule VI, Chapter X, Rule 5.	Prohibition of opening of new places for the disposal of the dead without permission of Chief Officer.	Five hundred rupees.
Schedule VI, Chapter X, Rule 6.	Acts prohibited in connection with disposal of the dead.	One hundred rupees.
Schedule VI, Chapter XI, Rule 1 (1).	Prohibition of use of inflammable materials in building.	One hundred rupees.
Schedule VI, Chapter XI, Rule 1 (2).	Requisition for removal or alteration of building in the construction of which inflammable material has been used.	One hundred rupees.
Schedule VI, Chapter XI, Rule 8.	Requisition of alterations in building during erection or re-erection.	Five hundred rupees.
Schedule VIII, Chapter II, Rule 2.	Furnishing untrue information to Chief Officer, etc., for preparation of assessment list.	Five hundred rupees.

2. Whoever after having been convicted of—

(a) contravening any provision of any rule contained in the foregoing schedules mentioned in the first column of the following table, or

(b) failing to comply with any direction lawfully made upon him under any of the said provisions,

continues to contravene the said provision or to neglect to comply with the said direction or requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished for each day that he continues so to offend with a fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Continuing
offences.

Explanation.—The entries in the second column of the said table, headed "Subject" are not intended as definitions of the offences described in the rules, sub-rules and clauses, mentioned in the first column, or even as abstracts of those rules, sub-rules and clauses, but are inserted merely as references on the subject of the rules, sub-rules and clauses, the numbers of which are given in the first column:—

Schedule, Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter I, Rule 1.	Requisition to put up water troughs and pipes.	Five rupees.
Schedule VI, Chapter I, Rule 2.	Requisition by Chief Officer to pave any alley, courtyard or passage.	Five rupees.
Schedule VI, Chapter I, Rule 5.	Unauthorised connection of drain with municipal drain.	Ten rupees.
Schedule VI, Chapter I, Rule 6.	Sewage or offensive matter not to be passed into catch-pit or sump.	Five rupees.
Schedule VI, Chapter I, Rule 7.	Drain not to pass beneath buildings ..	Twenty rupees.
Schedule VI, Chapter I, Rule 8.	Provision as to position of catch-pit or sump.	Twenty rupees.
Schedule VI, Chapter I, Rule 9 (2).	Requisition to ventilate or cover drain, catch-pit or sump.	Five rupees.
Schedule VI, Chapter I, Rule 10 (7).	Closet accommodation, etc., not to be constructed without permission or in contravention of terms prescribed.	Twenty rupees.
Schedule VI, Chapter I, Rule 11.	Buildings not to be erected or re- erected without closet accommodation and accommodation for bathing and washing.	Twenty rupees.
Schedule VI, Chapter I, Rule 12 (7).	Requisition to provide closet accom- modation and accommodation for bathing and washing.	Ten rupees.
Schedule VI, Chapter I, Rule 13.	Requisition to provide closet accom- modation for places of public resort.	Twenty rupees.
Schedule VI, Chapter I, Rule 14.	Requisition respecting unhealthy closet accommodation.	Twenty rupees.

Schedule, Chapter, Rule or sub-rule.	Subject.	Fine which may be imposed.
1	2	3
Schedule VI, Chapter I, Rule 15.	Provisions as to closet accommodation.	Ten rupees.
Schedule VI, Chapter I, Rule 16.	Provisions as to water closets ..	Ten rupees.
Schedule VI, Chapter I, Rule 17.	Provisions as to closet accommodation or water closet.	Ten rupees.
Schedule VI, Chapter I, Rule 18.	Provisions as to the position of closet accommodation or water closet.	Ten rupees.
Schedule VI, Chapter I, Rule 19.	Provisions as to use of places for bathing or washing.	Five rupees.
Schedule VI, Chapter I, Rule 25.	Requisition to effect sanitary repairs ..	Ten rupees.
Schedule VI, Chapter I, Rule 28 (1) and (4).	Provision as to employment of licensed plumber and use of work.	Twenty rupees.
Schedule VI, Chapter II, Rule 5 (2).	Requisition to connect premises with municipal water supply.	Ten rupees.
Schedule VI, Chapter II, Rule 9 (1) and (2).	Requisition to provide or remove storage cistern and fittings.	Five rupees.
Schedule VI, Chapter II, Rule 10.	Communication pipes, etc., to be kept in efficient repair by owner or occupier of premises.	Five rupees.
Schedule VI, Chapter II, Rule 15 (2).	Requisition to comply with an order regarding meter, communication pipes, etc.	Five rupees.
Schedule VI, Chapter III, Rule 6 (1) (a).	Prohibition of erection of wall, etc., at corner so as to obstruct view of traffic.	Five rupees.
Schedule VI, Chapter III, Rule 6 (1) (b).	Requisition to take order with trees, etc., which obstruct the view of traffic.	Five rupees.
Schedule VI, Chapter IV, Rule 1.	Prohibition of stalls, etc., in street ..	Ten rupees.
Schedule VI, Chapter IV, Rule 2.	Street not to be opened or broken up and building materials not to be depo- sited thereon without permission.	Twenty rupees.

Schedule Chapter, Rule or sub-rule. 1	Subject. 2	Fine which may be imposed. 3
Schedule VI, Chapter VII, Rule 1.	Provision of receptacles for rubbish etc.	Five rupees.
Schedule VI, Chapter VII, Rule 2.	Prohibition of accumulation of refuse etc.	Ten rupees.
Schedule VI, Chapter VIII, Rule 1.	Requisition to drain land, fill in pools etc., which are a nuisance.	Ten rupees.
Schedule VI, Chapter VIII, Rule 2.	Prohibition of cultivation, use of manure or irrigation, injurious to health.	Ten rupees.
Schedule VI, Chapter X, Rule 2.	Places for the disposal of the dead to be walled.	Ten rupees.
Schedule VI, Chapter XI, Rule 1 (2).	Requisition for removal or alteration of building in the construction of which inflammable material has been used.	Ten rupees.
Schedule VI, Chapter XI, Rule 8.	Requisition of alterations in building during erection or re-erection.	Twenty rupees.

SCHEDULE X.

Boundaries of the City of Karachi.

No.	Description.
1	From Pillar No. 1 on the sea shore near high water mark in the direction of Cape Monze to Pillar No. 23 on left bank of the Gogari Nalah near a paka well with trees.
2	From Pillar No. 23 to Pillar No. 80, near the remains of the old masonry bund.
3	From Pillar No. 80 to Pillar No. 120, close to station A of the Great Trigonometrical Survey and to Moach Plain Pillar.
4	From Pillar No. 120 to Pillar No. 140, near Hill Road to Magar Pir.
5	From Pillar No. 140 to Pillar No. 193 which is on the Mutrani Station of the Great Trigonometrical Survey.
6	From Pillar No. 193 to Pillar No. 205, near the Sind (N. W.) Railway line.
7	From Pillar No. 205 to Pillar No. 210.
8	From Pillar No. 210 along the west bank of Malir River to Pillar No. 211 at a point at the top of Ghizri Creek.
9	From Pillar No. 211 along high water mark to the Petroleum Pier at Kiamari.
10	From the Bulk Oil Pier across the harbour to a point on the foreshore at Manora, situated 474 feet south-east of the roof of the Quarantine Pier.

No.	Description.
11	From this point the boundary runs in a southerly direction along the Marsh at high water mark to Cantonment Boundary Pillar No. 15.
12	From Cantonment Pillar No. 15, the boundary passes in the order named through Cantonment Pillars Nos. 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4 and 3 to Cantonment Pillar No. 2, which is a Rail Pillar fixed on the beach in front of Marsh Fort, at high water mark, ordinary spring tides.
13	From this Cantonment Pillar No. 2 the boundary follows the high water mark to Municipal Pillar No. 1.

Note 1.—The area contained within the limits of the Cantonment of Karachi is excepted from the above.

Note 2.—The area contained within the limits of the Cantonment of Manora is excepted from the above.

Note 3.—For the purpose of item 9 “high water mark” means and is to be understood as high water mark from day to day, and to include any accretions to the mainland that may occur from time to time, whether such accretions are the result of artificial or natural causes. For the purposes of the remaining items of this Schedule “high water mark” means a line drawn through the highest points reached by ordinary spring tides at any season of the year.

Note 4.—The area within the harbour of Karachi and the west backwater below high water mark and the east backwater, also below high water mark, on the south and west of the Bundar Head Station and within Pillars Nos. 1 to 29 from the south-east corner near the Station to the south-east corner near the Railway (Kiamari Loop Line) Embankment near Clifton Beach, is excluded from the above but the Islands of Shamspir, Baba and Bhit and all the land vertically above high water mark are included.

SCHEDULE XI.

TRANSITORY PROVISIONS.

(Section 294.)

1. On the day when this Act comes into force—

m. III
1901.

