



Government of Bombay
Legal Department

The Bombay Code

Volume IV

containing

The unrepealed Acts of the Governor of Bombay in
Council from 1898 to 1920 and of the Bombay
Legislative Council from 1921 to 1922: And a
Chronological Table of Acts reproduced
in the Volume with an index

FIFTH EDITION

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BOMBAY

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PREFACE.

The present fifth edition of the Bombay Code is based partly on the last edition edited and published by the Legislative Department of the Government of India and partly on the last edition of the supplementary volumes (containing Bombay Acts from 1923-1934), edited and published by the Legal Department of the Government of Bombay. It contains, with some exceptions, the unrepealed Bombay Regulations, the Local Acts of the Governor General in Council in force in the Province of Bombay, the Acts passed by the Governor of Bombay in Council, the Bombay Legislative Council and the Bombay Legislature.

2. The exceptions referred to above are—

(a) certain enactments which are now only in force within narrow limits and which were excluded from the last edition of the Code ;

(b) the following Acts, which are of a purely personal character :—

Act XVIII of 1848 (Nawab of Surat):

Act VI of 1893 (Sir Dinshah Manockjee Petit).

Act XIX of 1911 (Sir Cowasjee Jehangir Baronetcy).

Act IV of 1913 (Sir Currimbhoy Ebrahim Baronetcy).

Act II of 1915 (Sir Sassoon Jacob David Baronetcy).

Act X of 1915 (Sir Jamsetjee Jeejeebhoy Baronetcy).

Act XXV of 1917 (Sir Currimbhoy Ebrahim Baronetcy Amendment).

Bom. Act VIII of 1924 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy).

Bom. Act XVI of 1936 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Amendment).

3. This edition of the Code consists of six volumes, and like the earlier edition is divided into parts according to the class of enactments in each part. Volume I contains Part I, which reproduces unrepealed Bombay Regulations published in the last edition ; and Part II which consists of unrepealed Local Acts of the Governor General in Council, now in force in the Province of Bombay. The other five volumes contain Parts III and IV which reproduce the Acts passed by the

local Council and the Bombay Legislature, respectively, from 1862 onwards. Volume II consists of the Acts passed during the years 1862 to 1887, Volume III those passed from 1888 to 1897, Volume IV those passed from 1898 to 1922, Volume V those passed from 1923 to 1930 and Volume VI those passed from 1931 to 1937.

4. Since its last publication in 1922 a large number of amending acts and new enactments have been passed by the Bombay Legislative Council. The Government of India (Adaptation of Indian Laws) Order, 1937, passed under section 293 of the Government of India Act, 1935, has made considerable changes in almost all the Acts and Regulations enacted prior to 1st April 1937. In publishing this edition, all Acts purely of an amending nature modifying the main Bombay Acts have been omitted except those which have modified the Acts of the Central Government.

5. In order to facilitate ready reference to all the changes carried out in any Act, a table has been inserted at the commencement of each Act setting out the number and years of all amending and repealing Acts. A chronological table of Acts and a short index are also appended to each of the volumes. The changes made by the Government of India (Adaptation of Indian Laws) Order, 1937, are referred to in the foot-notes as being made by the Adaptation of Indian Laws Order in Council.

All Acts are printed as modified up to 31st December 1937.

LEGAL DEPARTMENT :

28th January 1938.