(a) the Municipality of Karachi constituted under the [1]Bombay District Municipal Act, 1901, shall be deemed to be the Corporation and the President and Vice-President and the Managing Committee of the said Municipality shall be deemed to be the Mayor and Deputy Mayor and the Standing Committee respectively under this Act;

Municipality
of Karachi
to be deemed
Corporation
under the
Act.

(b) the said Municipality, the said President, the said Vice-President and the said Managing Committee shall exercise the powers and perform the duties conferred and imposed by this Act on the Corporation, the Mayor, the Deputy Mayor and the Standing Committee respectively; and

(c) the members of the said Municipality shall retire from office on such date as the first Corporation elected under the provisions of this Act assumes office.

Retirement of present and election of new members.

2. The Corporation so constituted shall forthwith proceed to prepare a register of electors and to hold an election of councillors under the provisions of Schedule I, Chapters II and IV, and shall retire from office on such day after the election is complete as Government may appoint :

Provided that in the preparation of such register of electors and the holding of such election the Chief Officer may select in place of the dates specified in Schedule I, Chapters II and IV, such dates as may be convenient having regard to the need for holding an election of councillors with the least possible delay after this Act comes into force.

Term of councillors.

3. The councillors elected and appointed under rule 2 shall enter upon office as the Corporation on the day appointed by Government for the retirement from office of the Corporation constituted under rule 1, and shall continue in office for a period of three years from the first day of May next ensuing.

Chief Officer of Municipality to be Chief Officer.

4. (1) The person holding the office of the Chief Officer for the Municipality of Karachi under the [1]Bombay District Municipal Act, 1901, on the day when this Act comes into force, shall continue in office until the 31st day of August 1934, be deemed to be the Chief Officer appointed under section 31 and shall exercise the powers and perform the duties and be subject to the liabilities conferred and imposed by this Act on a Chief Officer until the said date.

Bom. III of 1901.

(2) Notwithstanding anything contained in this Act or any rule, the conditions of service, pay and allowances of the said officer shall be the existing conditions of service, pay, and allowances until the said date.

(3) On the 31st day of August 1934 the said person shall cease to be Chief Officer under sub-rule (1), but shall be eligible for appointment as Chief Officer under section 31 subject to and in accordance with the provisions of this Act.

Officers and servants employed by the Municipality to be deemed officers and servants employed by the Corporation.

5. All municipal officers and servants (other than the Chief Officer) in the employment of the Municipality of Karachi under the [1]Bombay District Municipal Act, 1901, on the day when this Act comes into force shall be officers and servants employed by the Corporation under this Act, as if they had been appointed under section 42, 43 or 44.

Bom. III of 1901.

Provision regarding permanent officers and servants employed by the Municipality.

6. Notwithstanding the provisions contained in rule 5, all municipal officers (other than the Chief Officer) and servants who were deemed to be permanent officers and servants of the Municipality of Karachi under the [1]Bombay District Municipal Act, 1901, shall be officers and servants of the Corporation, and the terms on which they entered the municipal service, shall remain in force in all respects as if this Act had not been passed.

Bom. III of 1901.

7. All budgets passed and assessments, valuations, measurements B. d., ts and divisions made, under the [1]Bombay District Municipal Act, 1901, passed and assessments shall (so far as they are consistent with this Act and are in force on the etc. made day this Act comes into force) be deemed to have been respectively not to be affected. passed and made under this Act.

8. After the Governor-General has declared that he has assented Municipality to this Act, under section 81, sub-section (3), of the Government of India may make rules when the Act comes into force. Act, the Municipality of Karachi may make rules in accordance with the provisions of sections 282 and 283 as if it were the Corporation constituted under this Act.

BOMBAY ACT No. XVIII OF 1933.[1]

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1933]

[18th October 1933]

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

XVI of
1908.s. 6
Sec. V,
s. 61.

WHEREAS it is expedient further to amend the [2]Indian Registration Act, 1908, in its application to the Presidency of Bombay, for the purpose 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 Indian Registration (Bombay Amend- Short title.
ment) Act, 1933.

XVI of
1908.

2. To clause (gg) of sub-section (1) of section 69 of the [2]Indian Registration Act, 1908, in its application to the Presidency of Bombay, hereinafter called the said Act, the following shall be added, namely:— Amendment
of section 69
of Act XVI
of 1908.

“and the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film;”

3. To clause (c) of sub-section (1) of section 70-D of the said Act the following shall be added, namely:— Amendment
of section
70-D of Act
XVI of 1908.

“Provided that when more than one such negative is recorded on one length of film and the Photo-Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo-Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film.”

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1933, Pt. V, p. 962 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[2] General Acts, Vol. IV.

BOMBAY ACT No. XIX OF 1933.[¹]

[THE PRINCE OF WALES MUSEUM (AMENDMENT) ACT, 1933]

[27th October 1933]

An Act further to amend the Prince of Wales Museum Act, 1909.

Com.
II of
1909.

WHEREAS it is expedient further to amend the [²]Prince of Wales Museum Act, 1909, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Prince of Wales Museum (Amendment) Act, 1933. Short title.

Com.
II of
1909.

2. In sub-section (2) of section 3 of the [²]Prince of Wales Museum Act, 1909, after clause (h) the following clause shall be inserted, namely :— Amendment
of section 3.

“(hh) one other person elected at a joint meeting of the Trustees of the Sir Dorabji Tata Trust constituted by a trust deed dated the eleventh day of March 1932 and of the Trustees of the Sir Ratan Tata Charities constituted by the will and codicil of Sir Ratan Tata dated the twenty-first day of March 1913 and the twenty-ninth day of February 1916 respectively, by a majority of votes of the Trustees present and voting at such meeting, the Chairman of such meeting having a casting vote in the case of an equality of votes ;”

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, p. 1003 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[²] Vol. V of Bom. Code,

BOMBAY ACT No. XX OF 1933.^[1][THE PRESIDENCY-TOWNS INSOLVENCY (BOMBAY AMENDMENT)
ACT, 1933]

[27th October 1933]

**An Act to amend the Presidency-towns Insolvency Act, 1909, in
its application to the Presidency-town of Bombay.**

111 of 1909. WHEREAS it is expedient to amend the [2]Presidency-towns Insolvency Act, 1909, in its application to the Presidency-town of Bombay for the purposes 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 and the previous sanction of the Governor G. G. V. required by section 80-C of the said Act have been obtained for the c. 61. passing of this Act; It is hereby enacted as follows:—

1. (1) This Act may be called the Presidency-towns Insolvency Short title and extent.
(Bombay Amendment) Act, 1933.

(2) It extends to the Presidency-town of Bombay.

111 of 1909. 2. In section 74 of the [2]Presidency-towns Insolvency Act, 1909, Amendment of section 74 of Act III of 1909.
in its application to the Presidency-town of Bombay, hereinafter referred to as "the said Act" for the words "it, and also to pay out of his own money interest thereon" the words "such dividend and interest thereon" shall be substituted.

3. After section 77 of the said Act, the following section shall be Insertion of new section 77A in Act III of 1909.
inserted, namely:—

"77A. The Official Assignee shall be a corporation sole by the Official Assignee to be corporation sole.
name of the Official Assignee of Bombay, and as such Official Assignee shall have perpetual succession and an official seal and may sue and be sued in his corporate name and may do all acts necessary or expedient to be done in the execution of his office."

4. For section 82 of the said Act, the following section shall be sub- Amendment of section 82 of Act III of 1909.
stituted, namely:—

"82. The revenues of the local Government shall be liable to Liability of Government.
make good all sums required to discharge any liability which the Official Assignee may be liable to discharge, except when such liability is one to which neither the Official Assignee nor any of his officers has in any way contributed or which neither he nor any of his officers

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V., pp. 973-974, and for Proceedings in Council, see *Bombay Legislative Council Debates* 1933, Vol. XXXVIII.

[2] General Acts, Vol. IV.

could, by the exercise of reasonable diligence, have averted and in either of these cases the Official Assignee shall not, nor shall the revenues of the local Government, be subject to any liabilities."

Amendment of section 83 of Act III of 1909.

5. For section 83 of the said Act, the following section shall be substituted, namely :—

Description by which Official Assignee to be mentioned in suits or proceedings.

" 83. In all suits or proceedings by or against the Official Assignee, there shall be inserted after his official title, the description 'as assignee of the property of an insolvent (naming the particular insolvent)'."

Amendment of section 112 of Act III of 1909.

6. In sub-section (2) of section 112 of the said Act :—

(i) for clause (d), the following clause shall be substituted, namely :—

" (d) the remuneration of the Official Assignee and the Deputy Official Assignee and the amount and nature of security to be furnished by them for the discharge of their duties ";

(ii) in clause (f), after the word " audit " the words " and inspection " shall be inserted ;

(iii) clause (g) shall be deleted ;

(iv) in clause (h), the words " out of the proceeds aforesaid " shall be deleted ; and

(v) to clause (i), the words " or otherwise in his official capacity " shall be added.

Insertion of a new section 121A in Act III of 1909.

7. After section 121 of the said Act, the following section shall be inserted, namely :—

" 121A. The sums and securities standing to the credit of—

(1) the Unclaimed Dividend (Capital) Account less the sum of Rs. 50,000,

(2) the Unclaimed Dividend Revenue Account less the sum of Rs. 25,000,

(3) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Unclaimed Balances Account less the sum of Rs. 20,000, and

(4) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Interest Account,

with the High Court of Judicature, Bombay, are hereby transferred to the local Government :

Provided that the revenues of the local Government shall be liable to make good all sums required to meet the claims upon the said sums and securities of persons entitled thereto."

Amendment of section 122 of Act III of 1909.

8. In section 122 of the said Act—

(i) for the word " prescribed " the words " determined by the local Government " shall be substituted ; and

(ii) for the words "the Government of India," the words "local Government" shall be substituted.

9. In section 123 of the said Act, for the words "Government of India" where they occur at both the places and for the words "Governor General in Council" the words "local Government" shall be substituted.

10. After section 123 of the said Act, the following section shall be inserted, namely :—

"123A. The local Government may, from time to time after consultation with the High Court of Judicature, Bombay,—

(1) determine the amount to be set apart out of—

(i) the Unclaimed Dividend (Capital) Account, and

(ii) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Unclaimed Balances Account, for meeting the claims of creditors or debtors made within the period specified in section 122, and

(2) transfer sums to the revenues of the local Government from—

(i) the Unclaimed Dividend (Capital) Account,

(ii) the Unclaimed Dividend Revenue Account,

(iii) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Unclaimed Balances Account, and

(iv) the Chief Clerk and Sealer's (Insolvent Debtors' Court) Investment of Interest Account."

11. The provisions of the said Act specified in Schedule I hereto annexed shall be repealed.

SCHEDULE I.

(Provisions repealed.)

(Section 11.)

Sections 61, 68 (2), 84 and 87 (3).

BOMBAY ACT No. XXI OF 1933.[¹]

**[THE CITY OF BOMBAY POLICE AND THE BOMBAY DISTRICT
POLICE (AMENDMENT) ACT, 1933]**

[27th October 1933]

**An Act further to amend the City of Bombay Police Act, 1902, and
the Bombay District Police Act, 1890.**

WHEREAS it is expedient further to amend the [²]City of Bombay Police Act, 1902, and the [³]Bombay District Police Act, 1890, for the purpose hereinafter appearing; And whereas the previous sanction of the Governor-General required under 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 Police and the Bombay District Police (Amendment) Act, 1933. Short title.

2. In section 27 of the [²]City of Bombay Police Act, 1902, hereinafter referred to as "the City Act"— Amendment of section 27 of Bom. IV of 1902.

(i) after sub-section (2) the following new sub-sections shall be inserted, namely :—

"(2A) It shall be further competent to the Commissioner of Police to direct any person who, not having been born in the City of Bombay or the Bombay Suburban District, has been convicted more than twice of offences punishable under Chapter XII, XVI or XVII of the Indian Penal Code, to remove himself in like manner from the City of Bombay and not to enter the said City or the Bombay Suburban District. Removal of persons convicted of certain offences.

A copy of such direction shall be forwarded to the Magistrate of the Bombay Suburban District.

(2B) For the purpose of sub-section (2A), the decision of the Commissioner of Police that a person has or has not been born in the City of Bombay or the Bombay Suburban District shall be final." Decision of the Commissioner of Police regarding the place of birth final.

(ii) in sub-section (3)—

(a) for the word, figure and brackets " or (2) ", the word, figures and brackets "(2) or (2A) " shall be substituted;

(b) after the words " City of Bombay " where they occur first the words " or enters the said City " shall be inserted; and

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, pp. 987-88 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

[²] Vol. IV of Bom. Code.

[³] Vol. III of Bom. Code.

(c) after the word "specified" the words "or if any person so directed under sub-section (2) of section 46 of the [1]Bombay District Police Act, 1890, enters the said City" shall be inserted.

Amendment of section 128 of Bom. IV of 1902.

3. In section 128 of the City Act,

(i) after the figures "27" the words and figures "or sub-section (2) of section 46 of the [1]Bombay District Police Act, 1890" shall be inserted; and

(ii) for the words "returns to any place, within" the word "enters" shall be substituted.

Amendment of section 46 of Bom. IV of 1890.

4. (i) Section 46 of the [1]Bombay District Police Act, 1890, shall be renumbered as sub-section (1) of that section;

(ii) in sub-section (1) so renumbered, after the words "such route" the words "and within such time" shall be inserted; and

(iii) after sub-section (1) so renumbered, the following shall be added, namely:—

Removal of persons convicted of certain offences.

"(2) It shall be competent to the Magistrate of the Bombay Suburban District to direct any person who, not having been born in the said district or the City of Bombay, has been convicted more than twice of offences punishable under Chapter XII, XVI or XVII of the Indian Penal Code, to remove himself in like manner from the said district and not to enter the said district or the City of Bombay.

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1860.

A copy of such direction shall be forwarded to the Commissioner of Police for the City of Bombay.

Decision of District Magistrate regarding the place of birth final.

(3) For the purpose of sub-section (2), the decision of the Magistrate of the said district that a person has or has not been born in the said district or the City of Bombay shall be final.

Procedure on failure to remove, etc.

(4) If the person so directed under sub-section (2) fails or refuses to remove himself outside the said district or enters the said district or if any person directed not to enter the said district under sub-section (2) of this section or section 27 of the [2]City of Bombay Police Act, 1902, enters the said district, the Magistrate of the said district may cause such person to be arrested and removed in police custody to such place outside the said district as the said Magistrate may in each case direct.

Bom.
of 19

Unauthorised return to or entering into Bombay Suburban District.

(5) Whoever within two years from the date of his removal under this section or section 27 of the [2]City of Bombay Police Act, 1902, enters the said district without the permission in writing of the Magistrate of the said district shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Bom.
of 19

Extension of sub-sections (2) to (5) to the City of Bombay.

The provisions of sub-sections (2) to (5) shall, so far as is necessary to carry out their purpose, notwithstanding anything contained in section 1, be deemed to extend to the City of Bombay."

THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933.**CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title.
2. Extent.
3. Definitions.
4. Appointment of live-stock officer.
5. Prohibition for keeping a bull for breeding purposes.
6. Grant of licences.
7. Refusal to grant or revocation of licence.
8. Grant of duplicate of licence.
9. Duration of licence.
10. Inspection of bulls.
11. Power to order castration of bulls.
12. Duty to produce licence.
13. Penalty for keeping a bull in contravention of this Act or rules or without or in contravention of licence.
14. Penalty for neglect or failure to comply with notice under section 7 or 11.
15. Penalty for neglect or failure to comply with requisition under section 10 or 12.
16. Power of live-stock officer to castrate.
17. Power of live-stock officer to inspect or mark a bull or to enter premises.
18. Officers bound to assist live-stock officers.
19. Cognizance of offences under the Act.
20. Live-stock officer to be public servant.
21. Protection of persons acting in good faith and limitation of suits and prosecutions.
22. Revision.
23. Power of Government to make rules.
24. Power of Government to apply the provisions of this Act to buffalo-bulls.
25. Saving.

BOMBAY ACT No. XXII OF 1933.^[1]

[THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933]

[1st December 1933]

An Act to provide for the improvement of live-stock.

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V.
c. 61.

WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act, have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the *Bombay Live-Stock Improvement Act, 1933.* Short title.

2. (a) Section 1 and this section extend to the whole of the Presidency Extent of Bombay.

(b) On a written application made—

(i) by the district local board with the previous concurrence of the Director of Agriculture, or

(ii) by the Director of Agriculture with the previous concurrence of the district local board,

Government may, by notification in the *Bombay Government Gazette*, direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.

(c) Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village to which the said provisions shall have been extended under sub-section (b) on such date as Government may by notification in the *Bombay Government Gazette* appoint.

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

(1) "Cow" includes a heifer;

(2) "Director of Agriculture" means the officer appointed for the time being to be the Director of Agriculture;

(3) "Licence" means a licence granted under section 6;

(4) "Live-stock officer" means an officer or person appointed or invested with powers under section 4;

(5) "Prescribed," with its grammatical variations, means prescribed by rules;

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1932, Part V, pp. 1000-1001 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

(6) "Rules" means rules made under section 23 ;

(7) "Village" means a village as defined in the [1]Bombay Land Revenue Code, 1879 ; and

(8) "A person is said to keep a bull," if such person owns the bull or has the bull in his possession or custody.

Appointment
of live-stock
officer.