**I—CHRONOLOGICAL TABLE OF THE UNREPEALED ACTS
OF THE GOVERNOR OF BOMBAY IN COUNCIL
(1898 TO 1920).**

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1898	I	The City of Bombay Municipal Investments Act, 1898.	....	1
1901	III	The Bombay District Municipal Act, 1901.	Rep. in part by Bom. Act 1 of 1910 ; Rep. in part by Bom. Act 11 of 1923 ; Rep. in part by Bom. Act 5 of 1925 ; Rep. in part by Bom. Act 15 of 1932 ; Rep. in part by Bom. Act 17 of 1933 ; Rep. in part and amended by Bom. Act 3 of 1903 ; Rep. in part and amended by Bom. Act 4 of 1904 ; Amended by Act 38 of 1920 ; Amended by Bom. Act 3 of 1902 ; Amended by Bom. Act 10 of 1912 ; Amended by Bom. Act 8 of 1914 ; Amended by Bom. Act 3 of 1915 ; Amended by Bom. Act 6 of 1917 ; Amended by Bom. Act 6 of 1918 ; Amended by Bom. Act 2 of 1919 ; Amended by Bom. Act 3 of 1920 ; Amended by Bom. Act 4 of 1924 ; Amended by Bom. Act 15 of 1925 ; Amended by Bom. Act 20 of 1929 ; Amended by Bom. Act 4 of 1930 ; Amended by Bom. Acts 25 and 26 of 1930. Amended by Bom. Act 12 of 1931 ; Amended by Bom. Act 23 of 1931 ; Amended by Bom. Act 14 of 1934 ; Amended by Bom. Act 9 of 1935 ; Amended by Bom. Act 34 of 1935 ; Amended by Bom. Act 11 of 1936 ; Amended by Bom. Act 14 of 1936 ; Amended by Bom. Act 15 of 1936 ; Amended by Bom. Act 24 of 1936 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	5
1901	VI	The Bombay Land Reve- nue Code Amendment Act, 1901.	....	161

Chronological Table

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1902	IV	The City of Bombay Police Act, 1902.	Rep. in part by Bom. Act 1 of 1910. Rep. in part and amended by Bom. Act 2 of 1917. Rep. in part and amended by Bom. Act 11 of 1923. Amended by Act 38 of 1920; Amended by Bom. Act 4 of 1905; Amended by Bom. Act 5 of 1913; Amended by Bom. Act 3 of 1915; Amended by Bom. Act 6 of 1920; Amended by Bom. Act 18 of 1920; Amended by Bom. Act 5 of 1921; Amended by Bom. Act 12 of 1926; Amended by Bom. Act 11 of 1928; Amended by Bom. Act 21 of 1930; Amended by Bom. Act 21 of 1933; Amended by Bom. Act 20 of 1935; Amended by Bom. Act 1 of 1936; Amended by Bom. Act 21 of 1936; Adapted and modified by the Adaptation of Indian Laws Order in Council.	163
1904	I	The Bombay General Clauses Act, 1904.	Amended by Bom. Act 4 of 1905; Adapted and modified by the Adaptation of Indian Laws Order in Council.	229
1905	I	The Bombay Court of Wards Act, 1905.	Amended by Bom. Act 1 of 1910; Amended by Bom. Act 2 of 1913; Amended by Bom. Act 7 of 1934; Adapted and modified by the Adaptation of Indian Laws Order in Council.	249
1906	II	The Mamlatdars' Courts Act, 1906.	Amended by Bom. Act 7 of 1926 (when notified); Amended by Bom. Act 11 of 1928; Adapted and modified by the Adaptation of Indian Laws Order in Council.	271
1909	III	The Prince of Wales Museum Act, 1909.	Amended by Bom. Act 7 of 1913; Amended by Bom. Act 6 of 1921; Amended by Bom. Act 12 of 1922; Amended by Bom. Act 7 of 1924; Amended by Bom. Act 19 of 1933; Adapted and modified by the Adaptation of Indian Laws Order in Council.	287
1912	II	The Societies Registration (Amendment) Act, 1912.	Short title given, Bom. Act 2 of 1921.	299