4. Government may, by notification in the *Bombay Government Gazette*, appoint the Director of Agriculture or any other officer of the Department of Agriculture to be a live-stock officer and assign to such officer such powers and duties under this Act, as they may deem fit.

Prohibition
for keeping
a bull.

5. No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

Grant of
licences.

6. Every licence for the keeping of a bull shall be granted by a live-stock officer authorised by Government by general or special order in this behalf in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed :

Provided that no fee shall be charged for the grant of a licence.

Refusal to
grant or
revocation
of licence.

7. (1) Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

(a) of defective or inferior conformation and likely to beget defective or inferior progeny ; or

(b) permanently affected with any contagious or infectious disease ;
or

(c) permanently affected with any other disease rendering the bull, unsuitable for breeding purposes.

(2) The live-stock officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

(3) No person shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under sub-section (1) or (2), the live-stock officer revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

(5) If the notice is duly given in accordance with the last foregoing sub-section to a person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall indemnify the owner against any loss the owner may suffer by reason of the failure.

8. When the live-stock officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

Grant of duplicate of licence.

9. A licence granted in respect of a bull shall remain in force until—
- (a) the period specified therein expires, or
 - (b) it is revoked under this Act, or
 - (c) the bull dies or is castrated in the prescribed manner.

Duration of licence.

10. Any person who keeps a bull shall at any reasonable time, either at the place where the bull is for the time being or at any other reasonable place, submit the bull for inspection by any live-stock officer when required by such officer to do so and render all reasonable assistance to that officer for the purpose of inspection.

Inspection of bulls.

11. (1) A live-stock officer may, by notice served in the prescribed manner, require that any bull which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in a prescribed manner within one month after the notice takes effect. Such castration shall, if the owner or other person who keeps the bull requires, be performed or caused to be performed by the live-stock officer free of charge.

Power to order castration of bulls.

(2) For the purpose of this section, a notice shall be served on the owner of the bull or on any other person who keeps the bull.

(3) If a notice under this section is duly served on a person who is not the owner of the bull, it shall be the duty of the person forthwith to take all reasonable steps to inform the owner accordingly, and, if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may suffer by reason of the failure.

12. It shall be the duty of any person who for the time being keeps a bull, if a licence is in force in respect of the bull, to produce the licence—

Duty to produce licence.

(a) within a reasonable time on demand made by a live-stock officer or an officer of the Agricultural or Veterinary Department authorized by general or special order by Government in this behalf in any place where the bull is for the time being.

(b) before a cow is served by a bull on demand made by the person in charge of the cow.

13. Whoever in contravention of this Act or any rule or order made under this Act or of any terms, conditions or restrictions of licence keeps a bull shall, on conviction, be punishable with fine which may extend to Rs. 25.

Penalty for keeping a bull in contravention of this Act or rules or without or in contravention of licence.

Penalty for neglect or failure to comply with notice under section 7 or 11.

14. Whoever neglects or fails to comply with a notice served in accordance with section 7 or 11 shall, on conviction, be punishable with fine which may extend to Rs. 25.

Penalty for neglect or failure to comply with requisition under section 10 or 12.

15. Whoever neglects or fails to submit a bull for inspection when required by a live-stock officer for inspection under section 10 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 12 shall, on conviction, be punishable with fine which may extend to Rs. 25.

Power of live-stock officer to castrate.

16. (1) Whenever an offence under section 15 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 11, it shall be competent to a live-stock officer to castrate or cause to be castrated in the prescribed manner, the bull in respect of which such offence was committed or such notice was served, as the case may be. Such castration shall be performed or caused to be performed by a live-stock officer free of charge.

(2) It shall also be competent to a live-stock officer to seize any bull, if the person in whose ownership, possession or custody it is, for the time being, is not known or cannot be ascertained after an inquiry in the prescribed manner. On such seizure the live-stock officer may, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or disease specified in section 7, direct that the said bull shall be—

(a) castrated in the prescribed manner, and

(b) sold by public auction or sent to a pinjrapol: provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the live-stock officer that the said bull is of his ownership,—

the said bull—

(i) if not sold by public auction, or

(ii) if sent to a pinjrapol,

shall be delivered to such owner on payment of the costs, charges and expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or

(iii) if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

Power of live-stock officer to inspect or mark a bull or to enter premises.

17. For the purposes of this Act, a live-stock officer shall have power at all reasonable times—

(a) to inspect any bull,

(b) to mark any bull with any prescribed mark in the prescribed manner,

(c) to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

18. All village officers, all village servants useful to Government and all officers of the departments of revenue, agriculture and veterinary shall be bound—

Officers bound to assist live-stock officers.

(a) to give immediate information to a live-stock officer of the commission of any offence, or the intention or preparation to commit any offence punishable under this Act which may come to their knowledge ;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about to be committed ; and

(c) to assist any live-stock officer in carrying out the provisions of this Act.

19. No Court shall take cognizance of any offence under this Act, except on a complaint made by a live-stock officer or any person authorised by such officer in that behalf.

Cognizance of offences under the Act.

20. Every live-stock officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Live-stock officer to be public servant.

21. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules.

Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit shall be instituted against Government and no prosecution or suit shall lie against any live-stock officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

22. Government may call for and examine the record of any order or the proceedings of any live-stock officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Government that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

Revision.

23. (1) Government may make rules for the purpose of carrying into effect the provisions of this Act.

Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(a) under section 4, prescribing the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties,

(b) under section 5, prescribing the age of a bull after which it shall not be kept without a licence,

(c) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed,

(d) under section 7, prescribing the conditions subject to which a licence may be revoked,

(e) under sections 7 and 11, prescribing the manner in which notice shall be served,

(f) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted,

(g) under sections 11 and 16, prescribing the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the costs, charges and expenses for the maintenance and sale of a bull shall be determined,

(h) under section 17, prescribing the manner and form in which a bull shall be marked and the manner in which a live-stock officer shall enter any premises or other place.

(3) Rules made under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(4) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council and such rule shall after notification in the *Bombay Government Gazette* be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of Government such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, Government may, by notification in the *Bombay Government Gazette*, declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

Power of
Government
to apply the
provisions of
this Act to
buffalo-bulls.

24. Government may, by notification in the *Bombay Government Gazette*, direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the references to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

Saving.

25. Nothing in this Act shall apply to a bull dedicated in good faith to a religious purpose according to religious custom and usage.

BOMBAY ACT No. I OF 1934.^[1]

[THE BOMBAY FINANCE (AMENDMENT) ACT, 1934]

[31st March 1934]

An Act further to amend the Bombay Finance Act, 1932.

WHEREAS it is expedient further to amend the ^{30m.} ^{I of} ^{1932.} [2]Bombay Finance Act, 1932, for the purposes 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 ^{5 & 6,} ^{Sec.V,} ^{. 61.} of the Governor required under section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted ^{5 & 6,} ^{Sec.V,} ^{. 61.} as follows :—

1. (1) This Act may be called the Bombay Finance (Amendment) Act, 1934. Short title and commencement.

(2) It shall come into force on the 31st day of March 1934.

^{Bom.} ^{II of} ^{1932.} 2. The provisions of Part II of the [2]Bombay Finance Act, 1932, Amendment of section 2 of Bom. II of 1932.
^{VII of} ^{1870.} hereinafter called the said Act, relating to the levy of duty on consumption of electrical energy, the amendments made in the [3]Court Fees Act, 1870, in its application to the Presidency of Bombay by the provisions of Part III of the said Act, and the amendments made in the [4]Indian Stamp Act, 1899, in its application to the Presidency of Bombay by the provisions of Part IV of the said Act, are hereby continued in operation for a further period of one year by the substitution of the word "three" for the word "two" in sub-section (3) of section 2 of the said Act.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1934, Part V, p. 6 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXIX.

[2] In this Pt., p. 57.

[3] General Acts, Vol. I.

[4] General Acts, Vol. IV.

BOMBAY ACT No. II OF 1934.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1934]

[31st March 1934]

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, for the purpose hereinafter appearing ; and whereas the previous sanction of the Governor required under section 80C of the Government of India Act for the passing of this Act has been obtained ; It is hereby enacted as follows :—

1. (1) This Act may be called the City of Bombay Municipal (Amendment) Act, 1934. Short title and commencement.

(2) It shall come into force on the 1st day of April 1934.

Bom. III of 1888. 2. Sections 195A and 195B and sub-sections (7) and (8) of section 195C of the [2]City of Bombay Municipal Act, 1888, hereinafter called the said Act are hereby repealed. Repeal of sections 195A and 195B and sub-sections (7) and (8) of section 195C of Bom. III of 1888.

3. In sub-section (1) of section 195C of the said Act, for the words, letter, figures and brackets "allotted under sub-section (2) of section 195B to the provision of such tenements" the words, figures and letter "which have been paid to them by the Corporation from the town-duty levied on raw cotton under section 195A, now repealed, and allotted to the provision of tenements for the working classes in the City of Bombay, as constituted on the 1st day of October 1920 ;" shall be substituted. Amendment of sub-section (1) of section 195C of Bom. III of 1888.

4. In section 195D of the said Act,

(1) the words "for such schemes of improvement or," the words "for such schemes or" and the words "as the case may be" shall be omitted ; and Amendment of section 195D of Bom. III of 1888.

(2) for the words, figures, letter and brackets "(2) of section 195B," the words, figures, letter and brackets "(1) of section 195C" shall be substituted.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1934, Pt. V, pp. 24-25 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XXXIX.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. III OF 1934.[1]

[THE BOMBAY BORSTAL SCHOOLS (AMENDMENT) ACT, 1934]

[27th April 1934]

An Act further to amend the Bombay Borstal Schools Act, 1929.

Bom. XVIII of 1929. S & 6 Geo. V. c. 61. WHEREAS it is expedient further to amend the [2]Bombay Borstal Schools Act, 1929, for the purposes 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 Borstal Schools (Amendment) Act, 1934. Short title.

Bom. XVIII of 1929. 2. For section 11 of the [2]Bombay Borstal Schools Act, 1929, hereinafter referred to as “ the said Act ”, the following shall be substituted, namely :— Amendment of section 11 of Bom. XVIII of 1929.

[In Pt. I, p. 567.]

3. To clause (b) of sub-section (1) of section 12 of the said Act, the following shall be added, namely :— Amendment of section 12 of Bom. XVIII of 1929.

“ or ordered to be transferred to and detained in such school by the Inspector-General ”.

4. After section 17 of the said Act, the following section shall be inserted, namely :— Insertion of new section 17A in Bom. XVIII of 1929.

[In Pt. I, p. 569.]

5. In section 18 of the said Act, after the word and figures “ section 14.” the words “ or has committed a breach of any of the conditions imposed under section 17A ” shall be inserted. Amendment of section 18 of Bom. XVIII of 1929.

6. In sub-section (2) of section 19 of the said Act, after clause (k), the following clause shall be added, namely :— Amendment of section 19 of Bom. XVIII of 1929.

[In Pt. I, p. 570.]

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, pp. 3-4 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XXXIX.

[2] In Pt. I, p. 565.

BOMBAY ACT No. IV OF 1934.^[1]

[THE CITY OF BOMBAY MUNICIPAL (SECOND AMENDMENT)
ACT, 1934]

[9th May 1934]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. II of 1888. WHEREAS it is expedient further to amend the ^[2]City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Municipal (Second Short title. Amendment) Act, 1934.

Bom. II of 1888. 2. In sub-section (1) of section 39 of the ^[2]City of Bombay Municipal Amendment Act, 1888, and in the Explanation to the said sub-section (1), for the ^{of section 39} word “backward” wherever it occurs the word “intermediate” and ^{of Bom. III} for the word “depressed” wherever it occurs the word “scheduled” ^{of 1888.} shall be substituted.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, p. 22 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XXXIX.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. V OF 1934.[¹]

[THE BOMBAY MATERNITY BENEFIT (AMENDMENT) ACT, 1934]

[9th May 1934]

An Act to amend the Bombay Maternity Benefit Act, 1929.

Bom. WHEREAS it is expedient to amend the [²]Bombay Maternity Benefit
VII of Act, 1929, for the purposes hereinafter appearing; And whereas the
1929. 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 Bombay Maternity Benefit (Amend- Short title.
ment) Act, 1934.

Bom. 2. After clause (c) of section 3 of the [²]Bombay Maternity Benefit Amendment
VII of Act, 1929, hereinafter called the said Act, the following shall be inserted, of section 3
1929. namely:— of Bom. VII
of 1929.

[In Pt. I, p. 533.]

3. In section 5 of the said Act—

(a) in sub-section (1), after the word “day” the words, figures Amendment
and brackets “in the cities of Bombay, Ahmedabad and Karachi, of section 5
and elsewhere at the rate of her average daily wage calculated to of Bom. VII
the nearest quarter of an anna on the total wages earned during a period of 1929.
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” shall be inserted:

(b) in the proviso to sub-section (1),—

(i) for the word “six” the word “nine” shall be substituted; and

(ii) for the words “notifies her intention” the words “gives
notice” shall be substituted; and

(c) in sub-section (2), for the words “seven” and “three” the
words “eight” and “four” respectively shall be substituted.

4. For sub-section (3) of section 6 of the said Act, the following Amendment
shall be substituted, namely:— of section 6 of
Bom. VII of
1929.

[In Pt. I, p. 534.]

5. In sub-section (2) of section 14 of the said Act, for clause (a) the Amendment
following shall be substituted, namely:— of section 14
of Bom. VII
of 1929.

[In Pt. I, p. 536.]

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, pp. 536-538; for Report of the Select Committee, see *ibid* 1933, Pt. V, pp. 1042-1047 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII, 1934, Vol. XXXIX.

[²] In Pt. I, p. 533.

Amendment
of section 15
of Bom. VII
of 1929.

6. In section 15 of the said Act,—
- (a) for the words “A copy” the words “An abstract” shall be substituted;
 - (b) for the word “place” the word “manner” shall be substituted; and
 - (c) after the word “every” the words “part of a ” shall be inserted.

Savings.

7. Nothing in sections 2, 3 and 4 of this Act shall apply for a period of six months from the date when this Act comes into force to any woman who shall have been employed on the said date and who shall continue to be employed by the same employer for a period of six months thereafter.

Such woman shall be paid the maternity benefit to which she is entitled under the said Act in accordance with the provisions thereof, as if this Act had not been passed.

BOMBAY ACT No. VI OF 1934.[¹]

[THE BOMBAY PRIMARY EDUCATION (AMENDMENT) ACT, 1934]

[14th May 1934]

An Act further to amend the Bombay Primary Education Act, 1923.

Bom. WHEREAS it is expedient further to amend the [²]Bombay Primary
IV of Education Act, 1923, for the purpose hereinafter appearing; It is hereby
1923. enacted as follows :—

1. This Act may be called the Bombay Primary Education (Amend- Short title.
ment) Act, 1934.

Bom. 2. In section 3 of the [²]Bombay Primary Education Act, 1923— Amendment
IV of of section 3
1923. (i) in sub-section (I), for the words “ backward classes, and depressed of Bom. IV
classes ” the words “ intermediate classes, and scheduled classes ” of 1923.
shall be substituted; and

(ii) in the *Explanation* to the said sub-section (I), for the words
“ Backward and depressed classes ” the words “ Intermediate and
scheduled classes ” shall be substituted.

[¹] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1934, Pt. V, pp. 8-9 and for Proceedings in Council see *Bombay Legislative Council Debates*, 1934, Vol. XXXIX.

[²] In Pt. I, p. 9.

BOMBAY ACT No. VII OF 1934.[¹]

[THE BOMBAY COURT OF WARDS (AMENDMENT) ACT, 1934]

[1st October 1934]

An Act further to amend the Bombay Court of Wards Act, 1905.

Bom. WHEREAS it is expedient further to amend the [²]Bombay Court of
I of Wards Act, 1905, for the purpose hereinafter appearing ; And whereas
1905. the previous sanction of the Governor General required by sub-section
5 and (3) of section 80A of the Government of India Act has been obtained
6 Geo. for the passing of this Act ; It is hereby enacted as follows :—
V.

c. 61. 1. This Act may be called the Bombay Court of Wards (Amendment) Short title.
Act, 1934.

Bom. 2. After section 30 of the [²]Bombay Court of Wards Act, 1905, the
I of following section shall be inserted, namely :—
1905. Insertion
of new
section 30A
in Bom. I of
1905.

“ 30A. (1) Whenever it shall appear to the Court of Wards that Power of
Court of
Wards to
direct any
property of
Government
ward to be
exempt from
process of
civil court.
by virtue of or in execution of a decree or order of a civil court, the
property of a Government ward under its superintendence is or is
likely to be insufficient for the payment of the expenses—
(a) of the management of the property of the said ward under
this Act, or
(b) of the said ward, his family and dependents, allowed under
section 25,

the Court of Wards may issue a certificate in writing to the civil
court executing the said decree or order directing that the said property
shall for such period as the Court of Wards may from time to time
deem expedient, be exempt from any attachment, sale, transfer or
other process by a civil court.

(2) Upon the receipt of such certificate the civil court executing
the decree or order against the Government ward shall, notwithstanding
anything contained in section 17 or any other law for the time being
in force, remove any attachment or other process pending against
the property specified in the certificate and shall set aside any order
of sale or transfer of the said property and thereupon the said property
shall be exempt from any attachment, sale, transfer or other process

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, pp. 73-74 ; and for Proceedings in Council see *Bombay Legislative Council Debates*, 1934, Vol. XL.