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1912	III	The Bombay Race-courses Licensing Act, 1912.	Amended by Bom. Act 4 of 1931 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	301
1912	VI	The Bombay Medical Act, 1912.	Amended by Bom. Act 9 of 1912 ; Amended by Bom. Act 4 of 1918 ; Amended by Bom. Act 12 of 1929 ; Rep. in part and amended by Bom. Act 3 of 1916 ; Rep. in part and amended by Bom. Act 4 of 1916 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	305
1912	VII	The Bombay Smoke-nuisances Act, 1912.	Rep. in part by Act 8 of 1920 ; Amended by Bom. Act 10 of 1924 ; Amended by Bom. Act 10 of 1929 ; Amended by Bom. Act 8 of 1935 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	315
1912	XII	The Bombay Abkari (Amendment) Act, 1912.	Short title given, Bom. Act 2 of 1921.	325
1912	XIII	The Indian Limitation (Amendment) Act, 1912.	....	327
1913	IV	The Bombay Land Revenue (Amendment) Act, 1913.	....	331
1913	VII	The Prince of Wales Museum (Amending) Act, 1913.	....	333
1915	I	The Bombay Town-Planning Act, 1915.	Rep. in part and amended by Bom. Act 2 of 1919 ; Amended by Bom. Act 13 of 1920 ; Amended by Bom. Act 16 of 1920 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	335
1915	III	The Bombay Decentralization Act, 1915.	Rep. in part by Bom. Act 7 of 1920 ; Rep. in part by Act 3 of 1937.	357
1915	IV	The Bombay City Survey Act, 1915.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	359

Chronological Table

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1918	VI	The Bombay Disqualification of Aliens Act, 1918.	Rep. in part by Act 38 of 1920 ; Amended by Bom. Act 4 of 1920 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	367
1920	VII	The Bombay Public Conveyances Act, 1920.	Amended by Bom. Act 2 of 1924 ; Amended by Bom. Act 11 of 1924 ; Amended by Bom. Act 7 of 1928 ; Adapted and modified, by the Adaptation of Indian Laws Order in Council.	371
1920	XV	The City of Bombay Primary Education Act, 1920.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	385
1920	XVII	The Bombay Pleaders Act, 1920.	Rep. in part by Act 21 of 1926 ; Rep. in part by Act 22 of 1926 ; Amended by Bom. Act 11 of 1928 ; Amended by Bom. Act 6 of 1929 ; Amended by Bom. Act 18 of 1931 ; Adapted and modified by the Adaptation of Indian Laws Order in Council.	391

**II—CHRONOLOGICAL TABLE OF THE UNREPEALED ACTS
OF THE BOMBAY LEGISLATIVE COUNCIL.**

(1921 to 1922)

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Page.
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1921	I	The Deputy President's Salary Act, 1921.	407
1921	II	The Bombay Short Titles Act, 1921.	409
1922	III	The Bombay Cotton Contracts Control (War Provisions) Repeal Act, 1922.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	415
1922	IV	The Mahul Creek (Ex-tinguishment of Rights) Act, 1922.	Amended by Bom. Act 16 of 1927.	419
1922	XI	The Identification of Prisoners (Bombay Amendment) Act, 1922.	....	421
1922	XIII	The Prevention of Cruelty to Animals (Bombay Amendment) Act, 1922.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	422

BOMBAY ACT No. I OF 1898.¹

[3rd June, 1898]

An Act to supplement the provisions of the City of Bombay Municipal Act, 1888, with respect to the Investment of Sinking Funds and Surplus Moneys, and to validate certain Debentures.

WHEREAS it is expedient to supplement the provisions of the ² City of Bom. III Bombay Municipal Act, 1888, with respect to the investment in public of 1888. securities of sinking funds and surplus moneys of the Municipal Corporation of the City of Bombay ; and whereas it is also expedient to remove doubts which have arisen with respect to the validity of certain debentures of the Corporation in which portions of their sinking funds and surplus moneys purport to have been heretofore invested, and to obviate the extinction of such debentures of the Corporation as have been, or may hereafter be, issued in or transferred to the name of the Corporation or to the name of the Municipal Commissioner for the City of Bombay on behalf of the Corporation in respect of any such investments ;

It is hereby enacted as follows :—

1. This Act may be cited as the City of Bombay Municipal Investments Act, 1898.

2. [Repealed by Bom. 13 of 1933, section 42 and Appendix.]

3. [Repealed by Bom. 13 of 1933, section 42 and Appendix.]

4. All the several debentures of the Corporation heretofore issued, transferred, assigned or endorsed in the name of the Corporation or in the name of the Municipal Commissioner on behalf of the Corporation as specified in Schedule A, and all debentures heretofore issued by way of renewal, consolidation or sub-division of any of the said debentures shall be deemed to be and to have always been valid and negotiable in all respects and in the same manner as if the same had been issued against moneys borrowed from the Secretary of State or any other person.