[²] Vol. IV of Bom. Code.

by a civil court for the period specified in the said certificate and during the said period the execution of such decree or order shall so far as it affects the said property for the purposes of section 15 ^{IX} of the [1]Indian Limitation Act, 1908, be deemed to have been stayed: 1908.

Provided that if the superintendence of the Court of Wards of the property of the said Government ward terminates under section 18 or is withdrawn under section 40, the exemption granted under this section shall with effect from the date of such termination or withdrawal cease to be in operation."

[1] General Acts, Vol. IV.

BOMBAY ACT No. VIII OF 1934.[¹]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1934]

[8th October 1934]

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, for the purposes hereinafter appearing ; It is hereby
1923. enacted as follows :—

1. This Act may be called the Bombay Local Boards (Amendment) Short title.
Act, 1934.

Bom. 2. In clause (b) of sub-section (2) of section 35 of the [²]Bombay Amendment
VI of Local Boards Act, 1923, hereinafter called "the said Act", for the word of section 35
1923. "Twenty-one" the word "fifteen" and for the word "fourteen" of Bom. VI of
the word "ten" shall be substituted. 1923.

3. In section 120 of the said Act, after the word "president", where Amendment
it occurs for the first time, the words "or Chief Officer" shall be inserted. of section 120
of Bom. VI of
1923.

4. In the proviso to section 122 of the said Act, after the words Amendment
"Chief Officer" the words "Engineer or Health Officer" shall be of section 122
inserted. of Bom. VI of
1923.

5. In section 123 of the said Act, after clause (e) the following shall Amendment
be inserted, namely :— of section 123
of Bom. VI of
1923.

[In Pt. I, p. 81.]

6. In clause (g) of section 133 of the said Act, for the figures " 120, Amendment
122 " the figures, words, letters and brackets " 120 and 122 and clause of section 133
(cc) of ", shall be substituted. of Bom. VI of
1923.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, pp. 97-98 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XL.

[²] In Pt. I, p. 33.

THE BOMBAY TRADE DISPUTES CONCILIATION ACT, 1934.**CONTENTS.****PREAMBLE.****SECTIONS.**

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6. Jurisdiction of Conciliators.
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16. Penalty.
17. Power of entry.
18. Conciliator and Labour Officer to be public servants.
19. Protection to persons acting in good faith.
20. Rules.
21. Saving of the provisions of the Trade Disputes Act, 1929.

BOMBAY ACT No. IX OF 1934.[¹]

[THE BOMBAY TRADE DISPUTES CONCILIATION ACT, 1934]

[9th October 1934]

An Act to make further provision for the prevention and settlement of trade disputes by conciliation and for certain other purposes.

WHEREAS it is expedient to make further provision for the prevention and settlement of trade disputes by conciliation and for certain other purposes 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 ;

5 & 6
Geo.
V,
c. 61.

It is hereby enacted as follows :—

1. This Act may be called the Bombay Trade Disputes Conciliation Act, 1934. Short title.

2. (1) Section 1 and this section extend to the whole of the Bombay Presidency. The remaining provisions of this Act extend to the City of Bombay and the Bombay Suburban District and the Governor in Council may further, by notification in the *Bombay Government Gazette*, direct that the said provisions shall extend to such other area as may be specified in the notification. Extent,
commence-
ment and
application.

(2) Section 1 and this section shall come into force at once. The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (1), on such date as may be specified in the notification.

(3) This Act shall apply, in the first instance, to the textile trade or industry. The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that the provisions of this Act shall apply to such other trade or industry and in such area as may be specified in the notification.

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

Defini-
tions.

(a) "Commissioner of Labour" means the officer appointed for the time being to be the Commissioner of Labour ;

(b) "Conciliator" includes the Chief Conciliator or a Special or Assistant Conciliator appointed under this Act ;

[¹] For statement of Objects and Reasons see *Bombay Government Gazette*, 1934, Pt. V, pp. 91-95 ; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XL,

(c) "Conciliation proceeding" means a proceeding held by a Conciliator under this Act;

(d) "Delegate" means a person appointed under section 9 to represent a party to a trade dispute in a conciliation proceeding and includes the Labour Officer acting as a delegate to represent workmen in such proceeding;

(e) "employer" includes any body of persons, whether incorporated or not and any managing agent of an employer;

(f) "Labour Officer" means an officer appointed to perform the duties of a Labour Officer under this Act;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "trade dispute" means any dispute or difference between employers and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person;

(i) words and expressions not defined in this Act, but defined in the Trade Disputes Act, 1929, shall have the meaning assigned to them in that Act. VII o
1929.

Appointment
of Concilia-
tors.

4. (1) The Commissioner of Labour shall be the ex-officio Chief Conciliator.

(2) The Governor in Council may, by notification in the *Bombay Government Gazette*, appoint any person to be a Special Conciliator for such area as may be specified in the said notification.

(3) The Governor in Council may, by notification in the *Bombay Government Gazette*, appoint any person to be an Assistant Conciliator for such area as may be specified in the said notification.

Labour
Officer.

5. (1) The Governor in Council may, by notification in the *Bombay Government Gazette*, appoint any person to be a Labour Officer for such area as may be specified in the said notification.

(2) The Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act. It shall be the duty of the Labour Officer to watch the interests of workmen with a view to promote harmonious relations between employers and workmen and to take steps to represent the grievances of workmen to employers for the purpose of obtaining their redress.

(3) For the purpose of exercising such powers and performing such duties, the Labour Officer may, after giving reasonable notice, enter any place used for the purpose of any trade or industry to which this Act applies and shall be entitled to inspect and call for documents, relevant to the grievances of workmen, in the possession of any employer or workman, as the Labour Officer deems necessary. The Labour Officer may, for the same purpose, enter after giving reasonable notice any premises provided by an employer for the purpose of residence of his workmen.

(4) All particulars contained in or information obtained from any document inspected or called for under sub-section (3) shall if the person

in whose possession the document was so requires, be treated as confidential.

6. (1) The Chief Conciliator shall exercise powers and perform duties under this Act throughout the Presidency except in the area for which a Special Conciliator has been appointed under this Act. Jurisdiction of Conciliators.

(2) An Assistant Conciliator shall be subordinate to, and shall exercise such powers and perform such duties as may be delegated to him by, the Chief Conciliator or Special Conciliator, as the case may be.

7. If any trade dispute exists or is apprehended,—

(a) either or both parties to the dispute may apply, whether separately or conjointly, or Application or report for settlement of trade disputes.

(b) the Labour Officer may make a report, to the Conciliator for a settlement of the dispute.

8. (1) If the Conciliator,

(a) in any area for which a Labour Officer is appointed, on receipt of an application or report under section 7, or Conciliator to give notice to parties.

(b) elsewhere, on receipt of an application under section 7 or upon his own knowledge or information,

is satisfied that a trade dispute exists or is apprehended, he may cause notice to be given to the parties to the dispute to appear before him at such time and place as may be specified in the notice.

A copy of such notice shall be sent to the Labour Officer.

(2) Notice to the parties shall require them to appoint, within such time as may be specified in the notice, delegates to represent them in the conciliation proceeding.

(3) Notice under this section shall be in the prescribed form and shall be served in the prescribed manner.

9. (1) On receipt of notice under section 8, the parties to a trade dispute shall within the time specified in the notice or within such time as may be fixed by the Conciliator in this behalf appoint delegates in such manner as the Conciliator may direct : Delegates.

Provided that when a party to the dispute is a single individual, such party may appoint himself as a delegate :

Provided further that the Labour Officer may be appointed as a delegate on behalf of the workmen.

(2) The number of delegates appointed by a party to a trade dispute shall not exceed three :

Provided that when, in the opinion of the Conciliator, such party to the dispute is divided into two or more groups, the Conciliator may allow each of such groups to appoint separate delegates not exceeding three :

Provided, further, that the total number of delegates appointed by all the groups forming the party shall not exceed twelve.

(3) If an employer who is a party to a trade dispute has failed or refused to appoint any delegate within the time specified in the notice or within such further time as may be fixed by the Conciliator, such employer shall, on conviction, be punishable with fine which may extend to Rs. 100 and with further fine which may extend to Rs. 100 for every day on which such failure or refusal continues after the date of the first conviction.

Explanation.—Where such employer is a company registered under the [1]Indian Companies Act, 1913, employer shall mean the managing ^{VII} agent or managing director of such company or any other officer of ^{1913.} the company authorised to represent such company in the prescribed manner.

(4) No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under sub-section (3).

(5) No criminal court shall take cognizance of any offence under sub-section (3) except with the previous sanction of the Governor in Council.

(6) Where workmen who are parties to a trade dispute have failed or refused to appoint any delegate within the time specified in the notice or within such further time as may be fixed by the Conciliator, the Labour Officer shall act as the delegate on behalf of such workmen.

Disquali-
fication from
being a
delegate.

10. (1) A person shall be disqualified from being appointed or acting as a delegate, if such person—

(a) is less than twenty-one years of age; or

(b) is an uncertificated bankrupt or an undischarged insolvent.

(2) A person shall be disqualified from acting as a delegate, if such person is not, in the opinion of the Conciliator, after the conciliation proceedings have started, a fit and proper person to be a delegate.

(3) The decision of the Chief Conciliator or the Special Conciliator, as the case may be, that a person is disqualified from being appointed or acting as a delegate shall be final.

Conciliation
proceeding.

11. (1) On the date specified in the notice under sub-section (1) of section 8 or on such other date as may be fixed by the Conciliator on his motion or at the request of any of the parties to a trade dispute, the Conciliator shall hold the conciliation proceeding in the prescribed manner.

(2) A party to such trade dispute shall be represented in a conciliation proceeding by delegates. The Labour Officer, even if not appointed or acting as delegate, shall be entitled to be present at such proceeding.

(3) It shall be the duty of the Conciliator to endeavour to bring about a settlement of the trade dispute and for this purpose the Conciliator shall inquire into the dispute, and all matters affecting the merits thereof and the right settlement thereof and in so doing may do all such things

as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to agree upon the terms of the settlement.

12. (1) A Conciliator shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed. Procedure and powers of Conciliator in conciliation proceeding.

V of 1908. (2) For the purpose of holding a conciliation proceeding, the Conciliator shall have the same powers as are vested in courts under the Code of Civil Procedure, 1908, in trying a suit in respect of the following matters, viz. :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents and material objects ; and

(c) issuing commissions for the examination of witnesses ;

and shall have such further powers as may be prescribed.

(3) If a party to a trade dispute giving any information or producing any document in a conciliation proceeding makes a request in writing to the Conciliator that such information or the contents of such document may be treated as confidential, the Conciliator shall direct that such information or document be treated as confidential.

(4) The Conciliator may, if he thinks fit, permit the information or contents of the document in respect of which a request has been made under sub-section (3) to be disclosed to the other party to the trade dispute :

Provided that the Conciliator shall not permit such information or the contents of such document to be so disclosed to the other party to the trade dispute, if it is shown to his satisfaction that such disclosure is likely to affect the interests of the party making the request under sub-section (3) adversely in any matter not connected with the settlement of the said dispute.

(5) Save as provided in sub-section (4), the Conciliator or any person present at or concerned in the conciliation proceeding shall not disclose any information or the contents of any document directed to be treated as confidential under sub-section (3), without the consent in writing of the party making the request under the said sub-section.

(6) Nothing in this section shall apply to the disclosure of any information or the contents of any document for the purpose of a prosecution for an offence under section 14 or under the Indian Penal Code.

XLV of 1860.

13. (1) If a settlement of a trade dispute is arrived at in a conciliation proceeding, a memorandum of such proceeding and settlement shall be drawn up in the prescribed form by the Conciliator and signed by the delegates. The Conciliator shall send a report of such settlement together with a copy of the memorandum to the Governor in Council. Settlement and Report.

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible, after the close of the conciliation proceeding, send a full report

regarding the trade dispute to the Governor in Council, setting forth the particulars of the proceeding and the steps taken by him for the purpose of ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be made.

(3) Notwithstanding anything contained in sub-section (1) or (2) any information or contents of any document shall not be included in the memorandum of proceedings, settlement or report drawn up or made under sub-section (1) or (2), if such information or the contents of such document is not permitted by the Conciliator to be disclosed under sub-section (4) of section 12.

(4) The record of the conciliation proceeding held and settlement made under this section shall be maintained in the prescribed manner.

Penalty for disclosing confidential information.

14. (1) If the Conciliator or any person present at or concerned in a conciliation proceeding wilfully discloses any information or contents of any document in contravention of section 12, he shall, on complaint made by the party who made the request under sub-section (4) of section 12, be punishable with fine which may extend to one thousand rupees.

(2) No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under this section.

(3) No criminal court shall take cognizance of any offence under this section except with the previous sanction of the Governor in Council.

Exemption of documents from stamp duty, court-fee and registration fees.

15. Any application, document or other instrument made or produced in the course of any proceeding under this Act shall be exempt from stamp duty, court-fee or registration fee payable under any law for the time being in force.

Penalty.

16. If any person instigates or incites others not to take part in a conciliation proceeding, or otherwise obstructs or instigates or incites others to obstruct a Conciliator in the discharge of his duties under this Act or molests or abets the molestation of others, with intent to prevent them from taking part in a conciliation proceeding, such person shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine or with both.

Explanation.—For the purpose of this section, a person is said to molest any person who

(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or persistently follows him from place to place, or interferes with any property owned or used by him, or deprives him of or hinders him in the use thereof, or

(b) loiters or does any similar act at or near the place where a conciliation proceeding is held, in such a way and with intent that any person may thereby be deterred from entering or approaching such place.

17. It shall be lawful for a Conciliator at any time and from time to time when necessary for the purposes of exercising the powers conferred and performing the duties imposed by or under this Act to enter any premises used for the purpose of any trade or industry to which this Act applies.

Power of entry.

XLV 18. A Conciliator and a Labour Officer shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

of 1860.

Conciliator and Labour Officer to be public servants.

19. No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection to persons acting in good faith.

20. (1) The Governor in Council may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

- (a) prescribing the powers and duties of the Labour Officer ;
- (b) prescribing the powers and duties which may be delegated to Assistant Conciliators ;
- (c) prescribing the form and manner in which notice shall be given under section 8 ;
- (d) prescribing the manner in which the officer of a company shall be authorised to represent the company under section 9 ;
- (e) regulating the procedure in which a conciliation proceeding shall be held under section 11 ;
- (f) determining the scale of fees at which witnesses shall be paid for appearance in a conciliation proceeding under section 11 ;
- (g) specifying the powers which may be exercised by the Conciliator for the purpose of a conciliation proceeding under section 11 ;
- (h) prescribing the form in which and the particulars which shall be mentioned in the memorandum of a settlement under section 13 ;
- (i) prescribing the manner in which the record of a conciliation proceeding and settlement shall be maintained under section 13 ; and
- (j) providing for any other matter for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Governor in Council, necessary for giving effect to the provisions of this Act.

(3) The rules made under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(4) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified and rescinded by a resolution of

the said Council and such rule shall after notification in the *Bombay Government Gazette* be deemed to have been modified or rescinded accordingly :

Provided that when in the opinion of the Governor in Council such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the Governor in Council may by notification in the *Bombay Government Gazette* declare that the modification or rescission shall have no effect and thereupon the rules shall remain in force as if they had not been modified or rescinded.

Saving of the provisions of the Trade Disputes Act, 1929. 21. Nothing in this Act shall affect any of the provisions of the Trade Disputes Act, 1929, and no conciliation proceeding shall be held relating ^{VII of} to any matter or trade dispute which is referred to and is pending ^{1929.} before, the Court of Inquiry or Board of Conciliation under the said Act.

THE BOMBAY DEVADASIS PROTECTION ACT, 1934.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Illegality of dedication of a woman as a devadasi.
4. Marriage by a devadasi.
5. Penalty.
6. Release of land from liability for performance of service.
7. Power to make rules.

BOMBAY ACT No. X OF 1934.[¹]

[THE BOMBAY DEVADASIS PROTECTION ACT, 1934]

An Act to protect devadasis and to prevent the dedication of women to Hindu deities, idols, objects of worship, temples and religious institutions in the Bombay Presidency.

WHEREAS the practice of dedicating women as devadasis to Hindu deities, idols, objects of worship, temples or other religious institutions exists in the Bombay Presidency ;

AND WHEREAS such practice, however ancient and pure its origin, now leads such women to a life of prostitution ;

AND WHEREAS it is now desirable and expedient to end such practice, wherever it exists in the Bombay Presidency ;

AND WHEREAS the previous sanction of the Governor-General required by section 80A (3) and 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 :—

1. (1) This Act may be called the Bombay Devadasis Protection Act, 1934. Short title and extent.

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

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

(a) "devadasi" means any unmarried woman who is dedicated to any Hindu deity, idol, object of worship, temple or other religious institution ;

(b) "temple" means a place by whatever designation known, dedicated to, or used by, the Hindu community, or any section thereof as a place of religious worship ; and

(c) "woman" means a female human being of any age.

3. The performance of any ceremony intended to dedicate or having the effect of dedicating a woman as a devadasi, whether such woman has or has not consented to the performance of such ceremony, is hereby declared unlawful and to be of no effect, any custom or rule of Hindu Law to the contrary notwithstanding. Illegality of dedication of a woman as a devadasi.

4. No marriage contracted by a woman shall be invalid and no issue of such marriage shall be illegitimate by reason of such woman being a devadasi, any custom or rule of Hindu Law to the contrary notwithstanding. Marriage by a devadasi.