5. The signature of the person for the time being holding the office of the Municipal Commissioner for the City of Bombay to a transfer of any debenture standing in the name of the Corporation or of the Municipal Commissioner on behalf of the Corporation shall be valid and sufficient, notwithstanding that such person may not have held the said office at the time when such debenture was issued, transferred, assigned or endorsed to the name of the Corporation or the Municipal Commissioner as aforesaid.

¹ For Statement of Objects and Reasons, see Bombay Government Gazette, 1898, Pt. V, p. 73 ; and for Proceedings in Council, see *ibid.*, p. 205.

² Vol. III of this Code.

SCHEDULE A.

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
<i>5 per cent. Bombay Municipal Loan (Rs. 10,08,500) for Drainage and Water Works, Markets and Roads.</i>		Rs.	Rs.	Rs.
Nos. 445 to 729	285	500	1,42,500	1,48,500
.. 730 to 741	12	500	6,000	
<i>5 per cent. Agripada House Sullage Water Connections Loan (Rs. 2,48,000).</i>				1,00,000
Nos. 1 to 170	170	500	85,000	
.. 171 to 182	12	500	6,000	
.. 183 to 188	6	500	3,000	
.. 485 to 492	8	500	4,000	
.. 493 to 496	4	500	2,000	
<i>The (5 per cent.) 35 Lakhs various Sanitary Works Loan.</i>				1,00,000
Nos. 6801 to 6825	25	500	12,500	
.. 6826 to 6876	51	500	25,500	
.. 6877 to 6888	12	500	6,000	
.. 6889 to 6894	6	500	3,000	
.. 6895 to 6902	8	500	4,000	
.. 6903 to 6967	65	500	32,500	
.. 6968 to 6992	25	500	12,500	
.. 6993 to 7000	8	500	4,000	
<i>5 per cent. Tansa Water Works Loan (Rs. 147 Lakhs).</i>				25,00,000
Nos. 24401—24450 to 25351—25400 ..	20	25,000	5,00,000	
.. 25401—25440 to 26201—26240 ..	21	20,000	4,20,000	
.. 26241—26270 to 27261—27290 ..	35	15,000	5,25,000	
.. 27291—27310 to 28271—28290 ..	50	10,000	5,00,000	
.. 28291—28300 to 28481—28490 ..	20	5,000	1,00,000	
.. 28491—28494 to 28887—28890 ..	100	2,000	2,00,000	
.. 28891—28892 to 29229—29230 ..	170	1,000	1,70,000	
.. 29231—29270 to 29351—29390 ..	4	20,000	80,000	
.. 29391—29392 and 29393—29394 ..	2	1,000	2,000	
.. 29395—29396 to 29399—29400 ..	3	1,000	3,000	
<i>The (5 per cent.) Municipal Building Loan (Rs. 8,00,000).</i>				8,00,000
Nos. 1—50 to 151—200	4	25,000	1,00,000	
.. 201—240 to 361—400	5	20,000	1,00,000	
.. 401—430 to 551—580	6	15,000	90,000	
.. 581—600 to 961—980	20	10,000	2,00,000	
.. 981—990 to 1171—1180	20	5,000	1,00,000	
.. 1181—1184 to 1377—1380	50	2,000	1,00,000	
.. 1381—1382 to 1599—1600	110	1,000	1,10,000	
Total 5 per cent. Loan Debentures	36,48,500

SCHEDULE A—contd.

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
		Rs.	Rs.	Rs.
<i>The (4 per cent.) Loan of 4½ Lakhs for Fire Brigade Quarters and Stations.</i>				
Nos. 1—20 to 181—200	10	10,000	1,00,000	
„ 201—210 to 291—300	10	5,000	50,000	
„ 301—304 to 417—420	30	2,000	60,000	
„ 421—422 to 479—480	30	1,000	30,000	
„ 481 to 500	20	500	10,000	
Total 4 per cent. Loan Debentures	2,50,000
GRAND TOTAL	38,98,500

THE BOMBAY DISTRICT MUNICIPAL ACT, 1901.

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