5. Whoever, other than the woman to be dedicated, performs, permits, takes part in or abets the performance of, any ceremony referred to in section 3, shall, on conviction, be punishable with imprisonment of either Penalty.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, pp. 1029-1031 ; for Report of the Select Committee, see *ibid* 1934, Pt. V, pp. 62-65 ; and for proceedings in Council see *Bombay Legislative Council Debates*, 1933 and 1934. Vols. XXXVIII, XXXIX and XL.

description for a term which may extend to one year, or with fine or with both.

Release of
land from
liability for
performance
of service.

6. (1) Notwithstanding any adjudication or settlement made under the [1]Bombay Rent-free Estates Act, 1852, the [2]Exemptions from Land-revenue (No. 1) Act, 1863, and the [2]Exemptions from Land-revenue (No. 2) Act, 1863, or rules made thereunder, or the terms of any grant made or sanad issued by Government, when lands are assigned as emoluments for the performance by a devadasi of any services as such, the Collector shall, after holding such inquiry as may be prescribed, by order in writing, direct that the land shall be released from liability for performance of such services and that there shall be paid by the holder of such land in lieu of such services such rent as the Collector shall determine in the prescribed manner :

XI of
1852.

Bom.
II &
VII of
1863.

Provided that if a woman who is a devadasi at the time when this Act comes into force, is the holder of such land or performs services as a devadasi for which such land is assigned and appears at such inquiry or gives notice in the prescribed manner and objects to the release of the land and the payment of rent under the provisions of this section the Collector shall pass orders directing that the land shall not be released and rent shall not be payable under this section during the lifetime of such devadasi.

(2) Rent directed to be paid under sub-section (1) shall, when the performance of such services is for the benefit of a Hindu deity, idol, object of worship, temple or other religious institution, be payable by the holder to or on account of such deity, idol, object of worship, temple or other religious institution and in other cases to Government.

Explanation.—Land shall have the same meaning as defined in the [2]Bombay Land Revenue Code, 1879.

Bom.
V of
1879.

Power to
make rules.

7. (1) Government may make rules generally for the purpose of carrying out the provisions of this Act and in particular for the manner in which the Collector shall hold an inquiry and determine the rent under section 6 and the manner in which notice of objection shall be given under the said section.

(2) The rules to be made under this section shall be subject to the condition of previous publication.

(3) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council, and such rule shall, after notification in the *Bombay Government Gazette*, be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of Government, such modification or rescission is likely to defeat or frustrate any of the purposes of the Act, Government may, by notification in the *Bombay Government Gazette*, declare that the modification or rescission shall have no effect, and thereupon the rule shall remain in force as if it had not been modified or rescinded.

BOMBAY ACT No. XI OF 1934.^[1]

[THE OPIUM (BOMBAY AMENDMENT) ACT, 1934]

[24th October 1934]

**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 the ^[2]Opium Act, 1878, in its application to the Presidency of Bombay for the purpose 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 Opium (Bombay Amendment) Act, 1934. Short title.
- I of 1878. 2. In section 20 of the ^[2]Opium Act, 1878, in its application to the Presidency of Bombay, hereinafter called the said Act, for the words “not below the rank of Inspector, and every officer of the department of Excise not below the rank of Assistant Inspector” the following shall be substituted, namely :—

“and Excise in Sind, not below the rank of Jamadar or Dafedar, every officer of the department of Salt, in the Presidency of Bombay except Sind, not below the rank of Inspector, every officer of the department of Excise, in the Presidency of Bombay except Sind, not below the rank of Sub-Inspector.”
3. In sections 20A, 20B and 20C of the said Act, the words “of the department of Salt and Excise or the Customs department” shall be omitted. Amendment of section 20 of Act I of 1878. Amendment of sections 20A, 20B and 20C of Act I of 1878.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, pp. 104-105; and for proceedings in Council see *Bombay Legislative Council Debates*, 1934, Vol. XL.

[2] General Acts Vol. II.

BOMBAY ACT No. XII OF 1934.[¹]

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT)
ACT, 1934]

[24th October 1934]

**An Act further to amend the Bombay Prevention of Gambling
Act, 1887.**

Bom. WHEREAS it is expedient further to amend the [²]Bombay Prevention of
IV of Gambling Act, 1887, for the purpose hereinafter appearing ; And whereas
1887. the previous sanction of the Governor required under section 80C 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 Prevention of Gambling Short title.
(Amendment) Act, 1934.

Bom. 2. In clause (c) of section 3 of the [²]Bombay Prevention of Gambling Amendment
IV of Act, 1887, after the words "other hand" the words "or between any of section 3
1887. number of individuals in person" shall be inserted. of Bom. IV
of 1887.

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, p. 107 ; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XL.

[²] Vol. II of Bom. Code.

BOMBAY ACT No. XIII OF 1934,^[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1934]

[31st October 1934]

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; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Police (Amendment) Short title. Act, 1934.

Bom.
IV of
1890. 2. In sub-section (3) of section 29 of the ^[2]Bombay District Police Amendment Act, 1890, for the words "an inspector" where they occur for the first of section 29 time, the words "any police-officer of, and below, the grade of inspector" of Bom. IV of 1890, shall be substituted.

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, p. 102; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XL.

[2] Vol. III of Bom. Code.

BOMBAY ACT No. XIV OF 1934.[¹]

[THE BOMBAY DISTRICT MUNICIPAL, BOMBAY LOCAL BOARDS, AND
BOMBAY MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1934]

[10th November 1934]

**An Act further to amend the Bombay District Municipal Act, 1901, the
Bombay Local Boards Act, 1923, and the Bombay Municipal
Boroughs Act, 1925.**

WHEREAS it is expedient further to amend the [²]Bombay District Municipal Act, 1901, the [³]Bombay Local Boards Act, 1923, and the [⁴]Bombay Municipal Boroughs Act, 1925, for the purpose hereinafter appearing; It is hereby enacted as follows :—

II

1. This Act may be called the Bombay District Municipal, Bombay Local Boards, and Bombay Municipal Boroughs (Amendment) Act, 1934. Short title.

2. In the [²]Bombay District Municipal Act, 1901,
(1) in section 39— Amendment
of sections 3
and 81 of
Bom. III of
1901.

(i) in clause (b)—

(a) after the words “cantonment authority” the words “local board” shall be inserted;

(b) after the word “aforesaid” the words “or with a combination of any such bodies” shall be inserted; and

(c) the words “comprising the districts” shall be deleted; and

(ii) after the Explanation to clause (b) the following new paragraph shall be inserted, namely :—

“Where a municipality has requested the concurrence of any other local authority under the provisions of the preceding paragraph 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 authority, in the matter aforesaid; and such other local authority shall comply with such orders”; and

[¹] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1934, Pt. V, pp. 79-80; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1934, Vol. XL.

[²] Vol. IV of Bom. Code.

[³] In Pt. I, p. 33.

[⁴] In Pt. I, p. 267.

560 *The Bombay District Municipal, Bombay Local Boards, [BOM. XIV and Bombay Municipal Boroughs (Amendment) Act, 1934 OF 1934]*

(2) in section 81—

(i) for the words “this Act” the words “the Act under which that body is constituted” shall be substituted; and

(ii) for the words “the body by which they are so established” the words “that body” shall be substituted.

Amendment of section 46 of Bom. VI of 1923.

3. In the [1]Bombay Local Boards Act, 1923,

F
V
1

(1) in section 46—

(i) in sub-section (1) for the word “committee” where it occurs for the first and second times the word “authority” shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted namely:—

[In Pt. I, p. 53.]

(iii) in sub-section (2)—

(a) for the words “any local authority,” the words “a district local board” shall be substituted;

(b) after the figure and brackets “(1)” the word, figure, letter and brackets “or (1A)” shall be inserted; and

(c) for the word “committee” the word “authority” shall be substituted; and

(iv) in sub-section (3)—

(a) 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”, the words “acting under this section” shall be substituted;

(b) the words “the Commissioner, if the local bodies are in one division, and of” shall be deleted; and

(c) for the words “if they are in different divisions,” the words “or of such officer as it appoints in this behalf” shall be substituted;

Insertion of new section 102A in Bom. VI of 1923.

(2) after section 102 the following new section shall be inserted, namely:—

[In Pt. I, p. 75.]

Amendment of sections 47 and 100 of Bom. XVIII of 1925.

4. In the [2]Bombay Municipal Boroughs Act, 1925,

I
0
1

(1) after sub-section (1) of section 47, the following shall be inserted as sub-section (1A), namely:—

[In Pt. I, p. 292.]

(2) in section 100—

(i) for the words “this Act” the words “the Act under which that body is constituted” shall be substituted, and

(ii) for the words “the body by which they are so established” the words “that body” shall be substituted.

[1] In Pt. I, p. 33.

[2] In Pt. I, p. 267.

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